



# Senate

General Assembly

**File No. 283**

January Session, 2021

Substitute Senate Bill No. 882

*Senate, April 6, 2021*

The Committee on Energy and Technology reported through SEN. NEEDLEMAN of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING CLIMATE CHANGE MITIGATION AND HOME ENERGY AFFORDABILITY.***

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

1 Section 1. Subsection (a) of section 22a-200a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
3 *2021*):

4 (a) The state shall reduce the level of emissions of greenhouse gas:

5 (1) Not later than January 1, 2020, to a level at least ten per cent below  
6 the level emitted in 1990;

7 (2) Not later than January 1, 2030, to a level at least forty-five per cent  
8 below the level emitted in 2001; [and]

9 (3) Not later than January 1, 2040, to a level of zero per cent from  
10 electricity supplied to electric customers in the state;

11        [(3)] (4) Not later than January 1, 2050, to a level at least eighty per  
12 cent below the level emitted in 2001; [.] and

13        [(4)] (5) All of the levels referenced in this subsection shall be  
14 determined by the Commissioner of Energy and Environmental  
15 Protection.

16        Sec. 2. (NEW) (*Effective October 1, 2021*) (a) (1) As used in this section,  
17 "Home Energy Label" means (A) a United States Department of Energy  
18 Home Energy Score, (B) a Home Energy Rating System Index Score, or  
19 (C) an ENERGY STAR Score.

20        (2) The Department of Energy and Environmental Protection may  
21 adopt regulations, in accordance with the provisions of chapter 54 of the  
22 general statutes, that qualify additional standards as a Home Energy  
23 Label.

24        (b) (1) A landlord shall provide a Home Energy Label for any  
25 dwelling unit wherever such dwelling unit is publicly listed to rent,  
26 unless such rent payment will include all charges for electricity, natural  
27 gas or heating fuel, as defined in section 16a-23m of the general statutes.

28        (2) Notwithstanding the provisions of subdivision (1) of this  
29 subsection, a landlord may comply with the requirements of this section  
30 by providing the: (A) Total monthly costs of electricity, natural gas or  
31 heating fuel for such dwelling unit during the most recent twelve  
32 months of occupation; (B) total monthly amounts of electricity, natural  
33 gas or heating fuel consumed for such dwelling unit during the most  
34 recent twelve months of occupation; (C) average costs of electricity,  
35 natural gas or heating fuel for such dwelling unit during the most recent  
36 twelve months of occupation; and (D) average monthly amounts of  
37 electricity, natural gas or heating fuel consumed for such dwelling unit  
38 during the most recent twelve months of occupation.

39        (c) Each electric distribution and gas company, as defined in section  
40 16-1 of the general statutes, heating fuel dealer, as defined in section 16a-  
41 23m of the general statutes, and other provider of electricity, natural gas

42 or heating fuel shall maintain and make available to a landlord, free of  
43 charge, records of the energy consumption data for dwelling units  
44 owned, leased or subleased by said landlord for the preceding twelve  
45 months of occupation. The Public Utilities Regulatory Authority may  
46 authorize each electric distribution and gas company to recover its  
47 prudently incurred information technology costs associated with the  
48 collection and distribution of the energy consumption data made  
49 available to landlords pursuant to this subsection.

50 (d) If such dwelling unit was unoccupied during part or all of the  
51 preceding twelve months, such records shall contain energy  
52 consumption data for the most recent twelve months of occupation.

53 (e) No electric distribution company, gas company, heating fuel  
54 dealer or other provider of electricity, natural gas or heating fuel shall  
55 disclose personally identifiable information in such records when the  
56 energy associated account owner and the landlord are not the same  
57 person.

58 (f) (1) If any landlord fails to comply with the provisions of this  
59 section, the tenant may deduct an amount equivalent to one month's  
60 rent from any sum of rent or payment for use and occupancy due and  
61 owing, or to become due and owing, to the landlord.

62 (2) Notwithstanding the provisions of section 51-164p of the general  
63 statutes, any municipality may, by ordinance, establish a civil penalty  
64 payable to such municipality for a violation of this section, provided  
65 such civil penalty shall not exceed five hundred dollars for the first  
66 violation and one thousand dollars for any subsequent violation. Any  
67 person who is assessed a civil penalty pursuant to this section may  
68 appeal therefrom to the Superior Court.

