

**HOUSE . . . . . No. 3217**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jeffrey N. Roy*

*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 consumer access to residential energy information.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/19/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>6/8/2023</i>

**HOUSE . . . . . No. 3217**

By Representative Roy of Franklin, a petition (accompanied by bill, House, No. 3217) of Jeffrey N. Roy relative to consumer access to residential energy information. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to consumer access to residential energy information.

*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. Clause (iv) of paragraph (1) of subsection (c) of section 22 of chapter 21A  
2 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking  
3 out, in line 88, the words “and demand response; and” and inserting in place thereof the  
4 following words:- demand response, greenhouse gas mitigation and climate change adaptation;.

5 SECTION 2. Said paragraph (1) of said subsection (c) of said section 22 of said chapter  
6 21A, as so appearing, is hereby further amended by adding the following 4 clauses:-

7 (vi) to provide assistance with the implementation of residential greenhouse gas  
8 mitigation, including but not limited to supporting workforce development and training for  
9 energy assessors, as defined in section 3 of chapter 25A, renewable energy investments, and  
10 thermal and electric energy efficiency improvements conducted following the provision of an  
11 energy scorecard to the owner or lessee of a residential dwelling unit, as defined in said section 3  
12 of said chapter 25A, pursuant to section 17 of said chapter 25A;

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

16 (viii) to provide grants to municipalities and municipal lighting plants that participate in  
17 the energy scorecard program, established by said section 17 of said chapter 25A, for energy  
18 assessments, as defined in said section 3 of said chapter 25A, and residential greenhouse gas  
19 mitigation measures, including but not limited to renewable energy investments and thermal and  
20 electric energy efficiency improvements; provided, however, that the department shall annually  
21 make available to participating municipal lighting plants a certain percentage of total available  
22 RGGI grant funding, which percentage shall be not less than the percentage of statewide annual  
23 electric load attributed to municipal lighting plants in the previous year; and

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

30 SECTION 3. Subsection (a) of section 19 of chapter 25 of the General Laws, as so  
31 appearing, is hereby amended by striking out, in lines 13 to 19, the words “cap and trade  
32 pollution control programs, including, but not limited to, and subject to section 22 of chapter  
33 21A, not less than 80 per cent of amounts generated by the carbon dioxide allowance trading  
34 mechanism established under the Regional Greenhouse Gas Initiative Memorandum of

35 Understanding, as defined in subsection (a) of section 22 of chapter 21A, and the NOx  
36 Allowance Trading Program; and (3)”.

37 SECTION 4. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby  
38 amended by inserting after the definition of “End-user” the following 2 definitions:-

39 “Energy assessment”, an on-site evaluation of the energy performance of a residential  
40 dwelling unit by an energy assessor, based on the physical characteristics, including renewable  
41 energy infrastructure, of the residential dwelling unit, including but not limited to: (i) an energy  
42 audit delivered under the Massachusetts residential conservation service pursuant to chapter 465  
43 of the acts of 1980; (ii) a home energy rating conducted by a Home Energy Rating System rater  
44 certified by the Residential Energy Services Network; or (iii) other energy assessments  
45 specifically designated by the department.

46 “Energy assessor”, a person or group of persons who conduct energy assessments and  
47 who have met the minimum qualifications and quality assurance protocols established by the  
48 department, pursuant to subsection (a) of section 17 of chapter 25A.

49 SECTION 5. Said section 3 of said chapter 25A, as so appearing, is hereby further  
50 amended by inserting after the definition of “Energy management services” the following  
51 definition:-

52 “Energy performance rating”, a standardized numerical score or scores, calculated in a  
53 manner determined by the department, resulting from an energy assessment performed by an  
54 energy assessor and incorporated into an energy scorecard for a residential dwelling unit.

55 SECTION 6. Said section 3 of said chapter 25A, as so appearing, is hereby further  
56 amended by inserting after the definition of “Energy savings” the following definition:-

57 “Energy scorecard”, standard information, as determined by the department, to illustrate  
58 the results of an energy assessment performed by an energy assessor; provided that such  
59 information shall contain, at a minimum, the address of the residential dwelling unit along with  
60 the associated energy performance rating and, where appropriate, recommendations for energy  
61 related improvements. Such information shall not contain any other personal data as defined in  
62 section 1 of chapter 66A.

63 SECTION 7. Said section 3 of said chapter 25A, as so appearing, is hereby amended by  
64 inserting after the definition of “Reseller” the following definition:-

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

67 SECTION 8. Section 11G of said chapter 25A, as so appearing, is hereby amended by  
68 inserting after the word “programs,” in line 9, the following words:- , including, but not limited  
69 to, the use of energy scorecards,.

