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S.118

Introduced by Senators Bray, Ayer, Balint, Ingram, and MacDonald

Referred to Committee on

Date:

Subject: Energy; public service; real property; building energy labeling and
benchmarking

Statement of purpose of bill as introduced: This bill proposes to increase the
visibility of building energy performance by requiring the disclosure of
informational materials related to energy use when a contract is executed for
the sale of a single-family dwelling and by allowing the owner of a multiunit
building to obtain anonymized aggregated data on the building's energy use for
the purpose of energy benchmarking or labeling.

An act relating to making building energy performance visible

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

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

Subchapter 2. Building Energy Labeling and Benchmarking

§ 60. DEFINITIONS

As used in this subchapter:

(1) “Benchmarking” means measuring the energy performance of a
single building or portfolio of buildings over time in comparison to other

1 similar buildings or to modeled simulations of a reference building built to a
2 specific standard such as an energy code.

3 (2) “Board” means the Public Service Board created under section 3 of
4 this title.

5 (3) “Commercial Working Group” means the Commercial and Multiunit
6 Building Energy Labeling Working Group established by subsection 61(b) of
7 this title.

8 (4) “Department” means the Department of Public Service established
9 by 3 V.S.A. § 312 and section 1 of this title.

10 (5) “Distribution company” means a company under the jurisdiction of
11 the Board that distributes electricity or natural gas for consumption by end
12 users.

13 (6) “Energy efficiency utility” means an energy efficiency entity
14 appointed under section 209(d)(2) of this title.

15 (7) “Energy label” means the visual presentation in a consistent format
16 of an energy rating for a building and any other supporting and comparative
17 information. The label may be provided as a paper certificate or made
18 available online, or both.

19 (8) “Energy rating” means a simplified mechanism to convey a
20 building’s energy performance. The rating may be based on the operation of
21 the building or modeled based on the building’s assets.

1 (9) “Multiunit building” means a building that contains more than one
2 independent dwelling unit or separate space for independent commercial use,
3 or both.

4 (10) “Residential Working Group” means the Residential Building
5 Energy Labeling Working Group established by subsection 61(a) of this title.

6 (11) “Unit holder” means the tenant or owner of an independent
7 dwelling unit or separate space for independent commercial use within a
8 multiunit building.

9 § 61. BUILDING ENERGY WORKING GROUPS

10 (a) Residential Working Group. There is established the Residential
11 Building Energy Labeling Working Group.

12 (1) The Residential Working Group shall consist of the following:

13 (A) The Commissioner of Public Service (Commissioner) or
14 designee.

15 (B) An expert in the design, implementation, and evaluation of
16 programs and policies to promote investments in energy efficiency who is not
17 a member of an organization described elsewhere in this subsection, appointed
18 by the Commissioner.

19 (C) A representative of each energy efficiency utility, chosen by that
20 efficiency utility;

1 (D) The Director of the State Office of Economic Opportunity or
2 designee.

3 (E) A representative of Vermont's community action agencies
4 appointed by the Vermont Community Action Partnership.

5 (F) A representative, with energy efficiency expertise, of the
6 Vermont Housing and Conservation Board, appointed by that board.

7 (G) A building performance professional appointed by the Building
8 Performance Professionals Association.

9 (H) A representative of the real estate industry, appointed by the
10 Vermont Association of Realtors.

11 (I) Such other members with expertise in energy efficiency, building
12 design, energy use, or the marketing and sale of real property as the
13 Commissioner may appoint.

14 (2) The Residential Working Group shall advise the Commissioner in
15 the development of informational materials pursuant to section 62 of this title
16 and may advise the Commissioner on other matters related to benchmarking,
17 energy rating, or energy labels for residential structures.

18 (b) Commercial Working Group. There is established the Commercial and
19 Multiunit Building Energy Labeling Working Group.

20 (1) The Commercial Working Group shall consist of the following:

21 (A) The Commissioner or designee.

1 (B) An expert in the design, implementation, and evaluation of
2 programs and policies to promote investments in energy efficiency who is not
3 a member of an organization described elsewhere in this subsection, appointed
4 by the Commissioner.

5 (C) A representative of each energy efficiency utility, chosen by that
6 efficiency utility.

7 (D) The Director of the State Office of Economic Opportunity or
8 designee.

9 (E) A representative of Vermont's community action agencies
10 appointed by the Vermont Community Action Partnership.

11 (F) A representative, with energy efficiency expertise, of the
12 Vermont Housing and Conservation Board, appointed by that board.

13 (G) Such other members with expertise in energy efficiency,
14 building design, energy use, or the marketing and sale of real property as the
15 Commissioner may appoint.

16 (2) The Commercial Working Group shall advise the Commissioner in
17 the development of forms pursuant to section 63 of this title and may advise
18 the Commissioner on other matters related to benchmarking, energy rating, or
19 energy labels for commercial and multiunit buildings.

20 (c) Co-Chairs. Each working group shall elect two co-chairs from among
21 its members.

1 (d) Meetings. Meetings of each working group shall be at the call of a co-
2 chair or any three of its members. The meetings shall be subject to the
3 Vermont Open Meeting Law and 1 V.S.A. § 172.

4 (e) Vacancy. When a vacancy arises in a working group created under this
5 section, the appointing authority shall appoint a person to fill the vacancy.

