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California Energy Alliance's Response to the California Energy Code Compliance Gap Analysis (CEC 400-2025-011)

CEA's response to the California Energy Code Compliance Gap Analysis and seven implementable recommendations for improving enforcement.

Additional submitted attachment is included below.



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September 12, 2025

To: California Energy Commission

Re: CEA Response to California Energy Code Compliance Gap Analysis (CEC 400-2025-011)

The California Energy Alliance thanks the California Energy Commission for publishing the California Energy Code Compliance Gap Analysis (CEC-400-2025-011). The report provides a valuable opportunity to reassess how compliance is defined and measured.

In particular, the distinction drawn between **Process-based Compliance**, which reflects the proper permitting, documentation, and inspection procedures, and **Energy-based Compliance**, which reflects whether as-built performance meets Energy Code intent, is a critical framework for understanding California's compliance landscape.

Due to the overwhelming burdens placed on Authorities Having Jurisdiction (AHJs), the documentation and their field verification steps are often inconsistent or absent. Prior methods of assessing compliance have therefore focused narrowly on modeled or assumed energy performance, without confirming if the required procedural steps were followed. As a result, the lack of meaningful data on actual enforcement and compliance has created a false perception that compliance is high, which has inadvertently masked systemic issues for many years.

CEA suggests the following implementable paths:

[7 points]

1. Clarify Misunderstood Compliance Rates.

CEA supports the report's recognition that compliance rates in California have been historically overstated or misunderstood. Much of the existing body of "compliance data" has been based on modeling assumptions, utility attribution studies, or narrow sample sets that do not reflect field-level realities. These methods lack meaningful data on actual enforcement. The false perception of high compliance has inadvertently concealed deeper, systemic issues.



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2. Process-Based Compliance Leads to Energy Compliance.

The assessments of both Process-based Compliance and Energy-based Compliance are important. Energy compliance is the goal, and process compliance helps lead to that goal. Of the two, the data for process compliance will be the easiest for the CEC to access.

In relation to Acceptance Testing:

Focusing on Process-based Compliance is essential to halt the alarming decline in Acceptance Testing enforcement observed across California. The inclusion of acceptance testing resources at the appropriate project phase, along with other key process-based metrics such as the timely completion of NRCC forms and the proper use of data, are not only measurable but also highly actionable. By taking on these suggestions immediately, California is enroute to a more resilient energy compliance infrastructure.

Moreover, there is a need to ensure that information is accurate throughout the enforcement process. Assessing energy compliance will reveal gaps in the State's compliance processes, where even when paperwork is present, buildings are still constructed inconsistent with the Title 24 regulations.

3. Continued Collaboration: Immediate Actions for Acceptance Testing

Acceptance Testing is necessary to ensure the integrity and effectiveness of California's energy code enforcement.

Years of inconsistent enforcement and limited resources among AHJs have led to attrition among certified Acceptance Test Technicians, which threatens the very foundation of the Acceptance Testing program. To address this, CEA's coalition of diverse stakeholders and industry leaders are working with CEC staff to ensure that urgent steps are taken to revitalize, stabilize, and preserve the state's enforcement ecosystem. This partnership is key in building a robust, resilient, and thoughtful compliance system for California's diverse communities.



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4. Integrate ATTs Early in the Process.

CEA emphasizes the value of the existing ATTCP infrastructure and urges the CEC to work with local jurisdictions to integrate ATTs *early in the project timeline*—during the NRCC/permitting phase—not just at the final inspection stage. When ATTs are called in only after construction is complete, they are placed in a reactive position, uncovering failures that could have been avoided through upfront review and coordination. This delayed engagement not only burdens the project team but jeopardizes compliance outcomes and occupancy schedules.

We encourage the CEC to review again and implement CEA's recommendation for Easy Targeted Steps for Enforcement submitted last June of 2025.

5. Reject the Notion That Data-Driven Approaches Are Ineffective.

CEA disagrees with the statement in the report that “*Data-driven approaches are unlikely to yield comprehensive compliance rates that can lead to actionable insights required for effective, real-world solutions.*” While it is true that data alone cannot solve all problems, well-structured data can inform meaningful changes. Understanding permitting flows, NRCC documentation rates, ATTCP activity by jurisdiction, and finalized project volumes, when combined, can reveal compliance trends and gaps in real time. These insights are foundational to designing support strategies, training interventions, and accountability metrics that can drive improvement.

CEA will be submitting a set of metrics for CEC's consideration.

6. Collaborate With AHJs to Streamline Enforcement.

CEA is made up of a diverse coalition of industry leaders and stakeholders and it understands that California's AHJs are equally diverse and face multifaceted challenges. Besides the CEC, the CEA is committed to working with the AHJ community to collaborate on thoughtful streamlining of the enforcement ecosystem.

That includes highlighting the capabilities of certified resources who can support the permitting process, guide compliance documentation, and reduce downstream testing failures. We encourage the CEC to continue partnering with the CEA to pilot improved workflows and share success stories that demonstrate the value of early-stage process



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enforcement. AHJs are part of the diversity of the California Energy Alliance.

7. Expand the Gap Analysis Process to Include a Strategic Assessment.

Understanding the state of compliance is important, but equally important are the strategies by which the CEC approaches the compliance and enforcement process. The Gap Analysis suggests that the CEC will gain strategic insights from the analysis of compliance rates. While that is certainly true, strategic insights for an issue this complex requires a parallel assessment and understanding of the strategies that the State has tried and how those strategies have succeeded or have fallen short. As the CEC continues its focus on compliance and enforcement, the Gap Analysis should be expanded to include a strategic analysis.

In the same light, it would be useful for the current Gap Analysis to explain, up front, what gaps it's evaluating and which gaps have not yet been assessed.

Conclusion

The CEA's mission is to bring beneficial, equitable change to energy standards, policies and programs by developing consensus among a diverse and engaged group of stakeholders.

We thank the CEC for recognizing the importance of Title 24 compliance and for inviting stakeholder input. That said, we believe the current work calls for more than just analysis: California needs immediate, impactful action. The ATTCP community is eager for solutions. By focusing on establishing well-defined processes, involving ATTs during the NRCC/permitting phase (not just at final inspection,) and building connective and thoughtful support for our AHJs—we can improve compliance immediately.

Sincerely,

California Energy Alliance