

**AMENDMENT TO H.R. 2336**  
**OFFERED BY MR. PERLMUTTER OF COLORADO**  
**AND MRS. BIGGERT OF ILLINOIS**

Page 1, line 6, strike “2009” each place such term appears and insert “2010”.

Page 3, before line 1, insert the following (and re-designate succeeding paragraphs accordingly):

- 1           (1) ENERGY-EFFICIENT MORTGAGE.—The term  
2           “energy-efficient mortgage” means—
- 3                   (A) a mortgage loan under which the in-  
4                   come of the borrower, for purposes of qualifica-  
5                   tion for such loan, is considered to be increased  
6                   by not less than \$1 for each \$1 of savings pro-  
7                   jected to be realized by the borrower as a result  
8                   of cost-effective energy-saving design, construc-  
9                   tion or improvements (including use of renew-  
10                  able energy sources, such as solar, geothermal,  
11                  biomass, and wind, super-insulation, energy-  
12                  saving windows, insulating glass and film, and  
13                  radiant barrier) for the home for which the loan  
14                  is made; or

1 (B) such other mortgage loan that recog-  
2 nizes such savings as the Secretary may pro-  
3 vide.

Page 3, lines 14 and 15, strike “through loan insur-  
ance or guarantee” and insert “rental assistance, direct  
loan, or capital grant”.

Page 3, after line 15, insert the following (and re-  
designate succeeding paragraphs accordingly):

4 (5) LOCATION-EFFICIENT MORTGAGE.—The  
5 term “location-efficient mortgage” means—  
6 (A) a mortgage loan under which—  
7 (i) the income of the borrower, for  
8 purposes of qualification for such loan, is  
9 considered to be increased by not less than  
10 \$1 for each \$1 of savings projected to be  
11 realized by the borrower because the loca-  
12 tion of the home for which loan is made  
13 will result in decreased transportation  
14 costs for the household of the borrower; or  
15 (ii) the sum of the principal, interest,  
16 taxes, and insurance due under the mort-  
17 gage loan is decreased by not less than \$1  
18 for each \$1 of savings projected to be real-  
19 ized by the borrower because the location

1                   of the home for which loan is made will re-  
2                   sult in decreased transportation costs for  
3                   the household of the borrower; or  
4                   (B) such other mortgage loan that recog-  
5                   nizes such savings as the Secretary may pro-  
6                   vide..

Page 4, line 7, after “incentives” insert “consistent with this Act”.

Page 5, line 6, after the comma, insert “or the requirements of a standard that provides equal or greater energy savings,”.

Page 8, line 7, strike “establish” and insert “identify”.

Page 11, line 16, strike “gold certification level” and insert “LEED for Neighborhood Development rating system”.

Page 12, lines 1 and 2, strike “energy star” and insert “Energy Star”.

Page 12, strike lines 6 and 7 and insert the following:

7                   (E) The 2008 National Green Building  
8                   Standard (ICC 700).

Strike “with” in line 22 on page 12 and all that follows through page 13, line 2, and insert “a building that meets the green building standards under paragraph (4)”

Page 15, line 4, after “single-family” insert “or multifamily”.

Page 18, line 5, after “realtors,” insert “multifamily housing development and management areas,”.

Page 18, line 22, after “amortize” insert “all or”.

Page 19, line 4, before the semicolon insert the following: “; such competitive process shall not be limited to assess the first costs, but shall assess the degree to which applicants will meet each of the goals of the demonstration program under subsection (b)”.

Page 19, line 7, after “provision” insert “that the Secretary administers”.

Page 19, lines 19 and 20, strike “4-year period beginning 12 months after” and insert “5-year period beginning on”.

Page 21, lines 24 and 25, strike “Not later than the expiration of the 2-year beginning upon” and insert “Within 2 years after”.

Page 25, after line 4, insert the following (and redesignate succeeding paragraphs accordingly):

- 1           (5) the program for mortgage insurance under
- 2           section 221(d)(3) of the National Housing Act (12
- 3           U.S.C. 1715l(d)(3)) for rental housing projects.

Strike line 20 on page 25 and all that follows through page 30, line 12 (and redesignate succeeding sections and any references to such sections, accordingly).

Page 37, strike “that meet” in line 4 and all that follows through “4565)” in line 6, and insert “(as such terms are defined in section 2 of the GREEN Act of 2010)”.

Page 38, strike “section 1335 of the Housing and Community Development Act of 1992” each place such term appears on lines 17 and 18 and lines 22 and 23, and insert “section 2 of the GREEN Act of 2010”.

Page 42, line 7, strike “energy star” and insert “Energy Star”.

Page 42, lines 14 and 15, strike “single- or multi-family residential housing subject to a mortgage” and insert “mortgage for manufactured housing”.

Page 44, line 24, strike “establish” and insert “review”.

Page 46, line 4, strike the period and insert a semicolon.

Page 46, line 7, after the semicolon insert “or”.

Page 46, after line 7, insert the following:

1                   (C) is assisted with a capital advance  
2                   under section 202 of the Housing Act of 1959  
3                   (12 U.S.C. 1701q) or a loan under such section  
4                   (as in effect before October 1, 1991).

Page 46, line 11, after “1437f” insert “, or project rental assistance under section 202 of the Housing Act of 1959, as applicable,”.

Page 60, line 20, strike “CHECKLIST”.

