

1 H.657

2 Introduced by Representatives Sharpe of Bristol, Masland of Thetford, and

3 O'Sullivan of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Energy; public service; building energy efficiency; building energy

7 disclosure; multi-family residential buildings

8 Statement of purpose of bill as introduced: This bill proposes to require energy
9 disclosures to prospective tenants in multi-family residential buildings and to
10 prospective purchasers of these buildings. Tools for the energy disclosure
11 would be available during 2015 for voluntary use, and the requirement for
12 disclosure would commence in 2016.

13 An act relating to energy disclosure for multi-family residential buildings

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

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

16 Subchapter 2. Building Energy Disclosure

17 § 61. DEFINITIONS

18 In this subchapter:

19 (1) "Btu" means a British thermal unit.

1 (2) “Department” means the Department of Public Service created under
2 3 V.S.A. § 212 and section 1 of this title.

3 (3) “Multi-family residential building” means a residential building
4 containing more than one residential unit.

5 (4) “Owner” means a person who has title to or the power to sell a
6 multi-family residential building or to lease a residential unit in such a building
7 and includes the person’s agent.

8 (5) “Person” shall have the same meaning as in 1 V.S.A. § 128.

9 (6) “Residential building” means a building that contains space that
10 meets or is intended to meet the living needs of one or more individuals.

11 (7) “Residential unit” means a separately enclosed space within a
12 building that meets or is intended to meet the living needs of one or more
13 individuals.

14 § 62. DISCLOSURE TOOL

15 (a) The Department shall select or develop one or more tools that:

16 (1) the owner of a multi-family residential building may use to disclose
17 the energy performance of a residential unit in the building to a prospective
18 tenant or to disclose the energy performance of the building to a prospective
19 buyer; and

20 (2) a prospective tenant may use to compare the energy performance of
21 residential units in multiple multi-family residential buildings.

1 (b) The Department shall ensure that a disclosure tool selected or
2 developed for use under this section meets each of the following criteria:

3 (1) The tool shall be readily and publicly available at no charge to the
4 end user.

5 (2) The tool shall be available on the Internet and shall be capable of
6 being completed and saved by a person using a web browser.

7 (3) A tool selected or developed by the Department shall result in a
8 rating that can be presented as a single number on a visual scale to allow
9 comparison with other multi-family residential buildings or residential units
10 rated with the same tool. To the extent feasible, the tool also shall:

11 (A) compare the rating to other buildings or units of the same type as
12 the building or unit being rated;

13 (B) produce an estimate, in Btus, of the site energy consumption of
14 the building or unit, based on standardized weather and occupancy conditions;

15 (C) state the square footage of the building or unit and the energy
16 consumed in Btus per square foot;

17 (D) state an estimated annual energy cost; and

18 (E) itemize the data supplied by the user to reach the rating.

19 (4) The tool shall predict with reasonable accuracy the energy
20 performance of the multi-family residential building or residential unit
21 assuming an average occupant, and its results shall be repeatable.

1 (c) The Department shall provide for broad public notice of and an
2 opportunity to comment on any proposed tool or tool revision under this
3 section, including notice on its web page and notice to relevant associations
4 and persons such as mortgage lenders, associations of persons licensed to
5 engage in the business of selling or appraising real property in Vermont, the
6 Vermont Bar Association, and each entity appointed to deliver energy
7 efficiency under subdivision 209(d)(2) of this title.

8 § 63. DISCLOSURE TO PROSPECTIVE TENANT OR BUYER

9 (a) Disclosure. The owner of a multi-family residential building shall
10 provide a prospective tenant of a residential unit in the building and a
11 prospective buyer of the building with an energy disclosure for the unit or
12 building using the applicable tool selected or developed by the Department
13 under section 62 of this title.

14 (1) The owner shall provide the prospective tenant or buyer with this
15 disclosure on or before the date on which the owner physically shows the
16 residential unit or multi-family residential building to the prospective tenant or
17 buyer.

18 (2) In the event that the owner does not physically show the relevant
19 residential unit or multi-family residential building to the prospective buyer or
20 tenant, the owner shall provide the energy disclosure on or before the date on
21 which the buyer executes a contract for sale of the building or the tenant

1 executes a lease for the residential unit or, if there is no written lease, on which
2 the tenant occupies the residential unit.

3 (b) Creation. The owner shall create the energy disclosure not more than
4 two years prior to its provision to a prospective tenant or buyer unless within
5 that two-year period there has been an addition, alteration, renovation, or repair
6 to the building to which the building energy standards under section 51
7 (residential building energy standards) or 53 (commercial building energy
8 standards) of this title would apply, in which case the owner shall create the
9 energy disclosure on or after the date on which the addition, alteration,
10 renovation, or repair was completed.

11 § 64. ELECTION NOT TO RENT OR CLOSE

12 (a) If the owner of a multi-family residential building has not complied
13 with this subchapter, a prospective tenant may without penalty elect to not rent
14 and a tenant may without penalty elect to vacate a residential unit in a
15 multi-family residential building, if the tenant makes this election by written
16 notice to the owner within 30 days of executing a lease for the residential unit
17 or, if there is no written lease, of occupying the residential unit. A tenant who
18 has occupied a residential unit shall vacate the unit within 21 days of election
19 or the election shall be void. Any deposit and rent paid shall be returned to the
20 tenant within 30 days of the election.

1 (b) If the owner of a multi-family residential building has not complied
2 with this subchapter, a prospective buyer may without penalty elect by written
3 notice to the owner not to close on or take title to a multi-family residential
4 building, and any deposit paid shall be returned to the buyer within 30 days of
5 the election.

6 Sec. 2. INITIAL TOOL SELECTION; IMPLEMENTATION

7 (a) On or before December 15, 2014, the Department of Public Service
8 shall make the initial selection or complete the initial development of a
9 building energy disclosure tool that meets the requirements of Sec. 1 of this
10 act, 30 V.S.A. § 62.

11 (1) In selecting or developing this tool, the Department shall build on
12 the work performed pursuant to 2013 Acts and Resolves No. 89, Sec. 12
13 (disclosure tool working group; reports). Use of the working group process
14 under Sec. 12 of that act for the initial selection or development of this tool
15 shall be considered sufficient to comply with the requirements of 30 V.S.A.
16 § 62(c) (public notice and comment).

17 (2) The Department's report to the General Assembly under 2013 Acts
18 and Resolves No. 89, Sec. 12(d)(2), due by December 15, 2014, shall include
19 the findings of the working group on the development of the disclosure tool
20 required by 32 V.S.A. § 62.

1 (b) On or before January 1, 2015, the Department shall make the building
2 energy disclosure tool required by 30 V.S.A. § 62 publicly available for
3 voluntary use during calendar year 2015. The Department shall make
4 reasonable efforts during that year to ensure broad notice and dissemination of
5 this disclosure tool.

6 Sec. 3. EFFECTIVE DATES

7 This act shall take effect on July 1, 2014, except that in Sec. 1, 30 V.S.A.
8 §§ 63 (disclosure to prospective tenant or buyer) and 64 (election not to rent or
9 close) shall take effect on January 1, 2016.