

## Chapter 21

### Home Energy Information

#### Sec. 21-1 Authority and Purpose

This Home Energy Information Ordinance is authorized by section 301(b)(2)(D) of the City of Montpelier's Municipal Charter and shall be a civil ordinance within the meaning of 24 V.S.A. Section 1971.

#### Sec. 21-2 Definitions

- A. **"Applicable Building"** means any residential structure. "Applicable building" does not include single dwelling units used solely for commercial purposes. The primary use of the building shall determine whether the building is considered "residential," "commercial" or other.
- B. **"City Clerk"** means the Montpelier City Clerk or their authorized representative, designee, staff or agent.
- C. **"City Manager"** means the Montpelier City Manager or their authorized representative, designee, staff or agent.
- D. **"Energy"** means heating oil, electricity, propane, steam, wood, or other energy generating product sold or used in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, or water heating, or for powering or fueling other end-uses in the building and related facilities.
- E. **"Expected Annual Energy Cost"** means the total annual energy costs for space heating and cooling, hot water, lights, and appliances, based on the physical attributes of the home, less any energy produced from on-site renewable sources, that is presented in the Vermont Home Energy Profile.
- F. **"Home Energy Information Guide"** means the most current policy document by that name, as approved by the Montpelier City Council.
- G. **"Listed publicly for sale"** means listing the applicable building for sale by printed advertisement, internet posting, or publicly displayed sign.
- H. **"Listing Price"** means the most recent publicly listed dwelling sales price.
- I. **"Real estate listings"** means any public real estate listing of homes for sale in the City of Montpelier, including listing a home for sale by a property owner or by a licensed real

estate agent. “Real estate listings” include the regional Multiple Listing Service provided by the New England Real Estate Network (NEREN), Picket Fence Preview, other “for sale by owner” sites, and other third-party listing services.

- J. **“Sale”** means the conveyance of title to real property by deed as a result of the execution of a real property purchase and sales contract or similar agreement. “Sale” does not include transfer of title pursuant to inheritance, involuntary transfer of title resulting from default on an obligation secured by real property, change of title pursuant to marriage or divorce, condemnation, or any other involuntary change of title affected by operation of law.
- K. **“Seller”** means any of the following:
  - (1) Any natural person, partnership, corporation, municipality, unincorporated association or other legal entity possessing title to a property that includes an applicable building; or
  - (2) The association of unit owners, or other person or legal entity, responsible for overall management, in the case of a jointly-owned building, with authority to make decisions about building assessments and alterations.
- L. **“Vermont Home Energy Profile”** means a home energy rating report, as outlined in the Home Energy Information Guide.

**Sec. 21-3 Providing Energy Information About Applicable Buildings.**

- A. Prior to listing publicly for sale any applicable building, the Seller or the Seller’s designated representative, shall obtain a Vermont Home Energy Profile on such building as provided in the Home Energy Information Guide.
- B. When an applicable building is listed publicly for sale, the Seller or the Seller’s designated representative shall:
  - (1) Provide a copy of the Vermont Home Energy Profile:
    - a. To all licensed real estate agents working on the Seller’s behalf;
    - b. To all prospective buyers who visit the home while it is listed publicly for sale; and
    - c. To the buyer at closing.
  - (2) Include the Expected Annual Energy Cost in all real estate listings and attach the Vermont Home Energy Profile if attachments are accepted by the applicable listing service; and

- C. At the closing, the Seller and the buyer shall sign a document to certify that the Seller provided a copy of the Vermont Home Energy Profile to the buyer. The Seller shall provide one copy of the certification to the buyer. In addition, within 10 days of closing, the Seller shall provide a copy of the certification to the City Clerk.

**Sec. 21-4 Implementation and Suspension of Requirements**

- A. The details for how to acquire a Vermont Home Energy Profile and determine the Expected Annual Energy Cost shall be specified in the Home Energy Information Guide.
- B. The City Manager, or his or her designee, shall be responsible, in the first instance, for implementation, interpretation and enforcement of this Chapter. The City Manager may temporarily suspend the requirements of this Chapter if they reasonably determine that such requirements are temporarily infeasible due to system-wide (i.e., beyond individual cases) technical circumstances.

**Sec. 21-5 Penalties**

- A. It shall be a violation of this Chapter for any person to fail to comply with the requirements of this section or to intentionally misrepresent any material fact in a document required to be prepared or disclosed by this Chapter. Any person who violates a provision of this civil ordinance shall be subject to civil penalties as set forth below for each day that the violation continues. The City Manager, and such other persons as he or she may designate, shall act as an issuing municipal official, within the meaning of 24 V.S.A. Section 1977, to issue and pursue before the Vermont Judicial Bureau, or such other tribunal having jurisdiction, a municipal complaint.
- B. Any building owner or person who fails, omits, neglects, or refuses to comply with the provisions of this Chapter shall be subject to:
  - (1) Upon the first violation, the City Manager may issue a written warning notice to the Seller, describing the violation and steps required to comply with this Ordinance.
  - (2) For every day during which the violation continues, the City Manager may issue a municipal complaint and assess a civil penalty of \$25, the summation of which shall be capped at \$500
- C. Liability under this chapter shall be solely personal, imposed on the Seller who violated this chapter. Under no circumstances does the civil penalty imposed constitute a lien on real or personal property of the violator. Nothing in this ordinance shall be interpreted to create a cloud or impediment on the title.

- D. Other Relief. In addition to the enforcement procedures available before the Vermont Judicial Bureau, the City Manager is authorized to commence a civil action to obtain injunctive relief and other appropriate relief, or to pursue any other remedy authorized by law.

**Sec. 21-6 Right of Appeal and Stay**

After being issued a written warning notice of a first violation, any person receiving a subsequent notice of violation shall, within 10 days of issuance of the notice, either pay to the City the stated amount of the penalty or request, by written notice of appeal submitted to the City Manager, an appeal hearing before the City Council to appeal the violation. If, pursuant to any decision on appeal, the violation is upheld and appeal denied, payment of the penalty amount must be received by the City Manager 15 calendar days after the order becomes final. Upon request, and when necessary to preserve the rights of the parties and for good cause shown, the City Manager or City Council shall have the authority to stay the accumulation of daily penalties during the pendency of an appeal.

**Issues of fraudulent representation shall be addressed in accordance with state statute.**

**Sec. 21-7 Severability**

If any provision of this Ordinance is deemed by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be severed and the remainder of the Ordinance shall continue in full force and effect.

**Sec. 21-8 Effective Date**

This ordinance shall take effect July 1st, 2021, except Sections 21-5 (Penalties) and 21-6 (Right of Appeal and Stay), which shall take effect January 1st, 2022.