

Resolution No.   5  

Date: June 8, 2007

City: Washington, D.C.

NAHB Resolution

Title: Brownfields Redevelopment  
Original Sponsor: Environmental Issues Committee

WHEREAS, on Jan. 11, 2002, President Bush signed the federal brownfields law, the Small Business Liability Relief & Brownfields Revitalization Act (H.R. 2869);

WHEREAS, the congressional objective of the brownfields law was to provide developers, builders and landowners relief from federal liability provisions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and to promote the cleanup and reuse of brownfield sites under existing state Voluntary Cleanup Programs (VCPs);

WHEREAS, the National Association of Home Builders supported passage of the federal brownfields law as a means to promote smart growth principles and to spur the redevelopment of the General Accounting Office's estimated 450,000 brownfields sites nationwide;

WHEREAS, the federal brownfields law created three federal liability defenses under CERCLA (innocent landowners, prospective purchasers and contiguous landowners) for landowners who:

Demonstrated they performed "all appropriate inquiry" to determine if there was environmental contamination before taking title to the property; and

Demonstrated the continued performance of "due care" to contain and control a release of environmental pollution from the property after taking title to it;

WHEREAS, NAHB members participated in the development of the Environmental Protection Agency's (EPA) "all appropriate inquiry" standard and support the standard's application to the real estate market;

WHEREAS, despite the creation of these important liability and enforcement protections under CERCLA, the federal brownfields law does not address all pollutants commonly found at most brownfields sites;

WHEREAS, developers and builders face the potential threat of federal or state enforcement actions on petroleum-contaminated sites; and

WHEREAS, the redevelopment of brownfields properties can make land available for residential and commercial use,

NOW, THEREFORE, BE IT RESOLVED that the National Association of Home Builders support efforts by Congress and the Administration that:

1. Support existing state Voluntary Cleanup Programs (VCPs) that address all pollutants commonly found at brownfield sites; permit the use of affordable clean-up standards that are proportional to the level of pollution on the site and the end use of the property; recognize a balance between the cost of clean-up and the value of the property; and offer liability protections for innocent landowners or prospective purchasers who did not cause the contamination;
2. Bar comprehensive federal enforcement against eligible developers or builders who are enrolled in and successfully completing a site cleanup plan under the oversight of an existing state VCP; and
3. Foster the development by the Environmental Protection Agency of regulations and policies that clarify how developers and builders can clean up brownfield sites contaminated by pollutants not eligible under the federal brownfields law e.g., properties contaminated with low levels of polychlorinated Biphenyl (PCB); and

BE IT FURTHER RESOLVED that NAHB support economic incentives at both the state and federal levels, such as federal tax credits, grants and low interest “revolving loans,” to encourage brownfields redevelopment and defray the costs of environmental remediation.

Board of Directors Action:	<b>Approved</b>
Joint Executive Board Action:	Recommends Approval
Resolutions Committee Action:	Recommends Approval
Land Development Committee Action:	Recommends Approval
Single Family Small Volume Builders Committee Action:	Recommends Approval
Single Family Production Builders Committee Action:	Recommends Approval
Federal Government Affairs Committee Action:	Recommends Approval
Multifamily Council Board of Trustees Action:	Recommends Approval
Environmental Issues Committee Action:	Recommends Approval