

SENATE No. 2196

The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

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 relative to home energy efficiency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/1/2021</i>

SENATE No. 2196

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 2196) of Eric P. Lesser and James B. Eldridge for legislation relative to home energy efficiency. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1983 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to home energy efficiency.

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. (a) Notwithstanding any general or special law to the contrary, a seller or
2 agent acting on behalf of the seller of a residential dwelling located in the commonwealth shall
3 complete an energy assessment and an associated residential energy performance label as
4 approved by the department of energy resources, hereinafter referred to as the department, prior
5 to the time of sale. This section shall apply to a seller of a single-family residential dwelling or a
6 multiple-family residential dwelling with fewer than 5 units, or a condominium unit.

7 (b) The seller or agent acting on behalf of the seller shall disclose to a buyer or
8 prospective buyer the energy assessment and residential energy performance label of the
9 dwelling prior to the signing of a contract to purchase.

10 (c) This section shall not apply to sales of residential dwellings in the following
11 circumstances: (1) a foreclosure or pre-foreclosure sale; (2) a deeded or trustee sale; (3) a
12 transfer of title related to the exercise of eminent domain; (4) a sale from one family member to
13 another family member; (5) a sale under court order; (6) a sale under degree of legal separation
14 or divorce; (7) the dwelling is designated on the National Register of Historic Places or the
15 Massachusetts Register of Historic Places as a historic building or landmark; (8) an energy
16 assessment was conducted within the last 3 years through the Mass Save program, or by the low-
17 income residential demand-side management and education programs pursuant to section 19(c)
18 of chapter 25, or another qualified energy efficiency provider as determined by the department;
19 (9) where utility service is provided to an owner-occupant under a low-income rate pursuant to
20 section 1F(4)(i) of chapter 164; (10) the dwelling was constructed within the last 3 years and can
21 demonstrate compliance with the most recent energy provisions of the state building code for
22 residential buildings; or (11) the dwelling has completed a Home Energy Rating System (HERS)
23 rating as offered by a RESNET qualified home energy rater.

24 SECTION 2. (a) The department shall design an energy assessment and a residential
25 energy performance label system for use by sellers of residential dwellings, or agents acting on
26 behalf of the seller to disclose the energy performance of that dwelling to potential buyers.

27 (b) Said energy assessment and residential energy performance label shall provide a
28 consistent rating or scoring method regarding the energy performance of residential dwellings
29 that provides information to potential buyers based upon the physical assets of the property. The
30 energy assessment shall consider, but not be limited to, information regarding annual energy
31 consumption, energy costs for electricity and thermal needs, a home's envelope, including the
32 foundation, roof, walls, insulation and windows, and heating, cooling, and hot water systems,

33 and annual carbon emissions. The energy assessment shall then be used to formulate a rating or
34 score that will be incorporated into the residential energy performance label.

35 (c) In designing the energy assessment and a residential energy performance label
36 system, the department shall lead an open stakeholder process and may consider the energy
37 assessment and labeling system used as part of the Mass Save Home MPG Pilot, the RESNET
38 Home Energy Rating System, the U.S. Department of Energy's Home Energy Score, and other
39 energy rating and labeling systems used in other jurisdictions, as it determines appropriate. This
40 stakeholder process shall include no less than 3 meetings open to the public and shall commence
41 no later than 30 days after the enactment of this statute. During the department's stakeholder
42 process, it shall consider input from, but not limited to, representatives from the following types
43 of stakeholder groups: (1) investor-owned and municipal utilities; (2) environmental and energy
44 efficiency advocacy organizations; (3) low-income housing advocacy organizations; (4) the low-
45 income weatherization and fuel assistance program network referred to section 19(c) of chapter
46 25; and (5) real estate professionals.

47 (d) The department shall conclude the stakeholder process and adopt the energy
48 assessment and residential energy performance label no later than December 15, 2021, and shall
49 begin implementing the system no later than June 30, 2022, or 9 months after the enactment of
50 this statute, whichever is later.