

**Exhibit A**  
**Administrative Rule**  
**Residential Energy Performance Rating and Disclosure – Title 17**

**Part 3.4, Compliance and Enforcement**

3. The Director may designate a third-party to provide support for the City's compliance and enforcement activities related to this Chapter.



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

**Effective Date: December 18, 2018**

## **ADMINISTRATIVE RULES Residential Energy Performance Rating and Disclosure**

### **TABLE OF CONTENTS**

<b>1.0 SCOPE, PURPOSE AND BACKGROUND.....</b>	<b>Page 2</b>
<b>2.0 ADOPTION AND REVISION OF ADMINISTRATIVE RULES .....</b>	<b>Page 2</b>
<b>3.0 RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE</b>	
<b>3.1 <u>Definitions</u>.....</b>	<b>Page 3</b>
<b>3.2 <u>Requirements for Home Energy Performance Report</u> .....</b>	<b>Page 4</b>
<b>3.3 <u>Requirements for Home Sellers</u>.....</b>	<b>Page 6</b>
<b>3.4 <u>Compliance and Enforcement</u> .....</b>	<b>Page 11</b>
<b>3.5 <u>Confidentiality of Personally Identifying Information</u>     <u>Voluntarily Provided to Bureau of Planning and Sustainability</u> .....</b>	<b>Page 12</b>

\*For additional copies, for any electronic copies, or large-type copies, contact **Wendy Koelfgen** at the **Home Energy Score Program Administrator** at the Bureau of Planning and Sustainability at **503-823-4166** **503-823-5771**, or email **wendy.koelfgen@portlandoregon.gov** **hesinfo@portlandoregon.gov**.

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use City TTY 503-823-6868, or Oregon Relay Service 711.

Traducción o interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译 | Письменный или устный перевод | Traducere sau Interpretare |

Письмовий або усний переклад | 翻訳または通訳 | Turjumida ama Fasiraadda | ການແປພາສາ ຫຼື ການອະທິບາຍ | الترجمة التحريرية أو الشفهية |

503-823-7700 | www.portlandoregon.gov/bps/71701



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandoregon.gov/bps

1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

Printed on 100% post-consumer waste recycled paper.

## **PART 1.0, SCOPE, PURPOSE AND BACKGROUND**

These administrative rules clarify the requirements for Residential Energy Performance Rating and Disclosure within Portland City Code (PCC) Chapter 17.108, also known as the City of Portland 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 a home, to motivate energy efficiency investments in homes that lower utility bills, to reduce carbon emissions, and increase comfort, safety and health for homeowners.

Portland's Climate Action Plan seeks to reduce carbon emissions 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 City of Portland 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. Department of Energy (U.S. DOE) Home Energy Score, before listing a home for sale in the city of Portland.

Home energy performance reports provide information for potential buyers of residential properties. The information contained in the home energy performance report addresses energy use and energy costs related to ownership of a home. This information in some cases can be substantial and is not otherwise readily evident or available to a potential purchaser, except if assembled and made available as provided by the Residential Energy Performance Rating and Disclosure requirement. Having access to information on energy use and operating costs is material information to have available for potential home purchasers in terms of comparability and affordability.

## **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 an additional public review if a substantial modification is made. If a substantial modification is made, an 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 City of Portland 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. “Covered Building” or “Home”** means any residential structure containing at least one dwelling unit or house, regardless of size, on its own lot. Covered building also includes an 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. A covered building is defined based on the type of structure and physical qualities, regardless of the ownership or whether the property is privately held or part of a homeowner’s association or other ownership arrangement. Covered building does not include multiplehousing units that are stacked vertically, such as an apartment or multifamily structure. Covered building also does not include floating homes, detached accessory dwelling units or manufactured dwellings, such as mobile homes or residential trailers. Covered building also does not include single dwelling units used solely for commercial purposes.
- C. “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.
- D. “Home Energy Assessor”** means a person who is licensed as a Home Energy Assessor by the Oregon Construction Contractors Board to determine home energy performance scores for residential dwelling units and is authorized as a qualified Home Energy Assessor in the City of Portland’s Home Energy Score program.
- E. “Home Energy Assessment”** means an audit conducted by a licensed Home Energy Assessor of a residential dwelling unit, resulting in a home energy performance report, which includes a home energy performance score, estimates of energy use and cost, and recommendations about energy efficiency improvements.
- F. “Home Energy Performance Report” or “Home Energy 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.

