

A G E N D A



RCA	Austin City Council	Item ID	5009
Meeting Date:	4/21/2011	Department:	Austin Energy

Subject

Approve an ordinance amending Chapter 6-7 of the City Code relating to Energy Conservation Audit and Disclosure requirements.

Amount and Source of Funding

There is no unanticipated fiscal impact.

Fiscal Note

A fiscal note is not required.

Purchasing Language:

Prior Council Action:

November 6, 2008 – Approved Ordinance 20081106-047 (“ECAD” Ordinance) adding a Chapter 6-7 to the City Code, in support of Resolution No. 20081106-048 for Energy Efficiency, and Resolution No. 200715-023 for Austin Climate Protection Plan.

For More Information:

Karl Rábago, Distributed Energy Services Vice President, 322-6098.

Boards and Commission Action:

Recommended by the Electric Utility Commission (EUC) and the Resource Management Commission (RMC) with the exception that only the RMC recommended continued applicability of commercial requirements to facilities under 10,000 square feet, a point not taken up by the EUC.

MBE / WBE:

Related Items:

Additional Backup Information

The Energy Conservation Audit and Disclosure (“ECAD”) Ordinance was approved in 2008 and went into effect in June of 2009. It requires residential home sellers to disclose energy audit results to potential buyers, multi-family owners to disclose energy audit results to tenants and potential tenants, and commercial facility owners to disclose energy efficiency ratings to the City and to potential buyers.

This code amendment makes several clarifications and improvements to the ECAD ordinance, including ensuring that home sellers disclose energy audit results prior to the end of the contract option period, adding a separate category related to condominiums, phasing in commercial facilities reporting requirements over time based on the size of the facility, implementing annual rating of commercial buildings, and allowing that exemptions are valid for ten years.

These changes are important steps in achieving a higher level of efficacy for the ECAD Ordinance and will resolve

ongoing issues associated with its implementation.

Staff's original recommendation included a requirement that residential audits be disclosed prior to contract execution. This was changed, at the recommendation of both the EUC and RMC, to allow an owner to disclose the energy audit to a potential purchaser not later than three days prior to the end of the contract option period. Staff also originally excluded commercial facilities under 10,000 square feet. The RMC recommended that commercial energy rating requirements apply to all commercial facilities, not only those over 10,000 square feet.