

Representative Kraig Powell proposes the following substitute bill:

HOME ENERGY RATING 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;
- ▶ addresses the contents of a real estate purchase contract relating to a home energy efficiency score;
- ▶ 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 [57-28-101](#), Utah Code Annotated 1953

28 [57-28-102](#), Utah Code Annotated 1953

29 [57-28-201](#), Utah Code Annotated 1953

30 [57-28-202](#), Utah Code Annotated 1953

31 [57-28-203](#), Utah Code Annotated 1953

32 [57-28-301](#), Utah Code Annotated 1953

33 [57-28-302](#), Utah Code Annotated 1953



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

36 Section 1. Section [57-28-101](#) is enacted to read:

37 **CHAPTER 28. HOME ENERGY RATING DISCLOSURE ACT**

38 **Part 1. General Provisions**

39 **[57-28-101](#). Title.**

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

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

42 Section 2. Section [57-28-102](#) is enacted to read:

43 **[57-28-102](#). Definitions.**

44 As used in this chapter:

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

47 (2) "Division" means the Division of Real Estate, created in Section [61-2-201](#).

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

50 (4) "Home energy efficiency score" means a number that:

51 (a) represents a building's energy efficiency;

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

53 (c) accounts for the results of:

54 (i) energy modeling;

55 (ii) a blower door test; and

56 (iii) a duct blaster test.

57 (5) "Office" means the Office of Energy Development created in Section 63M-4-401.

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

60 (7) "Provider" means a nationwide entity approved by the office, that:

61 (a) administers an energy efficiency rating system; and

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

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

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

67 **Part 2. Residential Conveyance Disclosure Option**

68 **57-28-201. Title.**

69 This part is known as "Residential Conveyance Disclosure Option."

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

71 **57-28-202. Real estate purchase contract -- Required contents.**

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

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

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

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

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

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

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

88 diligence.

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

90 **57-28-203. Form of disclosures.**

91 (1) A disclosure described in Subsection 57-28-202(1)(a) shall:

92 (a) be in writing; and

93 (b) include:

94 (i) the residential building's home energy efficiency score that was calculated no more
95 than 30 days before the day on which the home energy efficiency score is disclosed;

96 (ii) the date on which the home energy efficiency score was calculated;

97 (iii) the name of the provider associated with the home energy efficiency score;

98 (iv) the name and contact information of the certified home energy rater who calculated
99 the home energy efficiency score; and

100 (v) a copy of the home energy efficiency score information pamphlet described in
101 Subsection (2).

102 (2) The office shall develop and make available to the public a home energy efficiency
103 score information pamphlet that describes:

104 (a) the meaning of each provider's home energy efficiency score; and

105 (b) how each provider's home energy efficiency score is calculated.

106 Section 6. Section **57-28-301** is enacted to read:

107 **Part 3. Administration**

108 **57-28-301. Title.**

109 This part is known as "Administration."

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

111 **57-28-302. Rulemaking.**

112 (1) In accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, and
113 consistent with this chapter, the office:

114 (a) shall make rules governing providers, including the process and standards for
115 becoming an approved provider; and

116 (b) may make rules governing the content and form of disclosures that relate to a home
117 energy efficiency score.

118 (2) In accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, and

119 consistent with this chapter, the division may make rules governing the contents of a real estate
120 purchase contract that relate to a home energy efficiency score.