

**ATTACHMENT A:  
SAMPLE RESIDENTIAL ENERGY CONSERVATION ORDINANCE**

This sample RECO is derived from the ordinances in California, Wisconsin, and the City of Ann Arbor, Michigan. The purpose of the sample RECO is to give the reader an idea of what an actual energy conservation ordinance might look like and the type of language that may be used. The prescriptive weatherization measures illustrated in the ordinance below should only provide a general guide that can be tailored to the specific characteristics and needs of a particular community. The sample ordinance provides more narrative than is typical and the reader is welcome to pick and choose the most pertinent clauses for his/her specific community.

## **ANYCITY'S RESIDENTIAL ENERGY CONSERVATION ORDINANCE**

As of [date], most residential properties in Anycity have to meet minimum energy conservation standards at the time of property transfer (through deeds, titles, land contract, or judgment) or renovation, condominium conversion, or complete inspection for houses built on or before July 1, 1978.

### **FINDINGS**

- (a) Energy resources are in finite supply and their collection and use can cause adverse environmental impacts but are essential to the health, safety, welfare, and happiness of the people of Anycity. Energy resource prices have risen historically and continue to be unpredictable. The cost of building more power plants to keep pace with the rising demand for electricity must also be considered.
- (b) Most of the dwellings in Anycity were constructed during periods of relative energy abundance. Therefore, most of the dwelling unit structures consume energy levels exceeding those which are possible if recently developed and previously existing energy conservation technologies are employed.
- (c) Significant opportunities exist for energy conservation through the application of appropriate energy conservation standards to existing dwellings. Conservation of energy in this manner will reduce residential energy costs, peak energy demand, and the threat to health and welfare of residents of Anycity posed by potential energy shortages.
- (d) Based upon the foregoing, the [body of elected officials] finds that it is necessary and appropriate to promote energy conservation and protect the health and welfare of occupants of dwellings of the people of Anycity by adopting the regulations set forth in this chapter.

### **PURPOSE**

- (a) The purpose of this ordinance is to promote wise and efficient use of energy and water by prescribing standards for physical components of residential structures.
- (b) It is advantageous for all property owners to comply with the requirements below. Even if the owner does not intend to sell his or her property in the near future, the energy and water cost savings are immediate. Owners can do most of the work themselves now at their leisure, and save even more.

### **DEFINITIONS**

**Administrator** shall be the City Manager [or Housing and Inspection Division Director, Municipal Utility Director, or other city departmental director] or his or her designee assigned to administer this ordinance.

**Accessible Attic Space** shall be the space between the roof and ceiling next below in a dwelling where a roof slope is not less than 2 1/2 feet and the vertical clear height from the top of the bottom chord of the truss or ceiling joist to the underside of the roof structural members of rafters at the roof ridge is at least 24 inches.

**Buyer** is any person who receives a present ownership interest in real property including, but not limited to, any sale, exchange, or lease with an option to purchase.

**Certificate of Compliance** shall mean a certificate provided by the administrator or his or her designee certifying that a property has been inspected by the administrator of his or her designee and has been found to be in compliance with the standards prescribed in the Conservation Measures section of this ordinance.

**Dwelling** is a building or portion thereof used or designed for residential occupancy that is either single-family, two-family, half-plex, multi-family apartments, or residential hotels as defined in the Zoning Code of Anycity. A mobile home, whether on wheels or on a permanent foundation, shall not be construed to be a dwelling.

**Energy Auditor** shall be a representative of the Housing and Inspection Division [or other designated RECO administrative department] of Anycity trained to perform energy inspections or any other properly licensed and insured private energy auditor.

**R** shall be the quantity of heat (British thermal units) that will flow through one square foot of material, 1 inch thick, in one hour when there is a temperature difference of one degree Fahrenheit between its surfaces.

**Renovation** shall mean any revision, change, improvement, alteration, refinement, modernization, remodeling, increase in square footage, or repair to the existing structure that costs in excess of \$20,000 for one or two family units, in excess of \$6,000 per unit for dwellings greater than three units excluding residential hotels, and in excess of \$1,000 per unit for residential hotels.

**Sale or Exchange** shall mean the transfer of title in real property including, but not limited to, sale or exchange.

**WHO MUST COMPLY?**

(a) Prior to sale, all owners of:

1. single and two family dwellings
2. apartment buildings
3. residential hotels

(b) Owners' compliance is also required when one of the following situation occurs:

1. Major renovation

As a condition for issuance of a certificate of inspection and approval upon completion of improvements having an estimated valuation as described in the definitions.

2. Condominium conversion

As a condition of issuance of a certificate of final completion and occupancy for a residential condominium conversion.

3. Complete inspection

When a complete inspection is performed by the building inspector.

