

1 H.119

2 Introduced by Representatives Sharpe of Bristol and McCullough of Williston

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; building energy efficiency; building energy
6 disclosure; multi-family residential buildings

7 Statement of purpose of bill as introduced: This bill proposes to require energy
8 disclosures to prospective tenants in multi-family residential buildings and to
9 prospective purchasers of these buildings. Tools for the energy disclosure
10 would be available during 2016 for voluntary use, and the requirement for
11 disclosure would commence in 2017.

12 An act relating to energy disclosure for multi-family residential buildings

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 30 V.S.A. chapter 2, subchapter 2 is added to read:

15 Subchapter 2. Building Energy Disclosure

16 § 61. DEFINITIONS

17 In this subchapter:

18 (1) “Btu” means a British thermal unit.

19 (2) “Department” means the Department of Public Service created under
20 3 V.S.A. § 212 and section 1 of this title.

1 (3) “Multi-family residential building” means a residential building
2 containing more than one residential unit.

3 (4) “Owner” means a person who has title to or the power to sell a
4 multi-family residential building or to lease a residential unit in such a building
5 and includes the person’s agent.

6 (5) “Person” shall have the same meaning as in 1 V.S.A. § 128.

7 (6) “Residential building” means a building that contains space that
8 meets or is intended to meet the living needs of one or more individuals.

9 (7) “Residential unit” means a separately enclosed space within a
10 building that meets or is intended to meet the living needs of one or more
11 individuals.

12 § 62. DISCLOSURE TOOL

13 (a) The Department shall select or develop one or more tools that:

14 (1) the owner of a multi-family residential building may use to disclose
15 the energy performance of a residential unit in the building to a prospective
16 tenant or to disclose the energy performance of the building to a prospective
17 buyer; and

18 (2) a prospective tenant may use to compare the energy performance of
19 residential units in multiple multi-family residential buildings.

20 (b) The Department shall ensure that a disclosure tool selected or
21 developed for use under this section meets each of the following criteria:

1 (1) The tool shall be readily and publicly available at no charge to the
2 end user.

3 (2) The tool shall be available on the Internet and shall be capable of
4 being completed and saved by a person using a web browser.

5 (3) A tool selected or developed by the Department shall result in a
6 rating that can be presented as a single number on a visual scale to allow
7 comparison with other multi-family residential buildings or residential units
8 rated with the same tool. To the extent feasible, the tool also shall:

9 (A) compare the rating to other buildings or units of the same type as
10 the building or unit being rated;

11 (B) produce an estimate, in Btus, of the site energy consumption of
12 the building or unit, based on standardized weather and occupancy conditions;

13 (C) state the square footage of the building or unit and the energy
14 consumed in Btus per square foot;

15 (D) state an estimated annual energy cost; and

16 (E) itemize the data supplied by the user to reach the rating.

17 (4) The tool shall predict with reasonable accuracy the energy
18 performance of the multi-family residential building or residential unit
19 assuming an average occupant, and its results shall be repeatable.

20 (c) The Department shall provide for broad public notice of and an
21 opportunity to comment on any proposed tool or tool revision under this

1 section, including notice on its web page and notice to relevant associations
2 and persons such as mortgage lenders, associations of persons licensed to
3 engage in the business of selling or appraising real property in Vermont, the
4 Vermont Bar Association, and each entity appointed to deliver energy
5 efficiency under subdivision 209(d)(2) of this title.

6 § 63. DISCLOSURE TO PROSPECTIVE TENANT OR BUYER

7 (a) Disclosure. The owner of a multi-family residential building shall
8 provide a prospective tenant of a residential unit in the building and a
9 prospective buyer of the building with an energy disclosure for the unit or
10 building using the applicable tool selected or developed by the Department
11 under section 62 of this title.

12 (1) The owner shall provide the prospective tenant or buyer with this
13 disclosure on or before the date on which the owner physically shows the
14 residential unit or multi-family residential building to the prospective tenant or
15 buyer.

16 (2) In the event that the owner does not physically show the relevant
17 residential unit or multi-family residential building to the prospective buyer or
18 tenant, the owner shall provide the energy disclosure on or before the date on
19 which the buyer executes a contract for sale of the building or the tenant
20 executes a lease for the residential unit or, if there is no written lease, on which
21 the tenant occupies the residential unit.

1 (b) Creation. The owner shall create the energy disclosure not more than
2 two years prior to its provision to a prospective tenant or buyer unless within
3 that two-year period there has been an addition, alteration, renovation, or repair
4 to the building to which the building energy standards under section 51
5 (residential building energy standards) or 53 (commercial building energy
6 standards) of this title would apply, in which case the owner shall create the
7 energy disclosure on or after the date on which the addition, alteration,
8 renovation, or repair was completed.

9 § 64. ELECTION NOT TO RENT OR CLOSE

10 (a) If the owner of a multi-family residential building has not complied
11 with this subchapter, a prospective tenant may without penalty elect to not rent
12 and a tenant may without penalty elect to vacate a residential unit in a
13 multi-family residential building, if the tenant makes this election by written
14 notice to the owner within 30 days of executing a lease for the residential unit
15 or, if there is no written lease, of occupying the residential unit. A tenant who
16 has occupied a residential unit shall vacate the unit within 21 days of election
17 or the election shall be void. Any deposit and rent paid shall be returned to the
18 tenant within 30 days of the election.

19 (b) If the owner of a multi-family residential building has not complied
20 with this subchapter, a prospective buyer may without penalty elect by written
21 notice to the owner not to close on or take title to a multi-family residential

1 building, and any deposit paid shall be returned to the buyer within 30 days of
2 the election.

3 Sec. 2. INITIAL TOOL SELECTION; IMPLEMENTATION

4 (a) On or before December 15, 2015, the Department of Public Service
5 shall make the initial selection or complete the initial development of a
6 building energy disclosure tool that meets the requirements of Sec. 1 of this
7 act, 30 V.S.A. § 62. In selecting or developing this tool, the Department shall
8 build on the work performed pursuant to 2013 Acts and Resolves No. 89,
9 Sec. 12 (disclosure tool working group; reports). Use of the same working
10 group process described under Sec. 12 of that act for the initial selection or
11 development of this tool shall be considered sufficient to comply with the
12 requirements of 30 V.S.A. § 62(c) (public notice and comment).

13 (b) On or before January 1, 2016, the Department shall make the building
14 energy disclosure tool required by 30 V.S.A. § 62 publicly available for
15 voluntary use during calendar year 2016. The Department shall make
16 reasonable efforts during that year to ensure broad notice and dissemination of
17 this disclosure tool.

18 Sec. 3. EFFECTIVE DATES

19 This act shall take effect on July 1, 2015, except that in Sec. 1, 30 V.S.A.
20 §§ 63 (disclosure to prospective tenant or buyer) and 64 (election not to rent or
21 close) shall take effect on January 1, 2017.