

Residential Building Energy Labeling Working Group
Meeting Notes
11/12/20

Attendees: Leslie Badger (EVT); Kelly Launder (PSD); Chris Gordon (EVT); Keith Levenson (PSD); Geoff Wilcox (OEO); Tom Lyle (BED); Craig Peltier (VHCB); Karen Horne (VGS); Martha Lange (BHHS Vermont Realty Group); Peter Tucker (Vermont Realtors Assn); Paul Zabriskie (Capstone); Amy McClellan (Milne-Allen Appraisal Co.)

- **Review/approve meeting minutes**
 - Craig P. moved to approve the meeting minutes from October, Paul seconded. Approved by voice vote.

- **Review Draft Legislative Report (Chris G)**
 - Chris Gordan facilitated walking through comments on the draft legislative report – residential section.
 - Peter T/Martha L: Would like to add language about the potential negative impacts on property values.
 - Kelly L: Will add something to Impact section using what was included in their comments. Peter T: that would be good.
 - Paul Z: Regarding OEO comment that they “Recommend that the state require any municipality choosing to require building energy disclosure to ensure that the municipal mandate will not and does not result in any new fees incurred by low and moderate income Vermonters in order to comply with the municipal requirement.” Agree with the sentiment, but there is no way for a muni or other org to evaluate what is low or moderate income. Difficult to impose a needs test. Can't say there will not be fees for low and moderate income.
 - Kelly L: Will add consideration of impact to low and moderate income. (OEO OK w/ that approach)
 - Paul Z: Regarding OEO comment that “this recommendation be explicitly contingent upon the state supported programs receiving a legislative directive to invest a quantified amount of funding into this effort.... “seems like an unnecessary recommendation as already reporting projects to HELIX.
 - Kelly L: Will add a comment in the discussion section that OEO has concerns about budget/resources, don't currently have budget/resources allocated for this. KL will work with OEO on language.
 - Martha/VAR comment: Our MLS has not agreed to link to the profile, the data fields exist but this info is not being populated now.
 - Chris G: are you saying we don't want to overpromise? Peter T: yes. Amy McClellan: not being auto populated right now. Martha L: Leslie replied to this discussion by email just now. Kelly L: Will fix language as appropriate, per Leslie's comments.
 - Discussion about whether the profile should be public or private:
 - Peter T: if homeowner wants to do profile, fine. If they don't know it is being created and it affects the value of the home, that's not good. Owner should have a say in this. Peter T: How about an opt-in provision? CG I will talk to Clearly energy to see if this is feasible/practical. Kelly L: aren't these HEPs all created by homeowners so they do know when they are being created. Chris G: Yes, but concern is whether it can remain private

if homeowner chooses once its created. CG: Contractor can create HEP but only with knowledge of homeowner. Peter T: understanding that all Montpelier lister info has been uploaded to HELIX. CG: It's there but doesn't create a profile.

- Martha L: Where it says, "This data shall be limited to asset-based data elements and recognition of final project completion" "asset-based" is a confusing term for average folk. Kelly L: propose taking out the term asset based and just say "data"
- Discussion on mandatory labeling pros and cons language:
 - RE: Martha/VAR comment: Strike this section. The Vermont Association of Realtors® will not support this report if this language is included. Goes beyond the charge of Act 62.)
 - Chris G: one way to deal with this is to remove the preamble and the voting roll call and just leave pros and cons.
 - Tom L: Maybe just put it (pros and cons) in the appendix.
 - Paul Z: scrub it from the report and write a dissenting opinion in a separate document.
 - Tom L: I'd be ok with that.
 - Martha L: If we want this to go somewhere adding the discussion of mandatory works against that.
 - Kelly L: Re Paul's proposal, would that mean that PSD submits the report and the dissenting opinion is separately authored and submitted by others? Paul Z: Sure
 - Craig P: I'd like to put this in an appendix. Important for leg to know. Just pros and cons. Not mutually exclusive with Paul's idea.
 - Peter T: discussion of mandatory program is not what this group was asked to do. On a voluntary basis we are happy to be involved.
 - Martha L: cart before the horse. Talk of mandatory should be way down the road. This is new, and needs to be tested before we go there.
 - Craig P: that comes across clearly in pros and cons.
 - Leslie B: we are not making a recommendation but important to lay out pros and cons.
 - Kelly L: important to note that the group voted and did not agree to mandatory labeling. PT: what does mandatory mean? Every home has a label. KL: no, specific language that was voted on is in the report
 - (Re "Energy Literacy" in pros and cons) Tom L: How do we know if label affords consumer protections? May be better than SPIR, better than nothing. How do we know the label is accurate? Kelly L: maybe use different language. Karen H: consistent information? Change to 'consumer awareness'
 - (Re: Voluntary Programs Are Too Slow) – Paul Z: remove the word "too". Leslie B: maybe "underutilized" Paul Z: too slow to affect climate crisis. Chris G: if we use underutilized, we have to change narrative. Chris G: Let's table for sake of moving forward.
 - (Re: Lack of state leadership) Tom L: EEU's are about carrots, not sticks. Don't have the authority to enforce a mandatory program. Kelly L: maybe "lack of entity to enforce a mandatory program"
 - Paul Z: if we have agreed to move to appendix, why are we picking these apart? Kelly L: didn't know we had decided that. Chris G: call the question. Paul Z: If VAR will walk, then take it out. Put in separate document. Peter T: we see this as beyond the charge of the WG - don't feel like it's appropriate in the report, body or appendix. Chris G: in spirit of original intent and consensus, propose we take it out. Paul Z: there are legislators that are looking for ways to move the housing market toward valuing energy efficiency. Martha L: we are supposed to be developing a voluntary label. Let's finish that and then talk about maybe a mandatory program. Maybe just have the list without mention of

mandatory. Just pros and cons. Peter T: Still not appropriate given the Act that created the group. Chris G: Recommends that this is taken out if the realtors won't support the report with it in. GROUP AGREED

- Martha/VAR comment: Should there be a date on the Vermont Home Energy Profile/Home's Expected Annual Energy Cost document? Leslie B: Profile issue date that is currently included, is the date it was generated. Martha: "Issue date" is confusing. Chris G: Is creation date better? ML: Yes. CG: Will change to Creation date.
- Martha/VAR comment: There is currently no connection between HELIX and the MLS for energy fields. Peter T: if prog is truly voluntary, VAR and VT MLS would work to make HELIX export happen. Chris G: Need to rephrase. Includes solar but not other fields. He will send new language.

Next Steps:

Group agreed to schedule another meeting in December to finished reviewing and finalizing comments. Kelly will send around a doodle poll to schedule.

Kelly L: Also the work plan says we should have a final draft by then so please read through the report and see if there are any other changes or comments.