

Bill No. 31-07  
Concerning: Real Property - Energy  
Performance Audits  
Revised: 4/22/2008 Draft No. 4  
Introduced: November 20, 2007  
Enacted: April 22, 2008  
Executive: May 5, 2008  
Effective: August 4, 2008  
Sunset Date: None  
Ch. 8, Laws of Mont. Co. 2008

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Berliner and Elrich

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**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

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*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, the  
55 seller must provide the buyer with the required information for  
56 [[the period]] that part of the prior 12 months, if any, that the  
57 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.**

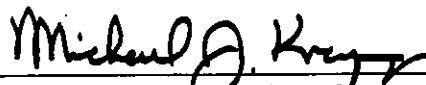
63 [[(a) Subject to subsection (b),]] Section [[40-15]] 40-13B, as added by  
64 Section 1 of this Act, applies to any sales contract signed on or after  
65 January 1, 2009.

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

- 69 (1) there is an insufficient number of qualified home energy  
70 performance raters doing business in the County on January 1,  
71 2009; or  
72 (2) the market rate for a home energy audit is unreasonable.]]

73 *Approved:*

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76 Michael J. Knapp, President, County Council

25 APR 08  
Date

77 *Approved:*

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Isiah Leggett, County Executive

MAY 5, 2008  
Date

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

80 *Linda M. Lauer*  
Linda M. Lauer, Clerk of the Council

*May 16, 2008*  
Date

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