69 (3) An appeal shall be instituted not later than thirty days after the  
70 mailing of notice of such assessment by filing a petition to reopen  
71 assessment, together with an entry fee in an amount equal to the entry  
72 fee for a small claims case pursuant to section 52-259 of the general  
73 statutes, at the superior court facility designated by the Chief Court

74 Administrator, which shall entitle such person to a hearing in  
75 accordance with the rules of the judges of the Superior Court.

76 (4) The remedies in this subsection shall be in addition to any other  
77 remedies available at law, or in equity, to any person. This section shall  
78 not be construed to limit or restrict the authority of any state or local  
79 housing or health code enforcement agency.

80 Sec. 3. (NEW) (*Effective October 1, 2021*) (a) (1) As used in this section,  
81 "Home Energy Label" means (A) a United States Department of Energy  
82 Home Energy Score, (B) a Home Energy Rating System Index Score, or  
83 (C) an ENERGY STAR Score.

84 (2) The Department of Energy and Environmental Protection may  
85 adopt regulations, in accordance with the provisions of chapter 54 of the  
86 general statutes, that qualify additional standards as a Home Energy  
87 Label.

88 (b) (1) A residential property owner may provide a Home Energy  
89 Label for any residential property wherever such residential property is  
90 publicly listed for sale.

91 (2) Notwithstanding the provisions of subdivision (1) of this  
92 subsection, a residential property owner may provide, wherever such  
93 residential property is publicly listed for sale, the: (A) Total monthly  
94 costs of electricity, natural gas or heating fuel for such residential  
95 property during the most recent twelve months of occupation; (B) total  
96 monthly amounts of electricity, natural gas or heating fuel consumed  
97 for such residential property during the most recent twelve months of  
98 occupation; (C) average costs of electricity, natural gas or heating fuel  
99 for such residential property during the most recent twelve months of  
100 occupation; and (D) average monthly amounts of electricity, natural gas  
101 or heating fuel consumed for such residential property during the most  
102 recent twelve months of occupation.

103 (c) Each electric distribution and gas company, as defined in section  
104 16-1 of the general statutes, heating fuel dealer, as defined in section 16a-

105 23m of the general statutes, and other provider of electricity, natural gas  
 106 or heating fuel shall maintain and make available to a residential  
 107 property owner, free of charge, records of the energy consumption data  
 108 for residential properties owned by said residential property owner for  
 109 the preceding twelve months of occupation. The Public Utilities  
 110 Regulatory Authority may authorize each electric distribution and gas  
 111 company to recover its prudently incurred information technology costs  
 112 associated with the collection and distribution of the energy  
 113 consumption data made available to residential property owners  
 114 pursuant to this subsection.

115 (d) If such residential property was unoccupied during part or all of  
 116 the preceding twelve months, such records shall contain energy  
 117 consumption data for the most recent twelve months of occupation.

118 (e) No electric distribution company, gas company, heating fuel  
 119 dealer or other provider of electricity, natural gas or heating fuel shall  
 120 disclose personally identifiable information in such records when the  
 121 energy associated account owner and the residential property owner are  
 122 not the same person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	22a-200a(a)
Sec. 2	<i>October 1, 2021</i>	New section
Sec. 3	<i>October 1, 2021</i>	New section

**ET**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below

**Explanation**

The bill requires that the state eliminate all greenhouse gas emissions resulting from electricity supplied to consumers. The bill does not mandate specific actions by state agencies or include funding to achieve such goals and therefore it is unclear to what extent it will impact state costs moving forward.

The bill also requires that landlords and residential property owners provide energy efficiency information to potential tenants or homebuyers and allows municipalities to levy fines against landlords of up to \$1,000 to enforce this provision. There is a revenue gain to the extent municipalities adopt such penalties and levy fines against landlords.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations enforced by municipalities.

**OLR Bill Analysis****sSB 882*****AN ACT CONCERNING CLIMATE CHANGE MITIGATION AND HOME ENERGY AFFORDABILITY.*****SUMMARY**

This bill requires the state to eliminate greenhouse gas emissions from electricity supplied to electric customers in the state by January 1, 2040. The bill establishes this requirement within the emission reduction goals under the state's Global Warming Solutions Act.

The bill also requires landlords to provide a Home Energy Label for any dwelling unit listed publicly for rent, unless the rent includes all charges for electricity, natural gas, or heating fuel. Under the bill, a Home Energy Label is (1) a U. S. Department of Energy Home Energy Score, (2) a Home Energy Rating System Index Score, (3) an ENERGY STAR score, or (4) any additional standards established in regulations by the Department of Energy and Environmental Protection (DEEP). Under the bill, landlords may comply by providing specified energy consumption data, which the electric and gas utilities and other energy providers must make available to landlords free of charge.

