

House Bill 3400

Sponsored by Representative HOLVEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires State Department of Energy to analyze commercial buildings and residential buildings in this state to report energy performance and assign energy performance score. Directs department to make energy performance reports and scores available in publicly accessible database.

Appropriates moneys to department to compile, report and post energy performance ratings.

A BILL FOR AN ACT

1
2 Relating to energy performance ratings for buildings; and appropriating money.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 4 of this 2011 Act:**

5 (1) **"Asset rating" means the building energy use rating generated by modeling, under**
6 **standardized weather and occupancy conditions, adjusted to account for variances in energy**
7 **consumption.**

8 (2) **"Commercial building" means a structure in which more than 50 percent of the usable**
9 **square footage is used, or planned for use, in connection with:**

10 (a) **The exchange, sale or storage of goods;**

11 (b) **The provision of services; or**

12 (c) **Residential use providing five or more individual residential units.**

13 (3) **"Residential building" means a structure used, or planned for use, as fewer than five**
14 **individual residential units.**

15 **SECTION 2. (1) The State Department of Energy shall prepare an energy performance**
16 **report, including an energy performance score, for commercial buildings and residential**
17 **buildings in this state and make the energy performance reports and energy performance**
18 **scores available in a publicly accessible database on the Internet.**

19 (2) **An energy performance report, including an energy performance score, prepared**
20 **pursuant to this section must include a standardized valuation of the energy use of the**
21 **commercial building or residential building that is sufficient to allow prospective buyers or**
22 **lessees to compare and assess the energy performance of the building to other similar**
23 **buildings.**

24 (3) **For commercial buildings:**

25 (a) **The department shall develop a standardized rating system to be used in preparation**
26 **of the energy performance report, including an energy performance score, that is consistent**
27 **with the Energy Star Portfolio Manager benchmarking data and ratings or other standards**
28 **established by the department. At a minimum, the rating system must:**

29 (A) **Establish a numerical score, calculated utilizing asset rating methodology that re-**
30 **flects the overall energy consumption under standardized weather and occupancy conditions.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Take into account an analysis of the building characteristics in accordance with a
2 technical scale, as defined by rule.

3 (C) Include, subject to section 3 of this 2011 Act, a greenhouse gas rating and an esti-
4 mated total consumption of energy for the commercial building.

5 (D) Include a graphical representation of the greenhouse gas rating and the estimated
6 total consumption of energy.

7 (E) Include a written report of the results of an on-site energy audit, subject to section
8 3 of this 2011 Act, and associated recommendations if appropriate.

9 (b) Unless major changes or upgrades are made to the commercial building, the energy
10 performance report, including the energy performance score, is valid for six years from the
11 date of issuance.

12 (4) For residential buildings:

13 (a) The department shall develop a standardized rating system to be used in preparation
14 of the energy performance report, including an energy performance score, that is consistent
15 with the methods approved by the department for a voluntary building energy rating system
16 or in accordance with United States Department of Energy, National Building Rating Pro-
17 gram. At a minimum, the rating system must:

18 (A) Establish a numerical score, calculated utilizing asset rating methodology that re-
19 flects the overall energy consumption under standardized weather and occupancy conditions.

20 (B) Take into account an analysis of the building characteristics in accordance with a
21 technical scale, as defined by rule.

22 (C) Include, subject to section 3 of this 2011 Act, a greenhouse gas rating and an esti-
23 mated total consumption of energy for the residential building.

24 (D) Include a graphical representation of the greenhouse gas rating and the estimated
25 total consumption of energy.

26 (E) Include a written report of the results of an on-site energy audit, subject to section
27 3 of this 2011 Act, and associated recommendations if appropriate.

28 (b) Unless major changes or upgrades are made to the residential building, the energy
29 performance report, including the energy performance score, is valid for six years from the
30 date of issuance.

31 **SECTION 3.** (1) To facilitate complete and accurate compliance with the requirements
32 of sections 1 to 4 of this 2011 Act, the State Department of Energy:

33 (a) Shall require utilities providing electricity, natural gas or liquid propane gas to ser-
34 vice territory within this state to upload energy usage data for commercial buildings and
35 residential buildings, not including any payment or billing history, to a secure central regis-
36 try maintained by the department.

37 (b) May provide access to information contained in the secure central registry only to
38 department personnel, energy auditors, local code enforcement officials and, as determined
39 by the department, persons that provide essential energy efficiency services.

40 (2) The department shall establish an estimated total consumption of energy by measur-
41 ing aggregate consumption of each end-use appliance.

42 (3) The department shall establish a greenhouse gas rating by estimating the amount of
43 carbon dioxide emissions per housing unit, as a calculation of the carbon intensity for each
44 fuel source used in the unit utilizing the following standards:

45 (a) 0.907 pounds of carbon dioxide for each kilowatt hour of electricity consumed annu-

1 ally.

2 (b) 11.68 pounds of carbon dioxide for each therm of natural gas consumed annually.

3 (c) 22.15 pounds of carbon dioxide for each gallon of fuel oil consumed annually.

4 (d) 12.76 pounds of carbon dioxide for each gallon of liquid propane gas consumed annu-
5 ally.

6 (4) The energy audit required by section 2 of this 2011 Act must:

7 (a) Be conducted by an individual certified by the department.

8 (b) Include a comprehensive household inspection to assess air and energy leakage and
9 to propose cost-effective improvements.

10 (c) Include an evaluation of building elements related to net site energy use, including
11 insulation, ventilation, water heating system, heating and cooling systems, appliances and
12 lighting.

13 (d) Include analysis of energy generation from on-site renewable energy sources, causing
14 the energy performance scores to be a net energy score.

15 (5) At a minimum, an individual is qualified for certification as an energy auditor if the
16 individual is qualified to:

17 (a) Perform a comprehensive household inspection, including testing the building envel-
18 ope, insulation, ventilation, water heating system, heating and cooling systems, appliances
19 and lighting;

20 (b) Assess air and energy leakage; and

21 (c) Propose cost-effective improvements.

22 **SECTION 4.** (1) The State Department of Energy shall adopt rules required for the ad-
23 ministration of sections 1 to 4 of this 2011 Act.

24 (2) In preparing the rules, the department shall develop standardized requirements for
25 energy audits.

26 (3) The rules must establish privacy guidelines to protect the confidentiality of consumer
27 information uploaded to the secure central registry.

28 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
29 ated to the State Department of Energy, for the biennium beginning July 1, 2011, out of the
30 General Fund, the amount of \$_____, which may be expended to implement sections 1 to 4
31 of this 2011 Act.

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