- G. **“Home Energy Performance Score” or “EPS” or “Home Energy Score”** means an asset rating that is based on physical inspection of the home or design documents used for the home’s construction.
- H. **“Listed publicly for sale” or “publicly listed”** means the act of listing the covered building for sale on the real estate market whether publicly by printed advertisement, internet posting, displayed sign, or through a private database intended for use by real estate licensees or buyers with the purpose to identify and compare real properties for purchase.
- I. **“Newly constructed home”** means a home under construction or new construction home that has not been previously occupied, regardless of whether the home has already obtained a certificate of occupancy from the City of Portland.
- J. **“Sale”** means the conveyance of title to real property as a result of the execution of a real property sales contract. “Sale” does not include transfer of title pursuant to inheritance, involuntary transfer of title resulting from default on an obligation secured by real property, change of title pursuant to marriage or divorce, condemnation, or any other involuntary change of title affected by operation of law.
- K. **“Seller”** means any individual or entity possessing title to a property that includes a covered building and is seeking to sell the property.
- L. **“Real estate listing”** means listing of a home for sale in the City of Portland either by a listing agreement between a seller of real property and a real estate broker or principal real estate broker, or by an individual property owner when they are advertising their home for sale without a real estate licensee.

### **Part 3.2. Requirements for Home Energy Performance Report**

1. 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 Score and that entity’s Construction Contractors Board license number;
  - 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 must meet 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 for existing homes shall use the format set forth in the attached Exhibit A. Home Energy Performance Reports issued prior to December 18, 2018 may appear in a previously approved format as set forth by the Final Interim Administrative Rules dated December 18, 2017. The specific information identified in the various fields will vary between individual homes. Home Energy Performance Reports must be printed in 8.5 by 11-inch format. Home Energy Performance Reports may also be prepared electronically in the same format.
5. Home Energy Performance Reports for newly constructed homes that have not been previously occupied must use the format set forth in the attached Exhibit B. Home Energy Performance Reports issued prior to December 18, 2018 may appear in a previously approved format as set forth by the Final Interim Administrative Rules dated December 18, 2017. The specific information identified in the various fields will vary between individual newly constructed homes. Home Energy Performance Reports for newly constructed homes must be printed in 8.5 by 11-inch format. Home Energy Performance Reports may also be prepared electronically in the same format.
6. Home Energy Performance Reports are limited in their effective life, to ensure that the reports reflect current and accurate information:
  - a. Expiration of Printed and Electronic Home Energy Performance Reports:
    - i. Printed and electronic Home Energy Performance Reports expire after two (2) years from the date of assessment to ensure accurate utility rates and carbon emission factors, which are updated on an annual basis.
    - ii. Following the expiration date, a seller listing a home publicly for sale is required to have the Home Energy Performance Report reissued. The reissued report does not require a new Home Energy Assessment and ensures that utility costs, and emission factors are the most current information available. Seller may directly access a reissued Home Energy Performance Report by visiting: [www.greenbuildingregistry.com/portland](http://www.greenbuildingregistry.com/portland) and looking up the site address listed on the original Home Energy Performance Report. If changes (as provided in Part 3.2.6.d-c below) have been made to the home since the last onsite Home Energy Assessment, a new Home

Energy Assessment may be required in order to generate a new Home Energy Performance Report.

- b. Expiration of Home Energy Scores:
  - i. Home Energy Scores expire after eight (8) years from the date of the assessment to ensure the score reflect the most current scoring protocols.
  - ii. Following the expiration date, a seller of a covered building must obtain a new Home Energy Assessment and Home Energy Score from a State Licensed Home Energy Assessor prior to publicly listing the covered building for sale, see Part 3.3.2.
- c. Home Energy Performance Reports are void and invalid after an alteration or remodel of the home that affects the heated square footage, the quality and type of windows, insulation, HVAC equipment, or remodeled spaces such as basement or attic, or other changes that are reasonably expected to impact the Home Energy Score and associated estimates of energy use. These changes require a new Home Energy Assessment to be obtained prior to publicly listing the Covered Building for sale, see Part 3.3.2.

