

SENATE No.

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 establish home energy efficiency ratings.

PETITION OF:

NAME:

Michael J. Barrett

DISTRICT/ADDRESS:

Third Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2078 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to establish home energy efficiency ratings.

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. Subsection (iv) of paragraph (1) of subsection (c) of section 22 of chapter
2 21A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by
3 striking out, the second time it appears, the word “and”.

4 SECTION 2. Subsection (v) of paragraph (1) of subsection (c) of said section 22 of said
5 chapter 21A, as so appearing, is hereby amended by striking out the word “.” and inserting in
6 place thereof the following words:- ; and.

7 SECTION 3. Paragraph (1) of subsection (c) of said section 22 of said chapter 21A, as so
8 appearing, is hereby further amended by adding the following clause:-

9 (vi) to fund grants to participating municipalities, and to nonprofit community
10 organizations and municipal lighting plants within participating municipalities, for purposes

11 related to participation in the municipal opt-in energy performance rating program established
12 pursuant to section 21 of chapter 25A of the General Laws, including but not limited to,
13 facilitating energy assessments, facilitating energy performance ratings, assisting homeowners
14 and landlords with meeting compliance costs, including but not limited to, the costs of energy
15 assessments and energy performance ratings, and supporting workforce development and
16 training for energy assessors pursuant to chapter 25A.

17 SECTION 4. Subsection (a) of section 19 of chapter 25 of the General Laws, as
18 appearing in the 2022 Official Edition, is hereby amended by adding, in the first sentence, after
19 the words "demand side management programs" the following words:- , and the municipal opt-in
20 energy performance rating program established pursuant to section 21 of chapter 25A of the
21 General Laws.

22 SECTION 5. Section 3 of chapter 25A of the General Laws, as appearing in the 2022
23 Official Edition, is hereby amended by inserting after the definition of "End-user" the following
24 2 definitions:-

25 "Energy assessment", an on-site evaluation by an energy assessor of the energy
26 performance of a residential dwelling unit, based on the physical characteristics, including
27 renewable energy infrastructure, of the residential dwelling unit, including but not limited to: (a)
28 an energy audit, as defined in this section, delivered as part of the Massachusetts residential
29 conservation service established in chapter 465 of the acts of 1980; (b) a home energy rating
30 conducted by a Home Energy Rating System rater certified by the Residential Energy Services
31 Network; or (c) other energy evaluations specifically designated by the department. For the
32 purposes of this section, an energy assessment shall be valid for 8 years.

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

36 SECTION 6. Said section 3 of said chapter 25A, as so appearing, is hereby further
37 amended by inserting after the definition of “Energy management services” the following
38 definition:-

39 “Energy performance rating”, information of a standardized nature in a standardized
40 format, all as determined by the department, presenting the results of a valid energy assessment
41 conducted by an energy assessor. Such information shall not contain any unnecessary personal
42 data as defined in section 1 of chapter 66A.

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

45 “Residential dwelling unit”, any building or dwelling of which 50 percent or more of the
46 gross floor area, including hallways and other common space serving residents but excluding
47 parking, is used for dwelling purposes, or any grouping of residential buildings designated by the
48 department or a municipality as an appropriate reporting unit for the purposes of section 21 of
49 this chapter.

50 SECTION 8. Section 11G of said chapter 25A, as appearing in the 2022 Official Edition,
51 is hereby amended by inserting after the word "programs," in line 3, the following words:- ,
52 including, but not limited to, the use of energy performance ratings.

53 SECTION 9. Said section 11G of said chapter 25A, as so appearing, is hereby further
54 amended by inserting after the word "programs," in line 9, the following words:- , including, but
55 not limited to, the use of energy performance ratings,.

56 SECTION 10. Said chapter 25A is hereby further amended by adding the following
57 section:-

58 Section 21. (a) The department shall develop and implement a municipal opt-in energy
59 performance rating program requiring the conduct of energy assessments, the calculation of
60 energy performance ratings and the sharing of said ratings with buyers or prospective buyers and
61 lessees or prospective lessees before the sale or lease of a residential dwelling unit, including a
62 newly constructed residential dwelling unit, in the commonwealth. Said program shall at a
63 minimum provide for: (1) development of standard requirements, protocols, formats and
64 methodologies for conducting energy assessments and producing and calculating energy
65 performance ratings; (2) the setting of minimum qualifications for energy assessors to produce
66 and calculate energy performance ratings, which may include, but shall not be limited to,
67 standardizing qualifications for energy assessors throughout the commonwealth as well as
68 protocols for assuring the quality of energy assessments and energy performance ratings; (3)
69 training to energy assessors regarding the conduct of energy assessments and the production and
70 calculation of energy performance ratings; (4) development of requirements and protocols
71 regarding the method, manner and format in which energy performance ratings are to be
72 provided to owners, buyers, prospective buyers, lessees, prospective lessees and the department;
73 (5) development of requirements and protocols regarding the method, manner and format in
74 which updated performance ratings are to be provided following modifications to a residential
75 dwelling unit that materially changes its energy performance; (6) provision of grants to

76 participating municipalities and to nonprofit community organizations and municipal lighting
77 plants within participating communities for purposes related to participation in said energy
78 performance rating program, including, but not limited to, facilitating energy assessments,
79 facilitating energy performance ratings, assisting homeowners and landlords with meeting
80 compliance costs, including, but not limited to, the costs of obtaining energy assessments and
81 energy performance ratings, and supporting workforce development and training for energy
82 assessors pursuant to implementation of this section; and (7) provision of grants to energy
83 assessment providers and other similar entities to cover costs associated with adapting home
84 energy assessment methodologies and software to provide the standardized information required
85 for the municipal opt-in energy performance rating program established pursuant to this section
86 and to cover costs associated with the use of historical home energy assessment data that may be
87 utilized to produce energy performance ratings where feasible and practical, as determined by the
88 department.

