

HOUSE ENERGY AND TECHNOLOGY  
**OVERVIEW: SESSION LAW ON BUILDING ENERGY DISCLOSURE**  
Office of Legislative Council Jan. 24, 2017

- 2011 Acts and Resolves No. 56, Sec. 20d created a *Working Group on Building Energy Disclosure* that filed a report with the General Assembly in Dec. 2011.
  - Broad charge: “[T]o study whether and how to require disclosure of the energy efficiency of commercial and residential buildings in order to make data on building energy performance visible in the marketplace for real property and inform the choices of those who may purchase or rent such property.”
  - 2011 [Legislative Report](#) of the Working Group (click to access)
- 2013 Acts and Resolves No. 89, Sec. 12 required the *Dept. of Public Service to convene a further working group* on develop a disclosure tool, with a series of reports due over the next few years:
  - A report by 12/15/13 on developing a residential building energy disclosure tool [DPS 2013 report on residential disclosure tool](#) (click to access)
  - A report by 12/15/14 on developing a commercial building energy disclosure tool [DPS 2014 report on commercial/multifamily disclosure](#)
  - A report by 12/15/16 per Sec 12(e) (language set forth below [DPS 2016 report on building energy disclosure](#))

“(e) On or before December 15, 2016, the Department shall further report to the General Assembly in writing on the development and use of disclosure tools under this section. This report shall:

- (1) identify the tools selected or adopted by the Working Group under this subsection;
- (2) describe the efforts made to disseminate the tools for public use;
- (3) describe, to the extent feasible, the frequency of the tools’ use, including their relative use by sector, such as residential or commercial, and the contexts in which the tools were used, such as property sale or lease;
- (4) analyze and recommend whether building energy disclosure requirements should be made mandatory for one or more sectors and whether any such requirement should be met by all subject properties by a date certain or whether it should be triggered by an event such as time of sale or lease; and
- (5) include the Department’s proposed legislation to implement its recommendation under subdivision (4) of this subsection.”

Attachments: full text of 2011 Acts and Resolves No. 56, Sec. 20d and 2013 Acts and Resolves No. 89, Sec. 12

**2011 ACTS AND RESOLVES NO. 47, SEC. 20D**

\* \* \* Building Energy Disclosure; Working Group \* \* \*

**Sec. 20d. WORKING GROUP ON BUILDING ENERGY DISCLOSURE**

(a) Creation of working group. There is created a working group on building energy disclosure to study whether and how to require disclosure of the energy efficiency of commercial and residential buildings in order to make data on building energy performance visible in the marketplace for real property and inform the choices of those who may purchase or rent such property.

(b) Membership. The building energy disclosure working group (the working group) shall be composed of the following members:

- (1) A member of the senate appointed by the committee on committees.
- (2) A member of the house appointed by the speaker of the house.
- (3) The commissioner of public service or designee.
- (4) The secretary of commerce and community development or designee.
- (5) A real estate broker licensed in Vermont appointed by the governor from a list of three names recommended by the Vermont association of realtors.
- (6) A representative of an entity appointed pursuant to 30 V.S.A. § 209(d)(2) to deliver energy efficiency services to multiple utility service territories, designated by the entity.
- (7) A real estate appraiser licensed in Vermont appointed by the governor.
- (8) A building construction contractor appointed by the governor.
- (9) A representative of the Vermont homebuilders and remodelers association designated by the association.
- (10) A person who is an accredited provider of energy rating services under the process adopted by the department of public service pursuant to 21 V.S.A. § 267, appointed by the governor.
- (11) A person with expertise in energy policy appointed by the governor.
- (12) A person who is an active member of a local energy committee that is part of the Vermont energy and climate action network, appointed by the governor from a list of three names recommended by that network.
- (13) A representative of a financial institution appointed by the governor from a list of three names submitted by the Vermont bankers association and the association of Vermont credit unions.
- (14) A representative of the Vermont housing finance agency designated by the agency.
- (15) A member of the Vermont Bar Association with experience in the conveyance of real property designated by the association.
- (16) A representative of the heating service industry designated by the Vermont Fuel Dealers Association.

(c) Structure; decision-making. The working group shall elect two co-chairs from its membership, one of whom shall be a legislative member. The provisions of 1 V.S.A. § 172 (joint authority to three or more) shall apply to the meetings and decision-making of the working group.

(d) Issues. The working group shall consider the following:

(1) Whether there should be requirements to disclose building energy performance, that is, to disclose the energy use of buildings in a standardized manner that allows comparison and assessment of energy use among multiple buildings.

