

SENATE No. 1761

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to home energy efficiency.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------------|---|
| <i>Benjamin B. Downing</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> |
| <i>Stephen Kulik</i> | <i>1st Franklin</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |
| <i>Jay R. Kaufman</i> | <i>15th Middlesex</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |
| <i>Paul J. Donato</i> | <i>35th Middlesex</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Daniel A. Wolf</i> | <i>Cape and Islands</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |

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| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> |
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> |
| <i>Kenneth J. Donnelly</i> | <i>Fourth Middlesex</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> |
| <i>Tom Sannicandro</i> | <i>7th Middlesex</i> |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> |
| <i>Gailanne M. Cariddi</i> | <i>1st Berkshire</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>Thomas M. McGee</i> | <i>Third Essex</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> |
| <i>Marc R. Pacheco</i> | <i>First Plymouth and Bristol</i> |
| <i>Daniel Cullinane</i> | <i>12th Suffolk</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> |
| <i>Linda Dean Campbell</i> | <i>15th Essex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |

SENATE No. 1761

By Mr. Downing, a petition (accompanied by bill, Senate, No. 1761) of Benjamin B. Downing, Kevin G. Honan, Stephen Kulik, Chris Walsh and other members of the General Court for legislation relative to home energy efficiency. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to home energy efficiency.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, a seller or
2 agent acting on behalf of the seller shall complete an energy assessment through the Mass Save
3 program as overseen by the department of energy resources prior to the time of listing the home
4 for sale, provided that no additional fees shall be imposed or collected in connection with the
5 home energy assessment. This section shall apply to a seller of a single-family residential
6 dwelling or a multiple-family residential dwelling with fewer than 5 units, or a condominium
7 unit.

8 (b) The seller or agent acting on behalf of the seller shall disclose to a buyer or
9 prospective buyer information obtained from the energy assessment of the dwelling at the time of
10 listing or prior to the signing of a contract to purchase, whichever comes first.

11 (c) This section shall not apply to sales of residential dwellings in the following
12 circumstances: (1) a foreclosure or pre-foreclosure sale; (2) a deeded or trustee sale; (3) a

13 transfer of title related to the exercise of eminent domain; (4) a sale from one family member to
14 another family member; (5) a sale under court order; (6) a sale under degree of legal separation
15 or divorce; (7) the dwelling is designated on the National Register of Historic Places or the
16 Massachusetts Register of Historic Places as a historic building or landmark; (8) the dwelling
17 had an energy assessment within the last three years through the Mass Save program or another
18 qualified energy efficiency provider as determined by the department; (9) the dwelling was
19 constructed within the last three years and can demonstrate compliance with the most recent
20 energy provisions of the state building code for residential buildings; or (10) the dwelling has
21 completed a Home Energy Rating System (HERS) rating as offered by a RESNET qualified
22 home energy rater in the last three years as part of certification to be an ENERGY STAR home.

23 (d) The energy efficiency advisory council in consultation with the department, shall
24 track and assess the number of home energy assessments undertaken as part of its annual report
25 to the department and the joint committee on telecommunications, utilities and energy on the
26 Mass Save energy efficiency programs.

27 SECTION 2. (a) The department shall design and implement an energy rating and
28 labeling system for use by sellers of residential dwellings to disclose the energy performance of
29 that dwelling to potential buyers at the time of listing. The label will be provided to owners of
30 residential property as part of the Mass Save energy assessment or other qualified energy
31 assessment as determined by the department.

32 (b) Said energy rating and labeling system shall provide a consistent scoring method
33 regarding the energy performance of residential dwellings that provides information to potential
34 buyers based upon the physical assets of the property. The energy rating shall consider, but not

35 be limited to, information regarding annual energy consumption, energy costs for electricity and
36 thermal needs, and annual carbon emissions. In designing the system, the department shall
37 consider the energy rating and labeling system used as part of the Mass Save Home MPG Pilot,
38 the RESNET Home Energy Rating System the U.S. Department of Energy's Home Energy
39 Score, and other energy rating and labeling systems used in other jurisdictions as it determines
40 appropriate.

41 (c) The department shall adopt the energy rating and labeling system for residential
42 dwellings no later than December 15, 2015, and shall begin implementing the system no later
43 than June 30, 2016, or six month after the enactment of this statute, whichever is later.

44 (d) The department shall provide recommendations on implementing an energy rating
45 and labeling system for residential rental property transactions no later than December 15, 2015,
46 or six months after the enactment of this statute, whichever is later.