

ASSEMBLY BILL NO. 457—ASSEMBLYMEN OHRENSCHALL;
ANDERSON, ARBERRY, ATKINSON, BOBZIEN, BUCKLEY,
CLABORN, CONKLIN, DENIS, GOEDHART, GOICOECHEA,
HAMBRICK, HOGAN, KIHUEN, KOIVISTO, LESLIE,
MANENDO, MCCLAIN, MORTENSON, MUNFORD AND
SEGERBLOM

MARCH 16, 2009

JOINT SPONSORS: SENATORS PARKS; AND LEE

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the energy efficiency
of residential dwellings. (BDR 10-66)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to residential property; revising certain provisions
relating to the energy efficiency of residential dwellings;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill, with certain exceptions, requires that when a seller advertises a residential property, the advertisement must contain either: (1) an evaluation of the energy consumption of the property; or (2) the actual energy usage of the residential property for the most recent 12-month period in which the property was continuously inhabited, if any. **Sections 3 and 4** of this bill set forth requirements parallel to **section 1**, but applicable, respectively, to: (1) the advertisement of dwelling units for rent; and (2) the duties of real estate brokers and salesmen when advertising residential property.

Section 5 of this bill expands the program for evaluating the energy consumption of residential property in this State to include residential property to which is affixed more than four dwelling units. (NRS 701.250) **Section 7** of this bill requires that the Director of the Office of Energy appointed pursuant to NRS 701.150 adopt the regulations described in NRS 701.250 not later than 120 days after the effective date of this act and provides that, until the Director does so, the program for evaluating the energy consumption of residential property in this State must use the American Building Rating Performance System.



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Section 6 of this bill provides that, with respect to both residential property (NRS 113.110) and dwellings (NRS 118A.080), the actual energy usage of such property, measured in kilowatt-hours or dollars, for the most recent 12-month period in which the property was continuously inhabited, if any, is a matter of public record.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 113 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, whenever a seller offers a residential property for sale in any advertisement that includes the price of the residential property, the seller shall ensure that the advertisement sets forth:

(a) The results of an evaluation of the energy consumption of the residential property, which evaluation:

(1) Must be conducted in accordance with the standards set forth in NRS 701.250; and

(2) Must have been conducted in the 5-year period immediately preceding the advertisement of the residential property; or

(b) The actual energy usage of the residential property, measured in kilowatt-hours or dollars, for the most recent 12-month period in which the residential property was continuously inhabited, if any.

2. The provisions of subsection 1 do not apply to an advertisement of the sale or intended sale of residential property:

(a) By foreclosure pursuant to chapter 107 of NRS; or

(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.

Sec. 2. NRS 113.100 is hereby amended to read as follows:

113.100 As used in NRS 113.100 to 113.150, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. "Defect" means a condition that materially affects the value or use of residential property in an adverse manner.

2. "Disclosure form" means a form that complies with the regulations adopted pursuant to NRS 113.120.

3. "Dwelling unit" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one person who maintains a household or by two or more persons who maintain a common household.

4. "Residential property" means any land in this state to which is affixed not less than one nor more than four dwelling units.



5. "Seller" means a person who sells or intends to sell any residential property.

Sec. 3. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, whenever a landlord or owner offers a dwelling for rent in any advertisement that includes the rental price of the dwelling, the landlord or owner, as applicable, shall ensure that the advertisement sets forth:

(a) The results of an evaluation of the energy consumption of the dwelling, which evaluation:

(1) Must be conducted in accordance with the standards set forth in NRS 701.250; and

(2) Must have been conducted in the 5-year period immediately preceding the advertisement of the dwelling for rent; or

(b) The actual energy usage of the dwelling, measured in kilowatt-hours or dollars, for the most recent 12-month period in which the dwelling was continuously inhabited, if any.

2. If a dwelling offered for rent is part of a multi-unit complex or facility in which there are multiple dwellings having the same floor plan, a landlord or owner, as applicable, may satisfy the requirements of subsection 1 by furnishing in the advertisement the information required by that subsection, but with respect to a different dwelling which has the same floor plan as the dwelling being advertised.

Sec. 4. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person licensed pursuant to the provisions of this chapter offers a residential property for sale in any advertisement that includes the price of the residential property, the licensee shall ensure that the advertisement sets forth:

(a) The results of an evaluation of the energy consumption of the residential property, which evaluation:

(1) Must be conducted in accordance with the standards set forth in NRS 701.250; and

(2) Must have been conducted in the 5-year period immediately preceding the advertisement of the residential property; or

(b) The actual energy usage of the residential property, measured in kilowatt-hours or dollars, for the most recent 12-month period in which the residential property was continuously inhabited, if any.

2. As used in this section, "residential property" has the meaning ascribed to it in NRS 113.100.



Sec. 5. NRS 701.250 is hereby amended to read as follows:

701.250 1. The Director shall adopt regulations establishing a program for evaluating the energy consumption of residential property in this State.

2. The regulations must include, without limitation:

(a) Standards for evaluating the energy consumption of residential property; and

(b) Provisions prescribing a form to be used pursuant to NRS 113.115, including, without limitation, provisions that require a portion of the form to provide information on programs created pursuant to NRS 702.275 and other programs of improving energy conservation and energy efficiency in residential property.

3. As used in this section:

(a) "Dwelling unit" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one person who maintains a household or by two or more persons who maintain a common household.

(b) "Residential property" means any land in this State to which is affixed not less than one ~~for more than four dwelling units,~~ dwelling unit.

Sec. 6. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The following items of information are public records:

(a) The actual energy usage of each parcel of residential property, measured in kilowatt-hours or dollars, for the most recent 12-month period in which the residential property was continuously inhabited, if any; and

(b) The actual energy usage of each dwelling, measured in kilowatt-hours or dollars, for the most recent 12-month period in which the dwelling was continuously inhabited, if any.

2. Each public utility operating in this State shall ensure that the public records described in subsection 1 are available for public inspection and copying.

3. In complying with the provisions of subsection 2:

(a) A public utility may:

(1) Charge a reasonable fee to cover the cost of preparing the public records described in subsection 1 for public consumption; and

(2) Redact from the public records described in subsection 1 any trade secret.

(b) A public utility shall ensure that the public records described in subsection 1 are not made available in a manner which would reveal personally identifying information.

4. As used in this section:



1 (a) "Dwelling" has the meaning ascribed to it in
2 NRS 118A.080.

3 (b) "Residential property" has the meaning ascribed to it in
4 NRS 113.100.

5 (c) "Trade secret" has the meaning ascribed to it in
6 NRS 600A.030.

7 **Sec. 7.** 1. The Director of the Office of Energy appointed
8 pursuant to NRS 701.150 shall adopt the regulations described in
9 NRS 701.250 not later than 120 days after the effective date of this
10 act.

11 2. Until such time as the Director of the Office of Energy
12 appointed pursuant to NRS 701.150 adopts the regulations described
13 in NRS 701.250, the program for evaluating the energy consumption
14 of residential property in this State that is referred to in NRS
15 701.250 must use the American Building Rating Performance
16 System of the Residential Energy Services Network, or its successor
17 organization.

18 **Sec. 8.** This act becomes effective upon passage and approval.

