

AMENDMENT TO H.R. 4868
OFFERED BY MR. HIMES OF CONNECTICUT

Page 114, after line 5, insert the following new section:

1 SEC. 206. GREEN RETROFIT GRANT AND LOAN PROGRAM.

2 (a) ESTABLISHMENT.—The Secretary of Housing
3 and Urban Development shall carry out a program to
4 make grants and loans under this section to owners of eli-
5 gible federally assisted housing projects for making eligible
6 green retrofit improvements to such projects.

7 (b) ELIGIBLE FEDERALLY ASSISTED HOUSING
8 PROJECTS.—Grants and loans under this section may be
9 provided only for eligible green retrofit improvements
10 under subsection (c) for—

11 (1) housing for which project-based assistance
12 is provided under section 8 of the United States
13 Housing Act of 1937 (42 U.S.C. 1437f);

14 (2) housing that is assisted under section 202
15 of the Housing Act of 1959 (12 U.S.C. 1701q);

16 (3) housing that is assisted under section 202
17 of the Housing Act of 1959, as such section existed
18 before the enactment of the Cranston-Gonzalez Na-

1 tional Affordable Housing Act (Public Law 101–
2 625);

3 (4) housing that is assisted under section 811
4 of the Cranston-Gonzalez National Affordable Hous-
5 ing Act (42 U.S.C. 8013);

6 (5) housing financed by a loan or mortgage in-
7 sured under section 221(d)(3) of the National Hous-
8 ing Act (12 U.S.C. 1715l(d)(3)) that bears interest
9 at a rate determined under the proviso of section
10 221(d)(5) of such Act (12 U.S.C. 1715l(d)(5));

11 (6) housing insured, assisted, or held by the
12 Secretary or a State or State agency under section
13 236 of the National Housing Act (12 U.S.C. 1715z–
14 1);

15 (7) housing constructed or substantially reha-
16 bilitated pursuant to assistance provided under sec-
17 tion 8(b)(2) of the United States Housing Act of
18 1937, as in effect before October 1, 1983, that is as-
19 sisted under a contract for assistance under such
20 section;

21 (8) housing assisted or formerly assisted under
22 section 101 of the Housing and Urban Development
23 Act of 1965 (12 U.S.C. 1701s);

1 (9) multifamily housing projects assisted with
2 amounts made available under the HOME Invest-
3 ment Partnerships Act (42 U.S.C. 12721 et seq.);

4 (10) housing for which a loan is made or in-
5 sured under section 515 of the Housing Act of 1949
6 (42 U.S.C. 1485); and

7 (11) housing for which a low-income housing
8 tax credit is provided pursuant to section 42 of the
9 Internal Revenue Code of 1986 (26 U.S.C. 42).

10 (c) ELIGIBLE GREEN RETROFIT IMPROVEMENTS.—

11 (1) IN GENERAL.—For purposes of this section,
12 eligible green retrofit improvements are improve-
13 ments to an eligible federally assisted housing
14 project that are approved by the Secretary as having
15 one or more of the following attributes, as compared
16 with the comparable component that would normally
17 be used by owners of similar properties in the same
18 market area:

19 (A) Materially lower electric, heating fuel,
20 or water consumption.

21 (B) Materially lower emissions of chemicals
22 thought to be harmful to humans.

23 (C) Materially longer useful life.

24 (D) Materially more biodegradable.

25 (E) Materially more easily recycled.

1 (F) Materially lower use of raw materials
2 or use of materially more recycled content.

3 (G) Materially lower transportation costs
4 of products delivered to the project.

5 For purposes of this paragraph, determinations of
6 materiality shall be made by the Secretary in the
7 sole discretion of the Secretary.

8 (2) RELATED IMPROVEMENTS.—For purposes
9 of this section, eligible green retrofit improvements
10 shall include improvements approved by the Sec-
11 retary as related or collateral to the undertaking or
12 provision of eligible green retrofit improvements ap-
13 proved pursuant to paragraph (1) for an eligible fed-
14 erally assisted housing project.

15 (3) VERIFICATION.—For purposes of verifying
16 improvements as eligible green retrofit improvements
17 under this subsection, the Secretary shall, by regula-
18 tion, provide for the following:

19 (A) Certification of building energy and
20 environment auditors, inspectors, and raters by
21 the Residential Energy Services Network
22 (RESNET), or an equivalent certification sys-
23 tem as determined by the Secretary.

