



MASSACHUSETTS ASSOCIATION OF REALTORS®

**STATEMENT IN OPPOSITION TO S.1761 AN ACT RELATIVE TO HOME ENERGY EFFICIENCY  
JOINT COMMITTEE ON TELECOMMUNICATIONS, ENVIRONMENT,  
AND NATURAL RESOURCES**

REALTORS® believe that protecting our environment is a priority and support sound policies and programs aimed at protecting and conserving energy and our environment. However, these policies and programs must not arbitrarily restrict or infringe upon private property rights. In addition, legislative or regulatory requirements that interfere with the flow and valuation of the real estate marketplace can wreak havoc on one of Massachusetts most important economic engines – real estate transactions. For these reasons, the Massachusetts Association of REALTORS® opposes any attempt by government to obligate homeowners to obtain an energy evaluation either as a general requirement for homeownership or in connection with their right to freely transfer property.

MAR has long supported a property owner's ability to voluntarily obtain an energy inspection of their home through programs such as MassSave. MAR also supports a home buyer or prospective tenant's ability to inspect a property for energy efficiency before purchase or occupancy. MAR opposes any mandatory energy scoring or energy auditing requirements for the following reasons:

**Impact on home values:** The Commonwealth has some of the oldest housing stock in the nation and typically, older homes are not as energy efficient as newer homes. Additionally, many of those older homes are located in less affluent communities where residents have few resources to upgrade their home. The concept of a government agency labeling or scoring people's homes in terms of energy efficiency is troubling. The ratings resulting from mandatory energy evaluations could cause depressed values of those older or historic homes, especially those located in Gateway Cities where residents may not be able to afford the energy upgrades needed for a positive score. This may cause disparate impact.

**Complications on transfer:** Requiring an energy audit prior to closing on a home will lead to delays in the home buying process. Specifically, under the language of S1791, a potential seller will not be able to list a home until the audit is completed. Adding a mandatory inspection to the home buying process is counterproductive to encouraging a healthy real estate market and opportunities for home ownership.

**Available alternatives:** Under existing state law, home inspectors are required to provide consumers information regarding home energy audits at the time of a home inspection (see 266 CMR 6.08). Additionally, the standard contract to purchase produced by MAR includes a provision allowing for a buyer to conduct an energy audit as part of the inspection. These alternatives provide consumers to voluntarily conduct inspections and obtain upgrades if they so choose. Continuing to educate consumers about these alternatives is critical to the success of energy policies and programs.

Thank you for your time and attention regarding this important matter. We welcome the opportunity to promote energy efficiency practices among homeowners and renters throughout the Commonwealth. We hope to work with all interested parties to better educate homeowners on the benefits of an energy audit rather than solely burdening those interested in selling a home. We urge the committee to report S.1761 out unfavorably.

