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~~text~~ shows text that was in HB0235 but was deleted in HB0235S01.

text shows text that was not in HB0235 but was inserted into HB0235S01.

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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

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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 pilot program and the home energy performance score system; and
- ▶ provides for a sunset of the Voluntary Home Energy Information Pilot Program.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the Governor's Office of Energy Development - Office of Energy Development, as a one-time appropriation:
 - from the General Fund, One-time, ~~(\$750)~~ \$425,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

63M-4-801, Utah Code Annotated 1953

63M-4-802, Utah Code Annotated 1953

63M-4-803, Utah Code Annotated 1953

63M-4-804, Utah Code Annotated 1953

63M-4-805, Utah Code Annotated 1953

63M-4-806, Utah Code Annotated 1953

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

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

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

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(1) On July 1, 2020:

(a) Subsection 63A-1-203(5)(a)(i) is repealed; and

(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

(2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.

(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2020.

(4) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2020:

(a) Section 63G-1-801;

(b) Section 63G-1-802;

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

(d) Section 63G-1-804.

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

(a) Section 63H-6-104.5 is repealed; and

(b) Subsections 63H-6-104(8) and (9) are repealed.

(6) Section 63H-7a-303 is repealed on July 1, 2022.

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

(a) Subsection 63J-1-602.1(52) is repealed;

(b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

and

(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

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

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

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

Part 8. Voluntary Home Energy Information Pilot Program Act

63M-4-801. Title.

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

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

63M-4-802. Definitions.

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As used in this part:

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

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

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

(4) "Home energy assessment" means the evaluation or testing of components or systems in a residential building for the purpose of identifying options for increasing energy conservation and energy efficiency.

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

(a) conducts home energy assessments on residential buildings;

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

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

(6) "Home energy performance report" means a report prepared by a home energy assessor that identifies a residential building's home energy performance score, an explanation of the score, an estimate of the total energy used in the home, and other information required to be included in the report under Section 63M-4-804.

(7) "Home energy performance score" means a score assigned to a residential building using the home energy performance score system created by the office pursuant to Section 63M-4-804.

(8) "Home energy performance score system" means a technical and administrative framework for producing and reporting metrics that describe the energy consumption, generation, and efficiency of a building.

(9) "Nonattainment county" means a county that is required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard.

(10) "Program" means the Voluntary Home Energy Information Pilot Program created in Section 63M-4-803.

(11) "Reimbursement" includes any method of providing compensation or payment that the office determines by rule adopted under Section 63M-4-806 to be administratively

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preferred.

(12) "Residential building" means a home.

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

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

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

(2) The program shall:

(a) be designed to:

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

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

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

(i) submits an application to the office; and

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

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

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

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

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

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

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

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

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

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

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

(g) maintain data collection efforts designed to guide the development of home energy assessments and the issuance of home energy performance reports and track their effectiveness, including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) generate a home energy performance report that meets the requirements of Subsection (3);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) an individual who is an expert in residential real estate, as recommended by the

Utah Association of Realtors;

(b) an individual who is an expert in residential construction as recommended by the

Utah Home Builders Association;

(c) an individual who is an expert in land development for residential communities but is not a home builder;

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

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

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

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

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

Utah Association of Appraisers;

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

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

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

Utah Chapter of the American Institute of Architects; and

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

(3) The director of the office shall appoint the members of the advisory committee which shall assist the director in:

(a) establishing the program;

(b) establishing a home energy performance score system described in Section 63M-4-804; and

(c) implementing the rules and policies of the program and the home energy performance score system described in Subsection (3)(b).

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

(5) An advisory committee member may not receive compensation or benefits for the member's service on the advisory committee.

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

63M-4-806. Rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules:

(1) to implement the program, including:

(a) application procedures to receive a reimbursement from the program for a home energy assessment and home energy performance report;

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

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

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

and

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

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

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

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

(c) specifying the qualifications for home energy assessors.

Section 8. **Appropriation.**

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

ITEM 1

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

From General Fund, One-time ~~(\$750)~~ \$425,000

Schedule of Programs:

Home Energy Information Pilot Program ~~(\$750)~~ \$425,000

The Legislature intends that:

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(1) up to ~~400~~200,000 of the amount appropriated in this section be used for reimbursements for home energy assessments and home energy performance reports;

(2) up to ~~250~~125,000 of the amount appropriated in this section be used for marketing of and public education efforts about the Voluntary Home Energy Information Pilot Program and the Home Energy Performance Report;

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

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

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