

SENATE No. 1839

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	<i>1/26/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/26/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/26/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/26/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/26/2017</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/26/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/26/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/26/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/26/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/26/2017</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/26/2017</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/26/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/26/2017</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>1/26/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/26/2017</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/26/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>1/26/2017</i>

<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/26/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/26/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/26/2017</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/27/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/27/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/27/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/27/2017</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/27/2017</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>1/27/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/27/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>5/11/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/30/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/30/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/31/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/31/2017</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>1/31/2017</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/31/2017</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/31/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2017</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/1/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>2/2/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/2/2017</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/2/2017</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/2/2017</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/2/2017</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/2/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/2/2017</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>2/2/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/2/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/2/2017</i>

<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>2/2/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>2/3/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/3/2017</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/3/2017</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	<i>2/3/2017</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	<i>2/3/2017</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>2/3/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>3/23/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>3/23/2017</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>3/29/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>5/11/2017</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>5/11/2017</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>5/11/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>5/11/2017</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>5/15/2017</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>5/18/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>5/24/2017</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>5/24/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>5/24/2017</i>
<i>William Driscoll</i>	<i>7th Norfolk</i>	<i>5/25/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>5/25/2017</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>6/2/2017</i>

SENATE No. 1839

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1839) of Kenneth J. Donnelly, Robert M. Koczera, Sean Garballey, 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 Ninetieth General Court
(2017-2018)**

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 of a residential dwelling located in the commonwealth shall
3 complete an energy assessment and an associated residential energy performance label as
4 approved by the department of energy resources, hereinafter referred to as the department, prior
5 to the time of sale. This section shall apply to a seller of a single-family residential dwelling or a
6 multiple-family residential dwelling with fewer than 5 units, or a condominium unit.

7 (b) The seller or agent acting on behalf of the seller shall disclose to a buyer or
8 prospective buyer the energy assessment and residential energy performance label of the
9 dwelling prior to the signing of a contract to purchase.

10 (c) This section shall not apply to sales of residential dwellings in the following
11 circumstances: (1) a foreclosure or pre-foreclosure sale; (2) a deeded or trustee sale; (3) a
12 transfer of title related to the exercise of eminent domain; (4) a sale from one family member to

13 another family member; (5) a sale under court order; (6) a sale under degree of legal separation
14 or divorce; (7) the dwelling is designated on the National Register of Historic Places or the
15 Massachusetts Register of Historic Places as a historic building or landmark; (8) an energy
16 assessment was conducted within the last 3 years through the Mass Save program, or by the low-
17 income residential demand-side management and education programs pursuant to section 19(c)
18 of chapter 25, or another qualified energy efficiency provider as determined by the department;
19 (9) where utility service is provided to an owner-occupant under a low-income rate pursuant to
20 section 1F(4)(i) of chapter 164; (10) the dwelling was constructed within the last 3 years and can
21 demonstrate compliance with the most recent energy provisions of the state building code for
22 residential buildings; or (11) the dwelling has completed a Home Energy Rating System (HERS)
23 rating as offered by a RESNET qualified home energy rater.

24 SECTION 2. (a) The department shall design an energy assessment and a residential
25 energy performance label system for use by sellers of residential dwellings, or agents acting on
26 behalf of the seller to disclose the energy performance of that dwelling to potential buyers.

27 (b) Said energy assessment and residential energy performance label shall provide a
28 consistent rating or scoring method regarding the energy performance of residential dwellings
29 that provides information to potential buyers based upon the physical assets of the property. The
30 energy assessment shall consider, but not be limited to, information regarding annual energy
31 consumption, energy costs for electricity and thermal needs, a home's envelope, including the
32 foundation, roof, walls, insulation and windows, and heating, cooling, and hot water systems,
33 and annual carbon emissions. The energy assessment shall then be used to formulate a rating or
34 score that will be incorporated into the residential energy performance label.

35 (c) In designing the energy assessment and a residential energy performance label
36 system, the department shall lead an open stakeholder process and may consider the energy
37 assessment and labeling system used as part of the Mass Save Home MPG Pilot, the RESNET
38 Home Energy Rating System, the U.S. Department of Energy's Home Energy Score, and other
39 energy rating and labeling systems used in other jurisdictions, as it determines appropriate. This
40 stakeholder process shall include no less than 3 meetings open to the public and shall commence
41 no later than 30 days after the enactment of this statute. During the department's stakeholder
42 process, it shall consider input from, but not limited to, representatives from the following types
43 of stakeholder groups: (1) investor-owned and municipal utilities; (2) environmental and energy
44 efficiency advocacy organizations; (3) low-income housing advocacy organizations; (4) the low-
45 income weatherization and fuel assistance program network referred to section 19(c) of chapter
46 25; and (5) real estate professionals.

47 (d) The department shall conclude the stakeholder process and adopt the energy
48 assessment and residential energy performance label no later than December 15, 2017, and shall
49 begin implementing the system no later than June 30, 2018, or 6 months after the enactment of
50 this statute, whichever is later.