Page 60, line 23, after “construction” insert “and rehabilitation”.

Page 61, line 1, strike “checklist is” and insert “criteria are”.

Page 61, line 10, after “construction” insert “and rehabilitation”.

Page 69, line 4, strike “and”.

Page 69, strike “not later” in line 7 and all that follows through “Act” in line 8 and insert “in accordance with sections 1107 and 1111 (12 U.S.C. 3336, 3340)

and in coordination with Federal officials, including the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration”

Strike line 14 on page 69 and all that follows through page 71, line 21, and insert the following:

1           (b) ENSURING CONSIDERATION OF ENERGY-EFFI-  
2   CIENT FEATURES WHEN REACHING CONCLUSIONS OF  
3   MARKET VALUE.—Section 1110 of the Financial Institu-  
4   tions Reform, Recovery, and Enforcement Act of 1989 (12  
5   U.S.C. 3339), as amended by subsection (a) of this sec-  
6   tion, is further amended—

7           (1) in paragraph (3) (as so redesignated by  
8   subsection (a)(1)(B) of this section), by striking the  
9   period and inserting “; and”; and

10          (2) by inserting after such paragraph (3) the  
11   following:

12          “(4) that State-certified and licensed appraisers  
13   have timely access, whenever practicable, to informa-  
14   tion from the lender relevant to an appraisal of the  
15   energy and water efficiency or conserving improve-  
16   ments or features of a property, such as labels or  
17   ratings of buildings and installed appliances, blue-  
18   prints, construction costs, incentives regarding  
19   energy- and water-efficient components and systems

1 installed in a property, and third-party verifications  
2 or representations of energy and water efficiency  
3 performance of a property, observing all financial  
4 privacy requirements adhered to by certified and li-  
5 censed appraisers, including section 501 of the  
6 Gramm–Leach–Bliley Act (15 U.S.C. 6801); unless  
7 the property owner consents to the lender, an ap-  
8 praiser shall not have access to the commercial of fi-  
9 nancial information of the owner that is privileged or  
10 confidential.”.

11 (c) TRANSACTIONS REQUIRING STATE CERTIFIED  
12 APPRAISERS.—Section 1113 of the Financial Institutions  
13 Reform, Recovery, and Enforcement Act of 1989 (12  
14 U.S.C. 3342) is amended—

15 (1) in paragraph (1), by inserting before the  
16 semicolon the following: “or any real property with  
17 energy-efficiency or energy-conserving improvements  
18 or features” after “or”; and

19 (2) in paragraph (2) by inserting after “com-  
20 plexity” the following: “(such as identifying and sup-  
21 porting the contribution to market value of energy-  
22 efficiency or energy-conserving improvements or fea-  
23 tures)”.

Page 72, line 1, after “receives” insert “loan”.

Strike line 7 on page 73 and all that follows through page 83, line 20, and insert the following:

1 **SEC. 23. LOANS TO STATES AND INDIAN TRIBES TO CARRY**  
2 **OUT RENEWABLE ENERGY SOURCES ACTIVI-**  
3 **TIES.**

4 (a) ESTABLISHMENT OF FUND.—There is estab-  
5 lished in the Treasury of the United States a fund, to be  
6 known as the “Alternative Energy Sources State Loan  
7 Fund”.

8 (b) EXPENDITURES.—

9 (1) IN GENERAL.—Subject to paragraph (2), on  
10 request by the Secretary, the Secretary of the Treas-  
11 ury shall transfer from the Fund to the Secretary  
12 such amounts as the Secretary determines are nec-  
13 essary to provide loans under subsection (c)(1).

14 (2) ADMINISTRATIVE EXPENSES.—Of the  
15 amounts in the Fund, not more than 5 percent shall  
16 be available for each fiscal year to pay the adminis-  
17 trative expenses of the Department of Housing and  
18 Urban Development to carry out this section.

19 (c) LOANS TO STATES AND INDIAN TRIBES.—

20 (1) IN GENERAL.—The Secretary shall use  
21 amounts in the Fund to provide loans to States and  
22 Indian tribes to provide incentives to owners of sin-

1       gle-family and multifamily housing, commercial  
2       properties, and public buildings to provide—

3               (A) renewable energy sources for such  
4               structures, such as wind, wave, solar, biomass,  
5               or geothermal energy sources, including incen-  
6               tives to companies and businesses to change  
7               their source of energy to such renewable energy  
8               sources and for changing the sources of energy  
9               for public buildings to such renewable energy  
10              sources;

11             (B) energy-efficiency and energy-con-  
12             serving improvements and features for such  
13             structures; or

14             (C) infrastructure related to the delivery of  
15             electricity and hot water for structures lacking  
16             such amenities.

17             (2) ELIGIBILITY.—To be eligible to receive a  
18             loan under this subsection, a State or Indian tribe,  
19             directly or through an appropriate State or tribal  
20             agency, shall submit to the Secretary an application  
21             at such time, in such manner, and containing such  
22             information as the Secretary may require.

