

HB0169S01 compared with HB0169

~~{deleted text}~~ shows text that was in HB0169 but was deleted in HB0169S01.

inserted text shows text that was not in HB0169 but was inserted into HB0169S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kraig Powell proposes the following substitute bill:

HOME ENERGY RATING ~~{INDEX SCORE}~~ DISCLOSURE OPTION

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Home Energy Rating Disclosure Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ~~{~~ → requires that before a person sells a new residential building, the person must disclose the building's home energy efficiency score and other related information to the prospective purchaser;
- provides that the Division of Real Estate, in consultation with the Department of Environmental Quality, shall create and make available to the public a home energy efficiency score information pamphlet;
- ‡ ▶ addresses the contents of a real estate purchase ~~{agreement}~~ contract relating to

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~~{the}~~ a home energy efficiency score;

- ▶ ~~{allows}~~ provides the method by which an owner shall disclose a residential building's home energy efficiency score;
- ▶ provides that the Office of Energy Development shall create and make available to the public a home energy efficiency score information pamphlet; and
- ▶ allows the Office of Energy Development and the Division of Real Estate to make rules consistent with the provisions of this bill~~;~~

~~—▶ provides a procedure to enforce compliance with the provisions of this bill; and~~

~~—▶ makes technical and conforming changes}.~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

~~{AMENDS:~~

~~— 61-2-201, as last amended by Laws of Utah 2011, Chapter 289~~

~~}ENACTS:~~

~~57-28-101, Utah Code Annotated 1953~~

~~57-28-102, Utah Code Annotated 1953~~

~~57-28-201, Utah Code Annotated 1953~~

~~57-28-202, Utah Code Annotated 1953~~

~~57-28-203, Utah Code Annotated 1953~~

~~57-28-301, Utah Code Annotated 1953~~

~~57-28-302, Utah Code Annotated 1953~~

~~{ — 57-28-303, Utah Code Annotated 1953~~

~~}~~

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **57-28-101** is enacted to read:

CHAPTER 28. HOME ENERGY RATING ~~{INDEX}~~ DISCLOSURE ACT

Part 1. General Provisions

57-28-101. Title.

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(1) This chapter is known as the "Home Energy Rating Disclosure Act."

(2) This part is known as "General Provisions."

Section 2. Section **57-28-102** is enacted to read:

57-28-102. Definitions.

As used in this chapter:

(1) "Certified home energy rater" means a person who is certified or otherwise approved by a provider to calculate a ~~new~~ residential building's home energy efficiency score.

~~{~~ (2) "Department" means the Department of Environmental Quality.

~~}~~ ~~{3}2~~ (3) "Division" means the Division of Real Estate, created in Section 61-2-201.

~~{4}3~~ (4) "Energy efficiency rating system" means a provider's method or standard by which a person measures a building's energy efficiency and calculates a home energy efficiency score.

~~{5}4~~ (5) "Home energy efficiency score" means a number that:

(a) represents a building's energy efficiency;

(b) is calculated by a certified home energy rater; and

(c) accounts for the results of:

(i) energy modeling;

(ii) a blower door test; and

(iii) a duct blaster test.

~~{6}~~ (6) "New residential building" means a building or structure, or a portion of a building or structure, that is:

~~—~~ (a) newly constructed; and

~~—~~ (b) designed or intended for occupancy as a residence of one or more individuals.

~~—~~ ~~{7}5~~ (7) "Office" means the Office of Energy Development created in Section 63M-4-401.

~~{6}~~ (6) "Owner" means the holder of a legal or equitable title or interest in a new residential building.

~~{8}7~~ (8) "Provider" means a nationwide entity approved by the ~~division, in consultation with the department~~ office, that:

(a) administers an energy efficiency rating system; and

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(b) tests and certifies or otherwise approves individuals to calculate home energy efficiency scores.

(8) "Residential building" means a building or structure, or a portion of a building or structure, that is designed or intended for occupancy as a residence of one or more individuals.

Section 3. Section **57-28-201** is enacted to read:

Part 2. ~~{New }~~Residential Conveyance ~~{Requirements}~~Disclosure Option
57-28-201. Title.

This part is known as "~~{New }~~Residential Conveyance ~~{Requirements}~~Disclosure Option."

Section 4. Section **57-28-202** is enacted to read:

57-28-202. Real estate purchase contract -- Required contents.

(1) Each contract for the purchase of an interest in a residential building shall include a provision that:

(a) states whether the owner will disclose to the purchaser the residential building's home energy efficiency score;

(b) if the owner will disclose the residential building's home energy efficiency score to the purchaser, states whether the owner or the purchaser will pay for a certified home energy rater to calculate the home energy efficiency score; and

(c) states whether the owner will disclose to the purchaser a detailed summary of the electric and natural gas use rates for the residential building for:

(i) the 12 months before the day on which the owner discloses the detailed summary to the purchaser; or

(ii) if the owner has owned the residential building for less than 12 months as of the day on which the owner discloses the detailed summary to the purchaser, the amount of time the owner has owned the residential building.

