



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

Effective Date: June 8, 2017

ADMINISTRATIVE RULES
Residential Energy Performance Rating and Disclosure

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PART 1.0, SCOPE, PURPOSE AND BACKGROUND

These administrative rules are intended to clarify the requirements for residential energy performance rating and disclosure within Portland City Code (PCC) Chapter 17.108, also known as the Home Energy Score program. PCC Chapter 17.108 seeks to make energy performance in residential buildings transparent, to enable more knowledgeable decisions about the full costs of operating home, to motivate energy efficiency investments in homes that lower utility bills, to reduce carbon emissions, and increase comfort, safety and health for home owners.

Portland's Climate Action Plan seeks to reduce carbon emission 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. Buildings are the largest source of carbon emissions in Portland. One key Climate Action Plan objective is to reduce the total energy use of existing buildings and to achieve zero net carbon emissions in all new buildings.

Local government plays a critical role in making it easier for people to save energy, protect against rising energy prices and reduce carbon pollution. The Home Energy Score program seeks to accelerate market adoption of energy efficiency by requiring the disclosure of a home energy performance report, including a U.S. DOE Home Energy Score, before listing a home for sale in the city of Portland. Requiring home energy scores is one policy tool the City has available to catalyze change in the residential sector.

PART 2.0, ADOPTION AND REVISION OF ADMINISTRATIVE RULES

A. Director's Authority to Adopt Rules

The Director of the Bureau of Planning and Sustainability (BPS) has authority under PCC 17.108.030 to adopt administrative rules, procedures and forms to implement the provisions of PCC Chapter 17.108.

B. Adoption and Revision of Rules

1. In adopting or revising any administrative rule, the Director shall act in accordance with PCC 17.108.030.
2. After receiving comments on a proposed rule or revision to an existing rule, the Director shall conduct additional public review if a substantial modification is made. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the meeting at which the modification is made. The Director shall determine whether a modification is substantial or not.
3. Notwithstanding paragraphs 1. and 2. of this section, an interim rule may be adopted by the Director without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Within five (5) business days of the adoption of such interim rule, BPS staff shall send notice of the rule change, giving the language of the rule change, describing the purpose of the rule, and inviting the submission of comments by email from Neighborhood Associations recognized by the City Office of Neighborhood Involvement, District Coalitions recognized by the City Office of Neighborhood Involvement, and persons on the BPS list of parties interested in the Home Energy Score program. Any interim rule

adopted by the Director may be effective for a period of 365 days from the date that the interim rule is adopted.

PART 3.0, RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE

Part 3.1, Definitions: As used in these administrative rules, the following words and phrases shall be construed as defined in this Section, unless the context indicates a different meaning is intended.




- A. “Director”** means the Director of the Bureau of Planning and Sustainability or his or her authorized representative, designee or agent.
- B. “Energy”** means electricity, natural gas, propane, steam, heating oil, wood or other product sold for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.
- C. “Home”** means any residential structure containing a single dwelling unit or house, regardless of size, on its own lot. “Home” also includes attached single dwelling unit, regardless of whether it is located on its own lot, where each unit extends from foundation to roof, such as a row house, attached house, common-wall house, duplex, or townhouse.
- D. “Home Energy Assessor”** means a person who is certified as a home energy assessor by the Oregon Construction Contractors Board to determine home energy performance scores for residential dwelling units.
- E. “Home Energy Performance Report”** means the report prepared by a home energy assessor in compliance with Oregon Administrative Rules adopted by the Oregon Department of Energy for the Oregon Home Energy Performance Score Standard.
- F. “Home Energy Performance Score”** means an asset rating that is based on physical inspection of the home or design documents used for the home’s construction.

Part 3.2, Requirements for Home Energy Performance Report

1. To comply with the requirements of Portland City Code Chapter 17.108, a Home Energy Performance Report must include the following information:
 - a. The U.S. Department of Energy (US DOE) Home Energy Score and an explanation of the score;
 - b. An estimate of the total annual energy used in the home in retail units of energy, by fuel type;
 - c. An estimate of the total annual energy generated by on-site solar electric, wind electric, hydroelectric, and solar water heating systems in retail units of energy, by type of fuel displaced by the generation;
 - d. An estimate of the total annual cost of energy purchased for use in the home in dollars, by fuel type, based on the current average annual retail residential energy price of the utility serving the covered building at the time of the report and the average annual energy prices of non-regulated fuels, by fuel type, as provided by the Oregon Department of Energy;