23             (3) CRITERIA FOR APPROVAL.—The Secretary  
24             may approve an application of a State or Indian  
25             tribe under paragraph (2) only if the Secretary de-

1       termines that the State or tribe will use the funds  
2       from the loan under this subsection to carry out a  
3       program to provide incentives described in para-  
4       graph (1) that—

5               (A) requires that any such renewable en-  
6               ergy sources, and energy-efficiency and energy-  
7               conserving improvements and features, devel-  
8               oped pursuant to assistance under the program  
9               result in compliance of the structure so im-  
10              proved with the energy efficiency standards  
11              under section 4(a) of this Act; and

12              (B) includes such compliance and audit re-  
13              quirements as the Secretary determines are nec-  
14              essary to ensure that the program is operated  
15              in a sound and effective manner.

16              (4) PREFERENCE.—In making loans during  
17              each fiscal year, the Secretary shall give preference  
18              to States and Indian tribes that have not previously  
19              received a loan under this subsection.

20              (5) MAXIMUM AMOUNT.—The aggregate out-  
21              standing principal amount from loans under this  
22              subsection to any single State or Indian tribe may  
23              not exceed \$500,000,000.

24              (6) LOAN TERMS.—Each loan under this sub-  
25              section shall have a term to maturity of not more

1 than 10 years and shall bear interest at annual rate,  
2 determined by the Secretary, that shall not exceed  
3 interest rate charged by the Federal Reserve Bank  
4 of New York to commercial banks and other deposi-  
5 tory institutions for very short-term loans under the  
6 primary credit program, as most recently published  
7 in the Federal Reserve Statistical Release on se-  
8 lected interest rates (daily or weekly), and commonly  
9 referred to as the H.15 release, preceding the date  
10 of a determination for purposes of applying this  
11 paragraph.

12 (7) LOAN REPAYMENT.—The Secretary shall  
13 require full repayment of each loan made under this  
14 section.

15 (d) INVESTMENT OF AMOUNTS.—

16 (1) IN GENERAL.—The Secretary of the Treas-  
17 ury shall invest such amounts in the Fund that are  
18 not, in the judgment of the Secretary of the Treas-  
19 ury, required to meet needs for current withdrawals.

20 (2) OBLIGATIONS OF UNITED STATES.—Invest-  
21 ments may be made only in interest-bearing obliga-  
22 tions of the United States.

23 (e) REPORTS.—

24 (1) REPORTS TO SECRETARY.—For each year  
25 during the term of a loan made under subsection

1 (c), the State or Indian tribe that received the loan  
2 shall submit to the Secretary a report describing the  
3 State or tribal alternative energy sources program  
4 for which the loan was made and the activities con-  
5 ducted under the program using the loan funds dur-  
6 ing that year.

7 (2) REPORT TO CONGRESS.—Not later than  
8 September 30 of each year that loans made under  
9 subsection (c) are outstanding, the Secretary shall  
10 submit a report to the Congress describing the total  
11 amount of such loans provided under subsection (c)  
12 to each eligible State and Indian tribe during the fis-  
13 cal year ending on such date, and an evaluation on  
14 effectiveness of the Fund.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to the Fund  
17 \$5,000,000,000.

18 (g) DEFINITIONS.—For purposes of this section, the  
19 following definitions shall apply:

20 (1) INDIAN TRIBE.—The term “Indian tribe”  
21 has the meaning given such term in section 4 of the  
22 Native American Housing Assistance and Self-De-  
23 termination Act of 1996 (25 U.S.C. 4103).

24 (2) STATE.—The term “State” means each of  
25 the several States, the Commonwealth of Puerto

1 Rico, the District of Columbia, the Commonwealth  
2 of the Northern Mariana Islands, Guam, the Virgin  
3 Islands, American Samoa, the Trust Territories of  
4 the Pacific, or any other possession of the United  
5 States.

Page 84, line 5, strike “TRIENNIAL”.

Page 84, line 6, strike “a report once every 3 years”  
and insert “reports under this subsection”.

Page 84, line 25, before the period insert “and  
thereafter, the Comptroller General shall submit a report  
pursuant to a joint request for such a report made by the  
Chairman and Ranking Members of the Committee on  
Financial Services of the House of Representatives and  
of the Committee on Banking, Housing, and Urban Af-  
fairs of the Senate,”.

Page 87, line 7, strike “(p)” and insert “(o)”.

Page 91, strike “The” in line 12 and all that follows  
through line 15.

Strike line 21 on page 91 and all that follows  
through page 92, line 16.

Page 92, line 17, strike “(m)” and insert “(l)”.

Page 92, line 21, strike “(n)” and insert “(m)”.

Page 93, line 1, strike “(o)” and insert “(n)”.

Page 100, line 12, after “subrogated” insert “to the extent of such payment”.

Page 101, strike line 1 and insert the following:

1                   (B) ALLOCATION OF RIGHTS AND RESPON-  
2                   SIBILITIES.—In the event of a payment under  
3                   paragraph (1), the rights

Page 101, line 5, before the period insert the following: “, except that as long as amount remain due to the recipient of the payment under the terms of the eligible mortgage and as long as the recipient diligently pursues collection of all amounts due under the eligible mortgage, all decisions with respect to the eligible mortgage, including efforts to collect the unpaid amounts, shall be made by the recipient, *Provided*, That any amounts collected by the recipient less reasonable out-of-pocket costs of collection shall be shared with the Secretary in the same ratio as the guaranteed portion bears to the original principal amount of the eligible mortgage”.

