

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

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

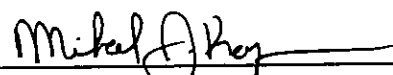
62 **Sec. 2. Applicability.**

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:*

73
74  25 April 2008
75 _____
75 Michael J. Knapp, President, County Council Date

76 *Approved:*

77  May 5, 2008
77 _____
77 Isiah Leggett, County Executive Date

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

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

May 6, 2008
Date