

Section xx-xxx
Draft Home Energy Disclosure
(Belmont Energy Committee: 02-17-20)
February 17, 2020

- A. Purpose**
- B. Definitions**
- C. Authority to adopt rules**
- D. Energy Performance Rating and Disclosure for Covered Buildings**
- E. Exemptions and waivers**
- F. Enforcement and penalties**
- F. Right of appeal**

A. Purpose.

The purpose of this Section is to provide information to homebuyers about residential building energy performance. This information will enable more knowledgeable decisions about the full costs of operating homes and to motivate investments in home improvements that lower utility bills, reduce carbon emissions, and increase the comfort, safety and health for home owners.

B. Definitions

For the purposes of interpreting this Section, the following definitions apply. When the definitions below differ from those contained elsewhere in the Belmont General Bylaws or Belmont Zoning By-laws, the provisions of this Section shall apply.

1. **“Asset Rating”** means a numerical value measuring the design rating of a building reflected by the energy consumption of a building's design features independent of operational aspects such as the building's occupancy, occupant behavior or operating schedule.
2. **“Covered Building”** means any building containing one or more dwelling units, up to four dwelling units, regardless of size. “Covered building” does not include detached accessory dwelling units or manufactured dwellings.
3. **“Covered Dwelling Unit”** means a dwelling unit other than an accessory dwelling unit that comprises all or part of a Covered Building that is publicly listed for sale.
4. **“Director”** means the Director of the Office of Community Development or his or her authorized representative, designee or agent.

5. **“Energy”** means electricity, piped natural gas, propane, steam, heating oil, wood or other product sold for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.
6. **“Home Energy Assessor”** means a person who is certified by a Massachusetts-accredited Home Energy Rating Provider to provide a Home Energy Rating System (HERS) Index Evaluation to determine Home Energy Performance Scores for residential dwelling units.
7. **“Home Energy Performance Score”** means a standardized numerical score or scores presenting an asset rating generated through a Home Energy Rating Performance Score System that is based on a physical inspection of an existing dwelling unit or based on the design documents for construction of a new dwelling unit.
8. **“Home Energy Performance Score System”** means a system that incorporates building energy assessment software recognized by a federal or Massachusetts state government agency used to generate a Home Energy Performance Score and Home Energy Rating System Index Evaluation. Examples of Home Energy Performance Score Systems include, but are not limited to, the U.S. Department of Energy Home Energy Score, the Energy Performance Score (EPS) or the Home Energy Rating System (HERS).
9. **“Home Energy Rating System Index Evaluation”** means the report prepared by a Home Energy Assessor in compliance with RESNET standards. The Report must include the following information:
 - a. The Home Energy Performance Score and an explanation of the score;
 - b. An estimate of the total annual energy used in the covered dwelling unit in retail units of energy, by fuel type;
 - c. An estimate of the total annual energy applicable to the covered dwelling unit listed publicly for sale generated by on-site solar electric, wind electric, hydroelectric, and solar water heating systems in retail units of energy, by type of fuel displaced by the generation;
 - d. An estimate of the total monthly or annual cost of energy purchased for use in the covered dwelling unit in dollars, by fuel type, based on the current average annual retail residential price of the utility serving the covered dwelling unit at the time of the report and the average annual energy price of fuels other than electricity or piped natural gas, by fuel type, as provided by the Massachusetts Department of Energy Resources;
 - e. The current average annual utility retail residential price in dollars, by fuel type, of piped natural gas and electricity, and the average annual energy prices of fuels other than piped natural gas and electricity, by fuel type, provided by the Massachusetts Department of Energy Resources and used to determine the costs described in Subsection B.9(d);
 - f. The name of the entity that assigned the Home Energy Performance Score; and
 - g. The date the Home Energy Rating System Index Evaluation was performed.