At the end of the bill, add the following:

1 **SEC. 29. GREEN DIVIDEND PROGRAM FOR FEDERALLY AS-**  
2 **SISTED RENTAL HOUSING.**

3 (a) **AUTHORITY.**—The Secretary shall establish a  
4 program under this section to provide green dividends to  
5 owners of covered federally assisted housing projects who  
6 undertake utility cost-saving measures that result in util-  
7 ity cost savings for such housing.

8 (b) **GREEN DIVIDENDS.**—

9 (1) **IN GENERAL.**—A green dividend under this  
10 section with respect to a covered federally assisted  
11 housing project shall be an annual distribution, to  
12 the owner of the project, of an amount of the sur-  
13 plus project funds that is equal to the sum of—

14 (A) 50 percent of the annual utility cost  
15 savings resulting from the utility cost-saving  
16 measures conducted for the project; and

17 (B) any reasonable costs, as determined by  
18 the Secretary pursuant to subsection (d)(4), in-  
19 curred by the owner in carrying out the utility  
20 cost-saving measures, including required report-  
21 ing an monitoring costs and financing costs in-  
22 curred by the owner or a third party, in compli-  
23 ance with guidelines established pursuant to  
24 subsection (d)(3).

25 (2) **ADDITIONAL TO STANDARD DISTRIBUTION.**—Notwithstanding any other law or regulation  
26

1 relating to a limitation on distributions for a covered  
2 federally assisted housing project, a green dividend  
3 under this section shall be in addition to the stand-  
4 ard distribution that the owner of the project is au-  
5 thORIZED to receive from the project pursuant to the  
6 regulations of the Secretary.

7 (c) STANDARDS FOR MEASUREMENT AND MONI-  
8 TORING.—In carrying out the program under this section,  
9 the Secretary shall establish and utilize the following  
10 standardized methods:

11 (1) Methods that an owner of a covered feder-  
12 ally assisted housing project may use to accurately  
13 measure the baseline utility use of the project before  
14 undertaking the utility cost-saving measures for the  
15 project.

16 (2) Methods that an owner of a covered feder-  
17 ally assisted housing project may use to effectively  
18 monitor reductions in the utility use of the project  
19 resulting from the completed utility cost-saving  
20 measures for the project.

21 (3) Methods that an owner of a covered feder-  
22 ally assisted housing project may use to track, and  
23 that the Secretary may use to verify, utility cost sav-  
24 ings resulting from the utility cost-saving measures  
25 for the project that account for the effect of changes

1 in utility costs and such other factors that the Sec-  
2 retary considers necessary or appropriate.

3 (d) OTHER REQUIREMENTS.—

4 (1) APPLICATION AND SELECTION.—The Sec-  
5 retary shall establish requirements for owners of  
6 covered federally assisted housing projects to apply  
7 for participation in the program under this section  
8 and shall select among such applications based upon  
9 selection criteria, which the Secretary shall establish.

10 (2) COST-EFFECTIVENESS.—The Secretary  
11 shall establish guidelines to ensure that any utility  
12 cost-saving measures undertaken pursuant to the  
13 program under this section are cost-effective in rela-  
14 tion to the utility cost savings resulting from the  
15 measures and the green dividend provided under this  
16 section to the owner.

17 (3) ENERGY PERFORMANCE CONTRACTS.—The  
18 Secretary shall establish guidelines for the use of en-  
19 ergy performance contracting in carrying out utility  
20 cost-saving measures pursuant to the program under  
21 this section.

22 (4) FINANCING COSTS.—The Secretary shall es-  
23 tablish guidelines for the financing of the reasonable  
24 costs incurred by an owner of a covered federally as-  
25 sisted housing project in carrying out utility cost-

1        saving measures under the program under this sec-  
2        tion, and whether such costs, whether financed by  
3        the limited dividend owner or a third party, shall be  
4        repayable from project funds.

5            (5) REPORTING.—

6            (A) TO SECRETARY.—The Secretary shall  
7            require each owner of a covered federally as-  
8            sisted housing project for which a green divi-  
9            dend is provided pursuant to the program  
10           under this section to submit to the Secretary  
11           such reports regarding the project, the utility  
12           cost-saving measures undertaken for the  
13           project, and the utility cost savings of the  
14           project in accordance with such requirements as  
15           the Secretary shall establish.

16           (B) TO CONGRESS.—The Secretary shall  
17           submit reports to the Congress describing the  
18           implementation and operation of the program  
19           under this section, as follows:

20            (i) INITIAL REPORT.—The Secretary  
21            shall submit reports describing the initial  
22            implementation and operation of the pro-  
23            gram not later than the expiration of the  
24            180-day period beginning upon the date of  
25            the enactment of this Act.

1                   (ii) ANNUAL REPORTS.—Not later  
2                   than the expiration of the 12-month period  
3                   that begins upon the expiration of the pe-  
4                   riod specified clause (i), and upon the expi-  
5                   ration of each successive 12-month period  
6                   thereafter, the Secretary shall submit a re-  
7                   port describing the ongoing operation of  
8                   the program.

9                   (e) PREEMPTION OF CONFLICTING STATE LAWS  
10                  LIMITING DISTRIBUTIONS.—

11                  (1) IN GENERAL.—Except as provided in para-  
12                  graph (2), no State or political subdivision of a  
13                  State may establish, continue in effect, or enforce  
14                  any law, regulation, or administrative requirement  
15                  that limits or restricts, to an amount that is less  
16                  than the sum of the amounts provided for under  
17                  paragraphs (1) and (2) of subsection (b), the  
18                  amount of surplus project funds accruing after the  
19                  date of the enactment of this section that may be  
20                  distributed from any covered federally assisted hous-  
21                  ing project.

