

Representative Patrice M. Arent proposes the following substitute bill:

VOLUNTARY HOME ENERGY INFORMATION PILOT PROGRAM

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Voluntary Home Energy Information Pilot Program.

Highlighted Provisions:

This bill:

- ▶ creates the Voluntary Home Energy Information Pilot Program to provide reimbursements to fund home energy assessments and the issuance of home energy performance reports to qualified applicants;
- ▶ requires the Office of Energy Development to administer or contract for the administration of the program;
- ▶ requires the Office of Energy Development to create a home energy performance score system;
- ▶ creates the Home Energy Information Advisory Committee to consult on the development and implementation of the home energy information pilot program and the home energy performance score system;
- ▶ specifies advisory committee membership and duties;
- ▶ grants the Office of Energy Development rulemaking authority to make rules regarding the development and implementation of the home energy information



26 pilot program and the home energy performance score system; and

27 ▶ provides for a sunset of the Voluntary Home Energy Information Pilot Program.

28 **Money Appropriated in this Bill:**

29 This bill appropriates in fiscal year 2021:

30 ▶ to the Governor's Office of Energy Development - Office of Energy Development,
31 as a one-time appropriation:

32 • from the General Fund, One-time, \$425,000.

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
38 and 483

39 ENACTS:

40 **63M-4-801**, Utah Code Annotated 1953

41 **63M-4-802**, Utah Code Annotated 1953

42 **63M-4-803**, Utah Code Annotated 1953

43 **63M-4-804**, Utah Code Annotated 1953

44 **63M-4-805**, Utah Code Annotated 1953

45 **63M-4-806**, Utah Code Annotated 1953



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

48 Section 1. Section **63I-2-263** is amended to read:

49 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

50 (1) On July 1, 2020:

51 (a) Subsection **63A-1-203(5)(a)(i)** is repealed; and

52 (b) in Subsection **63A-1-203(5)(a)(ii)**, the language that states "appointed on or after
53 May 8, 2018," is repealed.

54 (2) Sections **63C-4a-307** and **63C-4a-309** are repealed January 1, 2020.

55 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
56 repealed July 1, 2020.

57 (4) The following sections regarding the World War II Memorial Commission are
58 repealed on July 1, 2020:

59 (a) Section 63G-1-801;

60 (b) Section 63G-1-802;

61 (c) Section 63G-1-803; and

62 (d) Section 63G-1-804.

63 (5) In relation to the State Fair Park Committee, on January 1, 2021:

64 (a) Section 63H-6-104.5 is repealed; and

65 (b) Subsections 63H-6-104(8) and (9) are repealed.

66 (6) Section 63H-7a-303 is repealed on July 1, 2022.

67 (7) In relation to the Employability to Careers Program Board, on July 1, 2022:

68 (a) Subsection 63J-1-602.1(52) is repealed;

69 (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

70 and

71 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

72 (8) Section 63J-4-708 is repealed January 1, 2023.

73 (9) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program
74 Act, is repealed July 1, 2023.

75 Section 2. Section 63M-4-801 is enacted to read:

76 **Part 8. Voluntary Home Energy Information Pilot Program Act**

77 **63M-4-801. Title.**

78 This part is known as the "Voluntary Home Energy Information Pilot Program Act."

79 Section 3. Section 63M-4-802 is enacted to read:

80 **63M-4-802. Definitions.**

81 As used in this part:

82 (1) "Advisory committee" means the committee created in Subsection 63M-4-805(1).

83 (2) "Asset rating" means a representation of a residential building's energy efficiency or
84 energy use generated by modeling under standardized weather and occupancy conditions.

85 (3) "Home" means a single-family detached or single-family attached enclosed
86 structure created for permanent use as a residence.

87 (4) "Home energy assessment" means the evaluation or testing of components or

88 systems in a residential building for the purpose of identifying options for increasing energy
89 conservation and energy efficiency.

90 (5) "Home energy assessor" means a qualified person who:

91 (a) conducts home energy assessments on residential buildings;

92 (b) assigns residential buildings a home energy performance score; and

93 (c) prepares a home energy performance report for residential buildings.

94 (6) "Home energy performance report" means a report prepared by a home energy

95 assessor that identifies a residential building's home energy performance score, an explanation

96 of the score, an estimate of the total energy used in the home, and other information required to

97 be included in the report under Section [63M-4-804](#).

98 (7) "Home energy performance score" means a score assigned to a residential building

99 using the home energy performance score system created by the office pursuant to Section

100 [63M-4-804](#).

101 (8) "Home energy performance score system" means a technical and administrative

102 framework for producing and reporting metrics that describe the energy consumption,

103 generation, and efficiency of a building.

