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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 244

Session of  
1981

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INTRODUCED BY J. L. WRIGHT, BURNS, KUKOVICH, SEVENTY, STAIRS  
AND TELEK, JANUARY 27, 1981

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REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,  
JANUARY 27, 1981

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AN ACT

1 Requiring certain disclosure procedures prior to the conveyance  
2 of certain residential property, and providing a civil cause  
3 of action and criminal penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the "Truth in  
8 Heating Act."

9 Section 2. Legislative findings and declaration of purpose.

10 (a) Findings.--The Legislature hereby determines that:

11 (1) Many homes have been built with inadequate  
12 insulation and inefficient heating systems.

13 (2) The true cost of a home should take heating costs  
14 into consideration.

15 (3) Sellers of homes should be encouraged to make them  
16 energy efficient without penalty in the market place.

17 (4) The mandated disclosure of heating costs thereby

1 serves the goals of both energy conservation and consumer  
2 protection.

3 (b) Purpose.--The purpose of this act is to prescribe  
4 procedures which shall be used prior to the sale of any one or  
5 two family residential building, or the leasing of any  
6 residential building for one year or more where the tenant pays  
7 for the heating, to require such disclosure to the purchaser or  
8 lessee of such buildings.

9 Section 3. Requirement of disclosure.

10 No one or two family residential building shall be sold nor  
11 any unit of a one, two or multi-family residential building  
12 leased for a period of one year or more to a tenant who is  
13 required to pay for the heating, unless the purchaser or lessee  
14 is furnished, at least ten days prior to the time of execution  
15 of the contract of sale or lease, with a statement of energy  
16 usage for the building in the form of a complete set of heating  
17 bills for the life of the building or for the preceding 12  
18 months whichever is shorter, or a certified schedule thereof as  
19 provided in section 4.

20 Section 4. Preservation of records.

21 Every seller of fuel or energy used for heating purposes  
22 shall maintain a continuing record of purchases thereof for not  
23 less than 12 months and shall, upon written request by the owner  
24 of the premises and ten days' notice, furnish to said customer a  
25 complete set of heating bills for the preceding 12 months in  
26 order to comply with this act. Alternatively, such compliance  
27 may be in the form of a schedule certified by such seller of  
28 fuel or energy.

29 Section 5. Failure to provide disclosure.

30 The failure to furnish the required statement shall not

1 affect legal title to the premises once such premises pass to a  
2 purchaser or permit a lessee to avoid his obligations pursuant  
3 to a lease once possession of the premises is taken but the  
4 failure to provide the disclosure required by section 3 shall be  
5 grounds for the refusal of a purchaser or tenant at his option,  
6 to take title or possession, any contractual provision to the  
7 contrary notwithstanding.

8 Section 6. Civil action.

9 Any material misrepresentation contained in the disclosure  
10 required by section 3 may be subject to a civil action for  
11 damages. Any award of damages in such an action shall be limited  
12 to the following:

13 (1) In the case of a lease, for each year of the lease  
14 term the difference between the actual cost of energy usage  
15 for the life of the building or the 12 months preceding the  
16 disclosure, whichever is shorter, and the cost of energy  
17 usage as represented in the disclosure.

18 (2) In the case of a sale, for each year of ownership by  
19 the plaintiff to a maximum of ten years, the difference  
20 between the actual cost of energy usage for the life of the  
21 building or the 12 months preceding the disclosure, whichever  
22 is shorter, and the cost of energy usage as represented in  
23 the disclosure.

24 Section 7. Criminal penalty.

25 Any person violating any of the provisions of this act is  
26 guilty of a summary offense and shall, upon conviction thereof,  
27 be subject to a fine not to exceed \$300 dollars and/or  
28 imprisonment not to exceed 90 days.

29 Section 8. Effective date.

30 This act shall take effect in 12 months.