22                  (2) EXCEPTION AND WAIVER.—Paragraph (1)  
23                  shall not apply to any law or regulation to the extent  
24                  such law or regulation applies to—

1 (A) a State-financed covered federally as-  
2 sisted housing project; or

3 (B) a covered federally assisted housing  
4 project for which the owner has elected to waive  
5 the applicability of paragraph (1).

6 (f) DEFINITIONS.—For purposes of this section, the  
7 following definitions shall apply:

8 (1) COVERED FEDERALLY ASSISTED HOUSING  
9 PROJECT.—The term “covered federally assisted  
10 housing project” means any multifamily rental hous-  
11 ing project that—

12 (A) is provided any rental assistance, sub-  
13 sidy, or other financial assistance by the Sec-  
14 retary; and

15 (B) that is subject to a limitation on dis-  
16 tributions to the owner, whether for-profit or  
17 non-for-profit, of project funds under section  
18 200.106(a) , 236.1(c), 880.205(a) or (b),  
19 881.205(a) or (b), or 883.306(a) or (b) of title  
20 24 of the Code of Federal Regulations, or any  
21 other statute or regulation applicable to the  
22 project.

23 (2) SECRETARY.—The term “Secretary” means  
24 the Secretary of Housing and Urban Development.

1           (3) SURPLUS PROJECT FUNDS.—The term  
2           “surplus project funds” means, with respect to a  
3           covered federally assisted housing project, the net  
4           revenue of the project after all project expenses have  
5           been paid, or funds have been set aside for the pay-  
6           ment thereof, and any reserve requirements applica-  
7           ble to the project have been met.

8           (4) UTILITY COST SAVINGS.—The term “utility  
9           cost savings” means, with respect to utility cost-sav-  
10          ing measures undertaken for a covered federally as-  
11          sisted housing project, the difference between—

12                   (A) the energy or water costs that would  
13                   have been incurred for the project if such utility  
14                   cost-saving measures were not completed; and

15                   (B) the actual energy or water costs for  
16                   the project after completion of the utility cost-  
17                   saving measures.

18          (5) UTILITY COST-SAVING MEASURES.—The  
19          term “utility cost-saving measures” means, with re-  
20          spect to a covered federally assisted housing project,  
21          any rehabilitation, renovation, retrofit, improvement,  
22          or alteration for the project that incorporates any  
23          technology, equipment, fixture, or material, or pro-  
24          motes any practice, designed to reduce the energy or  
25          water consumption of the project. Such measures

1 shall utilize Energy Star or WaterSense rated prod-  
2 ucts or devices at a minimum. In cases in which  
3 there is no Energy Star or WaterSense designated  
4 product or device, the Secretary shall designate the  
5 minimum standards.

6 (g) REGULATIONS.—Not later than the expiration of  
7 the 180-day period beginning on the date of the enactment  
8 of this Act, the Secretary shall issue any regulations nec-  
9 essary to carry out this section.

10 **SEC. 30. USE OF RESIDUAL RECEIPTS AND RESERVE FOR**  
11 **REPLACEMENTS FUNDS FOR GREEN RETRO-**  
12 **FITS OF FEDERALLY ASSISTED RENTAL**  
13 **HOUSING.**

14 The Secretary of Housing and Urban Development  
15 shall—

16 (1) review the regulations and agreements of  
17 the Department of Housing and Urban Development  
18 concerning residual receipts accounts in federally as-  
19 sisted rental housing that is subject to a limitation  
20 on distributions, to the owner, of project funds  
21 under section 200.106(a), 236.1(c), 880.205,  
22 881.205, or 883.306 of title 24 of the Code of Fed-  
23 eral Regulations, or any other statute or regulation  
24 applicable to the project, to clarify whether the use  
25 of such funds for other project purposes includes ac-

1 activities related to the energy efficiency at properties  
2 with such residual receipts accounts; and

3 (2) revise its policies with regard to the use of  
4 reserve for replacement funds to encourage the use  
5 of such reserves, where practical, for energy effi-  
6 ciency items.

7 **SEC. 31. STUDY ON BUILDING CODES EFFECTS ON CON-**  
8 **STRUCTION AND INSTALLATION OF DIS-**  
9 **TRIBUTIVE ENERGY GENERATION MEASURES**  
10 **AND WATER EFFICIENCY MEASURES.**

11 (a) STUDY.—The Comptroller General of the United  
12 States shall conduct a study to analyze to what extent pro-  
13 visions of State and local building codes create obstacles  
14 or otherwise conflict with efforts to enable and encourage  
15 the construction and installation in such projects of dis-  
16 tributive energy generation measures and water efficiency  
17 measures.

18 (b) PROVISION OF INFORMATION TO ENERGY INFOR-  
19 MATION ADMINISTRATION.—The Comptroller General  
20 shall provide any information collected in conducting the  
21 study under this section to the Secretary of Energy to sup-  
22 plement information collected and maintained by the En-  
23 ergy Information Administration of the Department of  
24 Energy regarding residential energy consumption.

