

ORDINANCE NO. 16619

AN ORDINANCE of the Board of County Commissioners of Thurston County, Washington, adopting a Residential Energy Performance Rating and Disclosure Policy and adding a new chapter entitled Chapter 14.36 *Residential Energy Performance Rating and Disclosure* to Title 14 *Buildings and Construction*, as more particularly described herein.

WHEREAS, the world's leading scientists consistently conclude that climate change caused by human emission of greenhouse gases is among the most significant problems facing the world today and potentially poses the greatest economic, environmental, and social challenge of the 21st century; and

WHEREAS, in 2021, the Board of County Commissioners passed a Resolution Declaring a Climate Emergency (Resolution No. 15983) and accepted the Thurston Climate Mitigation Plan as a regional framework to identify and implement actions to reduce locally generated greenhouse gas emissions; and

WHEREAS, residential buildings are one of the largest sources of emissions in Thurston County, and the Thurston Climate Mitigation Plan includes Action B1.1 to require residential energy performance rating and disclosure; and

WHEREAS, in 2024 the Board of County Commissioners approved an Interlocal Agreement among Thurston County and the cities of Lacey, Olympia, and Tumwater to support the development of a Home Energy Score Model Ordinance as a regionally coordinated initiative of the Thurston Climate Mitigation Collaborative (TCMC); and

WHEREAS, the TCMC Staff Team developed the Home Energy Score Model Ordinance based on policy research and engagement with Thurston County stakeholders and members of the public, and the Model Ordinance was unanimously approved by the TCMC Executive Committee on January 27, 2025; and

WHEREAS, the Board of County Commissioners adopted Resolution No. 16574 on December 16, 2025 amending the Thurston County Comprehensive Plan and creating a new climate element as required under Chapter 36.70A RCW; and

WHEREAS, Chapter 36.70A RCW requires Thurston County to identify actions the County will take to reduce greenhouse gas emissions consistent with the Washington State Department of Commerce's guidelines pursuant to RCW 70A.45.120, including high-priority climate measures to ensure buildings use renewable energy, conservation, and efficiency technologies and practices; and

WHEREAS, the Thurston County Comprehensive Plan includes policy CL-1.C.2 to lead the coordination of a regional policy for assessment and disclosure of residential and commercial building energy performance ratings; and

WHEREAS, the Board of County Commissioners finds that for a home energy disclosure policy to be effective at reducing emissions, incentivizing a more climate resilient housing stock, and informing prospective homebuyers, Thurston County Code should be amended to include this requirement.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. AMENDMENT. The Buildings and Construction Code (Title 14 TCC) is hereby amended as shown in Attachment A to include a new chapter, 14.36 RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE.


SECTION 2. CORRECTIONS. Upon approval of the Prosecuting Attorney’s Office, the Clerk of the Board, or designee, is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance and Title 14 of the Thurston County Code for scrivener or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal, or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect one year (365 days) after adoption.

ADOPTED: March 17, 2026


ATTEST:



Clerk of the Board

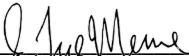
APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY



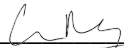
Scott Cushing,
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington




Chair

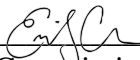
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Commissioner



Commissioner



Commissioner

ATTACHMENT A

Residential Energy Performance Rating and Disclosure Code Update

TITLE 14 AMENDMENTS

New Text: Underlined

1. Thurston County Code, Title 14 (BUILDINGS AND CONSTRUCTION), shall be amended to add a new chapter, Chapter 14.36 - RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE, to read as follows:

Chapter 14.36 - RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE

14.36.010 - Purpose.

The purpose of Residential Energy Performance Rating and Disclosure is to require that homebuyers be provided with information about residential building energy performance prior to the time of property purchase to enable more informed decisions about the full costs of operating dwelling units and to encourage investments in improvements that lower utility bills, reduce carbon emissions, and increase the comfort, safety, and health of building occupants. This disclosure is in addition to the minimum disclosures described in chapter 64.06 RCW.

14.36.020 - Definitions.

Certain terms, words and phrases shall, whenever used in this chapter, have the meanings defined in this section.

- A. "Director" means the director of the Community Planning and Economic Development (CPED) department of the county or their designee.
- B. "Energy" means electricity, natural gas, propane, heating oil, wood, or other fuel used for purposes of providing heating, cooling, lighting, water heating, or powering other end-uses in the building and related facilities.
- C. "Home energy performance report" means the report prepared by a registered home energy score assessor utilizing the reporting template provided by the director. The report must include the following information:

