

1 S.171

2 Introduced by Senators Bray, Balint, Campion, Clarkson, Hardy, McCormack,
3 Pearson and Perchlik

4 Referred to Committee on

5 Date:

6 Subject: Public service; energy; climate change; weatherization; building
7 energy labeling

8 Statement of purpose of bill as introduced: This bill proposes to address
9 climate change by increasing weatherization and by establishing a statewide
10 voluntary system for rating and labelling the energy performance of buildings.

11 An act relating to addressing climate change, increasing weatherization, and
12 rating the energy performance of buildings

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

14 Sec. 1. FINDINGS

15 The General Assembly finds that:

16 (1) Pursuant to 10 V.S.A. § 578, it is the goal of Vermont to reduce
17 greenhouse gas emissions from the 1990 baseline by 50 percent by January 1,
18 2028, and, if practicable, by 75 percent by January 1, 2050. Pursuant to
19 10 V.S.A. § 581, it is also the goal of Vermont to improve the energy fitness of
20 at least 20 percent (approximately 60,000 units) of the State's housing stock by

1 2017, and 25 percent (approximately 80,000 units) by 2020, thereby reducing
2 fossil fuel consumption and saving Vermont families a substantial amount of
3 money.

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

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

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

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

1 (6) A three-part approach is necessary to address this issue. The first
2 part will increase the funds available to the Home Weatherization Assistance
3 Program, thereby allowing the Program to assist many more low-income
4 Vermonters each year. This will not only help those Vermonters save money
5 and live in habitable homes, but also reduce greenhouse gas emissions from the
6 housing sector. The second part will establish a new fund and program to
7 encourage the weatherization of homes and buildings owned by Vermonters
8 who do not qualify for the Home Weatherization Assistance Program. The
9 third part will establish a statewide voluntary program for rating and labeling
10 the energy performance of buildings to make energy use and costs visible for
11 buyers, sellers, owners, lenders, appraisers, and real estate professionals.

12 (7) This three-part approach will save Vermonters money, improve the
13 housing stock, and help our State meet its greenhouse gas reduction and
14 weatherization goals, thereby addressing climate change.

15 Sec. 2. SHORT TITLE

16 This act may be known as the “Comprehensive Weatherization Act.”

17 Sec. 3. 33 V.S.A. § 2503 is amended to read:

18 § 2503. FUEL TAX

19 (a)(1) There is imposed a tax on the retail sale of heating oil, propane,
20 kerosene, and other dyed diesel fuel delivered to a residence or business, at the
21 rate of ~~\$0.02~~ \$0.04 per gallon.

1 (2) There is imposed a gross receipts tax of ~~0.75~~ 1.5 percent on the retail
2 sale of natural gas and coal.

3 (3) There is imposed a gross receipts tax of 0.5 percent on the retail sale
4 of electricity.

5 (b) The tax shall be levied upon and collected monthly from the seller. ~~Fuel~~
6 ~~sellers may itemize the tax on the invoice or bill, and if the seller does itemize~~
7 ~~the amount, the invoice or bill shall include a statement that the tax is “for~~
8 ~~support of Vermont’s Low Income Home Weatherization Program.”~~

9 (c) The tax shall be administered by the Commissioner of Taxes, ~~and~~
10 75 percent of all receipts shall be deposited by the Commissioner in the Home
11 Weatherization Assistance Fund pursuant to section 2501 of this title, and
12 25 percent in the Climate Change and Weatherization Fund pursuant to
13 30 V.S.A. § 8021. All provisions of law relating to the collection,
14 administration, and enforcement of the sales and use tax imposed by 32 V.S.A.
15 chapter 233 shall apply to the tax imposed by this chapter.

16 ~~(d) No tax under this section shall be imposed for any month ending after~~
17 ~~June 30, 2019.~~

1 Sec. 4. 30 V.S.A. chapter 89, subchapter 3, is added to read:

2 Subchapter 3. Climate Change And Weatherization Program

3 § 8021. CLIMATE CHANGE AND WEATHERIZATION FUND

4 (a) There is created within the State Treasury the Climate Change and
5 Weatherization Fund to support the Climate Change and Weatherization
6 Program.