1 (c) REPORT.—Not later than the expiration of the 6-  
2 month period beginning on the date of the enactment of  
3 this Act, the Comptroller General shall submit a report  
4 to the Congress and to the Secretary of Energy setting  
5 forth the results and conclusions of the study under this  
6 section.

7 **SEC. 32. COMMUNITY BUILDING CODE ADMINISTRATION**  
8 **GRANTS.**

9 (a) SHORT TITLE.—This section may be cited as the  
10 “Community Building Code Administration Grant Act of  
11 2009”.

12 (b) GRANT PROGRAM AUTHORIZED.—

13 (1) GRANT AUTHORIZATION.—The Secretary of  
14 Housing and Urban Development shall, to the extent  
15 amounts are made available for grants under this  
16 section, provide grants to local building code enforce-  
17 ment departments.

18 (2) COMPETITIVE AWARDS.—The Secretary  
19 shall award grants under paragraph (1) on a com-  
20 petitive basis pursuant to the criteria set forth in  
21 subsection (f), but also taking into consideration the  
22 following:

23 (A) The financial need of each building  
24 code enforcement department.

1 (B) The benefit to the jurisdiction of hav-  
2 ing an adequately funded building code enforce-  
3 ment department.

4 (C) The demonstrated ability of each build-  
5 ing code enforcement department to work coop-  
6 eratively with other local code enforcement of-  
7 fices, health departments, and local prosecu-  
8 torial agencies.

9 (3) MAXIMUM AMOUNT.—The maximum  
10 amount of any grant awarded under this subsection  
11 shall not exceed \$1,000,000.

12 (c) REQUIRED ELEMENTS IN GRANT PROPOSALS.—  
13 In order to be eligible for a grant under subsection (b),  
14 a building code enforcement department of a jurisdiction  
15 shall submit to the Secretary the following:

16 (1) A demonstration of the jurisdiction's needs  
17 in executing building code enforcement administra-  
18 tion.

19 (2) A plan for the use of any funds received  
20 from a grant under this section that addresses the  
21 needs discussed in paragraph (1) and that is con-  
22 sistent with the authorized uses established in sub-  
23 section (d).

24 (3) A plan for local governmental actions to be  
25 taken to establish and sustain local building code en-

1 enforcement administration functions, without con-  
2 tinuing Federal support, at a level at least equiva-  
3 lent to that proposed in the grant application.

4 (4) A plan to create and maintain a program of  
5 public outreach that includes a regularly updated  
6 and readily accessible means of public communica-  
7 tion, interaction, and reporting regarding the serv-  
8 ices and work of the building code enforcement de-  
9 partment to be supported by the grant.

10 (5) A plan for ensuring the timely and effective  
11 administrative enforcement of building safety and  
12 fire prevention violations.

13 (d) USE OF FUNDS; MATCHING FUNDS.—

14 (1) AUTHORIZED USES.—Amounts from grants  
15 awarded under subsection (b) may be used by the  
16 grant recipient to supplement existing State or local  
17 funding for administration of building code enforce-  
18 ment. Such amounts may be used to increase staff-  
19 ing, provide staff training, increase staff competence  
20 and professional qualifications, or support individual  
21 certification or departmental accreditation, or for  
22 capital expenditures specifically dedicated to the ad-  
23 ministration of the building code enforcement de-  
24 partment.

1           (2) ADDITIONAL REQUIREMENT.—Each build-  
2           ing code enforcement department receiving a grant  
3           under subsection (b) shall empanel a code adminis-  
4           tration and enforcement team consisting of at least  
5           1 full-time building code enforcement officer, a city  
6           planner, and a health planner or similar officer.

7           (3) MATCHING FUNDS REQUIRED.—

8           (A) IN GENERAL.—To be eligible to receive  
9           a grant under this section, a building code en-  
10          forcement department shall provide matching,  
11          non-Federal funds in the following amount:

12                 (i) In the case of a building code en-  
13                 forcement department serving an area with  
14                 a population of more than 50,000, an  
15                 amount equal to not less than 50 percent  
16                 of the total amount of any grant to be  
17                 awarded under this section.

18                 (ii) In the case of a building code en-  
19                 forcement department serving an area with  
20                 a population of between 20,001 and  
21                 50,000, an amount equal to not less than  
22                 25 percent of the total amount of any  
23                 grant to be awarded under this section

24                 (iii) In the case of a building code en-  
25                 forcement department serving an area with

1 a population of less than 20,000, an  
2 amount equal to not less than 12.5 percent  
3 of the total amount of any grant to be  
4 awarded under this section.

5 (B) ECONOMIC DISTRESS.—

6 (i) IN GENERAL.—The Secretary may  
7 waive the matching fund requirements  
8 under subparagraph (A), and institute, by  
9 regulation, new matching fund require-  
10 ments based upon the level of economic  
11 distress of the jurisdiction in which the  
12 local building code enforcement department  
13 seeking such grant is located.

14 (ii) CONTENT OF REGULATIONS.—Any  
15 regulations instituted under clause (i) shall  
16 include—

17 (I) a method that allows for a  
18 comparison of the degree of economic  
19 distress among the local jurisdictions  
20 of grant applicants, as measured by  
21 the differences in the extent of growth  
22 lag, the extent of poverty, and the ad-  
23 justed age of housing in such jurisdic-  
24 tion; and

1 (II) any other factor determined  
2 to be relevant by the Secretary in as-  
3 ssuming the comparative degree of eco-  
4 nomic distress among such jurisdic-  
5 tions.

