



General Assembly

Substitute Bill No. 5385

February Session, 2012

* _____HB05385APP__042412_____*

AN ACT CONCERNING ENERGY RETROFITS FOR CERTAIN BUILDINGS AND THE DISCLOSURE OF THE ENERGY EFFICIENCY OF CERTAIN BUILDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this
2 section, "residential building" means a structure that is intended to be
3 or is used as a residence consisting of one to four dwelling units.

4 (b) Each electric distribution company and gas company, as defined
5 in section 16-1 of the general statutes, shall develop a program to allow
6 any owner of a residential building to compare the electric or gas
7 consumption of such building to the electric or gas consumption of
8 similar buildings served by such company. On or before January 1,
9 2013, each such company shall submit a proposal for such program to
10 the Public Utilities Regulatory Authority. The authority may approve
11 or deny and request modification of any such proposal. The cost
12 incurred by each such company for developing and implementing
13 such program may be recovered from the Energy Efficiency Fund.

14 Sec. 2. Section 16-245ii of the 2012 supplement to the general statutes
15 is repealed and the following is substituted in lieu thereof (*Effective*
16 *October 1, 2012*):

17 (a) As used in this section, "nonresidential building" means any

18 building, except a residential building containing less than five
19 dwelling units.

20 (b) Commencing January 1, 2012, each electric distribution, electric
21 and gas company shall maintain and make available to the public, free
22 of charge, records of the energy consumption data of all typical
23 nonresidential buildings to which such company provides service. This
24 data shall be maintained in a format (1) compatible for uploading to
25 the United States Environmental Protection Agency's Energy Star
26 portfolio manager or similar system, for at least the most recent thirty-
27 six months, and (2) that preserves the confidentiality of the customer.

28 (c) On and after January 1, 2013, each electric distribution, electric
29 and gas company shall maintain records of the energy consumption
30 data of all nonresidential buildings to which such company provides
31 service. This data shall be maintained in a format (1) compatible for
32 uploading to the United States Environmental Protection Agency's
33 Energy Star portfolio manager or a comparable system selected by the
34 Public Utilities Regulatory Authority, and (2) that preserves the
35 confidentiality of the customer. The authority may select different
36 systems for different classes of buildings. Any system selected
37 pursuant to this subsection shall evaluate the efficiency of the building
38 systems of such building when such building systems are used under
39 standardized conditions.

40 (d) On and after January 1, 2013, upon the written authorization or
41 secure electronic authorization of a nonresidential building owner or
42 operator, an electric distribution, electric or gas company shall upload
43 all of the energy consumption data for the specified building account
44 to the Energy Star portfolio manager or comparable system selected by
45 the authority pursuant to subsection (c) of this section to benchmark
46 such building's energy use. The electric distribution, electric or natural
47 gas company shall maintain such data in a manner that preserves the
48 confidentiality of the customer.

49 (e) (1) Not later than January 1, 2014, and annually thereafter, any

50 owner or operator of a nonresidential building with a total gross floor
51 area of fifty thousand square feet or more that is offered for sale or
52 lease to the state or any municipality shall benchmark such building's
53 energy use by uploading such building's energy consumption data to
54 the Energy Star portfolio manager or comparable system selected by
55 the authority. On and after January 1, 2014, such owner or operator
56 shall disclose the benchmarking data and ratings generated by such
57 system for the most recent twelve-month period to the state or any
58 municipality seeking to purchase or lease such building. On and after
59 January 1, 2015, the Commissioner of Energy and Environmental
60 Protection shall make such benchmarking data and ratings accessible
61 to the public via an on-line database.

62 (2) Not later than July 1, 2014, and annually thereafter, any owner or
63 operator of a nonresidential building with a total gross floor area of
64 twenty thousand square feet or more but less than fifty thousand
65 square feet that is offered for sale or lease to the state or any
66 municipality shall benchmark such building's energy use by uploading
67 such building's energy consumption data to the Energy Star portfolio
68 manager or comparable system selected by the authority. On and after
69 July 1, 2014, such owner or operator shall disclose the benchmarking
70 data and ratings generated by such system for the most recent twelve-
71 month period to the state or any municipality seeking to purchase or
72 lease such building. On and after July 1, 2015, the Commissioner of
73 Energy and Environmental Protection shall make such benchmarking
74 data and ratings accessible to the public via an on-line database.