### **Part 3.3, Requirements for Home Sellers**

#### **1. Determining Whether a Home Is a Covered Building**

Sellers of residential properties can use [www.portlandmaps.com](http://www.portlandmaps.com) to determine whether a home is a covered building under the requirements of Portland City Code Chapter 17.108, the Residential Energy Performance Rating and Disclosure requirement. Do not use the property address to determine whether a home is covered by the Residential Energy Performance Rating and Disclosure requirement. The “Jurisdiction” field at [www.portlandmaps.com](http://www.portlandmaps.com) is determinant and indicates whether a property is within the City of Portland jurisdictional boundary. Any building that meets the definition of a covered building and displays Portland as the jurisdiction is covered by the Residential Energy Performance Rating and Disclosure requirement.

To confirm the jurisdiction, visit [www.portlandmaps.com](http://www.portlandmaps.com) and look up the site address for the property in question. The “Jurisdiction” field can be found in the Property details below Neighborhood as shown here:

PROPERTY	
Year Built	1955
Description	SINGLE FAMILY RESIDENTIAL
Bathrooms	TWO FULL BATHS ONE HALF BATH
Building Area	4,416 sq ft
Neighborhood	FOREST PARK
Jurisdiction	Portland / Multnomah



The first entry is the city of jurisdiction, followed by the county of jurisdiction. If the city is listed as Portland, then the property is covered by the Residential Energy Performance Rating and Disclosure requirement.

If another city is shown under Jurisdiction, such as Beaverton or Maywood Park, or if it states Unincorporated, then the property is not covered by the Residential Energy Performance Rating and Disclosure requirement, as shown here:

PROPERTY	
Note: This property is not within the City of Portland or its service districts. The data below may not be complete. Please refer to your jurisdiction for more information.	
Year Built	1925
Building Area	2,306 sq ft
Neighborhood	CPO 1 CEDAR HILLS-CEDAR MILL S
Jurisdiction	Unincorporated / Washington



For properties that are not covered by the Residential Energy Performance Rating and Disclosure requirement, [www.portlandmaps.com](http://www.portlandmaps.com) will also show a banner with the note that “This property is not within the City of Portland or its service districts,” as shown above.

The primary use of the building also determines whether it is covered by the Residential Energy Performance Rating and Disclosure requirement. The requirements do not apply to building types that are primarily used for commercial purposes as initially designated by the City based on the Multnomah County property tax assessor description. Based on additional information regarding the nature of how a particular building is used, the City may determine exceptions or additions to the primary use of the building.

If the Seller or Home Owner disagrees with the City’s designation that it is a Covered Building, the Owner may request a change in that building’s designation by submitting relevant evidence



to the Director. The Director may revise a building's covered status or other designation based on the information provided by the Owner.

## **2. General Compliance Requirements**

- a. The Seller of a covered building must obtain a Home Energy Performance Report that meets all requirements of Part 3.2 above from a State Licensed Home Energy Assessor prior to publicly listing the covered building for sale. A building listed publicly for sale includes a real estate listing by a real estate licensee on Regional Multiple Listing Service (RMLS) and other third-party listing services that are intended for use by real estate licensees or buyers of homes to compare between real property for sale. A real estate listing also includes any printed advertisement, internet posting, or publicly displayed sign used to advertise real property for sale by an individual property owner or homebuilder. For newly constructed homes, the Home Energy Performance Report and associated Home Energy Score may be produced based on design documents prior to the construction of the covered building through a Pre-construction Assessment. For the purposes of these administrative rules, the terms "seller" and "homebuilder" may be used interchangeably.
- b. Upon completion of a Home Energy Assessment, the Home Energy Performance Report will be publicly disclosed and available here: [www.greenbuildingregistry.com/portland](http://www.greenbuildingregistry.com/portland). The Green Building Registry database is searchable by address for valid Home Energy Performance Reports. Each Home Energy Performance Report will have a direct weblink for inclusion in real estate listings and advertisements.
- c. After obtaining a Home Energy Performance Report, the seller of a covered building shall provide the report to any real estate licensee working on the seller's behalf as information material to informing potential purchasers which would otherwise be difficult for them to assemble.
- d. The seller of a covered building shall either include or ensure that the real estate licensee includes the Home Energy Score in the real estate listing. The seller shall ensure that the Home Energy Score be entered in the field on RMLS and other third-party listing services for the Home Energy Score itself or that the score be included along with other home facts in the real estate listing if no such field exists.
- e. The Seller of a covered building shall either include or ensure that the real estate licensee include the web address to the Home Energy Performance Report in the real estate listing.
- f. The Seller shall ensure that printed copies of the Home Energy Performance Report are available and visible to all prospective buyers who visit the covered building while it is listed publicly for sale in the format provided in Part 3.2.4 and 3.2.5 above. In the case of a newly constructed home, the homebuilder shall ensure that printed copies of the Home Energy Performance Report are available and visible to all prospective buyers who visit the project site or model home while the newly constructed covered building is listed publicly for sale.