6 (4) IN-KIND CONTRIBUTIONS.—In determining  
7 the non-Federal share required to be provided under  
8 paragraph (3), the Secretary shall consider in-kind  
9 contributions, not to exceed 50 percent of the  
10 amount that the department contributes in non-Fed-  
11 eral funds.

12 (5) WAIVER OF MATCHING REQUIREMENT.—  
13 The Secretary shall waive the matching fund re-  
14 quirements under paragraph (3) for any recipient ju-  
15 risdiction that has dedicated all building code per-  
16 mitting fees to the conduct of local building code en-  
17 forcement.

18 (e) RATING AND RANKING OF APPLICATIONS.—Eligi-  
19 ble applications will be rated and ranked according to the  
20 criteria under subsection (f). All complete applications  
21 shall be compared to one another and points shall be as-  
22 signed on a continuum within each criteria with the max-  
23 imum points awarded to the application that best meets  
24 the criteria.

1 (f) CRITERIA.—The criteria under this subsection are  
2 as follows:

3 (1) NEED AND COMMUNITY BENEFIT FROM  
4 CODE ENFORCEMENT GRANT FUNDS.—The degree to  
5 which the application demonstrates the intent and  
6 means to ensure cooperative and effective working  
7 relationships between local building code enforce-  
8 ment officials and other local agencies, as well as a  
9 community-oriented approach to building code en-  
10 forcement, with points awarded as follows:

Description	Maximum Points
A detailed description of the capital expenditures to be acquired with grant funds and a demonstration that the items' costs are reasonable.	0–10
The jurisdiction's need for the capital expenditure and how the grant funds will fulfill this need.	0–10
The joint benefits provided by the proposed expenditure for the following groups or activities. Provide a brief explanation of the benefit. (1 point will be awarded for each response, 5 points maximum).	0–5
<ol style="list-style-type: none"> <li>1. Code enforcement program.</li> <li>2. Community or jurisdiction.</li> <li>3. Interdisciplinary code enforcement team.</li> <li>4. Housing preservation, rehabilitation programs, or neighborhood improvement programs.</li> <li>5. Special needs groups (disabled, elderly or low or very-low income, etc.).</li> </ol>	
Does the proposed capital expenditure provide a cost savings benefit to the jurisdiction? Provide a brief explanation of the cost savings.	0–5.

11 (2) CURRENT CODE ENFORCEMENT AND HOUS-  
12 ING CONSERVATION PLAN.—Whether the local legis-  
13 lative body in which the applicant resides has adopt-  
14 ed a plan that addresses residential structure con-

1        servation and building code enforcement. Points  
 2        shall be awarded, based on which of the descriptions  
 3        from the following list best reflects such jurisdic-  
 4        tion’s plan for building code enforcement activities,  
 5        as follows:

Description	Maximum Points
The plan provides for proactive code enforcement (not just responding to complaints), an interdisciplinary approach, and includes funding options for repairs and rehabilitation.	10
The plan only provides for proactive code enforcement (not just responding to complaints) and calls for an interdisciplinary approach and does not address funding options for repairs and rehabilitation.	8
The plan provides for some type of proactive code enforcement (other than just responding to complaints) but doesn’t address coordinated interdisciplinary activities with other local public agencies or funding options.	6
The plan provides for only reactive code enforcement.	4
The plan only refers to a need to preserve and/or improve existing housing stock, without any code enforcement program.	2
No existing plan.	0.

6                    (3) COMMUNITY-ORIENTED OR INTERDISCIPLI-  
 7                    NARY CODE ENFORCEMENT.—The degree to which  
 8                    the application demonstrates the intent and means  
 9                    to ensure cooperative and effective working relation-  
 10                   ships between building code enforcement officials  
 11                   and other local agencies, as well as a community-ori-  
 12                   ented approach to code enforcement, with points  
 13                   awarded as follows:

Description	Maximum Points
Identify current or proposed interdisciplinary code enforcement programs or activities and the team members (example: code enforcement, police, local prosecutors, health department, building and planning, fire, etc.). Provide a description of the team's code enforcement and coordination procedures, activities and services provided. If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0–10
Identify current or proposed community-oriented code enforcement programs, activities, or services. (Examples: community clean-ups, Neighborhood Watch programs, community meetings, door-to-door code enforcement knock and talks, etc.). If the current programs or resources are limited in scope, explain how receipt of the grant will be used to improve the program.	0–10.

- 1                   (4) PROACTIVE CODE ENFORCEMENT ACTIVI-
- 2                   TIES.—The effectiveness of the proposed or existing
- 3                   proactive activities and programs operated by any
- 4                   existing building code enforcement program, which
- 5                   shall include points awarded as follows for any such
- 6                   activities or programs:

Description	Maximum Points
Encourages repairs and preservation, rather than demolition or abandonment, of substandard residences.	0–5
Abatement of (a) lead hazards and lead-based paints, (b) toxic molds and dampness, and (c) displacement or relocation of residents.	0–5
Community clean-up campaigns. This may include recycling dates, free or reduced disposal rates at dumpsite, public clean-up days that encourage removal of unwanted or excess debris by making available extra trash pick-ups, dumpsites or trash/recycling containers on specific dates to dispose of household debris, inoperable vehicles, tires, toxic materials, etc.	0–5

Description	Maximum Points
Resource or referral programs for Federal, State, local, and private funds and other resources available in your jurisdiction that can assist with housing rehabilitation and repairs to rectify code violations.	0-5
Public education programs on housing issues. These could include community housing meetings dealing with homeownership, tenant/landlord issues, housing code enforcement, school age children's programs with coloring books or handouts, housing safety pamphlets, etc.	0-5
Programs that encourage community involvement with groups; such as schools, church nonprofits, community service groups, utility companies, local stores, housing agency banks, etc.	0-5.