89 (b) The energy performance rating program shall require: (1) energy assessors to provide
90 the owner, the lessee or lessees, or both where applicable, with an energy performance rating of a
91 residential dwelling unit following an energy assessment of the unit; provided, that assessors
92 shall also provide the rating to the department; and, provided further, that the department may by
93 rule or regulation specify the method, manner and format in which said ratings are to be
94 provided; and (2) an energy performance rating to be provided to buyers or prospective buyers
95 when the property is publicly listed for sale and to lessees or prospective lessees when the
96 property is publicly listed for rent or leasing; provided, that the department may by rule or
97 regulation specify the method, manner and format in which said rating is to be provided; and,
98 provided further, that a landlord of a residential dwelling unit who pays for utility services on

99 behalf of a lessee or tenant shall not be required to acquire and provide energy performance
100 ratings under this section.

101 (c) The department shall, in consultation with the state board of building regulations and
102 standards, promulgate rules and regulations to implement this section, including, but not limited
103 to: (1) the matters specified elsewhere in this section; (2) the process of providing an energy
104 performance rating to a buyer, prospective buyer, lessee or prospective lessee, including whether
105 said rating shall be provided (i) by a seller of the residential dwelling unit; (ii) by a real estate
106 broker or real estate salesman, as defined by section 87PP of chapter 112, acting on behalf of the
107 seller; or (iii) by some other means; (3) the phase-in and implementation schedule, within the
108 bounds permitted by law, of energy performance rating requirements; (4) exemptions to the
109 requirements of this section that it may deem reasonable, which may include exemptions for
110 certain emergency transactions and for owners of residential dwelling units who do not have
111 reasonable access to energy assessments provided without substantial fee to such owners, as
112 determined by the department; and (5) requirements and protocols for producing scorecards from
113 historical energy assessment data, if the department determines that so doing is feasible and
114 practical.

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

120 (e) The department shall maintain energy performance ratings received from an energy
121 assessor or shall authorize a third party to maintain said ratings; provided, that individual energy
122 scorecards shall not be disclosed by the department or any such third party without the consent of
123 the owner of the residential dwelling unit, unless otherwise prescribed in this section or
124 permitted by law. Energy performance ratings received by the department pursuant to this section
125 shall not be deemed a public record, as defined in clause 26 of section 7 of chapter 4 and shall
126 not be subject to a request for public records under section 10 of chapter 66; provided, however,
127 that the department may release any aggregation of energy performance ratings.

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

135 SECTION 11. Subsection (a) of section 3 of chapter 465 of the acts of 1980 is hereby
136 amended by adding the following paragraph:-

137 (10) requiring all utilities, with the exception of municipal corporations, to provide
138 customers and the department of energy resources with energy performance ratings as defined in
139 section 3 of chapter 25A of the General Laws, following: (a) an energy audit or energy
140 assessment; or (b) any subsequent modifications to a residential dwelling unit, as defined in said
141 section 3 of said chapter 25A, that materially changes the energy performance of such residential

142 dwelling unit; provided, that utilities shall use historical energy audit data to provide and
143 calculate energy performance ratings if so doing is determined to be feasible and practical by the
144 department pursuant to section 21 of said chapter 25A.

145 SECTION 12. Subsection (g) of section 7 of said chapter 465 is hereby amended by
146 adding the following sentence:- All utilities, with the exception of municipal corporations, shall
147 provide energy performance ratings as defined in section 3 of chapter 25A of the General Laws
148 to the department of energy resources, pursuant to section 21 of said chapter 25A.

149 SECTION 13. To develop and implement the municipal opt-in energy performance rating
150 program required by section 21(a) of chapter 25A of the General Laws, the department of energy
151 resources shall: (a) hold not less than 6 public hearings in geographically diverse locations
152 representing rural, suburban and urban households, at least 2 of which shall be held in
153 communities with a high percentage of middle-income households and at least 2 of which shall
154 be held in communities with a high percentage of low-income households; and (b) establish the
155 municipal opt-in energy performance rating program required by said section 21(a) not earlier
156 than 18 months after the effective date of said section and not later than 30 months after the
157 effective date of said section. Within the bounds permitted by law, the department may vary
158 requirements based on building types and uses. Notwithstanding any special or general law, rule
159 or regulation to the contrary, any municipality may adopt the municipal opt-in energy
160 performance rating program following its establishment.

161 SECTION 14. Not earlier than 18 months after the effective date of section 21(a) of
162 chapter 25A of the General Laws and not later than 30 months after the effective date of said

163 section, the department of energy resources shall require an energy assessor to provide an energy
164 performance rating as provided for in subsection (b) of said section 21 of chapter 25A.

165 SECTION 15. Not earlier than 18 months after the effective date of section 21(a) of
166 chapter 25A of the General Laws and not later than 30 months after the effective date of said
167 section, the department of energy resources shall require an energy performance rating to be
168 provided to buyers or prospective buyers when a property is publicly listed for sale, and to
169 lessees or prospective lessees when a property is publicly listed for rent or leasing, as provided
170 for in subsection (b) of said section 21 of chapter 25A.