

1 H.24

2 Introduced by Representatives Peltz of Woodbury and Klein of East

3 Montpelier

4 Referred to Committee on

5 Date:

6 Subject: Building energy standards; RBES and CBES certificates; property;

7 conveyance of real estate; marketable record title; property transfer

8 return

9 Statement of purpose: This bill proposes to require a seller of property
10 containing a structure that must comply with the residential or commercial
11 building energy standards to transfer the RBES or CBES certificate to the
12 buyer at closing and certify on the property transfer return that the RBES or
13 CBES certificate was transferred to the buyer.

14 An act relating to requiring the transfer of RBES and CBES certificates
15 when property is conveyed

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

17 Sec. 1. 21 V.S.A. § 270 is added to read:

18 § 270. TRANSFER OF CERTIFICATE WITH PROPERTY CONVEYANCE

19 At the closing for a sale of real property containing a residential or
20 commercial building subject to the requirements of this subchapter, the seller

1 shall transfer the RBES or CBES certificate to the buyer pursuant to
2 27 V.S.A. § 617.

3 Sec. 2. 27 V.S.A. § 617 is added to read:

4 § 617. CERTIFICATES AT CLOSING; RESIDENTIAL AND
5 COMMERCIAL BUILDING ENERGY STANDARDS

6 (a) Transfer of certificate with conveyance of property. At the closing for a
7 sale of real property containing a residential or commercial building subject to
8 the residential or commercial building energy standards in 21 V.S.A. §§ 266
9 and 268, the seller shall transfer the RBES or CBES certificate to the buyer.

10 (b) Marketability of title. Noncompliance with the requirements of this
11 section shall not affect the marketability of title of a property.

12 (c) Right to terminate. A buyer shall have the right to terminate a binding
13 contract for the sale of real estate if, at closing, the seller fails to transfer an
14 RBES or CBES certificate required by 21 V.S.A. chapter 3, subchapter 9.

15 Sec. 3. 32 V.S.A. § 9606 is amended to read:

16 § 9606. PROPERTY TRANSFER RETURN

17 (a) A property transfer return complying with this section shall be delivered
18 to a town clerk at the time a deed evidencing a transfer of title to property is
19 delivered to the clerk for recording.

20 * * *

1 (h) The property transfer return required under this section shall also
2 contain a certification signed under oath or affirmation by the seller certifying
3 that the seller transferred to the buyer the RBES or CBES certificate, if the
4 property contains a building subject to the residential or commercial building
5 energy standards in 21 V.S.A. § 266 or 268.

6 Sec. 4. EFFECTIVE DATES

7 (a) This section shall take effect on passage.

8 (b) Secs. 1 (transfer of certificate with property conveyance) and
9 2 (certificates at closing; residential and commercial building energy
10 standards) of this act shall take effect on July 1, 2013.

11 (c) Sec. 3 (property transfer return) of this act shall take effect on
12 January 1, 2014.