1                   (5) CAPACITY TO FINANCIALLY AND TECH-  
2                   NICALLY SUPPORT PROPOSED CAPITAL EXPENDI-  
3                   TURES.—The degree to which the application dem-  
4                   onstrates the jurisdiction's financial and technical  
5                   capacity to properly use and successfully support the  
6                   proposed capital expenditure during the term of the  
7                   grant, with points awarded as follows:

Description	Maximum Points
The anticipated ongoing program funding for the duration of the grant program is adequate to financially support the use of the grant-financed equipment. Include details of funding and technical support sources for the capital expenditure (examples: insurance, paper, maintenance, training, supplies, personnel, monthly billing costs, etc.).	0-5
The jurisdiction has the technical capabilities to use and support equipment (examples: adequately trained staff or resources to provide training to operate technical equipment, local service provider for cell phones or 2-way radios, trained personnel to operate equipment, etc.).	0-5.

8                   (g) EVALUATION AND REPORT.—

1 (1) IN GENERAL.—Grant recipients shall—

2 (A) be obligated to fully account and re-  
3 port for the use of all grants funds; and

4 (B) provide a report to the Secretary on  
5 the effectiveness of the program undertaken by  
6 the grantee and any other criteria requested by  
7 the Secretary for the purpose of indicating the  
8 effectiveness of, and ideas for, refinement of the  
9 grant program.

10 (2) REPORT.—The report required under para-  
11 graph (1)(B) shall include a discussion of—

12 (A) the specific capabilities and functions  
13 in local building code enforcement administra-  
14 tion that were addressed using funds received  
15 under this section;

16 (B) the lessons learned in carrying out the  
17 plans supported by the grant; and

18 (C) the manner in which the programs  
19 supported by the grant are to be maintained by  
20 the grantee.

21 (3) CONTENT OF REPORTS.—The Secretary  
22 shall—

23 (A) require each recipient of a grant under  
24 this section to file interim and final reports  
25 under paragraph (2) to ensure that grant funds

1           are being used as intended and to measure the  
2           effectiveness and benefits of the grant program;  
3           and

4                   (B) develop and maintain a means whereby  
5           the public can access such reports, at no cost,  
6           via the Internet.

7           (h) DEFINITIONS.—For purposes of this section, the  
8 following definitions shall apply:

9                   (1) BUILDING CODE ENFORCEMENT.—The term  
10          “building code enforcement” means the enforcement  
11          of any code, adopted by a State or local government,  
12          that regulates the construction of buildings and fa-  
13          cilities to mitigate hazards to life or property. Such  
14          term includes building codes, electrical codes, energy  
15          codes, fire codes, fuel gas codes, mechanical codes,  
16          and plumbing codes.

17                  (2) BUILDING CODE ENFORCEMENT DEPART-  
18          MENT.—The term “building code enforcement de-  
19          partment” means an inspection or enforcement  
20          agency of a jurisdiction that is responsible for con-  
21          ducting building code enforcement.

22                  (3) JURISDICTION.—The term “jurisdiction”  
23          means a city, county, parish, city and county author-  
24          ity, or city and parish authority having local author-

1       ity to enforce building codes and regulations and to  
2       collect fees for building permits.

3           (4) SECRETARY.—The term “Secretary” means  
4       the Secretary of Housing and Urban Development.

5       (i) AUTHORIZATION OF APPROPRIATIONS.—

6           (1) IN GENERAL.—There are authorized to be  
7       appropriated \$20,000,000 for each of fiscal years  
8       2010 through 2014 to the Secretary of Housing and  
9       Urban Development to carry out the provisions of  
10      this section.

11          (2) RESERVATION.—From the amount made  
12      available under paragraph (1), the Secretary may re-  
13      serve not more than 5 percent for administrative  
14      costs.

15          (3) AVAILABILITY.—Any funds appropriated  
16      pursuant to paragraph (1) shall remain available  
17      until expended.

Strike “checklist” or “checklists”, as applicable,  
each place such term appears on page 5, line 22, page  
6, line 5, page 6, line 24, page 7, line 6, page 11, line  
2, page 12, line 9, page 12, line 15, page 13, line 13,  
page 13, line 16, page 13, line 22, page 61, line 18, and  
page 67, line 2, and insert “criteria”.

Strike “checklist” each place such term appears on  
page 11, line 10, page 60, line 23, page 61, line 9, page

61, line 15, page 66, line 12, page 66, line 25, and page 67, line 20.

Strike “2009” each place such term appears on page 26, line 21, page 31, line 2, page 31, line 23, page 32, line 22, page 33, line 13, page 34, line 10, page 34, line 25, page 53, line 8, page 55, line 10, and page 66, line 19, and insert “2010”.

