

SENATE No. 2231

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish home energy efficiency ratings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2025</i>

SENATE No. 2231

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2231) of Michael J. Barrett and James B. Eldridge for legislation to establish home energy efficiency ratings. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2078 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to establish home energy efficiency ratings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (iv) of paragraph (1) of subsection (c) of section 22 of chapter
2 21A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by
3 striking out, the second time it appears, the word “and”.

4 SECTION 2. Subsection (v) of paragraph (1) of subsection (c) of said section 22 of said
5 chapter 21A, as so appearing, is hereby amended by striking out the word “.” and inserting in
6 place thereof the following words:- ; and.

7 SECTION 3. Paragraph (1) of subsection (c) of said section 22 of said chapter 21A, as so
8 appearing, is hereby further amended by adding the following clause:-

(vi) to fund grants to participating municipalities, and to nonprofit community organizations and municipal lighting plants within participating municipalities, for purposes related to participation in the municipal opt-in energy performance rating program established pursuant to section 21 of chapter 25A of the General Laws, including but not limited to, facilitating energy assessments, facilitating energy performance ratings, assisting homeowners and landlords with meeting compliance costs, including but not limited to, the costs of energy assessments and energy performance ratings, and supporting workforce development and training for energy assessors pursuant to chapter 25A.

SECTION 4. Subsection (a) of section 19 of chapter 25 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding, in the first sentence, after the words "demand side management programs" the following words:- , and the municipal opt-in energy performance rating program established pursuant to section 21 of chapter 25A of the General Laws.

SECTION 5. Section 3 of chapter 25A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the definition of "End-user" the following 2 definitions:-

"Energy assessment", an on-site evaluation by an energy assessor of the energy performance of a residential dwelling unit, based on the physical characteristics, including renewable energy infrastructure, of the residential dwelling unit, including but not limited to: (a) an energy audit, as defined in this section, delivered as part of the Massachusetts residential conservation service established in chapter 465 of the acts of 1980; (b) a home energy rating conducted by a Home Energy Rating System rater certified by the Residential Energy Services

Network; or (c) other energy evaluations specifically designated by the department. For the purposes of this section, an energy assessment shall be valid for 8 years.

“Energy assessor”, a person or group of persons who conduct energy assessments, calculate energy performance ratings and produce energy scorecards and who have met minimum qualifications and quality assurance protocols established by the department.

SECTION 6. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of “Energy management services” the following definition:-

“Energy performance rating”, information of a standardized nature in a standardized format, all as determined by the department, presenting the results of a valid energy assessment conducted by an energy assessor. Such information shall not contain any unnecessary personal data as defined in section 1 of chapter 66A.

SECTION 7. Said section 3 of said chapter 25A, as so appearing, is hereby further amended by inserting after the definition of “Reseller” the following definition:-

“Residential dwelling unit”, any building or dwelling of which 50 percent or more of the gross floor area, including hallways and other common space serving residents but excluding parking, is used for dwelling purposes, or any grouping of residential buildings designated by the department or a municipality as an appropriate reporting unit for the purposes of section 21 of this chapter.

SECTION 8. Section 11G of said chapter 25A, as appearing in the 2022 Official Edition, is hereby amended by inserting after the word "programs," in line 3, the following words:- , including, but not limited to, the use of energy performance ratings.

SECTION 9. Said section 11G of said chapter 25A, as so appearing, is hereby further amended by inserting after the word "programs," in line 9, the following words:- , including, but not limited to, the use of energy performance ratings,.

SECTION 10. Said chapter 25A is hereby further amended by adding the following section:-

Section 21. (a) The department shall develop and implement a municipal opt-in energy performance rating program requiring the conduct of energy assessments, the calculation of energy performance ratings and the sharing of said ratings with buyers or prospective buyers and lessees or prospective lessees before the sale or lease of a residential dwelling unit, including a newly constructed residential dwelling unit, in the commonwealth. Said program shall at a minimum provide for: (1) development of standard requirements, protocols, formats and methodologies for conducting energy assessments and producing and calculating energy performance ratings; (2) the setting of minimum qualifications for energy assessors to produce and calculate energy performance ratings, which may include, but shall not be limited to, standardizing qualifications for energy assessors throughout the commonwealth as well as protocols for assuring the quality of energy assessments and energy performance ratings; (3) training to energy assessors regarding the conduct of energy assessments and the production and calculation of energy performance ratings; (4) development of requirements and protocols regarding the method, manner and format in which energy performance ratings are to be

provided to owners, buyers, prospective buyers, lessees, prospective lessees and the department;
(5) development of requirements and protocols regarding the method, manner and format in which updated performance ratings are to be provided following modifications to a residential dwelling unit that materially changes its energy performance; (6) provision of grants to participating municipalities and to nonprofit community organizations and municipal lighting plants within participating communities for purposes related to participation in said energy performance rating program, including, but not limited to, facilitating energy assessments, facilitating energy performance ratings, assisting homeowners and landlords with meeting compliance costs, including, but not limited to, the costs of obtaining energy assessments and energy performance ratings, and supporting workforce development and training for energy assessors pursuant to implementation of this section; and (7) provision of grants to energy assessment providers and other similar entities to cover costs associated with adapting home energy assessment methodologies and software to provide the standardized information required for the municipal opt-in energy performance rating program established pursuant to this section and to cover costs associated with the use of historical home energy assessment data that may be utilized to produce energy performance ratings where feasible and practical, as determined by the department.

