

# NAR Legislative Analysis

## The American Clean Energy and Security Act



National Association of REALTORS® Government Affairs Division  
500 New Jersey Avenue, NW, Washington, DC, 20001

### **Houses Passes Climate Bill with Energy Labeling Exemptions**

The U.S. House of Representatives approved H.R. 2454, the American Clean Energy and Security Act by Reps. Waxman (D-CA) and Markey (D-MA). The bill, re-numbered H.R. 2998, includes NAR-supported provisions, championed by Rep. Perlmutter (D-CO), that exempt existing homes and buildings from the bill's provisions to build upon an existing Energy Star energy labeling program.

After multiple consultations with the NAR Climate Presidential Advisory Group, the NAR Land Use, Property Rights and Environment Committee, and state associations who had dealt with energy audit legislation at the state level, the Land Use, Property Rights and Environment Committee directed NAR staff to concentrate on the real estate provisions in the bill. As a result, NAR issued calls for action and made this a talking point for Capitol Hill visits during its recent Midyear meeting.

Overall, Realtors succeeded in making a number of positive changes to the bill. Thanks to Realtors, the House-approved bill:

- Does not create a federal energy audit requirement for real property;
- Exempts existing homes and building from any federal guidelines for new construction energy efficiency information labels.
- Prohibits the implementation of any labeling during a sales transaction.
- Leaves the decision to states as to whether to require energy audits, disclosures, etc.
- Provides property owners with significant financial incentives, matching grants and tools to make property improvements and reduce their energy bills;
- Prohibits the Environmental Protection Agency from regulating residential and commercial buildings under the Clean Air Act;
- Eliminated an early proposal to allow citizens to sue over minor climate risks under the Clean Air Act; and
- Establishes green building incentives for HUD housing, including a loan program for renewable energy, block grants and credit for upgrades in mortgage underwriting.

While H.R. 2998 includes many positive changes, NAR will have additional opportunities to make further changes to address unresolved issues, such as the bill's building energy code targets. The Senate must still pass its version of an energy and climate bill. There would be a House-Senate conference committee to reconcile differences between the House and Senate bills. The timing for a vote in the Senate is not clear as the Environment and Public Works Committee still must develop the climate provisions to "cap and trade" carbon emissions. The Senate Energy and Natural Resources Committee has approved energy provisions that are more realistic and preserve state flexibility to develop and enforce building codes. While the bill as approved by the House represents a significant improvement over the bill that was introduced, NAR will continue to work to address these issues as the legislative process continues.

An NAR summary of climate issues, which summarizes NAR policy, may be accessed on Realtor.org. Here is the link:  
<http://www.realtor.org/fedistrk.nsf/c2c6e17e27e92119852572f8005cd953/4c238a3be8220682852573d4006f1dfc?OpenDocument>

#### **Legislative Contact:**

Austin Perez, [aperez@realtors.org](mailto:aperez@realtors.org), 202-383-1046  
Helen Devlin, [hdevlin@realtors.org](mailto:hdevlin@realtors.org), 202-383-7559

#### **Regulatory Contact:**

Russell Riggs, [rriggs@realtors.org](mailto:rriggs@realtors.org), 202-383-1259