

1 H.63

2 The **Committee on Energy and Technology** to which was referred the
3 Senate proposal of amendment to House Bill No. 63 entitled “An act relating
4 to weatherization, a Public Utility Commission proceeding, and unclaimed
5 beverage container deposits” respectfully reports that it has considered the
6 same and recommends that the Senate proposal of amendment be further
7 amended as follows:

8 First: By striking out Secs. 11, 12 ,13, and 14 and their reader assistance
9 heading in their entireties and inserting in lieu thereof new Secs. 11, 12, 13,
10 and 14 and their reader assistance heading to read as follows:

11 * * * Weatherization; Building Energy Labeling and Benchmarking * * *

12 Sec. 11. FINDINGS

13 The General Assembly finds that for the purposes of Secs. 12-14 of this act:

14 (1) Pursuant to 10 V.S.A. § 578, it is the goal of Vermont to reduce
15 greenhouse gas emissions from the 1990 baseline by 50 percent by January 1,
16 2028, and, if practicable, by 75 percent by January 1, 2050. Pursuant to
17 10 V.S.A. § 581, it is also the goal of Vermont to improve the energy fitness
18 of at least 20 percent (approximately 60,000 units) of the State’s housing stock
19 by 2017, and 25 percent (approximately 80,000 units) by 2020, thereby
20 reducing fossil fuel consumption and saving Vermont families a substantial
21 amount of money.

1 (2) The State is failing to achieve these goals. For example, Vermont’s
2 greenhouse gas emissions have increased 16 percent compared to the 1990
3 baseline.

4 (3) Approximately 24 percent of the greenhouse gas emissions within
5 Vermont stem from residential and commercial heating and cooling usage.
6 Much of Vermont’s housing stock is old, inadequately weatherized, and
7 therefore not energy efficient.

8 (4) The Regulatory Assistance Project recently issued a report
9 recommending two strategies to decarbonize Vermont and address climate
10 change. First, electrifying the transportation sector. Second, focusing on
11 substantially increasing the rate of weatherization in Vermont homes and
12 incentivizing the adoption of more efficient heating technologies such as cold
13 climate heat pumps.

14 (5) Although the existing Home Weatherization Assistance Program
15 assists Vermonters with low income to weatherize their homes and reduce
16 energy use, the Program currently weatherizes approximately 850 homes a
17 year. This rate is insufficient to meet the State’s statutory greenhouse gas
18 reduction and weatherization goals.

19 (6) Since 2009, proceeds from the Regional Greenhouse Gas Initiative
20 (RGGI) and the Forward Capacity Market (FCM) have been used to fund
21 thermal efficiency and weatherization initiatives by Efficiency Vermont, under

1 the oversight of the Public Utility Commission (PUC). Approximately 800
2 Vermont homes and businesses are weatherized each year under a market-
3 based approach that utilizes 50 participating contractors. Efficiency Vermont
4 and the contractors it works with have the capacity to substantially increase the
5 number of projects undertaken each year.

6 (7) A multipronged approach is necessary to address these issues. The
7 first part will establish a statewide voluntary program for rating and labeling
8 the energy performance of buildings to make energy use and costs visible for
9 buyers, sellers, owners, lenders, appraisers, and real estate professionals. The
10 second part will allow Efficiency Vermont to use unspent funds to weatherize
11 more homes and buildings. The third part will ask the Public Utility
12 Commission to undertake a proceeding to examine whether to recommend to
13 the General Assembly the creation of an all-fuels energy efficiency program,
14 the expansion of the services that efficiency utilities may provide, and related
15 issues.

16 Sec. 12. 30 V.S.A. chapter 2, subchapter 2 is added to read:

17 Subchapter 2. Building Energy Labeling and Benchmarking

18 § 61. DEFINITIONS

19 As used in this subchapter:

20 (1) “Benchmarking” means measuring the energy performance of a
21 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 subdivision 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 forms 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;

13 (G) a representative of the real estate industry, appointed by the
14 Vermont Association of Realtors; and

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

18 (2) The Commercial Working Group shall advise the Commissioner in
19 the development of forms pursuant to section 63 of this title.

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 (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. MULTIUNIT BUILDINGS; ACCESS TO AGGREGATED DATA

19 (a) Obligation; aggregation and release of data. On request of the owner of
20 a multiunit building or the owner's designated agent, each distribution
21 company and energy efficiency utility shall aggregate monthly energy usage

1 data in its possession for the unit holders in the building and release the
2 aggregated data to the owner or agent. The aggregated data shall be
3 anonymized.

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

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

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

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

18 (2) A unit holder may authorize release of the holder's energy usage
19 data by signature on a release authorization form or clause in a lease signed by
20 the unit holder. The provisions of 9 V.S.A. § 276 (recognition of electronic

1 records and signatures) shall apply to release authorization forms under this
2 subsection.

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

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

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

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

19 Sec. 13. WORKING GROUPS; CONTINUATION

20 (a) The Residential Energy Labeling Working Group and Commercial
21 Energy Labeling Working Group convened by the Department of Public

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

9 (b) Within 60 days of this section’s effective date, the Commissioner of
10 Public Service shall make appointments to each working group created under
11 30 V.S.A. § 62.

12 Sec. 14. REPORT; COMMERCIAL AND MULTIUNIT BUILDING
13 ENERGY

14 (a) On or before January 15, 2021, the Commissioner of Public Service (the
15 Commissioner), in consultation with the Residential Building Energy Labeling
16 Working Group and the Commercial and Multiunit Building Energy Labeling
17 Working Group created under 30 V.S.A. § 62, shall file a report and
18 recommendations on each of the following:

19 (1) each issue listed under “unresolved issues” on page 45 of the report
20 to the General Assembly in response to 2013 Acts and Resolves No. 89,
21 Sec. 12, entitled “Development of a Voluntary

1 Commercial/Multifamily/Mixed-Use Building Energy Label” and dated
2 December 15, 2014;

3 (2) the appropriateness and viability of publicly disclosing the results of
4 benchmarking as defined in 30 V.S.A. § 61; and

5 (3) the impact of benchmarking, energy labelling, and energy rating, as
6 defined in 30 V.S.A. § 61, upon the housing market and the real estate industry
7 in Vermont.

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 Second: In Sec. 15, effective dates, in subsection (b), after the parenthetical
13 and before the words “shall take effect”, by inserting and Secs. 11–14
14 (weatherization; building energy labeling and benchmarking)