75 (3) Not later than January 1, 2015, and annually thereafter, any
76 owner or operator of a nonresidential building with a total gross floor
77 area of ten thousand square feet or more but less than twenty
78 thousand square feet that is offered for sale or lease to the state or any
79 municipality shall benchmark such building's energy use by uploading
80 such building's energy consumption data to the Energy Star portfolio
81 manager or comparable system selected by the authority. On and after
82 January 1, 2015, such owner or operator shall disclose the
83 benchmarking data and ratings generated by such system for the most

84 recent twelve-month period to the state or any such municipality
85 seeking to purchase or lease such building. On and after January 1,
86 2016, the Commissioner of Energy and Environmental Protection shall
87 make such benchmarking data and ratings accessible to the public via
88 an on-line database.

89 (f) On or before July 1, 2013, the Secretary of the Office of Policy and
90 Management shall benchmark the energy use of any nonresidential
91 building with a total gross floor area of not less than ten thousand
92 square feet owned or operated by the state or any state agency by
93 uploading such building's energy consumption data to the Energy Star
94 portfolio manager benchmarking tool or a comparable system.

95 Sec. 3. Section 8-253a of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective October 1, 2012*):

97 In addition to the terms and conditions set forth in section 8-253,
98 loans made by the authority hereunder shall also be subject to the
99 following terms and conditions:

100 (1) A loan hereunder may be prepaid after a period of twenty years
101 or sooner with the permission of the authority, [;] provided [;]
102 nonprofit mortgagors and mortgagors to whom loans are made on or
103 after October 1, 1978, may prepay their loans prior to maturity only
104 with the consent of the authority. The authority shall grant such
105 consent if it finds (A) that it may reasonably be expected that the
106 prepayment of the loan will not result in a material escalation of rents
107 charged to occupants of the project; and (B) that the need for low and
108 moderate income housing in the area concerned is no longer acute.

109 (2) The interest rate on the loan shall be established by the authority
110 at the lowest level consistent with the authority's cost of operation and
111 its responsibilities to the holders of its bonds, bond anticipation notes
112 and other obligations, except those loans made pursuant to subsection
113 (32) of section 8-250.

114 (3) The authority shall require the mortgagor or its contractor to

115 post labor and materials and construction performance surety bonds,
116 or enter into an escrow arrangement acceptable to the authority, in
117 amounts related to the project cost as established by regulation, and to
118 execute such other assurances and guarantees as the authority may
119 deem necessary.

120 (4) The loan shall be subject to an agreement between the authority
121 and the mortgagor which will subject said mortgagor and its principals
122 or stockholders to limitations established by the authority as to rentals,
123 carrying charges, and other charges, profits and fees, and the
124 disposition of its property and franchises to the extent more restrictive
125 limitations are not provided in the law under which the mortgagor is
126 incorporated or organized.

127 (5) A loan to a mortgagor, other than a municipal developer or a
128 nonprofit corporation having as one of its purposes the construction or
129 rehabilitation of housing, shall be subject to an agreement between the
130 authority and the mortgagor limiting the mortgagor, and its principals
131 or stockholders, to such return on the mortgagor's equity in any project
132 assisted with a loan from the authority as may be established or
133 permitted by the authority. The mortgagor's equity in a project shall
134 consist of the difference between the amount of the loan and the total
135 project cost, whether or not such costs have been paid in cash or in a
136 form other than cash. With respect to every project, the authority shall,
137 pursuant to rules and regulations adopted by it, establish the
138 mortgagor's equity after the acceptance as proper by the authority of
139 the certification or other assurances of project cost from the mortgagor,
140 provided in no case shall such figure ever be less than the mortgagor's
141 original equity in such project.

142 (6) No loan shall be executed, except a loan made to a municipal
143 developer or a nonprofit corporation having as one of its purposes the
144 construction or rehabilitation of housing, unless the mortgagor agrees
145 (A) to certify upon completion of project construction or rehabilitation,
146 subject to audit by the authority, either that the actual project cost as
147 defined herein exceeded the amount of the loan proceeds by ten per

148 cent or more, or the amount by which the loan proceeds exceed ninety
149 per cent of total project cost, and (B) to pay forthwith to the authority,
150 for application to reduction of principal of the loan, the amount, if any,
151 of such excess loan proceeds, subject to audit and determination by the
152 agency. No loan shall be made to a municipal developer or a nonprofit
153 corporation unless such mortgagor agrees to certify the actual project
154 cost upon completion of the project, and further agrees to pay
155 forthwith to the authority, for application to reduction of the principal
156 of the loan, the amount, if any, by which the proceeds of the loan
157 exceed the certified project cost, subject to audit and determination by
158 the authority. Notwithstanding the provisions of this subsection, the
159 authority may accept, in lieu of any certification of project cost as
160 provided herein, such other assurances of the said project cost, in any
161 form or manner whatsoever, as will enable the authority to determine
162 with reasonable accuracy the amount of said project cost.

