

SENATE No. 1922

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

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 to require home energy audits.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|---------------------------|------------------------|------------------|
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/24/2019</i> |

SENATE No. 1922

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1922) of Michael J. Barrett and Jason M. Lewis for legislation to require home energy audits. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to require home energy audits.

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. Paragraph (1) of subsection (c) of section 22 of chapter 21A of the General
2 Laws, as appearing in the 2016 Official Edition, is hereby further amended by adding the
3 following 4 clauses:-

4 (vi) to provide assistance with the implementation of an energy scorecard program,
5 including but not limited to supporting workforce development and training for energy assessors,
6 as defined in section 3 of chapter 25A;

7 (vii) to reimburse municipal lighting plants that participate in the energy scorecard
8 program established by said section 17 of said chapter 25A, for incremental startup costs
9 associated with providing energy scorecards; and

10 (viii) to provide grants to municipalities and municipal lighting plants that participate in
11 the energy scorecard program, established by said section 17 of said chapter 25A, to conduct
12 energy assessments, as defined in said section 3 of said chapter 25A, and support residential

13 greenhouse gas mitigation measures, including but not limited to renewable energy investments
14 and thermal and electric energy efficiency improvements; provided, however, that the
15 department shall annually make available to participating municipal lighting plants a certain
16 percentage of total available RGGI grant funding, which percentage shall be not less than the
17 percentage of statewide annual electric load attributed to municipal lighting plants in the
18 previous year; and

19 (ix) to provide grants to energy assessment providers and other similar entities for costs
20 associated with adapting home energy assessment methodologies and software to provide the
21 standard information required for an energy scorecard, as defined in said section 3 of said
22 chapter 25A, and for costs associated with the use of historical home energy assessment data to
23 produce an energy scorecard where feasible, as determined by the department pursuant to said
24 section 17 of said chapter 25A.

25 SECTION 2. Subsection (a) of section 19 of chapter 25 of the General Laws, as so
26 appearing, is hereby amended by striking out, in line 15, the number “80” and inserting in place
27 thereof the following number:- “20”.

28 SECTION 3. Section 3 of chapter 25A of the General Laws, as most recently amended
29 by chapter 227 of the Acts of 2018, is hereby amended by inserting after the definition of “End-
30 user” the following 2 definitions:-

31 “Energy assessment”, an on-site evaluation of the energy performance of a residential
32 dwelling unit by an energy assessor, based on the physical characteristics, including renewable
33 energy infrastructure, of the residential dwelling unit, including but not limited to: (i) an energy
34 audit delivered under the Massachusetts residential conservation service pursuant to chapter 465

35 of the acts of 1980; (ii) a home energy rating conducted by a Home Energy Rating System rater
36 certified by the Residential Energy Services Network; or (iii) other energy evaluations
37 specifically designated by the department.

38 “Energy assessor”, a person or group of persons who conduct energy assessments,
39 calculate energy performance ratings, and produce energy scorecards, and who have met
40 minimum qualifications and quality assurance protocols established by the department.

41 SECTION 4. Said section 3 of said chapter 25A, as most recently amended by chapter
42 227 of the Acts of 2018, is hereby further amended by inserting after the definition of “Energy
43 management services” the following definition:-

44 “Energy performance rating”, a standardized numerical score or scores, calculated by an
45 energy assessor in a manner determined by the department, resulting from an energy assessment
46 conducted by an energy assessor and incorporated into an energy scorecard produced by an
47 assessor for a residential dwelling unit. For the purposes of sections 17(b)(2) and 17(b)(3) of
48 chapter 25A, an energy performance rating shall be valid for 8 years.

49 SECTION 5. Said section 3 of said chapter 25A, as most recently amended by chapter
50 227 of the Acts of 2018, is hereby further amended by inserting after the definition of “Energy
51 savings” the following definition:-

52 “Energy scorecard”, standard information, as determined by the department, to illustrate
53 the results of an energy assessment conducted by an energy assessor; provided that such
54 information shall contain, at a minimum, the address of the residential dwelling unit along with
55 the associated energy performance rating and, where appropriate, recommendations for energy

56 related improvements. Such information shall not contain any other personal data as defined in
57 section 1 of chapter 66A.