- g. The Seller's responsibility for obtaining and distributing a Home Energy Performance Report is personal to the Seller. However, the Seller may designate an agent to act on behalf of the Seller, such as a property manager, Home Energy Assessor, a real estate licensee or other applicable entity capable of complying with the requirements of these administrative rules.

### **3. Exemptions**

- a. Upon written request from the Seller, including proof of applicable condition, the Director may exempt a covered building from having to obtain and disclose a current Home Energy Performance Report for one or more of the following conditions:
  - i. The covered building is listed publicly as part of a foreclosure sale,
  - ii. The covered building is listed publicly as part of a trustee's sale,
  - iii. The covered building is listed publicly as part of deed-in-lieu of foreclosure sale,
  - iv. The covered building is listed publicly as part of a pre-foreclosure sale in which seller has reached an agreement with the mortgage holder to sell the property for an amount less than the amount owed on the mortgage,
  - v. The covered building qualifies for sale at public auction or acquisition by a public agency due to arrears for property taxes,
  - vi. The covered building is under control of a court appointed receiver due to financial distress.
  - vii. The senior mortgage on the covered building is subject to a notice of default,
  - viii. The covered building's structure is deemed uninhabitable due to casualty,
  - ix. The covered building is condemned by action of a government entity, or is otherwise not accessible for assessment due to potential health and safety hazards to the assessor, or
  - x. Due to a special circumstance unique to the covered building, compliance would cause undue hardship for the Seller.
- b. The exemption request must be received by the Director no later than 10 business days prior to the date of listing the covered building for sale. Requests may be submitted by:
  - i. Program website located here: [www.pdxhes.com/home-energy-score-applications](http://www.pdxhes.com/home-energy-score-applications), or
  - ii. Email with the subject "City of Portland Home Energy Score Program Exemption Request" to [HESinfo@portlandoregon.gov](mailto:HESinfo@portlandoregon.gov), or
  - iii. Hard copy to:  
Attn: City of Portland Home Energy Score Program Exemption Request  
Portland Bureau of Planning and Sustainability  
1900 SW 4<sup>th</sup> Ave. Room 7100  
Portland, OR 97201

Upon receipt of the exemption request, the Director will provide a receipt to acknowledge receiving the exemption request. The City reserves the right to verify documentation within 10 business days and to issue a written decision when denying a request for exemption. The absence of any written response is an approval of the request.

### **4. Waivers for High Performance Homes**

- a. Homebuilders or sellers building high performance homes for sale and using scoring products that are not compliant with Oregon Administrative Rules adopted by Oregon Department of Energy for Oregon's Home Energy Performance Score Standard may apply for a waiver to continue the use of their existing process for a period of two years after January 1, 2018, or until the waiver is determined by the Director to be unnecessary for homebuilders to comply with the requirements of these administrative rules. The waiver allows homebuilders or sellers that obtain Energy Performance Scores (EPS) on high performance newly constructed homes to temporarily forego obtaining and disclosing a current Home Energy Performance Score and Report.
- b. To obtain a waiver, the homebuilder must submit a written request to the Director to waive some of the requirements of these administrative rules for a newly constructed Covered Building. The homebuilder may batch multiple newly constructed homes together on a single waiver request. Homes must be identified by the six-digit Property ID that begins with an R (RXXXXXX) when available. Property ID numbers are available at [www.portlandmaps.com](http://www.portlandmaps.com). Homebuilders must indicate on the waiver request whether or not each property will be subdivided as part of the project.
- c. The written request must include proof of participation in the Energy Trust of Oregon EPS™ New Construction program.
- d. If a homebuilder can demonstrate that they only build newly constructed homes under the EPS New Construction program, a High-Performance Homes Waiver may be provided for the firm to cover all newly constructed homes.
- e. The waiver request must be received by the Director no later than 10 business days prior to the date of listing the newly constructed Covered Building for sale. Requests may be submitted by:
  - i. Program website located here: [www.pdxhes.com/home-energy-score-applications](http://www.pdxhes.com/home-energy-score-applications) or
  - ii. Email with the subject "City of Portland Home Energy Score Program New Home Waiver Request" to [HEInfo@portlandoregon.gov](mailto:HEInfo@portlandoregon.gov), or
  - iii. By Hard copy to:  
 Attn: City of Portland Home Energy Score Program New Home Waiver Request  
 Portland Bureau of Planning and Sustainability  
 1900 SW 4th Ave. Room 7100, Portland, OR 97201