6 § 62. DISCLOSURE OF INFORMATIONAL MATERIAL; SINGLE-
7 FAMILY DWELLINGS

8 (a) Disclosure. For a contract for the conveyance of real property that is a
9 single-family dwelling, executed on or after January 1, 2018, the seller shall,
10 within 72 hours of the execution, provide the buyer with informational
11 materials developed by the Department in consultation with the Working
12 Group. These materials shall include information on:

13 (1) resources for determining home energy use and costs for Vermont
14 homes and opportunities for energy savings;

15 (2) available voluntary tools for energy rating and energy labels; and

16 (3) available programs and services in Vermont related to energy
17 efficiency, building energy performance, and weatherization.

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

20 (c) Penalty; liability. Liability for failure to provide the informational
21 materials required by this section shall be limited to a civil penalty, imposed by

1 the Public Service Board under section 30 of this title, of no less than \$25.00
2 and no more than \$250.00 for each violation.

3 § 63. MULTIUNIT BUILDINGS; ACCESS TO AGGREGATED DATA

4 (a) Obligation; aggregation and release of data. On request of the owner of
5 a multiunit building or the owner's designated agent, each distribution
6 company and energy efficiency utility shall aggregate monthly energy usage
7 data in its possession for the unit holders in the building and release the
8 aggregated data to the owner or agent. The aggregated data shall be
9 anonymized.

10 (1) Under this section, the obligation to aggregate and release data shall
11 accrue when the owner or agent:

12 (A) Certifies that the request is made for the purpose of
13 benchmarking or preparing an energy label for the building.

14 (B) With respect to a multiunit building that has at least four unit
15 holders, provides documentation certifying that, at least 14 days prior to
16 submission of the request, each unit holder was notified that the energy usage
17 data of the holder was to be requested and that this notice gave each unit holder
18 an opportunity to opt out of the energy use aggregation. The owner or agent
19 shall identify, to the distribution company or energy efficiency utility
20 requesting the data, each unit holder that opted out.

1 (C) With respect to a multiunit building that has fewer than four unit
2 holders, provides an energy usage data release authorization from each unit
3 holder.

4 (2) A unit holder may authorize release of the holder's energy usage
5 data by signature on a release authorization form or clause in a lease signed by
6 the unit holder. The provisions of 9 V.S.A. § 276 (recognition of electronic
7 records and signatures) shall apply to release authorization forms under this
8 subsection.

9 (3) After consultation with the Commercial Working Group, the
10 Commissioner of Public Service shall prescribe forms for requests and release
11 authorizations under this subsection. The request form shall include the
12 required certification.

13 (b) Response period. A distribution company or energy efficiency utility
14 shall release the aggregated energy use data to the building owner or
15 designated agent within 30 days of its receipt of a request that meets the
16 requirements of subsection (a) of this section.

17 (1) The aggregation shall exclude energy usage data for each unit holder
18 who opted out or, in the case of a multiunit building with fewer than four unit
19 holders, each unit holder for which a signed release authorization was not
20 received.

1 (2) A distribution company may refer a complete request under
2 subsection (a) to an energy efficiency utility that possesses the requisite data,
3 unless the data is to be used for a benchmarking program to be conducted by
4 the company.

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

6 § 617. DISCLOSURE OF ENERGY INFORMATIONAL MATERIAL;
7 SINGLE FAMILY DWELLINGS

8 The provisions of 30 V.S.A. § 62 shall apply when a contract is executed
9 for the conveyance of real property that is a single family dwelling.

10 Sec. 3. WORKING GROUPS; CONTINUATION

11 (a) The Residential Energy Labeling Working Group and Commercial
12 Energy Labeling Working Group convened by the Department of Public
13 Service in response to 2013 Acts and Resolves No. 89, Sec. 12, as each group
14 existed on February 1, 2017, shall continue in existence respectively as the
15 Residential Building Energy Labeling Working Group and the Commercial
16 and Multiunit Building Energy Labeling Working Group created under Sec. 1
17 of this act, 30 V.S.A. § 62. Those persons who were members of such a
18 working group as of that date may continue as members and, in accordance
19 with 30 V.S.A. § 62, the appointing authorities shall fill vacancies in the
20 working group as they arise.

1 (b) Within 60 days of this section’s effective date, the Commissioner of
2 Public Service shall make appointments to each working group created under
3 Sec. 1 of this act to fill each membership position newly created by Sec. 1,
4 30 V.S.A. § 62.

5 Sec. 4. REPORT; COMMERCIAL AND MULTIUNIT BUILDING
6 ENERGY

7 (a) On or before December 15, 2018, the Commissioner of Public Service
8 (the Commissioner), in consultation with the Commercial and Multiunit
9 Building Energy Labeling Working Group created under Sec. 1 of this act,
10 shall file a report and recommendations on each of the following:

11 (1) each issue listed under “unresolved issues” on page 45 of the report
12 to the General Assembly in response to 2013 Acts and Resolves No. 89,
13 Sec. 12, entitled “Development of a Voluntary
14 Commercial/Multifamily/Mixed-Use Building Energy Label” and dated
15 December 15, 2014; and

16 (2) the appropriateness and viability of publicly disclosing the results of
17 benchmarking as defined in Sec. 1, 30 V.S.A. § 60.

18 (b) The Commissioner shall file the report and recommendations created
19 under subsection (a) of this section with the House Committee on Energy and
20 Technology and the Senate Committees on Finance and on Natural Resources
21 and Energy.

1 Sec. 5. EFFECTIVE DATES

2 This act shall take effect on July 1, 2017, except that Sec. 2 shall take effect
3 on January 1, 2018.