

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The energy scorecard program shall require:

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

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

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

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

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

(e) The department shall maintain energy performance ratings and may maintain energy scorecards received from an energy assessor or authorize a third party to maintain said ratings 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.

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

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

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

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

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

SECTION 14. Not before January 1, 2021 but before January 1, 2023, the department of 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.