24 (B) Certification or licensing of building
25 energy and environmental retrofit contractors

1 by the Building Performance Institute (BPI),
2 or an equivalent certification or licensing sys-
3 tem as determined by the Secretary.

4 (C) Use of equipment and procedures of
5 the Building Performance Institute, Residential
6 Energy Services Network, or other appropriate
7 equipment and procedures (such as infrared
8 photography and pressurized testing, and tests
9 for water use and indoor air quality), as deter-
10 mined by the Secretary, to test the energy and
11 environmental efficiency of buildings effectively.

12 (D) Determination of energy savings by
13 comparison of scores on the Home Energy Rat-
14 ing System (HERS) Index before and after ret-
15 rofit, with the final score produced by an objec-
16 tive third party.

17 (d) EXTENSION OF AFFORDABILITY RESTRIC-
18 TIONS.—

19 (1) GRANTS.—

20 (A) IN GENERAL.—The Secretary may
21 provide a grant under this section for an eligi-
22 ble federally assisted housing project only if the
23 owner of the project enters into such binding
24 commitments as the Secretary shall require,
25 which shall be applicable to any subsequent

1 owner, to ensure that the project will be oper-
2 ated, until the expiration of the period specified
3 in subparagraph (B), in accordance with all af-
4 fordability restrictions that are applicable to the
5 project under the federal assistance program re-
6 ferred to in subsection (b) under which assist-
7 ance is provided for the project.

8 (B) PERIOD.—The period specified in this
9 paragraph for an eligible federally assisted
10 housing project is the period that—

11 (i) begins upon the date of the expira-
12 tion of applicability, to the project, of the
13 affordability restrictions under the federal
14 assistance program referred to in sub-
15 section (b) under which assistance is pro-
16 vided for the project;

17 (ii) has such duration, as determined
18 by the Secretary, as commensurate with
19 the amount of the loan or grant assistance
20 provided under this section for the project;
21 and

22 (iii) in no case exceeds 30 years.

23 The Secretary may make such adjustments to
24 such period as may be necessary to take into

1 consideration any more significant restrictions
2 accompanying other subsidies for the project.

3 (2) LOANS.—In providing loans under this sec-
4 tion for eligible federally assisted housing projects,
5 the Secretary may require the project to comply with
6 affordability restrictions as the Secretary may estab-
7 lish, the terms of which shall be commensurate with
8 the term and amount of the loan.

9 (e) LIMITATION ON AMOUNT.—The amount of a
10 grant or loan under this section for an eligible federally
11 assisted housing project may not exceed—

12 (1) a percentage, as determined by the Sec-
13 retary, of the cost of the eligible green retrofit im-
14 provements for the project described in the retrofit
15 plan under subsection (f)(2) for the project; and

16 (2) a dollar amount limitation, as the Secretary
17 may establish.

18 (f) APPLICATIONS.—

19 (1) IN GENERAL.—The Secretary shall provide
20 for owners of eligible federally assisted housing
21 project to submit applications to the Secretary for
22 grants and loans under this subsection. The Sec-
23 retary shall require each such application to include
24 a retrofit plan under paragraph (2).

25 (2) RETROFIT PLAN.—

1 (A) REQUIREMENTS.—The Secretary may
2 not make any grant or loan under this section
3 for any eligible green retrofit improvements for
4 an eligible federally assisted housing project un-
5 less the owner of the project has submitted to
6 the Secretary, and the Secretary has approved
7 (pursuant to any amendments or changes as
8 the Secretary may require), a detailed written
9 plan regarding such improvements that com-
10 plies with such requirements as the Secretary
11 shall establish, which shall include the fol-
12 lowing:

13 (i) The plan shall set forth the cur-
14 rent utility costs for the project, including
15 costs for water, heat, and electricity.

16 (ii) The plan shall describe the eligible
17 green retrofit improvements to be made for
18 the project, setting forth—

19 (I) a schedule for completing
20 each such improvement;

21 (II) the cost of and sources of
22 funding for each such improvement;

23 (III) the amount of anticipated
24 cost savings resulting from each such
25 improvement; and

1 (IV) a schedule for such savings
2 for each such improvement based on
3 the current utility costs for the project
4 set forth pursuant to clause (i), except
5 that such cost-savings schedule may
6 not have a term exceeding 10 years.