10. **“Listed publicly for sale”** means listing a covered dwelling unit for sale by printed advertisement, internet posting, or publicly displayed sign.
11. **“Real estate listings”** means any public real estate listing of a dwelling unit for sale in the Town of Belmont, whether by a property owner or by a licensed real estate agent. “Real estate listings” include any printed advertisement, internet posting, or publicly displayed sign, including but not limited to Regional Multiple Listing Service, Redfin, Zillow, Trulia and other third party listing services.
12. **“RESNET standards”** means the standards of the Residential Energy Services Network recognized by the Environmental Protection Agency’s Energy Star Program and/or the U.S. Department of Energy’s Building America Program and/or the International Energy Conservation Code.
13. **“Sale”** means the conveyance of title to real property as a result of the execution of a real property sales contract. “Sale” does not include transfer of title pursuant to inheritance, involuntary transfer of title resulting from default on an obligation secured by real property, change of title pursuant to marriage or divorce, condemnation, or any other involuntary change of title affected by operation of law.
14. **“Seller”** means any of the following:
 - a. Any individual or entity possessing title to a property that includes a covered dwelling unit, or
 - b. The association of unit owners responsible for overall management in the case of a condominium or other representative body of a jointly-owned building with authority to make decisions about building assessments and alterations for a covered dwelling unit.

C. Energy Performance Rating and Disclosure for Covered Buildings.

Prior to publicly listing any covered dwelling unit for sale, the seller of the covered dwelling unit, or the seller’s designated representative, shall:

1. Obtain a Home Energy Rating System Index Evaluation of such dwelling unit from a Home Energy Assessor, and;
2. Provide a copy of the Home Energy Rating System Index Evaluation:
 - a. To all licensed real estate agents working on the seller’s behalf; and
 - b. To prospective buyers who visit the home while it is listed publicly for sale; and
 - c. To the Director.
3. Include the Home Energy Performance Score in all real estate listings, including the Home Energy Rating System Index Evaluation if attachments are accepted by the listing service.

4. The Director shall maintain a public record of Home Energy Performance Reports prepared pursuant to this Section.

D. Exemptions.

1. The Director may exempt a seller from the requirements of this Section if the seller submits documentation that the covered dwelling unit will be sold through of any of the following:
 - a. A foreclosure sale,
 - b. A trustee's sale,
 - c. A deed-in-lieu of foreclosure sale, or
 - d. Any pre-foreclosure sale in which seller has reached an agreement with the mortgage holder to sell the property for an amount less than the amount owed on the mortgage.
2. The Director may exempt a seller from the requirements of this Section, if, upon application, the Director confirms that compliance would cause undue hardship for the seller. Undue hardship is demonstrated by any one of the following circumstances:
 - a. The covered building qualifies for sale at public auction or acquisition by a public agency due to arrears for property taxes; or
 - b. A court appointed receiver is in control of the covered building due to financial distress; or
 - c. The senior mortgage on the covered building is subject to a notice of default; or
 - d. The owner of the covered dwelling unit has been approved for participation in the Belmont Property Tax Deferral for Senior Citizens, or equivalent program as determined by the Director; or
 - e. The home is listed on the National Register of Historic Places

E. Enforcement and Penalties.

1. It shall be a violation of this Section for any person to fail to comply with the requirements of this section or to misrepresent any material fact in a document required to be prepared or disclosed by this Section.
2. Any seller who fails, omits, neglects, or refuses to comply with the provisions of this Section shall be subject to:
 - a. Upon the first violation, the Director may issue a written warning notice to the seller, describing the violation and steps required to comply.
 - b. If the violation is not remedied within 30 days after issuance of a written warning notice, the Director may assess a civil penalty of up to \$500. For every subsequent

30-day period during which the violation continues, the Director may assess additional civil penalties of up to \$500.

F. Right of Appeal.

Any aggrieved seller may appeal a determination by the Director under this Section, including a determination regarding compliance with the provisions of this Section and a determination on the approval or denial of an exemption under sub-section D, to the Select Board by filing a written appeal with the Town Clerk and paying any required filing fee within ten (10) days of the determination.

DRAFT