

2024 Regular Session

HOUSE BILL NO. 468

BY REPRESENTATIVE CREWS

UTILITIES: Requires energy utility providers to provide whole-building data to certain property owners upon request

1 AN ACT

2 To enact Chapter 3-I of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 40:600.161, relative to requiring utility companies to provide whole-building
4 energy consumption data to certain property owners; to provide for definitions; to
5 require an energy utility provider to provide data in certain circumstances; to provide
6 for information requirements; to provide for privacy of information; to require the
7 payment of a fee to an energy utility provider under certain circumstances; to require
8 the reporting of fees; to provide for a timeline for information requests; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 3-I of Title 40 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 40:600.161, is hereby enacted to read as follows:

13 CHAPTER 3-I. WHOLE-BUILDING ENERGY CONSUMPTION DATA

14 §600.161. Energy meter totals; purpose; definitions; requests for data

15 A. Louisiana seeks to create an environment attractive to business. To that
16 end, these procedures simplify processes for providing information essential to
17 continued financing requirements imposed by HUD. This Act protects privacy by
18 providing data in the aggregate for owners of multifamily developments financed by
19 the Green MIP Reduction program.

1 B. For the purposes of this Section, the following definitions apply:

2 (1) "Borrower" means the owner of a HUD Green MIP-certified multifamily
3 building.

4 (2) "Green MIP" means the HUD Green mortgage insurance premium
5 certification.

6 (3) "HUD" means the United States Department of Housing and Urban
7 Development.

8 (4) "Whole-building data" means the total of all energy consumption on site
9 of a multifamily building.

10 C. An energy utility provider shall provide to a borrower the whole-building
11 data of the preceding year by January thirty-first if all of the following qualifications
12 are met:

13 (1) The requestor is the owner, or designee of the owner, of the building for
14 which the whole-building data is being requested and is a certified borrower.

15 (2) The multifamily building is HUD Green MIP-certified.

16 (3) There are four or more units in the multifamily building.

17 D. A request outlined in Subsection C of this Section shall be submitted in
18 writing, either by mail or email, to an energy utility provider and shall include all of
19 the following information:

20 (1) The address for the building for which the whole-building data is being
21 requested.

22 (2) Documentation that the owner, or designee of the owner, of the building
23 for which the whole-building data is being requested is a certified borrower.

24 (3) Documentation that the building for which the whole-building data is
25 being requested is HUD Green MIP-certified.

26 (4) The contact information of the borrower, or the designee of the borrower,
27 including a valid email address.

28 E. The information provided to the borrower shall contain only the whole-
29 building data and shall not contain any of the following:

1 (1) Any identifying information of any tenant in the building.

2 (2) The total amount of energy each individual unit has consumed.

3 F.(1) If a request meets all of the requirements of Subsections C and D of
4 this Section, the energy utility provider shall notify the borrower within thirty days
5 of the request. The energy utility provider shall then provide the whole-building data
6 of the preceding year by email to the requestor by January thirty-first.

7 (2)(a) If a request is granted, the borrower shall pay to the energy utility
8 provider a reasonable fee for the costs incurred for providing the whole-building data
9 if the energy utility provider requires a fee, approved by the energy utility's
10 rulemaking authority.

11 (b) Pursuant to this Paragraph, each energy utility provider's rulemaking
12 authority shall do all of the following:

13 (i) Appear before the House Committee on Commerce in a legislative
14 hearing to explain the process for developing and implementing fees for providing
15 whole-building data by energy utility providers.

16 (ii) Annually thereafter, submit in writing to the House Committee on
17 Commerce, the total amount of approved fees and their costs for providing the
18 whole-building data to a borrower.

19 G. If the borrower, or designee of the borrower, is granted the request for
20 whole-building data in accordance with this Section, an energy utility provider shall
21 comply with the request by January thirty-first until any of the following occurs:

22 (1) A renewal did not take place by the time a calendar year has passed since
23 the original request or subsequent renewal.

24 (2) The building subject to the request changes ownership.

25 (3) The borrower, or designee of the borrower, informs the energy utility
26 provider, either by mail or email, that he no longer wants to receive the whole-
27 building data.