58 SECTION 6. Said section 3 of said chapter 25A, as most recently amended by chapter
59 227 of the Acts of 2018, is hereby amended by inserting after the definition of “Reseller” the
60 following definition:-

61 “Residential dwelling unit”, a stand-alone residential unit, or a residential unit within a
62 building of up to 4 residential units.

63 SECTION 7. Section 11G of said chapter 25A, as so appearing, is hereby amended by
64 inserting after the word “programs,” in line 9, the following words:- , including, but not limited
65 to, the use of energy scorecards,.

66 SECTION 8. Chapter 25A of the General Laws is hereby further amended by adding the
67 following section:-

68 Section 18. (a) The department shall develop and implement an energy scorecard
69 program to promote the disclosure of energy scorecards for residential dwelling units in the
70 commonwealth following an energy assessment by, at a minimum: (1) developing standard
71 requirements, formats and methodologies for conducting energy assessments, calculating energy
72 performance ratings, and producing energy scorecards; (2) setting minimum qualifications for
73 energy assessors; (3) providing training to energy assessors regarding the calculation of energy
74 performance ratings and the production of energy scorecards; and (4) developing appropriate
75 requirements and guidelines for providing an updated energy scorecard to the owner or lessee of
76 a residential dwelling unit following any subsequent modifications to a residential dwelling unit
77 that changes its energy performance.

78 (b) The energy scorecard program shall require:

79 (1) An energy assessor to calculate the energy performance rating, produce an energy
80 scorecard, and provide the energy scorecard to the department and to the owner, lessee, or both,
81 where applicable, of a residential dwelling unit following an energy assessment.

82 (2) An energy performance rating to be provided to a buyer or potential buyer of a
83 residential dwelling unit when the property is publicly listed for sale, and regardless of whether
84 the property is so listed, an energy scorecard to be provided to such buyer or potential buyer at or
85 before the execution of a purchase and sale agreement; provided, however, that the department
86 may specify the manner in which the energy performance rating or energy scorecard is provided
87 in accordance with this paragraph and may require the energy scorecard to be provided together
88 with the energy performance rating at time of public listing, where technologically feasible.

89 (3) An energy performance rating to be provided by landlords of residential dwelling
90 units and provided to potential renters when the property is publicly listed for rent, and
91 regardless of whether the property is so listed, an energy scorecard to be provided to such renter
92 or potential renter at or before the execution of a lease agreement; provided, however, that the
93 department may specific the manner in which the energy performance rating or energy scorecard
94 is provided in accordance with this paragraph and may require the energy scorecard to be
95 provided together with the energy performance rating at the time of public listing, where
96 technologically feasible; provided, further, that a landlord of a residential dwelling unit who pays
97 for utility services on behalf of a tenant shall not be required to acquire and provide energy
98 performance ratings under this section.

99 (c) The department shall promulgate rules and regulations to implement this section,
100 including, at a minimum, the following: (1) the manner of the provision of an energy scorecard
101 to a renter, buyer, or potential buyer of a residential dwelling unit, including whether an energy
102 scorecard shall be provided to a buyer or potential buyer: (i) by a seller of a residential dwelling
103 unit; (ii) by a real estate broker or real estate salesman, as defined by section 87PP of chapter
104 112, acting on behalf of the seller; or (iii) by some other means; (2) the implementation schedule
105 of the energy scorecards requirements for residential dwelling units, which may include
106 voluntary early adoption pilot programs for municipalities or municipal lighting plants; and (3)
107 any reasonable exemptions to the requirements of this section, which shall include, but not be
108 limited to, exemptions for certain emergency transactions, for owners of residential dwelling
109 units who do not have reasonable access to energy assessments or scorecards provided without
110 any fee to such owners, as determined by the department, and builders and developers of new
111 residential dwelling units in municipalities that have not adopted the stretch energy code,
112 pursuant to section 94 of chapter 143; and (4) any requirements for producing scorecards from
113 historical energy assessment data, where feasible.

