HOUSE DOCKET, NO. 2161 FILED ON: 2/16/2021

HOUSE . . . . . No. 3334

The Commonwealth of Massachusetts

PRESENTED BY:

Adrian C. Madaro

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:	DATE ADDED:
Adrian C. Madaro	*1st Suffolk*	*2/16/2021*
Tami L. Gouveia	*14th Middlesex*	*2/26/2021*
Tricia Farley-Bouvier	*3rd Berkshire*	*2/26/2021*
James B. Eldridge	*Middlesex and Worcester*	*3/1/2021*
Elizabeth A. Malia	*11th Suffolk*	*3/16/2021*
Kay Khan	*11th Middlesex*	*6/29/2021*

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HOUSE . . . . . No. 3334

By Mr. Madaro of Boston, a petition (accompanied by bill, House, No. 3334) of Adrian C. Madaro and others relative to an energy assessment and a residential energy performance label system for use by sellers of residential dwellings. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2887* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, a seller or agent acting on behalf of the seller of a residential dwelling located in the commonwealth shall complete an energy assessment and an associated residential energy performance label as approved by the department of energy resources, hereinafter referred to as the department, prior to the time of sale. This section shall apply to a seller of a single-family residential dwelling or a multiple-family residential dwelling with fewer than 5 units, or a condominium unit.

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

(c) This section shall not apply to sales of residential dwellings in the following circumstances: (1) a foreclosure or pre-foreclosure sale; (2) a deeded or trustee sale; (3) a transfer of title related to the exercise of eminent domain; (4) a sale from one family member to another family member; (5) a sale under court order; (6) a sale under degree of legal separation or divorce; (7) the dwelling is designated on the National Register of Historic Places or the Massachusetts Register of Historic Places as a historic building or landmark; (8) an energy assessment was conducted within the last 3 years through the Mass Save program, or by the low-income residential demand-side management and education programs pursuant to section 19(c) of chapter 25, or another qualified energy efficiency provider as determined by the department; (9) where utility service is provided to an owner-occupant under a low-income rate pursuant to section 1F(4)(i) of chapter 164; (10) the dwelling was constructed within the last 3 years and can demonstrate compliance with the most recent energy provisions of the state building code for residential buildings; or (11) the dwelling has completed a Home Energy Rating System (HERS) rating as offered by a RESNET qualified home energy rater.

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

(b) Said energy assessment and residential energy performance label shall provide a consistent rating or scoring method regarding the energy performance of residential dwellings that provides information to potential buyers based upon the physical assets of the property. The energy assessment shall consider, but not be limited to, information regarding annual energy consumption, energy costs for electricity and thermal needs, a home’s envelope, including the foundation, roof, walls, insulation and windows, and heating, cooling, and hot water systems,

and annual carbon emissions. The energy assessment shall then be used to formulate a rating or score that will be incorporated into the residential energy performance label.

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

(d) The department shall conclude the stakeholder process and adopt the energy assessment and residential energy performance label no later than December 15, 2022, and shall begin implementing the system no later than June 30, 2023, or 9 months after the enactment of this statute, whichever is later.