

Bill No. 31-07
Concerning: Real Property – Energy
Performance Audits
Revised: 4/22/2008 Draft No. 4
Introduced: November 20, 2007
Expires: May 20, 2009
Enacted: April 22, 2008
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berliner and Elrich

AN ACT to:

- (1) [[require that a home energy audit be conducted as a part of a home inspection completed in connection with the sale of a single-family residential building]] require a seller to provide information relating to certain utility bills and opportunities for home energy efficiency improvements to a buyer before signing a contract for the sale of a single-family home; [[and]]
- (2) require the Sustainability Working Group to evaluate options to encourage homeowners to conduct home energy audits; and
- (3) generally amend the law relating to real property, energy, and environmental policy.

By adding

Montgomery County Code
Chapter 40, Real Property
Section ~~[[40-13A]]~~ 40-13B

Boldface

Underlining

~~[[Single boldface brackets]]~~

Double underlining

~~[[Double boldface brackets]]~~

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section ~~[[40-13A]] 40-13B~~ is added as follows:**

2 **~~[[40-13A]] 40-13B. Energy performance audits – single family homes.~~**

3 (a) Definitions. In this Section, the following words have the meanings
4 indicated:

5 “Department” means the Department of Environmental Protection.

6 “Director” means the Director of the Department or the Director’s
7 designee.

8 “Home energy audit” means an evaluation of the energy efficiency of a
9 home which includes[[:

10 (1) A thermographic scan; and

11 (2) Any other]] any test or diagnostic measurement which the
12 Department finds necessary to:

13 ~~[[A]] (1) ensure that a home’s energy efficiency is accurately~~
14 measured; or

15 ~~[[B]] (2) identify steps that can be taken to improve a home’s~~
16 energy efficiency.

17 [[“Qualified home energy performance rater” means an individual who:

18 (1) Is certified by RESNET as a home energy performance rater; or

19 (2) Meets other equivalent requirements approved by the Director.]]

20 [[“RESNET” means the Residential Energy Services Network.]]

21 “Single-family home” means a single-family detached or attached
22 residential building.

23 “Sustainability Working Group” means the Group defined in Section
24 18A-13.

25 [[“Thermographic scan” means a test to detect heat loss and air leakage
26 in a building using infrared scanning.]]

27 [(b) Home energy audit. If a home inspection is completed in connection
28 with the sale of a single-family home, the home inspection must include
29 a home energy audit conducted by a qualified home energy performance
30 rater.]]

31 [(c) Report. The qualified home energy performance rater must prepare a
32 written report for the buyer before the home is sold which:

33 (1) Contains findings and recommendations for improving the
34 home's energy efficiency;

35 (2) Identifies energy efficiency improvements which would generate
36 energy cost savings that would fully or partially fund the cost of
37 the improvements; and

38 (3) Identifies any public or private financing mechanisms known to
39 the home energy performance rater that could be used to
40 implement energy efficiency improvements.]]

41 [(d) Costs. The buyer must pay for the home energy audit unless the seller
42 agrees to pay for the audit as a condition of a sales contract.]]

43 [(e) Applicability. This Section does not apply to the initial sale of a
44 covered building under Section 8-54.]]

45 (b) Before signing a contract for the sale of a single-family home, the
46 seller must provide the buyer with:

47 (1) material approved by the Department that gives information
48 about home energy efficiency improvements, including the
49 benefit of conducting a home energy audit; and

50 (2) copies of the electric, gas, and [[water]] home heating oil bills
51 or cost and usage history for the single-family home for the
52 immediate prior 12 months, unless the single-family home was

53 unoccupied for the entire prior 12 months. If the seller did not
54 occupy the single-family home for the entire prior 12 months,
55 the seller must provide the buyer with the required information
56 for [[the period]] that part of the prior 12 months, if any, that
57 the seller occupied the single-family home.

58 (c) The Sustainability Working Group must evaluate options to encourage
59 homeowners to conduct a home energy audit, including whether the
60 County should require a home energy audit to be conducted before the
61 sale of a single-family home.

62 **Sec. 2. Applicability.**

63 [[(a) Subject to subsection (b),] Section 40-15, as added by Section 1 of this
64 Act, applies to any sales contract signed on or after January 1, 2009.

65 [[(b) The Director of the Department of Permitting Services may delay the
66 applicability of Section 40-15, as added by Section 1 of this Act, for up
67 to 1 year if the Director finds that:

68 (1) there is an insufficient number of qualified home energy
69 performance raters doing business in the County on January 1,
70 2009; or

71 (2) the market rate for a home energy audit is unreasonable.]]

72 *Approved:*

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75 _____
Michael J. Knapp, President, County Council

_____ Date

76 *Approved:*

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_____ Isiah Leggett, County Executive

_____ Date

78 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date

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