104 (9) "Nonattainment county" means a county that is required under federal law to utilize

105 a motor vehicle emissions inspection and maintenance program or in which an emissions

106 inspection and maintenance program is necessary to attain or maintain any national ambient air

107 quality standard.

108 (10) "Program" means the Voluntary Home Energy Information Pilot Program created

109 in Section [63M-4-803](#).

110 (11) "Reimbursement" includes any method of providing compensation or payment

111 that the office determines by rule adopted under Section [63M-4-806](#) to be administratively

112 preferred.

113 (12) "Residential building" means a home.

114 Section 4. Section **63M-4-803** is enacted to read:

115 **63M-4-803. Voluntary Home Energy Information Pilot Program.**

116 (1) The office shall establish a Voluntary Home Energy Information Pilot Program.

117 (2) The program shall:

118 (a) be designed to:

119 (i) provide widespread information to home buyers and sellers about a home's energy
120 efficiency, cost savings, and air quality impacts; and

121 (ii) empower consumers to ask about the energy efficiency performance of homes and
122 increase market demand for energy efficient homes and home energy efficiency upgrades; and

123 (b) offer one or more reimbursements to an individual, company, or other qualifying
124 entity that:

125 (i) submits an application to the office; and

126 (ii) meets the qualifying criteria described in this section.

127 (3) Beginning October 30, 2020, and subject to available funding, the office shall
128 provide reimbursements for home energy assessments to be conducted and home energy
129 performance reports to be issued for homes based on:

130 (a) whether the applicant is requesting reimbursement for a home energy assessment
131 and home energy performance report for a home that is located within the boundaries of a
132 nonattainment county; and

133 (b) other criteria for awarding reimbursements specified by the office in rules made
134 under Section [63M-4-806](#).

135 (4) The office may use funds appropriated for the program to:

136 (a) establish a home energy performance score system described in Section [63M-4-804](#)
137 for homes;

138 (b) provide reimbursements described in Subsection (3) to qualified applicants to fund
139 home energy assessments and the issuance of home energy performance reports;

140 (c) promote public awareness of the home energy information pilot program and the
141 availability of home energy assessments and the issuance of home energy performance reports
142 to applicants that meet the criteria described in Subsection (3);

143 (d) increase the availability of educational materials and other resources designed to
144 assist individual homeowners or homebuyers or homebuilders in participating in the program;

145 (e) increase public awareness of, access to, and use of home energy assessments and
146 home energy performance reports;

147 (f) develop a mechanism for home energy performance reports to be inputted into new
148 or existing consumer facing real estate information sources; and

149 (g) maintain data collection efforts designed to guide the development of home energy

150 assessments and the issuance of home energy performance reports and track their effectiveness,
151 including:

152 (i) the progress on the development of the home energy performance score system; and

153 (ii) the progress and impacts of implementing the program, including:

154 (A) the number of homes receiving home energy performance reports;

155 (B) the number of homes with home energy performance reports inputted into new or
156 existing consumer facing real estate information sources; and

157 (C) any lessons learned about the energy efficiency performance of homes and the
158 impact of the availability of home energy information on market demand for energy efficient
159 homes and home energy efficiency upgrades, including any recommendations for implementing
160 the program on a long-term basis.

161 (5) The office shall administer or contract for the administration of the program.

162 (6) The office shall provide an annual report to the Legislature's Business and Labor
163 Interim Committee and Public Utilities, Energy, and Technology Interim Committee no later
164 than November 30 of each year on:

165 (a) the impacts and progress of implementing the program;

166 (b) the number of reimbursements provided from the program;

167 (c) the number of homes receiving home energy performance reports;

168 (d) the number of homes with home energy performance reports inputted into existing
169 consumer facing real estate information sources;

170 (e) any lessons learned about the energy efficiency performance of homes and the
171 impact of the availability of home energy information on market demand for energy efficient
172 homes and home energy efficiency upgrades; and

173 (f) recommendations for modifications to implement the program on a long-term basis.

174 Section 5. Section **63M-4-804** is enacted to read:

175 **63M-4-804. Home energy performance score system.**

176 (1) In consultation with the advisory committee, the office shall create a home energy
177 performance score system that shall:

178 (a) generate a home energy performance score that meets the requirements of
179 Subsection (2);

180 (b) generate a home energy performance report that meets the requirements of

181 Subsection (3):

182 (c) incorporate building energy assessment software, the output of which shall be used
183 to derive the information presented on the home energy performance report; and

184 (d) provide or specify training requirements for home energy assessors in rules made
185 under Section [63M-4-806](#).