7 (b)(1) The State Treasurer shall administer the Fund as a special fund under
8 the provisions of 32 V.S.A. chapter 7, subchapter 5.

9 (2) The Fund shall consist of:

10 (A) any amounts transferred or appropriated to it by the General
11 Assembly; and

12 (B) 25 percent of receipts from the gross receipts tax on retail sales of
13 fuel imposed pursuant to 33 V.S.A. § 2503.

14 (3) Interest earned on the Fund and any balance remaining at the end of
15 the fiscal year shall remain in the Fund.

16 (4) Monies in the Fund shall be used as follows:

17 (A) Beginning on July 1, 2020, and quarterly thereafter, monies held
18 in the Fund shall be remitted to the Department of Public Service to support
19 the Climate Change and Weatherization Program established in section 8022
20 of this title.

21 (B) Monies in the Fund shall not be used for any other purpose.

1 § 8022. CLIMATE CHANGE AND WEATHERIZATION PROGRAM

2 (a) There is established the Climate Change and Weatherization Program
3 that shall be administered by the Department of Public Service.

4 (b) Beginning on July 1, 2020, the Program shall award grants to
5 homeowners and businesses who do not qualify for the Home Weatherization
6 Assistance Program pursuant to 33 V.S.A. § 2502 to defray the costs of home
7 weatherization and investments in alternative heating systems shown to reduce
8 the uses of petroleum or coal-based heating sources.

9 (c) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 for
10 administering the Program and establishing criteria concerning the awarding of
11 grants. The grant award criteria shall ensure that grants are awarded in a
12 manner that:

13 (1) prioritizes projects that maximize energy savings;

14 (2) incentivizes projects that otherwise would not be undertaken; and

15 (3) provides greater assistance to homeowners and businesses with
16 lower incomes, and lesser assistance to homeowners and businesses with
17 higher incomes.

18 (d) On or before January 15, 2021, and each year thereafter, the
19 Commissioner shall submit a written report to the House Committees on
20 Natural Resources, Fish, and Wildlife and on Energy and Technology and the
21 Senate Committee on Natural Resources and Energy concerning the Program's

1 activities and performance. The report shall also be posted on the
2 Department's website and shall include data and information concerning:

3 (1) the number and dollar amount of grants awarded;

4 (2) the number, type, and location of projects undertaken and
5 completed;

6 (3) energy savings resulting from those projects; and

7 (4) reductions in greenhouse gas emissions resulting from those
8 projects.

9 Sec. 5. 30 V.S.A. chapter 2, subchapter 2 is added to read:

10 Subchapter 2. Building Energy Labeling and Benchmarking

11 § 61. DEFINITIONS

12 As used in this subchapter:

13 (1) "Benchmarking" means measuring the energy performance of a
14 single building or portfolio of buildings over time in comparison to other
15 similar buildings or to modeled simulations of a reference building built to a
16 specific standard such as an energy code.

17 (2) "Commercial Working Group" means the Commercial and Multiunit
18 Building Energy Labeling Working Group established by subsection 62(b) of
19 this title.

20 (3) "Commission" means the Public Utility Commission.

21 (4) "Department" means the Department of Public Service.

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

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

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

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

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

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

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

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

4 § 62. BUILDING ENERGY WORKING GROUPS

5 (a) Residential Working Group. There is established the Residential
6 Building Energy Labeling Working Group.

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

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

9 (B) an expert in the design, implementation, and evaluation of
10 programs and policies to promote investments in energy efficiency who is not
11 a member of an organization described elsewhere in this subsection, appointed
12 by the Commissioner;

13 (C) a representative of each energy efficiency utility, chosen by that
14 efficiency utility;

15 (D) the Director of the State Office of Economic Opportunity or
16 designee;

17 (E) a representative of Vermont’s community action agencies
18 appointed by the Vermont Community Action Partnership;

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

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

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

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

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

10 (b) Commercial Working Group. There is established the Commercial and
11 Multunit Building Energy Labeling Working Group.