(2) Requirements for disclosure of building energy performance that have been adopted in other jurisdictions and model codes or statutes that have been published relating to such disclosure.

(3) If requirements to disclose building energy performance as described in subdivision (1) of this subsection were to be adopted:

(A) To whom should such disclosure be made (e.g., prospective buyers, prospective renters, the general public, the state).

(B) When such disclosure, if any, should be required (e.g., time of offer for sale, execution of contract for sale, at regular intervals).

(C) Which properties, if any, should be exempt from such requirements.

(D) For which markets (e.g., residential property, commercial property, purchase of property, rental of property) such disclosure, if any, should be required, and whether there should be a phase-in of any requirements for disclosure.

(E) What type or types of building energy ratings and audits should be employed.

(F) Whether the state should subsidize the cost of energy audits (e.g., for low income housing) and what sources of funding would be used to support the subsidy.

(4) Any other issue relevant to the question of disclosing building energy performance as described in subdivision (1) of this subsection.

(e) Report. On or before December 15, 2011, the working group shall submit to the general assembly its recommendation on whether the state of Vermont should adopt requirements on disclosure of building energy performance and recommended legislation on such disclosure if the general assembly were to choose to adopt such requirements.

(f) Assistance. For the purpose of its study of the issues identified in subsection (d) of this section and the preparation of its recommendation pursuant to subsection (e) of this section on whether the state should adopt requirements on building energy performance, the working group shall have the administrative, technical, and legal assistance of the department of public service and of the agency of commerce and community development. For the purpose of scheduling meetings and preparing its recommended legislation pursuant to subsection (e) of this section, the working group shall have the assistance of the office of legislative council.

(g) Meetings; term of working group; reimbursement. The working group may meet no more than four times during adjournment of the general assembly, and shall cease to exist on July 1, 2012.

(h) Reimbursement. For attendance at meetings during adjournment of the general assembly, legislative members of the working group shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406; and other members of the working group who are not employees of the state of Vermont and whose participation is not supported by their employment or association shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010. The costs of reimbursement of members of the working group who are not legislative members shall be allocated among the budgets of the department of public service and the agency of commerce and community development.

(i) Appointments. Within 30 days of this section's effective date, each entity required to submit a list of names to the governor pursuant to subsection (b) of this section shall make such submission. Within 60 days of this section's effective date, the appointing or designating

authority shall appoint or designate each member of the working group under subsection (b) of this section and shall report the member so appointed or designated to the office of legislative council.

**2013 ACTS AND RESOLVES NO. 89, SEC. 12**

\* \* \* Voluntary Building Energy Disclosure \* \* \*

Sec. 12. DISCLOSURE TOOL WORKING GROUP; REPORTS

(a) The Department of Public Service shall convene a working group to develop a consistent format and presentation for an energy rating that an owner of a building may use to disclose the energy performance of the building or a unit within the building to another person, including a potential purchaser or occupant, or that a prospective purchaser or occupant of a building or unit within a building may use to compare the energy performance of multiple buildings or units. The Working Group shall develop or select one or more tools that can be used to generate the energy rating.

(b) The Working Group under this section shall include representatives of each entity appointed under 30 V.S.A § 209(d)(2), the Home Weatherization Assistance Program under 33 V.S.A. § 2502, and such other entities as the Commissioner of Public Service may determine are appropriate.

(c) The Working Group under this section shall consider the recommendations in the report to the General Assembly of the Building Energy Disclosure Working Group (Dec. 2011).

(d) The Department of Public Service (the Department) shall report to the General Assembly in writing:

(1) on or before December 15, 2013, on the findings of the Working Group with regard to the development of a residential building energy disclosure tool; and

(2) on or before December 15, 2014, on the findings of the Working Group with regard to the development of a commercial building energy disclosure tool.

(e) On or before December 15, 2016, the Department shall further report to the General Assembly in writing on the development and use of disclosure tools under this section. This report shall:

(1) identify the tools selected or adopted by the Working Group under this subsection;

(2) describe the efforts made to disseminate the tools for public use;

(3) describe, to the extent feasible, the frequency of the tools' use, including their relative use by sector, such as residential or commercial, and the contexts in which the tools were used, such as property sale or lease;

(4) analyze and recommend whether building energy disclosure requirements should be made mandatory for one or more sectors and whether any such requirement should be met by all subject properties by a date certain or whether it should be triggered by an event such as time of sale or lease; and

(5) include the Department's proposed legislation to implement its recommendation under subdivision (4) of this subsection.