186 (2) A home energy performance score under Subsection (1)(a) shall:

187 (a) be an asset rating that is based on physical inspection of the home or design
188 documents used for the home's construction; and

189 (b) use one or a combination of the following approaches for home energy scoring:

190 (i) the issuance of a home energy score by the United States Department of Energy; or

191 (ii) the issuance of a home energy rating system by the Residential Energy Services
192 Network.

193 (3) A home energy performance report described in Subsection (1)(b) shall include:

194 (a) the home energy performance score described in Subsection (1)(a) and an
195 explanation of the score;

196 (b) an estimate of the total energy used in the home in retail units of energy, by fuel
197 type;

198 (c) an estimate of the annual energy costs for operating the home;

199 (d) an estimate of the annual emissions resulting from energy used in the home;

200 (e) a list of recommended home improvements to reduce energy use in the home; and

201 (f) other information the office requires to be reported in rules made under Section
202 [63M-4-806](#).

203 Section 6. Section **63M-4-805** is enacted to read:

204 **63M-4-805. Home Energy Information Advisory Committee.**

205 (1) There is created a Home Energy Information Advisory Committee.

206 (2) The advisory committee shall be composed of the following 12 members:

207 (a) an individual who is an expert in residential real estate, as recommended by the
208 Utah Association of Realtors;

209 (b) an individual who is an expert in residential construction as recommended by the
210 Utah Home Builders Association;

211 (c) an individual who is an expert in land development for residential communities but

212 is not a home builder;

213 (d) an individual who is a non-profit energy efficiency or air quality advocate;

214 (e) an individual who is an expert in residential home energy assessments;

215 (f) an individual who is an expert in residential home inspections;

216 (g) an individual who is an expert in public education and marketing;

217 (h) an individual who is an expert in residential appraisals, as recommended by the

218 Utah Association of Appraisers;

219 (i) an individual who is an expert in electric utility energy efficiency programs;

220 (j) an individual who is an expert in natural gas utility energy efficiency programs;

221 (k) an individual who is an expert in residential architecture, as recommended by the

222 Utah Chapter of the American Institute of Architects; and

223 (l) the director of the Governor's Office of Energy Development or the director's

224 designee.

225 (3) The director of the office shall appoint the members of the advisory committee

226 which shall assist the director in:

227 (a) establishing the program;

228 (b) establishing a home energy performance score system described in Section

229 63M-4-804; and

230 (c) implementing the rules and policies of the program and the home energy

231 performance score system described in Subsection (3)(b).

232 (4) The director of the office, or the director's designee, shall act as chair of the

233 advisory committee.

234 (5) An advisory committee member may not receive compensation or benefits for the

235 member's service on the advisory committee.

236 Section 7. Section **63M-4-806** is enacted to read:

237 **63M-4-806. Rulemaking authority.**

238 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

239 office shall make rules:

240 (1) to implement the program, including:

241 (a) application procedures to receive a reimbursement from the program for a home

242 energy assessment and home energy performance report;

243 (b) the criteria used by the office to determine whether a reimbursement request is
244 approved;

245 (c) the administratively best method and form for making a reimbursement;

246 (d) the criteria used by the department to determine the amount of a reimbursement;

247 and

248 (e) the information an applicant or applicant's designee shall report to the office to
249 receive a reimbursement; and

250 (2) to implement the home energy performance score system, including rules:

251 (a) specifying the procedures and requirements for conducting a home energy
252 assessment;

253 (b) specifying the requirements for a home energy performance report; and

254 (c) specifying the qualifications for home energy assessors.

255 **Section 8. Appropriation.**

256 The following sums of money are appropriated for the fiscal year beginning July 1,
257 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
258 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
259 Act, the Legislature appropriates the following sums of money from the funds or accounts
260 indicated for the use and support of the government of the state of Utah.

261 ITEM 1

262 To the Governor's Office of Energy Development - Office of Energy Development

263 From General Fund, One-time \$425,000

264 Schedule of Programs:

265 Home Energy Information Pilot Program \$425,000

266 The Legislature intends that:

267 (1) up to \$200,000 of the amount appropriated in this section be used for
268 reimbursements for home energy assessments and home energy performance reports;

269 (2) up to \$125,000 of the amount appropriated in this section be used for marketing of
270 and public education efforts about the Voluntary Home Energy Information Pilot Program and
271 the Home Energy Performance Report;

272 (3) up to \$100,000 of the amount appropriated in this section be used for
273 administration and implementation of the Voluntary Home Energy Information Pilot Program;

274 (4) under Section [63J-1-603](#), the funds appropriated in this section not lapse at the
275 close of fiscal year 2021; and

276 (5) the use of any nonlapsing balances is limited to the implementation, administration,
277 and marketing of and the payment of reimbursements through the Voluntary Home Energy
278 Information Pilot Program.