- e. The current average annual utility retail residential energy price in dollars, by fuel type, and the average annual energy prices of non-regulated fuels, by fuel type, provided by the Oregon Department of Energy and used to determine the costs described in this section;
 - f. The name and contact information for the entity that assigned the home energy performance score and that entity's Construction Contractors Board license number if such a license is required by law;
 - g. The date the building energy assessment was performed;
 - h. The expiration date for the Home Energy Performance Report; and
 - i. The address, year built, and heated square footage of the home;
 - j. An estimate of the home's greenhouse gas emissions based on the Home Energy Score estimate of the home's energy use, fuel types, and utility and fuel specific emission factors provided by the Oregon Department of Energy.
 - k. The statement "This report meets Oregon's Home Energy Performance Score standard and complies with Portland City Code Chapter 17.108."
2. Home Energy Performance Reports shall comply with the requirements of Oregon Administrative Rules adopted by Oregon Department of Energy for Oregon's Home Energy Performance Score Standard.
 3. Only state licensed Home Energy Assessors may produce Home Energy Performance Reports.
 4. Home Energy Performance Reports shall include an Official Assessment ID number provided by US DOE.
 5. Compliant Home Energy Performance Reports for existing homes shall use the format set forth in the attached Exhibit A. The specific information identified in the various fields will vary between individual homes. Compliant Home Energy Performance Reports shall be printed on the front and back sides of a single sheet of paper in 8.5 by 11-inch format. Home Energy Performance Reports may also be prepared electronically in the same format.
 6. Compliant Home Energy Performance Reports for newly constructed homes that have not been previously occupied shall use the format set forth in the attached Exhibit B. The specific information identified in the various fields will vary between individual newly constructed homes. Compliant Home Energy Performance Reports for newly constructed homes shall be printed on the front side of a single sheet of paper in 8.5 by 11-inch format. Home Energy Performance Reports may also be prepared electronically in the same format.

Exhibit A: Home Energy Performance Report for Existing Homes
(SAMPLE – NOT AN ACTUAL HOME)

<p>PORTLAND HOME ENERGY SCORE</p> <p><small>Know the score. Outsmart energy waste.</small></p>	<p align="center">U.S. DEPARTMENT OF ENERGY</p> <p align="center">THIS HOME'S SCORE 3 OUT OF 10</p>	<p align="center">THIS HOME'S ESTIMATED ENERGY COSTS</p> <p align="center">\$1,233 PER YEAR</p>
<p>HOME PROFILE</p> <p>LOCATION: 123 Main St Portland, OR 97201</p> <p>YEAR BUILT: 1924</p> <p>HEATED FLOOR AREA: 1,500 sq. ft.</p> <p>NUMBER OF BEDROOMS: 3</p> <p>ASSESSMENT</p> <p>ASSESSMENT DATE: 12/22/2016</p> <p>EXPIRATION DATE: 12/22/2021</p> <p>ASSESSOR: Maria Gomez Gomez Energy Partners</p> <p>PHONE: 503-555-1211</p> <p>EMAIL: maria@gomezenergy.com</p> <p>CCB LICENSE #: 1234567890</p> <p><i>Flip over to learn how to improve this score and use less energy!</i></p>	<div>  Home Energy Score </div> <div> <p align="center">Average Home</p>  <p align="center">SCORE TODAY</p> </div> <p>Official Assessment ID#1234567</p> <p>The Home Energy Score is a national rating system developed by the U.S. Department of Energy. The Score reflects the energy efficiency of a home based on the home's structure and heating, cooling, and hot water systems. The average score is a 5. Learn more at HomeEnergyScore.gov.</p> <hr/> <p>HOW MUCH ENERGY IS THIS HOME LIKELY TO USE?</p> <p>Electric: 10,000 kWh/yr.....\$600</p> <p>Natural Gas: 700 therms/yr\$633</p> <p>Other: _____ gal/yr.....\$0</p> <p align="right">TOTAL ENERGY COSTS PER YEAR \$1,233</p> <hr/> <p>THIS HOME'S CARBON FOOTPRINT:</p> <div> <p align="center">15.5 This Home</p>  <p align="center">Estimated average carbon footprint for a similar sized home: 3.8 tons of CO₂ equivalent emissions per year.</p> </div> <div> <ul style="list-style-type: none"> Actual energy use and costs may vary based on occupant behavior and other factors. Estimated energy costs were calculated based on current utility prices (\$0.11/kwh for electricity; \$0.89/therm for natural gas; \$2.50/gal for heating oil; \$3.50/gal for propane). Carbon footprint is based only on estimated building energy use. Carbon emissions are estimated based on utility- and fuel-specific emissions factors provided by the Oregon Department of Energy. This report meets Oregon's Home Energy Performance Score Standard and complies with Portland City Code Chapter 17.108. </div>	

Score today: 3	Score with improvements:*	Estimated energy savings with improvements: \$500	Estimated carbon reduction with improvements: 27%
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TACKLE ENERGY WASTE TODAY!