114 (d) The department shall make available voluntary training for real estate brokers,
115 appraisers, lenders, home inspectors, and other interested professionals involved in residential
116 real estate transactions on the use of energy performance ratings and energy scorecards, and on
117 the requirements and best practices associated with providing energy scorecards to prospective
118 buyers.

119 (e) The department shall maintain energy performance ratings and may maintain energy
120 scorecards received from an energy assessor or authorize a third party to maintain said ratings
121 and scorecards; provided, however, that individual energy scorecards shall not be disclosed by

122 the department or any such third party without the consent of the owner of the residential
123 dwelling unit, unless otherwise prescribed in this section or permitted by law. Energy scorecards
124 received by the department pursuant to this section shall not be deemed to be a public record, as
125 defined in clause 26 of section 7 of chapter 4, and shall not be subject to a request for public
126 records under section 10 of chapter 66; provided however, that the department may release any
127 aggregation of energy scorecard information.

128 (f) This section shall not be construed to require, or authorize the department to require, a
129 municipal lighting plant to participate in the energy scorecard program, including by requiring
130 the provision of an energy scorecard following an energy audit or energy assessment provided
131 through a municipal lighting plant; provided, however, that if a municipal lighting plant
132 voluntarily agrees to participate in the energy scorecard program, such municipal lighting plant
133 shall be subject to the provisions of this section and any rules or regulations of the department
134 promulgated under this section.

135 SECTION 9. Section 94 of chapter 143 of the General Laws, as most recently amended
136 by chapter 6 of the acts of 2017, is hereby further amended by adding the following subsection:-

137 (s) In consultation with the department of energy resources, to promulgate rules or
138 regulations as part of the state building code for the submission of an energy scorecard, as
139 defined in section 3 of chapter 25A, to the department of energy resources in accordance with the
140 requirements of section 18 of said chapter 25A, following any energy assessment conducted for
141 compliance with the state building code.

142 SECTION 10. Subsection (a) of section 3 of chapter 465 of the acts of 1980, as most
143 recently amended by chapter 730 of the acts of 1989, is hereby further amended by adding the
144 following paragraph:-

145 (10) requiring all utilities, with the exception of municipal corporations, to provide
146 customers and the department of energy resources with energy scorecards, as defined in section 3
147 of chapter 25A of the General Laws, following: (i) an energy audit, and (ii) any subsequent
148 modifications to a residential dwelling unit, as defined in said section 3 of said chapter 25A, that
149 change the energy performance of such residential dwelling unit; provided, however, that the
150 utilities shall use historical energy audit data to provide energy scorecards, as determined to be
151 feasible by the department pursuant to section 18 of said chapter 25A.

152 SECTION 11. Subsection (g) of section 7 of said chapter 465, as most recently amended
153 by chapter 209 of the acts of 2012, is hereby further amended by adding the following sentence:-
154 All utilities, with the exception of municipal corporations, shall provide energy scorecards as
155 defined in section 3 of chapter 25A of the General Laws to the department of energy resources,
156 pursuant to section 18 of said chapter 25A.

157 SECTION 12. The department of energy resources shall promulgate regulations pursuant
158 to section 8 of this Act before January 1, 2020.

159 SECTION 13. The department of energy resources shall not require an energy assessor
160 to provide energy scorecards, as provided in paragraph (1) of subsection (b) of section 18 of
161 chapter 25A of the General Laws, before January 1, 2020.

162 SECTION 14. Not before January 1, 2021 but before January 1, 2023, the department of
163 energy resources shall require sellers of residential dwelling units to provide energy performance

164 ratings and energy scorecards, as provided in paragraph (2) of subsection (b) of section 18 of
165 chapter 25A.

166 SECTION 15. Not before January 1, 2022 but before January 1, 2024, the department of
167 energy resources shall require the landlords of residential dwelling units to provide energy
168 performance ratings and energy scorecards, as provided in paragraph (3) of subsection (b) of
169 section 18 of chapter 25A.

170 SECTION 16. Sections 9 through 11 of this Act, inclusive, shall take effect on January 1,
171 2021.