

## **Results of Electronic Ballot of the RESNET Board of Directors on Entering Into Memorandum of Understanding with the Energy Smart Real Estate Professionals**

March 9, 2009

The following are the results of the board electronic ballot:

***Shall the RESNET Board of Directors enter into a Memorandum of Understanding with the Energy Smart Real Estate Professionals (Attachment A)***

<b>Yes (20) (0)</b>	<b>No (0)</b>	<b>Abstain (1)</b>	<b>Not Voting</b>
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Ben Adams  
Steve Byers  
Dennis Creech  
Richard Faesy  
Philip Fairey  
David Goldstein  
Andrew Gordon  
Tom Hamilton  
Bruce Harley  
Michael Holtz  
Mark Jansen  
C.T. Loyd  
Greg Nahn  
Kelly Parker  
Bill Prindle  
Robert Scott  
Daran Wastchak  
Erin Wiggins  
David Wilson  
Barb Yankie

Lee O'Neal

The RESNET Executive Director was authorized to sign the Memorandum of Understanding with the Energy Smart Real Estate Professionals.

## **Attachment A**

### **Memorandum of Understanding between the Energy Smart Real Estate Professionals™ and RESNET**

**WHEREAS**, the U.S. residential buildings sector (over 115 million homes) accounts for 22% of the nation's primary energy consumption, an increase of 6% since 1980;

**WHEREAS**, the price of energy paid by homeowners has increased by over 47% in the same period, and costs are expected to rise dramatically in the next five years;

**WHEREAS**, 90% of all registered voters in the US would be willing to pay \$5,000 more for a house that would use less energy and protect the earth and 71% of consumers want more energy efficient & quieter homes;

**WHEREAS**, another recent survey indicates that up to 71% of U.S. homeowners and homebuyers would like to increase the energy efficiency of their homes, a recent Harvard study indicates that historically this recognition comes more than 24 months following a home purchase;

**WHEREAS**, the average seven million annual residential real estate transactions provide a tremendous opportunity for providing homeowners and buyers information of real value in terms of "how to" instruction, cost-effectiveness, and increased re-sale value;

**WHEREAS, RESNET is** the largest organization representing more than 6000 HERS Raters and HERS Providers across the country, establishing a national standards making body for building energy efficiency rating systems recognized by the Mortgage and financial industry, the Federal and State government and other agencies, and involved in all aspects of developing a standard rating system used in both new and existing homes

and is the ideal organization to promote residential energy efficiency education to real estate agents;

**WHEREAS**, despite the increased national awareness that energy efficiency has become a priority for many homeowners, there has been no national educational structure that provides substantive information to the nation's real estate agents combined with the perspectives of both a professional REALTOR and HERS Rater, who determines the potential energy savings of every home, that can be passed on to the consumer, until the formation of the Energy Smart Real Estate Specialist Designation, (ESRES).

**THEREFORE**, Energy Smart Real Estate Professionals (ESREP) ESREP and RESNET agree to work together to implement the ESRES designation and outreach program that encourages real estate agents to make energy efficiency a priority in their clients' home search, sale and/or purchase decisions with the prospective impact of lowering residential energy usage throughout the country.

This MOU represents a non-binding expression of intent between ESREP and RESNET to work together to promote energy efficiency in the residential sector.

### **Working Agreement**

The two organizations agree to work collaboratively to expand the knowledge of both real estate agents and homeowners as to the benefits of a more energy efficient home and share information and appropriate access to each other's constituency:

- a. Work together on promoting the ESRES Designation and the benefits of a home energy audit thereby increasing the knowledge level of REALTORS<sup>®</sup> and in turn, homeowners, regarding residential energy efficiency;
- b. Collaborate with ESREP to create, and assist in the distribution of informational material designed to educate the real estate agent and utilize in educating home sellers and home buyers;
- c. Whenever possible, disseminate educational articles, information resources and other energy-related tools to its membership via newsletters, the website, conferences and other potential RESNET channels.

- d. Promote to real estate agents the benefits of working with HERS Raters who are members of RESNET and encourage them to seek energy audits for their clients.
- e. Provide access to the RESNET organization and its members on the ESRES website. [www.realestatespecialists.com](http://www.realestatespecialists.com)
- f. Establish a joint press release announcing the formation of the new partnership.

Joint work under this MOU may require the sharing of proprietary information. Proprietary information is defined as information that an affected business claims to be confidential, is exempt from mandatory disclosure under applicable federal law, and is not otherwise available to the public. Proprietary information disclosed by one party to the other in whatever form, written or otherwise, must be clearly defined as such. Proprietary information initially disclosed orally must be clearly memorialized in writing within a reasonable time for the receiving party. To the extent allowed by law, the parties agree to keep proprietary information confidential unless written permission is obtained from an authorized officer of the affected business.

Neither party claims by virtue of this agreement any legal interest in existing or pending intellectual property of the other party. Rights to intellectual property arising from shared activities between the two parties in furtherance of this MOU will be allocated in writing, signed by authorized officers of each party, according to the law and the practices and policies of the parties. All commitments made in this MOU are subject to the availability of appropriated funds and resources. This MOU is neither a fiscal nor funds obligation document. Nothing in this MOU authorizes or is intended to obligate the parties to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value, or to enter into any contract, assistance agreement, or other financial obligation. Any endeavor involving the contribution of funds between the parties to this MOU will be subject to separate subsidiary agreements that will be affected in writing by authorized representatives of both parties, in accordance with applicable laws, regulations, and the parties' respective company policies and procedures.

This MOU in no way restricts either of the parties from participation any activity with other public or private agencies, organizations, or individuals.

This MOU is not legally enforceable and shall not be construed to create any legal obligation on the part of either party. This MOU shall not be construed to provide a private right, benefit, or cause of action for or by any person or entity enforceable by law or equity against ESREP or RESNET, their officers, employees, or any other person.

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Candace Lightner, President  
Energy Smart Real Estate Professionals

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Date

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Steve Baden, Executive Director  
Residential Energy Services Network, Inc.

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Date