70 SECTION 9. Chapter 25A of the General Laws is hereby amended by adding the  
71 following section:-

72 Section 17. (a) The department shall develop and implement an energy scorecard  
73 program to promote the disclosure of energy scorecards for residential dwelling units in the  
74 commonwealth following an energy assessment by, at a minimum: (1) developing a standard  
75 format and methodology for energy scorecards and energy performance ratings; (2) identifying

76 minimum qualifications for energy assessors to produce energy scorecards which may include  
77 but not be limited to standardizing qualifications for energy assessors throughout the  
78 commonwealth, and protocols for quality assurance of assessments; (3) providing training to  
79 energy assessors regarding the production of energy scorecards; (4) developing requirements for  
80 the method by which an energy scorecard is provided to the department following an energy  
81 assessment; and (5) developing appropriate requirements and guidelines for providing an  
82 updated scorecard to the owner or lessee of a residential dwelling unit following any subsequent  
83 modifications to a residential dwelling unit that change its energy performance.

84 (b) The energy scorecard program shall require:

85 (1) An energy assessor to provide an energy scorecard to the department and to the  
86 owner, lessee, or both, where applicable, of a residential dwelling unit following an energy  
87 assessment. Nothing in this section shall preclude an energy assessor from voluntarily providing  
88 an energy scorecard to the owner or lessee of a residential dwelling unit following an energy  
89 assessment.

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

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

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

117 (e) The department may maintain energy scorecards received from an energy assessor or  
118 authorize a third party to maintain this information; provided, however, that individual energy  
119 scorecards shall not be disclosed by the department or any such third party without the consent of

120 the owner of the residential dwelling unit, unless otherwise prescribed in this section or  
121 permitted by law. Energy scorecards received by the department pursuant to this section shall  
122 not be deemed to be a public record, as defined in clause 26 of section 7 of chapter 4, and shall  
123 not be subject to a request for public records under section 10 of chapter 66; provided however,  
124 that the department may release any aggregation of energy scorecard information.

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

132 SECTION 10. Section 94 of chapter 143 of the General Laws, as most recently amended  
133 by chapter 6 of the acts of 2017, is hereby further amended by adding the following subsection:-

134 (s) In consultation with the department of energy resources, to promulgate rules or  
135 regulations as part of the state building code for the submission of an energy scorecard, as  
136 defined in section 3 of chapter 25A, to the department of energy resources in accordance with the  
137 requirements of section 17 of said chapter 25A, following any energy assessment conducted for  
138 compliance with the state building code.

139 SECTION 11. Subsection (a) of section 3 of chapter 465 of the acts of 1980, as most  
140 recently amended by chapter 730 of the acts of 1989, is hereby further amended by adding the  
141 following paragraph:-



142 (10) requiring all utilities, with the exception of municipal corporations, to provide  
143 customers and the department of energy resources with energy scorecards, as defined in section 3  
144 of chapter 25A of the General Laws, following: (i) an energy audit, and (ii) any subsequent  
145 modifications to a residential dwelling unit, as defined in said section 3 of said chapter 25A, that  
146 change the energy performance of such residential dwelling unit; provided, however, that the  
147 utilities shall use historical energy audit data to provide energy scorecards, as determined to be  
148 feasible by the department pursuant to section 17 of said chapter 25A.

149 SECTION 12. Subsection (g) of section 7 of said chapter 465, as most recently amended  
150 by chapter 209 of the acts of 2012, is hereby further amended by adding the following sentence:-  
151 All utilities, with the exception of municipal corporations, shall provide energy scorecards as  
152 defined in section 3 of chapter 25A of the General Laws to the department of energy resources,  
153 pursuant to section 17 of said chapter 25A.

154 SECTION 13. The department of energy resources shall promulgate regulations pursuant  
155 to section 9 of this Act before January 1, 2020.

156 SECTION 14. The department of energy resources shall not require an energy assessor to  
157 provide energy scorecards, as provided in paragraph (1) of subsection (b) of section 17 of chapter  
158 25A of the General Laws, before January 1, 2020.

159 SECTION 15. The department of energy resources shall not require the disclosure of  
160 energy performance ratings or energy scorecards, as provided in paragraph (2) of subsection (b)  
161 of section 17 of chapter 25A, before January 1, 2021.

162 SECTION 16. Sections 10 through 12, inclusive, of this Act shall take effect on January  
163 1, 2020.