

ORDINANCE NO. 751 N.S.

AN ORDINANCE AMENDING DIVISION 8.08 OF THE CITY CODE TO INCLUDE REQUIREMENTS FOR THE PREPARATION OF A HOME ENERGY AUDIT OR HOME ENERGY SCORE FOR LOW-RISE RESIDENTIAL BUILDINGS.

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. PURPOSE AND INTENT

It is the purpose and intent of the City Council of the City of Piedmont in adopting this Ordinance to provide prospective buyers of residential properties important information regarding the energy use, and the costs associated with that energy use, of the building(s) offered for sale. In addition, the information provided will assist the purchaser in determining how best to improve a home's energy use in order to reduce long term expenses and greenhouse gas emissions, a goal of the City of Piedmont Climate Action Plan.

SECTION 2. FINDINGS

The City Council hereby makes the following findings in association with the adoption of this ordinance:

- A. The receipt of a Home Energy Score or Home Energy Audit will assist homeowners in their efforts to reduce their home's energy use and any greenhouse gas emissions from fossil fuels used to generate that energy;
- B. Over the next century, increasing levels of atmospheric greenhouse gas concentrates are expected to result in global temperature increases, causing a variety of local changes, including extreme weather conditions, sea level rise, more frequent heat waves and extended period of drought; and
- C. Failure to address and substantially reduce greenhouse gas emissions creates an increased risk to the health, safety and welfare of the City residents, the City Council considers and adopts as findings the analysis contained in the staff report.

SECTION 3. AMENDMENT TO SECTION 8.08.010

Section 8.08.010 Property Records, of the Piedmont City Code is hereby amended in its entirety to read as follows:

“8.08.010 Property records.

- A. Purpose. The purpose of this section is to fairly notify future property owners of important requirements concerning property in the city. Furthermore, the City has determined that prospective buyers of residential properties should be provided with important information regarding the energy use, and the costs associated with that energy use, of the building(s) offered for sale. In addition, the information provided will assist the purchaser in determining how best to improve a home's energy use in

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order to reduce long term expenses and greenhouse gas emissions, a goal of the City of Piedmont Climate Action Plan.

- B. Required Information. Each person who sells or transfers an interest in real property located in the City of Piedmont must provide the following information to a prospective buyer:
1. A property records search provided by the Planning & Building Department for a nominal fee established by the City Council. This report shall show the building permit history for the property, including which improvements have been approved.
 2. A disclosure statement prepared by the Planning & Building Director.
 3. For any low-rise residential building, either a Home Energy Score or a Home Energy Audit prepared no more than five years prior to the date the property is advertised or listed for sale, unless the home was constructed within ten years prior to the date of such advertising or listing.
- C. Timing of Disclosure. For any sale, transfer, or other transaction of a residential property that is subject to a disclosure requirements under Civil Code section 1102, et seq., the additional information required to be provided to the purchaser by this section shall be provided at the time such disclosures are made, and for all transactions not subject to a disclosure requirements under Civil Code section 1102, et seq., such additional information shall be provided not less than 10 days before close of escrow.
- D. Exemption. The requirements specified in this section shall not apply to those sales or transfers listed in Civil Code section 1102.2, subdivisions (a) through (j), and subdivision (l).
- E. Definitions. In this section, the following words shall be given the below meanings:
- Home Energy Audit* means a detailed report resulting from a whole-house evaluation, including diagnostic testing using specialized equipment, prepared by a Building Performance Institute, Inc. (BPI) certified Building Analyst to identify and prioritize proposed treatments for improving a home’s energy use.
- Home Energy Score*, means a score and associated report, using the metrics developed by the U.S. Department of Energy and its national laboratories, prepared by a certified Home Energy Score Assessor that provides homeowners, buyers, and renters directly comparable and credible information about a home’s energy use.
- Low-rise Residential Building* means a building, other than a hotel/motel that is Occupancy Group: R-2, multifamily, with three habitable stories or less; or R-3, single family; or U-building located on a residential site.”

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that the adoption of this Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis effect on the environment. The Ordinance is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION 5. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

SECTION 6. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading.



I certify that the foregoing ordinance was passed and adopted by Resolution 05-2021 at the regular meeting of the City Council of the City of Piedmont on February 1, 2021, by the following vote:

Ayes:	Andersen, Cavanaugh, King, McCarthy, Rood
Noes:	None
Absent:	None

Attest: _____
John O. Tulloch, City Clerk