If a landlord fails to comply with this requirement, the bill allows the tenant to deduct one month's rent from amounts owed to the landlord. The bill also allows municipalities to establish civil penalties of up to \$500 for the first violation and \$1,000 for any subsequent violation. Landlords may appeal civil penalties to the Superior Court.

The bill also allows homeowners to provide a Home Energy Label for residential properties listed for sale. Like landlords, homeowners may instead provide certain other information that the bill requires electric and gas utilities and other energy providers to make available to property owners free of charge.

EFFECTIVE DATE: October 1, 2021, except the electric sector greenhouse gas emissions provision is effective July 1, 2021.

## **GREENHOUSE GAS EMISSIONS REDUCTION REQUIREMENTS**

Existing law requires the state to reduce greenhouse gas emissions to a level at least (1) 10% below the level emitted in 1990 by January 1, 2020; (2) 45% below the level emitted in 2001 by January 1, 2030; and (3) 80% below the level emitted in 2001 by January 1, 2050. The bill adds a requirement to reduce to zero percent the greenhouse gas emissions from electricity supplied to electric customers in the state by January 1, 2040.

By law, state agencies on the governor's Steering Committee on Climate Change must report biannually to the Office of Policy and Management (OPM) secretary and the DEEP commissioner on, among other things, policies and regulations that the agencies can adopt in the near future to reduce greenhouse gas emissions in accordance with the required reductions described above.

By law, every three years, the DEEP commissioner, in consultation with OPM and the governor's Steering Committee on Climate Change, must report to the Energy and Technology, Environment, and Transportation committees on quantifiable emissions reductions achieved under these provisions. Among other things, the report must include a schedule of proposed regulations, policies, and strategies designed to achieve the greenhouse gas reduction requirements.

## **HOME ENERGY LABELS**

### ***Landlords and Renters***

The bill requires landlords to provide a Home Energy Label for any dwelling unit publicly listed for rent, unless the rent includes charges for electricity, natural gas, or heating fuel.

Instead of providing this label, landlords may also comply with the bill's requirements by providing the total and average monthly costs and amounts for electricity, natural gas, or heating fuel for the unit during the most recent 12 months of occupancy.



Under the bill, if the landlord fails to comply, the tenant may deduct an amount equal to one month's rent from any rent or payment for use and occupancy owed to the landlord.

The bill also allows municipalities to establish, by ordinance, civil penalties for noncompliance, payable to the municipality. The bill limits penalties to \$500 for the first violation and \$1,000 for any subsequent violation.

Anyone assessed a civil penalty for noncompliance under the bill may appeal the penalty to the Superior Court within 30 days after the assessment was mailed. Landlords may appeal by filing a petition to reopen the assessment, including a small claims entry fee (currently, \$95), in the superior court facility designated by the chief court administrator. Under the bill, submitting a petition and fee entitles the landlord to a hearing.

Under the bill, these remedies are in addition to any other remedies available at law, or in equity to any person. The bill explicitly does not limit or restrict the authority of state or local housing or health code enforcement agencies.

### ***Homeowners***

The bill allows, but does not require, homeowners to provide Home Energy Labels for any residential property publicly listed for sale. Like landlords, homeowners may instead provide the total and average monthly costs and amounts for electricity, natural gas, or heating fuel for the unit during the most recent 12 months of occupancy.

### ***Utility and Provider Records and Cost Recovery***

The bill requires electric distribution companies, gas utilities, heating fuel dealers, and other electricity, natural gas, and heating fuel providers to maintain records on energy consumption data for (1) dwelling units a landlord owns, leases, or subleases, and (2) residential properties owned by a residential property owner. The energy providers must make energy consumption data available to the landlord or property owner for the preceding 12 months of occupancy

free of charge. If the dwelling unit or property was not occupied during part or all of the preceding 12 months, the bill requires the energy providers to provide records containing energy consumption data for the most recent twelve months of occupancy.

The bill allows the Public Utilities Regulatory Authority to authorize electric distribution companies and gas utilities to recover their prudently incurred information technology costs associated with collecting and distributing the energy consumption data.

The bill prohibits energy providers from disclosing personally identifiable information in energy consumption data records when the associated account owner is not the landlord or property owner.

**COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable Substitute

Yea 18    Nay 8