163 (7) As a condition of the loan, the authority shall have the power at
164 all times during the construction and rehabilitation of a housing
165 project and the operation thereof: (A) To enter upon and inspect
166 without prior notice any project, including all parts thereof, for the
167 purpose of investigating the physical and financial condition thereof,
168 and its construction, rehabilitation, operation, management and
169 maintenance, and to examine all books and records with respect to
170 capitalization, income and other matters relating thereto and to make
171 such charges as may be required to cover the cost of such inspections
172 and examinations; (B) to order such alterations, changes or repairs as
173 may be necessary to protect the security of its investment in a housing
174 project or for the health, safety and welfare of the occupants thereof;
175 (C) to order any managing agent, project manager or owner of a
176 housing project to do such acts as may be necessary to comply with the
177 provisions of all applicable laws and ordinances or any rule or
178 regulation of the authority or the terms of any agreement concerning
179 the said project or to refrain from doing any act in violation thereof
180 and in this regard the authority shall be a proper party to file a
181 complaint and to prosecute thereon for any violation of laws or

182 ordinances as set forth herein; (D) to require the adoption and
183 continuous use of uniform systems of accounts and records for a
184 project and to require all owners or managers of same to file annual
185 reports containing such information and verified in such manner as the
186 authority shall require and to file at such times and on such forms as
187 the authority may prescribe reports and answers to specific inquiries of
188 the authority to determine the extent of compliance with any
189 agreement, the terms of the loan, the provisions of this chapter and any
190 other applicable law; [and] (E) to enforce, by court action if necessary,
191 the terms and provisions of any agreement between the authority and
192 the mortgagor as to schedules of rentals or carrying charges, aggregate
193 family income limits as applied to applicants for housing or the
194 occupants thereof, or any other limitation imposed upon the
195 mortgagor as to financial structure, construction, operation, or
196 disposition of the housing; and (F) to require that an energy audit of
197 such housing project is conducted prior to the construction or
198 rehabilitation of such project and that the recommendations of such
199 energy audit concerning energy efficiency upgrades are implemented
200 in such construction or rehabilitation, except no such audit or
201 upgrades are required for any project concerning handicapped
202 accessibility or any project that does not substantially affect energy
203 consumption.

204 (8) If, pursuant to subsection (29) of section 8-250, the authority
205 appoints a majority of new directors to the board of directors of a
206 mortgagor corporation, or appoints a new managing agent for an
207 unincorporated association, the persons so appointed need not be
208 stockholders or partners or meet other qualifications which may be
209 prescribed by the articles of incorporation or other basic documents of
210 organization or the bylaws of such mortgagor. In the absence of fraud
211 or bad faith, the persons so appointed shall not be personally liable for
212 the debts, obligations or liabilities of such mortgagor; and shall serve
213 only for a period coexistent with the duration of the reasons for their
214 appointment or until the authority is assured, in a manner satisfactory
215 to it, that the need for such service no longer exists; and they shall

216 serve as directors or managing agents for such compensation as the
 217 authority may determine and shall be entitled to be reimbursed for all
 218 necessary expenses incurred in the discharge of their duties as
 219 directors or managing agents of such mortgagor.

220 Sec. 4. (NEW) (*Effective October 1, 2012*) Any owner of a residential
 221 building, as defined in section 1 of this act, that receives more than one
 222 thousand dollars of assistance from the Energy Efficiency Fund or
 223 Clean Energy Fund and any owner or operator of a nonresidential
 224 building, as defined in section 16-245ii of the general statutes, as
 225 amended by this act, that receives more than two thousand five
 226 hundred dollars of assistance from the Energy Efficiency Fund or
 227 Clean Energy Fund shall upload all of the energy consumption data
 228 for such building to the Energy Star portfolio manager or comparable
 229 system selected by the authority pursuant to section 16-245ii of the
 230 general statutes, as amended by this act, to benchmark such building's
 231 energy consumption data before and after such assistance is received.
 232 The Public Utilities Regulatory Authority shall make publically
 233 available the energy consumption data for any such building after such
 234 assistance was received, in a manner that preserves the confidentiality
 235 of the customer, including such customer's name and street address.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	16-245ii
Sec. 3	<i>October 1, 2012</i>	8-253a
Sec. 4	<i>October 1, 2012</i>	New section

ET *Joint Favorable Subst.*

APP *Joint Favorable*