(b) The energy performance rating program shall require: (1) energy assessors to provide the owner, the lessee or lessees, or both where applicable, with an energy performance rating of a residential dwelling unit following an energy assessment of the unit; provided, that assessors shall also provide the rating to the department; and, provided further, that the department may by rule or regulation specify the method, manner and format in which said ratings are to be provided; and (2) an energy performance rating to be provided to buyers or prospective buyers

when the property is publicly listed for sale and to lessees or prospective lessees when the property is publicly listed for rent or leasing; provided, that the department may by rule or regulation specify the method, manner and format in which said rating is to be provided; and, provided further, that a landlord of a residential dwelling unit who pays for utility services on behalf of a lessee or tenant shall not be required to acquire and provide energy performance ratings under this section.

(c) The department shall, in consultation with the state board of building regulations and standards, promulgate rules and regulations to implement this section, including, but not limited to: (1) the matters specified elsewhere in this section; (2) the process of providing an energy performance rating to a buyer, prospective buyer, lessee or prospective lessee, including whether said rating shall be provided (i) by a seller of the residential dwelling unit; (ii) by a real estate broker or real estate salesman, as defined by section 87PP of chapter 112, acting on behalf of the seller; or (iii) by some other means; (3) the phase-in and implementation schedule, within the bounds permitted by law, of energy performance rating requirements; (4) exemptions to the requirements of this section that it may deem reasonable, which may include exemptions for certain emergency transactions and for owners of residential dwelling units who do not have reasonable access to energy assessments provided without substantial fee to such owners, as determined by the department; and (5) requirements and protocols for producing scorecards from historical energy assessment data, if the department determines that so doing is feasible and practical.

(d) The department shall make available voluntary training for real estate brokers, appraisers, lenders, home inspectors and other interested professionals involved in residential real estate transactions on the uses of energy assessments and energy performance ratings and on

the requirements, protocols and best practices associated with providing said assessments and performance ratings to buyers, prospective buyers, lessees and prospective lessees.

(e) The department shall maintain energy performance ratings received from an energy assessor or shall authorize a third party to maintain said ratings; provided, that individual energy scorecards shall not be disclosed by the department or any such third party without the consent of the owner of the residential dwelling unit, unless otherwise prescribed in this section or permitted by law. Energy performance ratings received by the department pursuant to this section shall not be deemed a public record, as defined in clause 26 of section 7 of chapter 4 and shall not be subject to a request for public records under section 10 of chapter 66; provided, however, that the department may release any aggregation of energy performance ratings.

(f) This section shall not be construed to require, or authorize the department to require, a municipality or a municipal lighting plant to participate in the energy performance rating program, including by requiring the provision of an energy performance rating following an energy audit or energy assessment provided through such municipality or plant; provided, that if a municipality or municipal lighting plant opts to participate in the energy performance rating program, such municipality or plant shall be subject to the provisions of this section and any rules or regulations the department may promulgate under this section.

SECTION 11. Subsection (a) of section 3 of chapter 465 of the acts of 1980 is hereby amended by adding the following paragraph:-

(10) requiring all utilities, with the exception of municipal corporations, to provide customers and the department of energy resources with energy performance ratings as defined in section 3 of chapter 25A of the General Laws, following: (a) an energy audit or energy

assessment; or (b) any subsequent modifications to a residential dwelling unit, as defined in said section 3 of said chapter 25A, that materially changes the energy performance of such residential dwelling unit; provided, that utilities shall use historical energy audit data to provide and calculate energy performance ratings if so doing is determined to be feasible and practical by the department pursuant to section 21 of said chapter 25A.

SECTION 12. Subsection (g) of section 7 of said chapter 465 is hereby amended by adding the following sentence:- All utilities, with the exception of municipal corporations, shall provide energy performance ratings as defined in section 3 of chapter 25A of the General Laws to the department of energy resources, pursuant to section 21 of said chapter 25A.

SECTION 13. To develop and implement the municipal opt-in energy performance rating program required by section 21(a) of chapter 25A of the General Laws, the department of energy resources shall: (a) hold not less than 6 public hearings in geographically diverse locations representing rural, suburban and urban households, at least 2 of which shall be held in communities with a high percentage of middle-income households and at least 2 of which shall be held in communities with a high percentage of low-income households; and (b) establish the municipal opt-in energy performance rating program required by said section 21(a) not earlier than 18 months after the effective date of said section and not later than 30 months after the effective date of said section. Within the bounds permitted by law, the department may vary requirements based on building types and uses. Notwithstanding any special or general law, rule or regulation to the contrary, any municipality may adopt the municipal opt-in energy performance rating program following its establishment.

161 SECTION 14. Not earlier than 18 months after the effective date of section 21(a) of
162 chapter 25A of the General Laws and not later than 30 months after the effective date of said
163 section, the department of energy resources shall require an energy assessor to provide an energy
164 performance rating as provided for in subsection (b) of said section 21 of chapter 25A.

165 SECTION 15. Not earlier than 18 months after the effective date of section 21(a) of
166 chapter 25A of the General Laws and not later than 30 months after the effective date of said
167 section, the department of energy resources shall require an energy performance rating to be
168 provided to buyers or prospective buyers when a property is publicly listed for sale, and to
169 lessees or prospective lessees when a property is publicly listed for rent or leasing, as provided
170 for in subsection (b) of said section 21 of chapter 25A.