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HOUSE BILL NO. 1397**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on General Laws

on January 20, 2011)

(Patron Prior to Substitute—Delegate Marshall, R. G.)

A *BILL to amend the Code of Virginia by adding a section numbered 10.1-1306.1, relating to compliance with energy efficiency standards for residences under certain federal legislation.*

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding a section numbered 10.1-1306.1 as follows:**

§ 10.1-1306.1. *Residential energy efficiency; building retrofit.*

A. *For the purposes of this section:*

"Manufactured home" means the same as that term is defined in § 36-85.3.

"Residential building" means a building whose primary use is residential. Such buildings shall include single-family homes (both attached and detached), owner-occupied units in larger buildings with their own dedicated space-conditioning systems, and buildings used for both residential and nonresidential purposes in which more than half of building floor space is residential.

B. No residential building or manufactured home that is in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.) shall be subject to federally enacted legislation relating to residential energy efficiency standards. Except as may be required by the Uniform Statewide Building Code, no owner of a residential building or manufactured home shall be required to (i) have an energy efficiency analysis of his private residence conducted, (ii) meet federal energy efficiency standards, (iii) participate in a building energy performance labeling program established by the federal government, (iv) make modifications to the residence in accordance with any retrofit provisions of any federal legislation relating to residential energy efficiency standards, and (v) obtain a label from the federal government that shall be posted on his property showing the energy efficiency rating of the residence prior to the sale of such residence in order to comply with federal energy and water efficiency requirements.

C. A failure to comply with any federal building code shall not bar the sale of a residential building or manufactured home that is in compliance with the Uniform Statewide Building Code.

D. No state agency shall assist any federal agency in the implementation of a federal global warming or climate change building code.

E. The Attorney General may initiate legal action against the federal government if there is any federal law, regulation, or policy that seeks to apply federal legislation relating to residential energy efficiency standards to Virginia.