1 H. Nothing in this Section prevents an energy utility provider from creating
 2 easier access to whole-building data for borrowers or owners utilizing other energy
 3 efficient certifications.

4 Section 2.(A) The legislative hearing required by R.S. 40:600.16(F)(2)(b)(i) as
 5 enacted by Section 1 of this Act shall take place during the 2025 Regular Session of the
 6 Legislature.

7 (B) The first written report required by R.S. 40:600.16(F)(2)(b)(ii) as enacted by
 8 Section 1 of this Act shall be submitted by December 31, 2025, and annually thereafter.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 468 Reengrossed

2024 Regular Session

Crews

Abstract: Requires energy utility providers to provide aggregate energy meter totals to certain property owners.

Proposed law provides for the definition of "borrower", "Green MIP", "HUD", and "whole-building data".

Proposed law provides that an energy utility provider shall provide to a borrower the whole-building data of the preceding year by Jan. 31 if all of the following qualifications are met:

- (1) The requestor is the owner, or designee of the owner, of the building for which the whole building data is being requested and is a certified borrower under the HUD Green MIP certification program.
- (2) The multifamily building is HUD Green MIP-certified.
- (3) There are four or more units in the multifamily building.

Proposed law provides that a request outlined in proposed law shall be sent in writing, either by mail or email, to an energy utility provider and shall include all of the following information:

- (1) The address for the building for which the whole-building data is being requested.
- (2) Documentation that the owner, or designee of the owner, of the building for which the whole-building data is being requested is a certified borrower under the HUD Green MIP certification.
- (3) Documentation that the building for which the whole-building data is being requested is HUD Green MIP certified.
- (4) The contact information of the borrower, or the designee of the borrower, including a valid email address.

Proposed law provides that the information provided to the borrower shall only contain the whole-building data and shall not contain any of the following:

- (1) Any identifying information of any tenant in the building.
- (2) The total amount of energy each individual unit has consumed.

Proposed law requires that if a request meets all of the requirements of proposed law, the energy utility provider shall notify the borrower within 30 days of the request. The energy utility provider shall then provide the whole-building data of the preceding year by email to the requestor by Jan. 31.

Proposed law provides that if a request is granted, the borrower shall pay to the energy utility provider a reasonable fee for the costs incurred for providing the whole-building data if the provider requires a fee, approved by the energy utility provider's rule-making authority.

Proposed law requires that each energy utility provider's rulemaking authority shall do all of the following:

- (1) Appear before the House Committee on Commerce in a legislative hearing to explain the process for developing and implementing fees for providing whole-building data by energy utility providers.
- (2) Annually thereafter, submit in writing to the House Committee on Commerce, the total amount of approved fees and their costs for providing the whole-building data to a borrower.

Proposed law provides that if the borrower, or designee of the borrower, is granted the request for whole-building data in accordance with proposed law, an energy utility provider will comply with the request by Jan. 31 until any of the following occurs:

- (1) A calendar year after the request had been made, if a renewal did not take place.
- (2) The building subject to the request changes ownership.
- (3) The borrower, or designee of the borrower, informs the energy utility provider, either by mail or email, that he no longer wants to receive the whole-building data.

Proposed law states that nothing in proposed law prevents an energy utility provider from creating easier access to whole-building data for borrowers or owners utilizing other energy efficient certifications.

The legislative hearing required by proposed law shall take place during the 2025 Regular Session of the Legislature.

The first written report required by proposed law shall be submitted by December 31, 2025 and annually thereafter.

(Adds R.S. 40:600.161)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.

2. Change the amount of units that need to be occupied by tenants to receive energy meter total to apply from eight to four units whether or not occupied.
3. Amend language from "a multifamily building or buildings" to "a multifamily building".
4. Require a borrower to pay a reasonable fee for costs incurred for the provision of whole-building data.
5. Add a reporting requirement for fees.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change references of "energy meter totals" to "whole-building energy consumption data".
3. Amend fee reporting requirements to require each energy utility provider's rulemaking authority to appear before the House Committee on Commerce in a hearing during the 2025 legislative session to provide information regarding fees for providing whole-building data. Require each energy utility provider's rulemaking authority to submit an annual written report to the House Committee on Commerce to begin Dec. 31, 2025.