

Realtor® Advocacy Update

by Jane Leo, PMAR Governmental Affairs Director

Mandatory Home Energy Score Rules Portland Opens Public Comment Period

The Portland City Council passed the ordinance in December; now they're proposing how to implement and enforce the mandatory pre-listing Home Energy Score Audit. Until August 24, 2017, City staff is receiving public comment on the draft rules which are intended to further clarify requirements of home sellers, home builders, real estate licensees, and home energy assessors as well as where and how the energy score is to be disclosed to potential buyers.

The draft rules are available for review at <http://bit.ly/phesadminrules>. Additional rules that address low income sellers may follow at a later date. Your comments and those of your clients and friends on the draft rules can be submitted until 6:00 p.m. on August 24th by

- a) Emailing written comments to kyle.diesner@portlandoregon.gov using the subject line: "Home Energy Score Comments," or
- b) Mailing written comments to Bureau of Planning and Sustainability, Home Energy Score Comments, 1900 SW 4th Avenue, Suite 7100, Portland, OR 97201, or
- c) Providing oral comments during the August 24th public hearing from 4:00 – 6:00 p.m. at 1900 SW 4th Avenue, Suite 7A (seventh floor), Portland.

The pre-listing Home Energy Score Ordinance was unanimously adopted by the Portland City Council-Portland City Code Chapter 17.108—on December 14, 2016. The new policy, effective January 1, 2018, requires sellers of single-family homes to: obtain a home energy performance report prior to listing, provide a copy of the home energy score to the listing real estate agent, include the energy score in any real estate listing, provide a copy of the performance report to prospective buyers who visit the home while the listing is active, and more. Until the final rules are adopted by the City Council, following the public comment period, it is not known exactly how the requirements can be met and what the penalties are for non-compliance. The requirements of the ordinance, and to-be-adopted rules, apply to existing and new construction.

PMAR, with the support of many members, worked to influence the final ordinance the City Council adopted. While we were not able to defeat the ordinance in total, we were able to keep the score from having to be filed with the City, kept the score from having to be reported to the public on portlandmaps.com, succeeded in getting a low income seller exemption, and succeeded in keeping energy efficiency upgrades from being a point-of-sale requirement. Additionally, we've influenced the verbiage of the Home Energy Score Report for Existing Homes.

You are encouraged to submit comments on the City's draft rules by email, mail, or in person. Do the rules fit with how you do business? Be as specific as possible including citing the specific section of the ordinance to which you're referring.