(2) If an owner and a purchaser agree to a disclosure described in Subsection (1), the purchaser's review and approval of the contents of the disclosure is a part of the purchaser's due diligence.

Section 5. Section **57-28-203** is enacted to read:

~~{57-28-202}~~**57-28-203. ~~{Required}~~ Form of disclosures.**

(1) ~~{At least 72 hours before a purchaser is obligated to purchase an interest in a new~~

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~~residential building from an owner, the owner shall give the purchaser a written disclosure that includes:~~

- ~~(a) the new~~ A disclosure described in Subsection 57-28-202(1)(a) shall:
- (a) be in writing; and
 - (b) include:
 - (i) the residential building's home energy efficiency score that was calculated no more than 30 days before the day on which the home energy efficiency score is disclosed;
 - (~~b~~)ii) the date on which the home energy efficiency score was calculated;
 - (~~c~~)iii) the name of the provider associated with the home energy efficiency score;
 - (~~d~~)iv) the name and contact information of the certified home energy rater who calculated the home energy efficiency score; and
 - (~~e~~)v) a copy of the home energy efficiency score information pamphlet described in Subsection (2).

(2) The ~~{division, in consultation with the department,}~~ office shall develop and make available to the public a home energy efficiency score information pamphlet that describes:

- (a) the meaning of each provider's home energy efficiency score; and
- (b) how each provider's home energy efficiency score is calculated.

~~{~~ ~~Section 5. Section 57-28-203 is enacted to read:~~

~~57-28-203. Real estate purchase contract -- Required contents:~~

~~Each contract for the purchase of an interest in a new residential building shall contain a provision, signed by the purchaser, that states that the purchaser timely received the written disclosure described in Subsection 57-28-202(1).~~

~~}~~ Section 6. Section 57-28-301 is enacted to read:

Part 3. Administration~~{and Enforcement}~~

57-28-301. Title.

This part is known as "Administration~~{and Enforcement}~~."

Section 7. Section 57-28-302 is enacted to read:

57-28-302. Rulemaking.

(1) In accordance with Title 63G, Chapter 3, ~~{Utah}~~ Administrative Rulemaking Act, and consistent with this chapter, the ~~{division}~~ office:

(~~f~~)a) shall make rules governing~~{~~

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~~(a) providers, including~~ the process and standards for becoming an approved provider;
and

~~(b) the enforcement of the provisions of this chapter; and~~

~~(2) may make rules governing;~~

~~(a) the content and form of disclosures relating that relate to a home energy efficiency score;~~

~~(b) the procedure for making disclosures relating to a home energy efficiency score;~~
and

~~(c) ;~~

(2) In accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, and consistent with this chapter, the division may make rules governing the contents of a real estate purchase contract that relate to a home energy efficiency score.

~~{ Section 8. Section 57-28-303 is enacted to read:~~

~~**57-28-303. Enforcement -- Right of rescission.**~~

~~(1) The division may enforce the provisions of this chapter.~~

~~(2) A person who knowingly discloses a false, inaccurate, or misleading home energy efficiency score is subject to a civil fine of no greater than \$10,000.~~

~~(3) (a) If a person fails to comply with a provision of Section 57-28-202 or 57-28-203, the purchaser may, within one year after the day on which the agreement to purchase the new residential building is executed, rescind the agreement.~~

~~(b) A person may file an action in district court to enforce the person's right of rescission described in Subsection (3)(a).~~

~~(c) In an action described in Subsection (3)(b), the court shall award costs and reasonable attorney fees to the prevailing party.~~

~~Section 9. Section 61-2-201 is amended to read:~~

~~**61-2-201. Division of Real Estate created -- Director appointed -- Personnel.**~~

~~(1) There is created within the department a Division of Real Estate. The division is responsible for the administration and enforcement of:~~

~~(a) this chapter;~~

~~(b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;~~

~~(c) Title 57, Chapter 19, Timeshare and Camp Resort Act;~~

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- ~~—— (d) Title 57, Chapter 23, Real Estate Cooperative Marketing Act;~~
- ~~—— (e) Title 57, Chapter 28, Home Energy Rating Index Disclosure Act;~~
- ~~—— [(e)] (f) Chapter 2c, Utah Residential Mortgage Practices and Licensing Act;~~
- ~~—— [(f)] (g) Chapter 2e, Appraisal Management Company Registration and Regulation Act;~~
- ~~—— [(g)] (h) Chapter 2f, Real Estate Licensing and Practices Act; and~~
- ~~—— [(h)] (i) Chapter 2g, Real Estate Appraiser Licensing and Certification Act.~~
- ~~—— (2) The division is under the direction and control of a director appointed by the executive director of the department with the approval of the governor. The director holds the office of director at the pleasure of the governor.~~
- ~~—— (3) The director, with the approval of the executive director, may employ personnel necessary to discharge the duties of the division at salaries to be fixed by the director according to standards established by the Department of Administrative Services.~~

Legislative Review Note

~~—— as of 1-22-15 2:39 PM~~

~~—— Office of Legislative Research and General Counsel}~~