Upon receipt of the waiver request, the Director will provide a receipt to acknowledge receiving the request. The City reserves the right to verify documentation within 10 business days and will issue a written decision when denying a request for waiver. The absence of any written response is an approval of the request.

- f. The waiver does not exempt the homebuilder, seller or designated representative from all requirements of these administrative rules. Instead, the waiver, if issued by the Director, allows the applicant to forego the requirement to obtain a Home Energy Score and Home Energy Performance Report and instead the applicant must include the following statement in all public real estate listings that, "This home has an EPS™ from Energy

Trust of Oregon. It was built above code and has a waiver from the Home Energy Score requirement.”

### **Part 3.4, Compliance and Enforcement**

#### **1. Standard for Determining Violation**

Any seller who fails, omits, neglects or refuses to comply, or misrepresents any material fact in reported information, may be in violation of City Code Chapter 17.108. In determining whether a violation has occurred, the Director will evaluate the totality of the circumstances related to the violation.

Upon determining that a violation has occurred:

- a. Upon the first violation, the Director may issue a written warning notice to the entity or person describing the violation and steps required to comply.
- b. If the violation is not remedied within 90 calendar days after issue of written warning notice, the Director may assess a civil penalty of up to \$500. For every subsequent 180-day period during which the violation continues, the Director may assess additional civil penalties of up to \$500.

The Director has the discretion to adjust the amount of the civil penalty and schedule after considering the following criteria:

- The nature and extent of the person’s involvement in the violation;
- The availability of authorized Home Energy Assessors in City of Portland’s Home Energy Score program network.
- Whether the person received any benefits, economic or otherwise, through the violation;
- Whether the violation was isolated and temporary, or repeated and continuous;
- The length of time from any prior violations;
- The magnitude and seriousness of the violation;
- The costs of investigation and remedying the violation; and
- Other relevant, applicable evidence bearing on the nature and seriousness of the violation.

#### **2. Right of Appeal and Payment of Assessments**

- a. Payment of Assessments Required or Appeal. The alleged offender shall, within ten (10) business days of BPS issuance of the written notice of Assessment, pay to BPS the stated civil penalty or request an appeal hearing by a Code Hearings Officer, by following the procedures established in Portland City Code Chapter 22.10.
- b. 15-Day Payment Required Upon Failed Appeal. If, pursuant to said appeal hearing, an Infraction assessment is ordered, payment of said Assessment must be received by BPS or postmarked within 15 calendar days after the order becomes final.
- c. Interest on Assessment. An Assessment which is not paid within the time provided shall accrue interest at the rate consistent with the City’s established accounting practices.

- d. City May Take Legal Action to Collect Assessments. The City may take legal action to collect Assessments, which are not paid when due.

**3. The Director may designate a third-party to provide support for the City's compliance and enforcement activities related to this Chapter.**

**Part 3.5 Confidentiality of Personally-Identifying Information Voluntarily Provided to Bureau of Planning and Sustainability**

**1. Background**

The Bureau of Planning and Sustainability's (1) current offer of financial assistance for policy compliance for low-income home sellers and (2) exemptions from the Home Energy Scoring requirement rely upon voluntary submission of sensitive and confidential information. There is no legal obligation for citizens to seek such financial assistance or exemptions. Whether or not an applicant qualifies for low-income financial assistance or exemptions is determined by the Bureau.

**2. Policy**


The Bureau shall treat applicant information as confidential submissions under Oregon law.

**3. Procedure**


The Oregon Public Records Law allows information submitted to the City of Portland in confidence, and not otherwise required by law to be submitted, to be considered confidential. The names of applicants and contact information about them, such as addresses, phone numbers or email, will be treated as confidential and not released to the public. The Home Energy Score and Home Energy Performance Report, which are both required by law, are not considered as personally identifying information and will be publicly available.