**EXEMPTIONS FROM THE ORDINANCE**

(a) No inspection shall be required for:

1. Any residential building for which proof of compliance has been properly recorded
2. Any residential building that was granted a building permit application on or after [historical date---most ordinances in California set the year to be 1978, before the state's new building code was passed]
3. Any mobile home
4. Any residential building or portion thereof that is occupied as a hotel or motel unit and has a certificate of use for tourist occupancy
5. Any portion of a residential building converted to a tourist hotel
6. Any building or portion thereof which is a live/work occupancy
7. Hospitals or nursing homes

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8. Rental units that will not be rented between November 1 and March 31 of each year, including summer homes, vacation homes, and second homes

(b) Title transfer exemptions:

Transfers of title which result from an operation of law rather than by purchase are exempt from the ordinance. Examples of such exemptions include:

1. Transfers pursuant to court order, e.g., Probate Court
2. Transfers as a result of default
3. Transfers by a fiduciary in the course of the administration of a trust, conservatorship, etc.
4. Transfers from one co-owner to one or more co-owners
5. Transfers to spouses or certain relatives
6. Transfers between spouses as a result of divorce proceedings
7. Transfers for security purposes
8. Other transfers as defined in the ordinance

**CONSERVATION MEASURES**

(a) One and two family dwellings:

1. Insulate accessible attic space to a minimum value of R-30. Existing R-11 insulation is deemed acceptable as meeting ordinance requirements.

Acceptable materials. Cellulose may be blown directly over all types of wiring. **Fiberglass, rock wool, vermiculite, expanded polystyrene (beads or shredded), or perlite** materials may be blown directly over all types of wiring. All electrical junction boxes, flues, and light fixtures must be kept clear or protected from all insulation materials. Prior to insulation in areas with knob and tube wiring, the wiring system must be inspected and approved by a licensed electrical contractor and this signed approval, with the electrical contractor's state license number, must be submitted with the energy inspection report.

2. Weather-strip all doors leading from heated to unheated areas.

Acceptable materials. Combination **rigid metal (brass V type, Copper V type) and vinyl bead type strip** is the most doable and effective. Other acceptable materials include **extruded rubber, magnetic type, fuzzy track type, and brush type strips**. All sides of the door must be weather-stripped, including the threshold. Foam and felt type strip is not acceptable, and all stripping must be permanently secured.

3. Insulate hot water heaters.

A jacket of R-6 insulation value or greater must be provided on all applicable heaters. Pressure relief valves, if missing, must be provided prior to installation of jacket in order to prevent any explosion hazards.

4. Insulate the first four feet of hot water line to a minimum of R-4 value.

Acceptable materials. **Fiberglass pipe wrap or precut, cell foams** with a wall thickness of 3/4 inch or greater are most commonly used for this job.

5. Insulate all accessible heating and cooling ducts and plenums to R-3 or greater.

Acceptable materials. Insulation should be secured with 16d coated nails or baling wire. Duct tape tends to come apart and is not recommended. If located in a high traffic area, a "faced" insulation may be desirable.

6. Install low-flow showerhead to a maximum flowrate of 2.5 gallons per minute or less. If your showerhead does not meet this criteria, you will need to replace it with one that does. Showerheads need not be replaced when it is necessary to remove the supply piping to remove the showerhead.

7. Install faucet aerators with a flow restrictor on all faucets that are designed to accept aerators. Faucets not designed to accept aerators are exempt.

8. Install low flush toilets and flush reducers on existing toilets to 3.5 gallons or less.

Acceptable materials. All toilets must be either low flush (3.5 gallons per flush or less) or be retrofitted to use less gallons per flush, using one of the following *permanently installed* devices: **quick-closing flapper device, dual option flushing mechanism, water saving kit for flushometer toilets**, or other permanently installed flush valve device that lowers the volume of water needed to flush the toilet. Note: water displacement devices such as toilet dams do not meet this criteria, and furthermore that toilets that cannot be modified without impeding functioning or flushing are exempt.

9. Caulk and seal openings in building exterior.

Any openings or cracks greater than 1/4 inch wide need to be sealed. Pipes to plumbing fixtures, mail slots without flaps, and open pantry vents are all examples of areas that can be sealed to prevent air infiltration. Dampers, doors, or other devices to obstruct airflow should also be installed to reduce heat loss through chimneys.

10. (For cold climates) Air conditioners must be covered and effectively sealed from inside or outside or both during the heating season.

Acceptable materials. **Vinyl soft cover, fiberglass shell, treated plywood.**

11. Install ventilation in attics and crawl spaces at a rate of 1 square foot of free area of ventilation per 300 square feet of floor area. A vapor barrier must cover the ground in crawl spaces.

