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

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

Clerk's Note: Reference to section number corrected to 40-13B in line 63.
Sec. 1. Section 40-13A] 40-13B is added as follows:


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

"Department" means the Department of Environmental Protection.

"Director" means the Director of the Department or the Director’s designee.

"Home energy audit" means an evaluation of the energy efficiency of a home which includes[]:

1. A thermographic scan; and

2. Any other[] any test or diagnostic measurement which the Department finds necessary to:

   (1) ensure that a home’s energy efficiency is accurately measured; or

   (2) identify steps that can be taken to improve a home’s energy efficiency.

"Qualified home energy performance rater" means an individual who:

1. Is certified by RESNET as a home energy performance rater; or

2. Meets other equivalent requirements approved by the Director.[]

"RESNET" means the Residential Energy Services Network.

"Single-family home" means a single-family detached or attached residential building.


"Thermographic scan" means a test to detect heat loss and air leakage in a building using infrared scanning.[]
[(b) *Home energy audit.* If a home inspection is completed in connection with the sale of a single-family home, the home inspection must include a home energy audit conducted by a qualified home energy performance rater.]]

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

1. Contains findings and recommendations for improving the home's energy efficiency;
2. Identifies energy efficiency improvements which would generate energy cost savings that would fully or partially fund the cost of the improvements; and
3. Identifies any public or private financing mechanisms known to the home energy performance rater that could be used to implement energy efficiency improvements.]]

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

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

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

1. Material approved by the Department that gives information about home energy efficiency improvements, including the benefit of conducting a home energy audit; and
2. Copies of the electric, gas, and [[water]] home heating oil bills or cost and usage history for the single-family home for the immediate prior 12 months, unless the single-family home was unoccupied for the entire prior 12 months. If the seller did not
occupy the single-family home for the entire prior 12 months, the
seller must provide the buyer with the required information for
[[the period]] that part of the prior 12 months, if any, that the
seller occupied the single-family home.

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

Sec. 2. Applicability.

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

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

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

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

Approved:

Michael J. Knapp, President, County Council

Isiah Leggett, County Executive

Date
This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

May 6, 2008

Date