

## Department of Planning and Budget 2011 Fiscal Impact Statement

**1. Bill Number:** HB1397

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron:** Marshall, R.G.

**3. Committee:** General Laws

**4. Title:** Residential energy efficiency standards; exempts certain homes from federal cap & trade legislation.

**5. Summary:** Residential energy efficiency standards. Exempts any residential building or manufactured home in Virginia from being subject to federal 'cap and trade' legislation if such buildings comply with the Statewide Uniform Building Code. The owner of such building or home cannot be required by the federal government to (i) have an energy efficiency analysis conducted on his residence, (ii) have his residence meet federal energy efficiency standards, (iii) participate in a building performance labeling program, (iv) make modifications to the residence in accordance with federal legislation, and (v) post a label showing the energy efficiency of his home prior to its sale. The bill also prohibits a state agency from assisting any federal agency in the implementation of global warming or climate change legislation, and authorizes the Office of the Attorney General (OAG) to initiate legal action against the federal government if there is any federal law, regulation, or policy that seeks to apply federal "cap and trade" legislation to Virginia.

**6. Budget Amendment Necessary:** No.

**7. Fiscal impact estimates are indeterminate.** See item 8, below.

**8. Fiscal Implications:** There may be some costs to the Department of Housing and Community Development associated with the adoption of the new regulations and revisions to the Building Code. However, such costs could be funded from existing resources. Any fiscal impact the bill may have for the OAG is dependent upon whether the OAG initiates legal action against the federal government under the provisions of the bill. Under the bill, legal action is permissive, but not required. However, according to the OAG, if legal action is pursued additional resources will be required.

**9. Specific Agency or Political Subdivisions Affected:** Department of Housing and Community Development and the Office of the Attorney General.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 1/19/11

**Document:** G:\2011 Session\Legislation\HB1397.Doc