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

13 (A) the Commissioner or designee;

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

18 (C) a representative of each energy efficiency utility, chosen by that
19 efficiency utility;

20 (D) the Director of the State Office of Economic Opportunity or
21 designee;

1 (E) a representative of Vermont's community action agencies,
2 appointed by the Vermont Community Action Partnership;

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

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

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

10 (c) Co-chairs. Each working group shall elect two co-chairs from among
11 its members.

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

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

17 (f) Responsibilities. The Working Groups shall advise the Commissioner
18 on the following:

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

21 (2) programs to train home energy assessors;

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

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

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

8 § 63. DISCLOSURE OF INFORMATIONAL MATERIAL; SINGLE-
9 FAMILY DWELLINGS

10 (a) Disclosure. For a contract for the conveyance of real property that is a
11 single-family dwelling, executed on or after January 1, 2020, the seller shall,
12 within 72 hours of the execution, provide the buyer with informational
13 materials developed by the Department in consultation with the Residential
14 Working Group. These materials shall include information on:

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

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

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

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

1 (c) Penalty; liability. Liability for failure to provide the informational
2 materials required by this section shall be limited to a civil penalty, imposed by
3 the Public Utility Commission under section 30 of this title, of no less than
4 \$25.00 and no more than \$250.00 for each violation.

5 § 64. MULTIUNIT BUILDINGS; ACCESS TO AGGREGATED DATA

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

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

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

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

1 shall identify, to the distribution company or energy efficiency utility
2 requesting the data, each unit holder that opted out.

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

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

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

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

19 (1) The aggregation shall exclude energy usage data for each unit holder
20 who opted out or, in the case of a multiunit building with fewer than four unit

1 holders, each unit holder for which a signed release authorization was not
2 received.

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

7 Sec. 6. 27 V.S.A. § 617 is added to read:

8 § 617. DISCLOSURE OF ENERGY INFORMATIONAL MATERIAL;
9 SINGLE-FAMILY DWELLINGS

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

12 Sec. 7. WORKING GROUPS; CONTINUATION

13 (a) The Residential Energy Labeling Working Group and Commercial
14 Energy Labeling Working Group convened by the Department of Public
15 Service in response to 2013 Acts and Resolves No. 89, Sec. 12, as each group
16 existed on February 1, 2019, shall continue in existence respectively as the
17 Residential Building Energy Labeling Working Group and the Commercial
18 and Multiunit Building Energy Labeling Working Group created under Sec. 1
19 of this act, 30 V.S.A. § 62. Those persons who were members of such a
20 working group as of that date may continue as members and, in accordance

1 with 30 V.S.A. § 62, the appointing authorities shall fill vacancies in the
2 working group as they arise.

3 (b) Within 60 days of this section’s effective date, the Commissioner of
4 Public Service shall make appointments to each working group created under
5 Sec. 1 of this act to fill each membership position newly created by Sec. 1,
6 30 V.S.A. § 62.

7 Sec. 8. REPORT; COMMERCIAL AND MULTIUNIT BUILDING
8 ENERGY

9 (a) On or before January 15, 2021, the Commissioner of Public Service (the
10 Commissioner), in consultation with the Commercial and Multiunit Building
11 Energy Labeling Working Group created under Sec. 4 of this act, shall file a
12 report and recommendations on each of the following:

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

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

20 (b) The Commissioner shall file the report and recommendations created
21 under subsection (a) of this section with the House Committee on Energy and

- 1 Technology and the Senate Committees on Finance and on Natural Resources
- 2 and Energy.
- 3 Sec. 9. EFFECTIVE DATE
- 4 This act shall take effect on July 1, 2019.