The Bureau shall undertake steps to inform applicants at the time of intake that the Bureau will take all reasonable precautions to treat personally identifying information as confidential. Information and documents that have applicant information may be provided to the public; however, the applicant's personally identifying information shall be removed, redacted or otherwise rendered illegible before being released to the public. Applicant information will only be disclosed if ordered by a court.

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



City of Portland  
**HOME ENERGY SCORE**



U.S. DEPARTMENT OF  
**ENERGY**

THIS HOME'S  
**SCORE** 9  
OUT OF 10

THIS HOME'S ESTIMATED  
**ENERGY COSTS**

\$782

PER YEAR

---

**HOME PROFILE**

**LOCATION:**  
7308 SE Something Ave  
Portland, OR 97215

**YEAR BUILT:**  
1956

**HEATED FLOOR AREA:**  
2,192 sq. ft.

**NUMBER OF BEDROOMS:**  
4

**ASSESSMENT**

**ASSESSMENT DATE:**  
01/29/2019

**SCORE EXPIRATION DATE:**  
01/29/2027


**ASSESSOR:**  
John Doe  
Doe Eyed Home Performance


**PHONE:**  
503-555-1212

**EMAIL:**  
jdoe@dehp.com

**CCB LICENSE #:**  
1234567890


*Flip over to learn how to improve this score and use less energy!*





**Home Energy Score**

Average Home



Official Assessment | ID# 206779

The Home Energy Score is a national rating system developed by the U.S. Department of Energy. The Score reflects the estimated energy use of a home based upon the home's structure and heating, cooling, and hot water systems. The average score is a 5. Learn more at [HomeEnergyScore.gov](http://HomeEnergyScore.gov)

---

**HOW MUCH ENERGY IS THIS HOME LIKELY TO USE?**

**Electric:** 11,743 kWh/yr.....\$1,339

**Natural Gas:** 227 therms/yr .....\$302

**Other:** 0 gal/yr ..... \$0

**Renewable Generation:** ..... (\$859)


TOTAL ENERGY COSTS PER YEAR \$782

**How much renewable energy does this home generate?**

7,805 kWh/yr

---

**THIS HOME'S CARBON FOOTPRINT:**



Estimated average carbon footprint for a similar sized home: 3.8 tons of CO<sub>2</sub> equivalent emissions per year.

- 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; \$1.09/therm for natural gas; \$2.58/gal for heating oil; \$2.21/gal for propane).
- Carbon footprint is based only on estimated home energy use. Carbon emissions are estimated based on utility and fuel-specific emissions factors provided by the OR Department of Energy.
- Relisting 2-7 years after the assessment date requires a free reprint of the Report from: [www.greenbuildingregistry.com/portland](http://www.greenbuildingregistry.com/portland) to update energy and carbon information.
- This report meets Oregon's Home Energy Performance Score Standard and complies with Portland City Code Chapter 17.108.

Score today: <b>9</b>	Score with priority improvements:* <b>10</b>	Estimated energy savings with priority improvements: <b>\$267</b> PER YEAR	Estimated carbon reduction with priority improvements: <b>15%</b> PER YEAR
--------------------------	---	---	---

**TACKLE ENERGY WASTE TODAY!**

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

- Get your home energy assessment. Done!
- Choose energy improvements from the list of recommendations below.
- Select a contractor (or two, for comparison) and obtain bids.  
Checkout [energytrust.org/findacontractor](http://energytrust.org/findacontractor) or call toll free **1-866-368-7878**.
- Explore financing options at [communityenergyproject.org](http://communityenergyproject.org) or [energytrust.org](http://energytrust.org).
- Visit the following resources to learn about easy changes you can make today: [communityenergyproject.org/services](http://communityenergyproject.org/services) or [energytrust.org/solutions/insulation-and-air-sealing/](http://energytrust.org/solutions/insulation-and-air-sealing/)