Enjoy the rewards of a comfortable, energy efficient home that saves you money.

- ☒ Get your home energy assessment (Done!)
- ☐ Choose which energy upgrades to address first
- ☐ Get a bid. Find an Energy Trust trade ally contractor by visiting www.energytrust.org/findacontractor or calling toll free 1-866-368-7878
- ☐ Find financing options and other helpful services at www.enhabit.org

* PRACTICAL ENERGY IMPROVEMENTS | COMPLETE NOW OR LATER

To achieve the "score with improvements," all recommended improvements listed below must be completed. Improvements all have a simple payback of ten years or less and may be eligible for mortgage financing. For a more detailed explanation of costs and payback, please get a bid from a contractor.

FEATURE	TODAY'S CONDITION	RECOMMENDED IMPROVEMENTS
Basement wall insulation	No insulation	Insulate to R15
Attic insulation	No insulation	Insulate to R49
Foundation wall insulation	No insulation	Insulate to R11
Wall insulation	No insulation	Insulate to R15
Envelope/Air Sealing	Not professionally air sealed	Seal the gaps and cracks that leak air into your home
Duct insulation	R3	Insulate to R6
Duct sealing	45% leakage	Reduce leakage to 10% of total airflow
Floor insulation	R5	Insulate to R38
Gas furnace	78% AFUE	Upgrade to ENERGY STAR 95% AFUE
Skylights	Single-paned	Replace with ENERGY STAR (double-pane solar-control low-E argon gas wood frame)
Water heater	Standard electric tank	Upgrade to ENERGY STAR (heat pump, EF 2.76)
Windows	Single-paned aluminum	Replace with ENERGY STAR (double-pane solar-control low-E argon gas wood frame)

YOU CAN DO IT YOURSELF!

Looking for low-cost ways to cut energy waste, boost your comfort and lower your energy bills? Visit the resources below to learn about easy changes you can make today:

www.energytrust.org/tips and www.communityenergyproject.org/services

Exhibit B: Home Energy Performance Report for Newly Constructed Homes
(SAMPLE – NOT AN ACTUAL HOME)

PORTLAND HOME ENERGY SCORE <small>Know the score. Outsmart energy waste.</small>	 U.S. DEPARTMENT OF ENERGY THIS HOME'S SCORE 3 OUT OF 10	THIS HOME'S ESTIMATED ENERGY COSTS \$1,233 PER YEAR
HOME PROFILE LOCATION: 123 Main St Portland, OR 97201 YEAR BUILT: 2017 HEATED FLOOR AREA: 1,500 sq. ft. NUMBER OF BEDROOMS: 3	<div style="display: flex; justify-content: space-between;"> Home Energy Score </div> <div style="text-align: center; margin-top: 10px;"> <p>Higher energy use 1 2 3 4 5 6 7 8 9 10 Lower energy use</p> <p>SCORE TODAY</p> </div> <p><small>Official Assessment ID#1234567</small></p> <p><small>The Home Energy Score is a national rating system developed by the U.S. Department of Energy. The Score reflects the energy efficiency of a home based on the home's structure and heating, cooling, and hot water systems. The average score is a 5. Learn more at HomeEnergyScore.gov.</small></p>	
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MAKE THE MOST OUT OF YOUR NEW HOME! To learn more about ways to cut energy waste, boost your comfort and keep your energy bills low visit: www.energytrust.org/tips	THIS HOME'S CARBON FOOTPRINT: <div style="text-align: center;"> 35 tons/year WORSE 0 tons/year BEST </div> <p><small>Estimated average carbon footprint for a similar sized home: 3.8 tons of CO₂ equivalent emissions per year.</small></p> <div style="border: 1px solid #003366; padding: 5px; margin-top: 10px;"> <ul style="list-style-type: none"> Actual energy use and costs may vary based on occupant behavior and other factors. Estimated energy costs were calculated based on current utility prices (\$0.11/kwh for electricity; \$0.89/therm for natural gas; \$2.50/gal for heating oil; \$3.50/gal for propane). Carbon footprint is based only on estimated building energy use. Carbon emissions are estimated based on utility- and fuel-specific emissions factors provided by the Oregon Department of Energy. This report meets Oregon's Home Energy Performance Score Standard and complies with Portland City Code Chapter 17.108. </div>	