

1 H.440

2 Introduced by Representatives Cordes of Lincoln, Christie of Hartford, Cina of
3 Burlington, Colston of Winooski, Elder of Starksboro, and
4 O'Brien of Tunbridge

5 Referred to Committee on

6 Date:

7 Subject: Energy; public service; real property; building energy labeling

8 Statement of purpose of bill as introduced: This bill proposes to establish a
9 statewide voluntary system for rating and labeling the energy performance of
10 buildings to make energy use and costs visible for buyers, sellers, owners,
11 lenders, appraisers, real estate professionals, and others.

12 An act relating to the Vermont Building Energy Labeling System

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 Labeling and Benchmarking

16 § 61. DEFINITIONS

17 As used in this subchapter:

18 (1) "Benchmarking" means measuring the energy performance of a
19 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) “Commercial Working Group” means the Commercial and Multiunit
4 Building Energy Labeling Working Group established by subsection 62(b) of
5 this title.

6 (3) “Commission” means the Public Utility Commission.

7 (4) “Department” means the Department of Public Service.

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

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

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

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

1 (9) “Home energy assessor” means an individual who assigns buildings
2 a home energy performance score using a scoring system based on the energy
3 rating.

4 (10) “Multiunit building” means a building that contains more than one
5 independent dwelling unit or separate space for independent commercial use,
6 or both.

7 (11) “Residential Working Group” means the Residential Building
8 Energy Labeling Working Group established by subsection 62(a) of this title.

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

12 § 62. BUILDING ENERGY WORKING GROUPS

13 (a) Residential Working Group. There is established the Residential
14 Building Energy Labeling Working Group.

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

16 (A) the Commissioner of Public Service (Commissioner) or designee;

17 (B) an expert in the design, implementation, and evaluation of

18 programs and policies to promote investments in energy efficiency who is not

19 a member of an organization described elsewhere in this subsection, appointed

20 by the Commissioner;

1 (C) a representative of each energy efficiency utility, chosen by that
2 efficiency utility;

3 (D) the Director of the State Office of Economic Opportunity or
4 designee;

5 (E) a representative of Vermont's community action agencies
6 appointed by the Vermont Community Action Partnership;

7 (F) a representative, with energy efficiency expertise, of the Vermont
8 Housing and Conservation Board, appointed by that Board;

9 (G) a building performance professional, appointed by the Building
10 Performance Professionals Association;

11 (H) a representative of the real estate industry, appointed by the
12 Vermont Association of Realtors; and

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

16 (2) The Residential Working Group shall advise the Commissioner in
17 the development of informational materials pursuant to section 63 of this title.

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 Vermont
12 Housing and Conservation Board, appointed by that Board; and

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

16 (2) The Commercial and Multiunit Working Group shall advise the
17 Commissioner in the development of forms pursuant to section 64 of this title.

18 (c) Co-chairs. Each working group shall elect two co-chairs from among
19 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 (f) Responsibilities. The Working Groups shall advise the Commissioner
7 on the following:

8 (1) requirements for home assessors, including any endorsements,
9 licensure, and bonding required;

10 (2) programs to train home energy assessors;

11 (3) requirements for reporting building energy performance scores given
12 by home energy assessors and the establishment of a system for maintaining
13 such information;

14 (4) requirements to standardize the information on a home energy label;
15 and

16 (5) other matters related to benchmarking, energy rating, or energy
17 labels for residential, commercial, and multiunit buildings.

18 § 63. DISCLOSURE OF INFORMATIONAL MATERIAL; SINGLE-
19 FAMILY DWELLINGS

20 (a) Disclosure. For a contract for the conveyance of real property that is a
21 single-family dwelling, executed on or after January 1, 2020, the seller shall,

1 within 72 hours of the execution, provide the buyer with informational
2 materials developed by the Department in consultation with the Residential
3 Working Group. These materials shall include information on:

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

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

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

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

11 (c) Penalty; liability. Liability for failure to provide the informational
12 materials required by this section shall be limited to a civil penalty, imposed by
13 the Public Utility Commission under section 30 of this title, of no less than
14 \$25.00 and no more than \$250.00 for each violation.

15 § 64. MULTIUNIT BUILDINGS; ACCESS TO AGGREGATED DATA

16 (a) Obligation; aggregation and release of data. On request of the owner of
17 a multiunit building or the owner's designated agent, each distribution
18 company and energy efficiency utility shall aggregate monthly energy usage
19 data in its possession for the unit holders in the building and release the
20 aggregated data to the owner or agent. The aggregated data shall be
21 anonymized.

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

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

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

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

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

20 (3) After consultation with the Commercial Working Group, the
21 Commissioner of Public Service shall prescribe forms for requests and release

1 authorizations under this subsection. The request form shall include the
2 required certification.

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

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

11 (2) A distribution company may refer a complete request under
12 subsection (a) of this section to an energy efficiency utility that possesses the
13 requisite data, unless the data is to be used for a benchmarking program to be
14 conducted by the company.

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

16 § 617. DISCLOSURE OF ENERGY INFORMATIONAL MATERIAL;
17 SINGLE-FAMILY DWELLINGS

18 The provisions of 30 V.S.A. § 63 shall apply when a contract is executed
19 for the conveyance of real property that is a single-family dwelling.

1 Sec. 3. WORKING GROUPS; CONTINUATION

2 (a) The Residential Energy Labeling Working Group and Commercial
3 Energy Labeling Working Group convened by the Department of Public
4 Service in response to 2013 Acts and Resolves No. 89, Sec. 12, as each group
5 existed on February 1, 2019, shall continue in existence respectively as the
6 Residential Building Energy Labeling Working Group and the Commercial
7 and Multiunit Building Energy Labeling Working Group created under Sec. 1
8 of this act, 30 V.S.A. § 62. Those persons who were members of such a
9 working group as of that date may continue as members and, in accordance
10 with 30 V.S.A. § 62, the appointing authorities shall fill vacancies in the
11 working group as they arise.

12 (b) Within 60 days of this section's effective date, the Commissioner of
13 Public Service shall make appointments to each working group created under
14 Sec. 1 of this act to fill each membership position newly created by Sec. 1,
15 30 V.S.A. § 62.

16 Sec. 4. REPORT; COMMERCIAL AND MULTIUNIT BUILDING
17 ENERGY

18 (a) On or before January 15, 2021, the Commissioner of Public Service (the
19 Commissioner), in consultation with the Commercial and Multiunit Building
20 Energy Labeling Working Group created under Sec. 1 of this act, shall file a
21 report and recommendations on each of the following:

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

6 (2) the appropriateness and viability of publicly disclosing the results of
7 benchmarking as defined in Sec. 1, 30 V.S.A. § 61.

8 (b) The Commissioner shall file the report and recommendations created
9 under subsection (a) of this section with the House Committee on Energy and
10 Technology and the Senate Committees on Finance and on Natural Resources
11 and Energy.

12 Sec. 5. EFFECTIVE DATE

13 This act shall take effect on July 1, 2019.