7 (B) COST-EFFICIENCY; COST SAVINGS.—
8 The Secretary may approve a retrofit plan
9 under this subsection only if the Secretary de-
10 termines that—

11 (i) the total present value of the cost
12 savings resulting from the eligible green
13 retrofit improvements specified in the plan
14 and to be recovered over the term of the
15 cost-savings schedule included in the plan
16 will exceed the cost of making such im-
17 provements; and

18 (ii) the eligible green retrofit improve-
19 ments specified in the plan will result in
20 savings in utility or other operating costs
21 for the eligible federally assisted housing
22 project of not less than 20 percent, in com-
23 parison to utility and operating costs of
24 such project absent the eligible green ret-

1 retrofit improvements to be undertaken under
2 the plan.

3 (3) SELECTION PRIORITIES.—In selecting appli-
4 cations for loans and grants under this section the
5 Secretary may—

6 (A) give priority to applications providing
7 for eligible green retrofit improvements that are
8 funded in part with amounts from sources other
9 than grants and loans under this section, and
10 the extent of such priority provided may be
11 based on the ratio of such funding from other
12 sources; and

13 (B) give priority to applications based on
14 the net amount of energy efficiency savings re-
15 sulting from the eligible green retrofit improve-
16 ments to be funded by such loans and grants.

17 (g) LOANS.—In such circumstances as the Secretary
18 may provide, the Secretary may provide assistance under
19 this section in the form of a loan, which shall have such
20 term to maturity, shall bear interest, and shall have such
21 other terms and conditions as the Secretary may establish.

22 (h) TREATMENT OF GRANT AMOUNTS.—Notwith-
23 standing any other provision of law, assistance amounts
24 under this section may be treated as amounts not derived
25 from a Federal grant.

1 (i) MONITORING.—

2 (1) SUBMISSION OF INFORMATION TO SEC-
3 RETARY.—The Secretary shall require each owner of
4 an eligible federally assisted housing project for
5 which a grant or loan under this section is made to
6 submit to the Secretary such information, on a reg-
7 ular basis during the term of the cost savings sched-
8 ule included in the retrofit plan for project for which
9 such grant or loan is made or during such other
10 term, and in such form and manner, as the Sec-
11 retary considers appropriate to determine the cost
12 savings resulting from the eligible green retrofit im-
13 provements funded with such grant or loan and to
14 provide such other information as the Secretary con-
15 siders necessary.

16 (2) OTHER MONITORING.—With respect to eli-
17 gible federally assisted housing projects for which eli-
18 gible green retrofit improvements have been made
19 with assistance under this section, the Secretary
20 shall—

21 (A) establish guidelines for obtaining cer-
22 tification of such projects, after retrofit, as En-
23 ergy Star buildings, for assigning Home Energy
24 Rating System (HERS) rating for such

1 projects, and for completing applicable building
2 performance labels; and

3 (B) establish processes for tracking the
4 numbers and locations of such projects and ob-
5 taining information on projected and actual
6 savings of energy and its value over time.

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

9 (1) AFFORDABILITY RESTRICTIONS.—The term
10 “affordability restrictions” means, with respect to an
11 eligible federally assisted housing project, limits im-
12 posed by statute, regulation, or regulatory agree-
13 ment on tenant rents, rent contributions, or income
14 eligibility.

15 (2) COST-SAVINGS SCHEDULE.—The term
16 “cost-savings schedule” means, with respect to a ret-
17 rofit plan for an eligible federally assisted housing
18 project, the schedule included in such plan pursuant
19 to subsection (f)(2)(A)(ii)(IV).

20 (3) ELIGIBLE FEDERALLY ASSISTED HOUSING
21 PROJECT.—The term “eligible federally assisted
22 housing project” means a housing project described
23 in subsection (b).

24 (4) RETROFIT PLAN.—The term “retrofit plan”
25 means a plan required under subsection (f)(2).

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

3 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated such sums for each of fiscal
5 years 2010 through 2014, which shall be available for—

6 (1) grants under this section; and

7 (2) costs (as such term is defined in section
8 502 of the Federal Credit Reform Act of 1990 (2
9 U.S.C. 661a) of loans under this section.

10 (l) REGULATIONS.—The Secretary shall issue any
11 regulations necessary to carry out this section.

