

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0635.01 Duane Gall

HOUSE BILL 09-1247

HOUSE SPONSORSHIP

Apuan,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ENACTMENT OF THE "HOMEBUYERS' ENERGY**
102 **RIGHT-TO-KNOW ACT" REQUIRING DISCLOSURE OF AN**
103 **EXISTING HOME'S ENERGY USAGE IN CONNECTION WITH THE**
104 **SALE OF THE HOME.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Beginning in 2010, requires the seller of an existing residence to provide the buyer with an energy billing history and usage history for the property for the immediately preceding 12 months or, if the seller did not own the property for 12 months, for the period of the seller's ownership.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

If the property was unoccupied for any portion of that time, requires disclosure of the dates when it was unoccupied. If the property was not served by a utility supplying electricity or natural gas, requires a statement to that effect.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Homebuyers' Energy Right-To-Know Act".

4 **SECTION 2.** Article 35.7 of title 38, Colorado Revised Statutes,
5 is amended BY THE ADDITION OF A NEW SECTION to read:

6 **38-35.7-106. Disclosure of energy usage history - rules.**

7 (1) EFFECTIVE JANUARY 1, 2010, A SELLER OF RESIDENTIAL REAL
8 PROPERTY SHALL FURNISH TO THE BUYER, WITHIN FIVE DAYS AFTER
9 ENTERING INTO A CONTRACT OF PURCHASE AND SALE:

10 (a) A BILLING HISTORY AND USAGE HISTORY FOR THE PROPERTY,
11 AS PROVIDED BY EACH UTILITY SUPPLYING ELECTRICITY TO THE PROPERTY
12 AND EACH UTILITY SUPPLYING NATURAL GAS TO THE PROPERTY, FOR:

13 (I) THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE
14 LISTING OF THE PROPERTY; OR

15 (II) IF THE SELLER OWNED THE PROPERTY FOR LESS THAN TWELVE
16 MONTHS IMMEDIATELY PRECEDING THE LISTING OF THE PROPERTY, THE
17 ENTIRE PERIOD OF THE SELLER'S OWNERSHIP OF THE PROPERTY; AND

18 (b) IF, DURING THE PERIOD DESCRIBED IN PARAGRAPH (a) OF THIS
19 SUBSECTION (1):

20 (I) THE PROPERTY WAS NOT OCCUPIED, A STATEMENT OF THE
21 DATES ON WHICH THE PROPERTY WAS NOT OCCUPIED; OR

22 (II) IF THE PROPERTY WAS NOT SERVED BY A UTILITY SUPPLYING
23 ELECTRICITY OR NATURAL GAS, A STATEMENT TO THAT EFFECT.

1 (2) (a) THE OBLIGATION TO PROVIDE THE DISCLOSURE SET FORTH
2 IN SUBSECTION (1) OF THIS SECTION SHALL BE UPON THE SELLER. IF THE
3 SELLER COMPLIES WITH THIS SECTION, THE PURCHASER SHALL NOT HAVE
4 ANY CLAIM UNDER THIS SECTION FOR RELIEF AGAINST THE SELLER OR ANY
5 PERSON LICENSED PURSUANT TO ARTICLE 61 OF TITLE 12, C.R.S., FOR ANY
6 DAMAGES TO THE PURCHASER RESULTING FROM AN ALLEGED INADEQUACY
7 OF THE PROPERTY'S INSULATION OR EXCESSIVE ENERGY CONSUMPTION.
8 NOTHING IN THIS SECTION SHALL AFFECT ANY REMEDY THAT THE
9 PURCHASER MAY OTHERWISE HAVE AGAINST THE SELLER.

10 (b) THE UTILITY'S OBLIGATION UNDER THIS SECTION IS LIMITED TO
11 PROVIDING, UPON REQUEST OF THE SELLER, THE BILLING HISTORY AND
12 USAGE INFORMATION SET FORTH IN PARAGRAPH (a) OF SUBSECTION (1) OF
13 THIS SECTION. NOTHING IN THIS SECTION SHALL IMPOSE ON A UTILITY ANY
14 LIABILITY TO THE SELLER, THE PURCHASER, THE REALTOR, OR ANY OTHER
15 PERSON FOR ANY DIRECT, INDIRECT, CONSEQUENTIAL, OR OTHER DAMAGES
16 IN CONNECTION WITH THE REAL ESTATE TRANSACTION.

17 (3) FOR PURPOSES OF THIS SECTION, "RESIDENTIAL REAL
18 PROPERTY" MEANS RESIDENTIAL LAND AND RESIDENTIAL IMPROVEMENTS,
19 AS THOSE TERMS ARE DEFINED IN SECTION 39-1-102, C.R.S., BUT DOES
20 NOT INCLUDE HOTELS AND MOTELS, AS THOSE TERMS ARE DEFINED IN
21 SECTION 39-1-102, C.R.S.; EXCEPT THAT A MOBILE HOME AND A
22 MANUFACTURED HOME, AS THOSE TERMS ARE DEFINED IN SECTION
23 39-1-102, C.R.S., SHALL BE DEEMED TO BE RESIDENTIAL REAL PROPERTY
24 ONLY IF THE MOBILE HOME OR MANUFACTURED HOME IS PERMANENTLY
25 AFFIXED TO A FOUNDATION.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 shall take effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly that is
2 allowed for submitting a referendum petition pursuant to article V,
3 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
4 sine die is on May 6, 2009); except that, if a referendum petition is filed
5 against this act or an item, section, or part of this act within such period,
6 then the act, item, section, or part, if approved by the people, shall take
7 effect on the date of the official declaration of the vote thereon by
8 proclamation of the governor.