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:
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:

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

[(B)] (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, 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

25 April 2008

May 5, 2008
This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

May 6, 2008
Date