(b) Apartments and residential buildings

1. All items required for one and two family dwellings, plus
2. Insulate steam and hot water pipes and tanks
3. Clean and tune boilers
4. Repair boiler leaks
5. Time clock control on the burner. Work pertaining to the boiler, including time clock control, must be performed by a licensed C-4 contractor who will, after completing all required boiler work, affix a tag of compliance certification on or nearby the boiler time clock door.
6. Replace incandescent lightbulbs located in common areas of multiple unit structures with lamps that have an efficacy of at least 25 lumens per watt, such as fluorescent lamps.

#### POSTPONEMENT OF REQUIREMENTS

Application for a demolition permit will allow the postponement of the requirements of this ordinance for one year. Failure to demolish after one year will require immediate compliance with the ordinance.

#### MAXIMUM REQUIRED EXPENDITURE

(a) In the case of sale or exchange:

The maximum required expenditure to bring a structure into compliance with this section shall be 0.75 percent of the final sale price for a structure not containing more than two units or \$2,000, whichever is greater. In the case

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of buildings containing 3 units or more, the maximum expenditure will be 1 percent of purchase price as stated in the real estate contract.

(b) In the case of renovation:  
The maximum required expenditure to bring a structure into compliance with this section shall be 1 percent of renovation costs.

Residential Energy Conservation Program Fee Schedule (Fiscal Year July 1996–June 1997):  
[fees set according to document writers and other interested parties' discretions]

**HOW TO COMPLY**

(a) Obtain an energy inspection from either the city Housing Inspection Division [or other responsible division] or a certified private energy inspector. A list of certified inspectors is available at the Housing Inspection Division [or other responsible division]. The inspector will leave a copy of a Field Inspection Report with you and will discuss the requirements with you. After the inspection, the owner shall then file a Permit Copy with the responsible division within 15 days of completing the inspection. A filing fee will be required.

(b) Comply with the required standards by either hiring a contractor or performing the work yourself.

(c) After the completion of work, contact the inspector and request a final inspection. The inspector will reinspect the property, then issue a Certificate of Compliance if all requirements are satisfied, which should then be recorded at the responsible division. The inspector will send a copy of the Certificate to the responsible division, which will satisfy the ordinance.

**ESCROW ACCOUNT and STIPULATIONS**

[The following two variations on a theme address transfer of responsibility of compliance from seller to buyer.]

Upon mutual agreement, the purchaser of the property can accept the responsibility for bringing the building into compliance by signing a Stipulation that requires that a Certificate of Compliance be obtained within one year after transfer. Stipulation forms are available at the responsible division and completed forms must be presented with a fee to the responsible division agent prior to recording by the Register of Deeds (or Division of Records, or other responsible division).

*[or]*

The seller or the seller's authorized agent may transfer responsibility for compliance to the buyer provided the following conditions are met prior to sale:

(a) A valid energy inspection has been performed and filed to the responsible division along with a Notice of Escrow Account.

(b) A written agreement is signed by the buyer and seller and is placed into the escrow account and states the following:

1. The buyer agrees to comply within 180 days [or 1 year] of transfer of title
2. Seller agrees that in the case of buildings containing three units or more, funds equal to 1 percent of the purchase price indicated on the accepted purchase offer shall be placed in the escrow account. In the case of a single or two family dwelling, 1 percent of the purchase price not to exceed \$1,000 shall be placed in an escrow account and disbursed according to the terms of the ordinance.

**PENALTIES**

- (a) The seller shall have 60 days from the time of notification of noncompliance to bring the non-complying residential structure or unit into compliance with this ordinance. Any person violating any provision or failing to comply with any of the requirements shall be deemed guilty of an infraction as set forth in the Municipal Code.
- (b) The person shall be charged with a separate infraction for each residential unit that he or she fails to bring into compliance as required by provisions of this ordinance.
- (c) Every 60 days that a residential unit remains out of compliance with the provisions of this chapter shall constitute an additional infraction.

*[or]*

Maximum required penalty for code evasion, non-compliance, or falsifying a certificate will be subject to \$500 forfeiture per unit.

**SPECIAL APPEALS**

(a) A person may appeal the results of an energy inspection if:

- 1. There is disagreement regarding the requirements as determined by the energy inspector.
- 2. The application of an energy ordinance measure is not cost-effective.
- (b) Appeals must be made to the Housing Inspection Division [or other responsible division] within 10 working days from the date the completed inspection form was filed. The notice of appeal shall clearly and concisely set grounds upon which the appeal is based.

(c) The determination of the Superintendent shall be final.

**QUESTIONS**

Should you wish further information regarding the energy ordinance, call the Housing Inspection Division [or other responsible division], (800) XXX-XXXX. You may also visit the office at This Address, Monday thru Friday, between the hours of 8:30am and 5:30 pm.