1. The home energy performance score, using methods developed by the United States Department of Energy, and an explanation of the score;
 2. An estimate of the total annual energy used in the dwelling unit in retail units of energy by fuel type;
 3. An estimate of the total annual energy generated by onsite solar electric, wind electric, hydroelectric, and/or solar water heating systems in retail units of energy, by type of fuel displaced by the onsite generation;
 4. An estimate of the total monthly or annual cost of energy purchased for use in the subject building in dollars by fuel type, based on the current average annual retail residential energy price of the utility serving the subject building at the time of the report and the average annual energy prices of nonregulated fuels by fuel type;
 5. The current average annual utility retail residential energy price in dollars by fuel type and the average annual energy prices by fuel type;
 6. At least one comparison home energy performance score that provides context for the range of potential scores. Examples of comparison dwelling units include, but are not limited to, a similar dwelling unit with Washington's average energy consumption, the same type of dwelling unit built to Washington energy code, or the same type of dwelling unit with certain energy efficiency upgrades;
 7. The identification of efficiency measures that may be installed directly by consumers;
 8. The date when the building energy assessment was performed;
 9. The name, contact information, and business license number for the registered home energy score assessor who completed the scoring; and
 10. Such other information as specified by the director.
- D. "Home energy score" means the U.S. Department of Energy's Home Energy Score which is an asset rating based on physical inspection of the dwelling unit or review of the design documents used for the dwelling unit's construction.
- E. "Low-income" means any household of Thurston County earning 80% or less than 80% of the Area Median Income as defined by the U.S. Department of Housing and Urban Development, or any household that has been deemed eligible to participate in a low-income assistance program offered by the county or other governmental entity.
- F. "Real estate listing" means any real estate listed publicly for sale in the county by a property owner, representative of a property owner, or a licensed real estate agent. Real estate listings include any printed advertisement, internet posting, or publicly displayed sign, including Regional Multiple Listing Service, Craigslist, Nextdoor and other social media platforms, Redfin, Zillow, Trulia, and other third-party listing services.

- G. "Registered home energy score assessor" means a person who has a valid and up-to-date certification from the U.S. Department of Energy as a home energy score assessor and who is registered with the county to provide a home energy performance report. To be registered with the county, a person must meet all registration requirements established by the director.
- H. "Sale" means the conveyance of title to real property because of the execution of a real property sales contract. Sale does not include the transfer of real property as defined in RCW 64.06.010 as in effect as of the date of this ordinance and as amended.
- I. "Seller" means any of the following: any individual or entity possessing title to real property that includes a subject building, the association of unit owners responsible for overall management in the case of a condominium, or other representative body of the jointly owned building with authority to make decisions about building assessments and alterations.
- J. "Subject Buildings" means single-family detached dwellings (as defined in TCC 20.03.040), duplexes, triplexes, quadplexes, cottage housing (RCW 36.70a.030), townhouses, and attached accessory dwelling units (TCC 20.03.040).

14.36.030 - Authority of the Director.

- A. The director shall administer and enforce this chapter's provisions.
- B. The director shall adopt rules and regulations, procedures, and forms to implement this chapter's provisions.

14.36.040 - Home Energy Score Rating and Disclosure for Subject Buildings.

Prior to publicly listing any dwelling unit(s) of a subject building for sale, the seller of the dwelling unit, or the seller's designated representative, shall:

- A. Obtain a home energy performance report for the dwelling unit(s) of the subject building from a registered home energy score assessor;
- B. Include the home energy score in all real estate listings and contact information to request the home energy performance report;
- C. Append the home energy performance report when attachments are accepted by the listing service;
- D. Provide a copy of the home energy performance report to all the following:
 - 1. All licensed real estate agents working on the seller's behalf; and
 - 2. Prospective homebuyers while the subject building is listed publicly for sale; and
- E. Maintain a copy of the home energy performance report available for review by the director upon request for quality assurance and evaluation of policy compliance.

14.36.050 - New Construction of Subject Buildings.

At or prior to the time of the first sale of a newly constructed subject building, the seller of the dwelling unit, or the seller's designated representative, may:

- A. Provide a home energy score that was generated from either design specifications or an on-site inspection.
- B. Obtain and replicate a single home energy performance report for subject buildings constructed within the same land division using identical design specifications with identical features including, but not limited to, floorplan, type and amount of insulation, windows, attic fans, heating and cooling systems, hot water heaters, and appliances.

14.36.060 - Exemptions and Waivers.

- A. Subject buildings on federal land or tribal land shall be exempt from the requirements outlined in Section 14.36.040.
- B. The seller shall be exempt if the subject building is undergoing a transfer of real property as defined by RCW 64.06.010, as is in effect as of the date of this ordinance and as amended.
- C. The director may exempt a seller from the requirements of this chapter after confirming that compliance would cause undue hardship for the seller under the following circumstances:
 - 1. The subject building qualifies for sale at public auction or acquisition by a public agency due to arrears for property taxes;
 - 2. A court-appointed receiver is in control of the subject building due to financial distress;
 - 3. The senior mortgage on the subject building is subject to a notice of default; or
 - 4. The seller is otherwise unable to meet the obligations of this chapter as determined by the director.

14.36.070 - Subsidy.

The county shall fully subsidize home energy score audits as required by Chapter 14.36 TCC for sellers whose households meet the low-income definition of this chapter or may exempt households that meet the low-income definition of this chapter if no subsidy funding is available.

14.36.080 - Expiration

The home energy score is valid for ten years after the assessment date (including new construction assessments as described in Section 14.36.050), provided that no changes to mechanical systems,

building envelope, energy efficiency or square footage in the home have occurred. For the purposes of this section, an assessment date is the date the assessment was completed.

14.36.090 - Violation.

It is a violation of this chapter for any person to fail to comply with the requirements of this chapter or to misrepresent any material fact in a document required to be prepared or disclosed by this chapter. The county may, but is not obligated to, enforce this chapter through Title 26, Code Enforcement.