**\*PRIORITY ENERGY IMPROVEMENTS | 10 YEAR PAYBACK OR LESS <sup>1</sup>**


FEATURE	TODAY'S CONDITION <sup>4</sup>	RECOMMENDED IMPROVEMENTS
Duct insulation	Un-insulated	Insulate to R-8
Envelope/Air Sealing	Not professionally air sealed	Professionally air seal
Heating Equipment	Oil furnace 60% AFUE	When replacing, upgrade to ENERGY STAR <sup>3</sup>
Heating Equipment	Natural Gas/Propane Furnace	When replacing, upgrade to ENERGY STAR
Water Heater	Standard electric tank	When replacing, upgrade to ENERGY STAR, minimum 2.76 EF (Energy Factor)

**ADDITIONAL ENERGY IMPROVEMENTS <sup>2</sup>**


FEATURE	TODAY'S CONDITION <sup>4</sup>	RECOMMENDED IMPROVEMENTS
Attic insulation	Ceiling insulated to R-0	Insulate to R-38 or R-49 if code requires it
Duct sealing	Un-sealed	Reduce leakage to a maximum of 10% of total airflow
Envelope/Air Sealing	Not professionally air sealed	Professionally air seal
Wall insulation	Insulated to R-0	Fully insulate wall cavities
Solar PV	Capacity of 7.8 kWh in DC	
Windows	Multiple types	When replacing, upgrade to ENERGY STAR
Air Conditioner	N/A	
Basement wall insulation	N/A	
Floor insulation	Insulated to R-0	
Foundation wall insulation	N/A	

1. To achieve the "Score with priority improvements" all recommended improvements in this section must be completed. These improvements have a simple payback of ten years or less.  
 2. Additional energy efficiency improvements may take longer than ten years to make a return on investment but can have a significant impact on the comfort, efficiency and environmental impact of your home.  
 3. If your home has an oil furnace it is recommended you replace it with a high efficiency electric or gas furnace.  
 4. Today's Condition represents the majority condition for that feature in the home.

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



City of Portland  
**HOME ENERGY SCORE**



U.S. DEPARTMENT OF  
**ENERGY**

THIS HOME'S **9** OUT OF 10 SCORE

THIS HOME'S ESTIMATED  
**ENERGY COSTS**

**\$782**  
PER YEAR

---

**HOME PROFILE**

**LOCATION:**  
7308 SE Grand Ave  
Portland, OR 97215

**YEAR BUILT:**  
1956

**HEATED FLOOR AREA:**  
2,192 sq. ft.

**NUMBER OF BEDROOMS:**  
4

**ASSESSMENT**

**ASSESSMENT DATE:**  
01/29/2019

**SCORE EXPIRATION DATE:**  
01/29/2027

**ASSESSOR:**  
John Doe  
Doe Eyed Home Performance

**PHONE:**  
503-555-1212


**EMAIL:**  
jdoe@dehp.com

**CCB LICENSE #:**  
1234567890

**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](http://www.energytrust.org/tips)



**Home Energy Score**

Average Home



SCORE TODAY

Official Assessment | ID# 206779

The Home Energy Score is a national rating system developed by the U.S. Department of Energy. The Score reflects the estimated energy use of a home based upon the home's structure and heating, cooling, and hot water systems. The average score is a 5. Learn more at [HomeEnergyScore.gov](http://HomeEnergyScore.gov)

---

**HOW MUCH ENERGY IS THIS HOME LIKELY TO USE?**

<b>Electric:</b> 11,743 kWh/yr. ....	\$1,339
<b>Natural Gas:</b> 227 therms/yr .....	\$302
<b>Other:</b> 0 gal/yr. ....	\$0
<b>Renewable Generation:</b> .....	(\$859)


**TOTAL ENERGY COSTS PER YEAR \$782**

**How much renewable energy does this home generate?**

7,805 kWh/yr

---

**THIS HOME'S CARBON FOOTPRINT:**



Estimated average carbon footprint for a similar sized home: 3.8 tons of CO<sub>2</sub> equivalent emissions per year.

- 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; \$1.09/therm for natural gas; \$2.58/gal for heating oil; \$2.21/gal for propane).
- Carbon footprint is based only on estimated home energy use. Carbon emissions are estimated based on utility and fuel-specific emissions factors provided by the OR Department of Energy.
- Relisting 2-7 years after the assessment date requires a free reprint of the Report from: [www.greenbuildingregistry.com/portland](http://www.greenbuildingregistry.com/portland) to update energy and carbon information.
- This report meets Oregon's Home Energy Performance Score Standard and complies with Portland City Code Chapter 17.108.