

CALIFORNIA ENERGY COMMISSION

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STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 08-HERS-2
)	
2008 Rulemaking on)	
Home Energy Rating System Regulations)	Order No. 08-1217-14

DOCKET	
08-HERS-2	
DATE	DEC 17 2008
RECD.	JAN 05 2009

I. INTRODUCTION

The California Energy Commission (“Energy Commission”) hereby adopts amendments to its Home Energy Rating System regulations. (California Code of Regulations, Title 20, Sections 1670 – 1675) We take this action under the authority of Public Resources Code Sections 25213 and 25942, and to implement, interpret, and make specific requirements of Public Resources Code Section 25942.

On October 3, 2008, the Office of Administrative Law published the Notice of Proposed Action (NOPA) concerning the potential adoption of proposed amendments to the Home Energy Rating System regulations (45-Day Language). The NOPA and 45-Day Language were posted on the Energy Commission’s website on October 1, 2008. The NOPA designated November 19, 2008, for a hearing before the full Energy Commission to consider adoption of the proposed amendments.

In response to public comments received on the 45-Day Language, the Energy Commission postponed the November 19 adoption to issue 15-Day Language to make changes to the proposed amendments. The 15-Day Language was noticed on December 1, 2008, and simultaneously noticed an adoption hearing for December 17, 2008.

Today, we adopt the December 1, 2008, 15-Day Language for the rulemaking under Docket No. 08-HERS-2.

The purpose of this rulemaking is to further implement and make specific the Home Energy Rating System Program required by Public Resources Code Section 25942. Although the Energy Commission has previously adopted “HERS 1” requirements in 1999, it has not yet fully adopted the rating program required by the authorizing statute. The adoption of these amendments provides a complete rating system for existing buildings and a systematic approach for training and regulating the providers of home energy ratings as specified by the statute. Also, the regulations we adopt incorporate by reference the *Home Energy Rating System Technical Manual*,

which provides the necessary implementing details of the HERS Program for home energy raters and providers.

II. FINDINGS

Based on the entire rulemaking record for Docket No. 08-HERS-2, the Energy Commission makes the following findings:

A. **The Administrative Procedure Act.** The adopted regulations:

- (1) will impose no direct cost or direct or indirect requirements on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of the Government Code;
- (2) will result in no cost or savings in federal funding to the State;
- (3) will have no significant impact on housing costs;
- (4) will not result in a significant statewide adverse impact directly affecting business, including the ability of California business to compete with businesses in other states;
- (5) will not reduce or adversely affect jobs in California;
- (6) will not burden new or existing business, or have an effect on the expansion of businesses in California;
- (7) will not impose cost on private persons;
- (8) will have no significant adverse effect on business in general or small business in particular;
- (9) will have no significant costs that a representative person or business would incur in compliance; and
- (10) have no alternatives that would be more effective in carrying out the purpose of the Warren-Alquist Act without increasing burdens, or that would be as effective and less burdensome in carrying out the purposes of the statute. The Energy Commission has considered alternatives raised by the public during the comment process.

B. **California Environmental Quality Act (CEQA).** The Buildings and Appliances Office CEQA Project Manager has reviewed these proposed regulations and determined that they have no potential for having a significant adverse effect on the environment, inasmuch as they address the process of rating and labeling the efficiency of existing buildings, and the training and oversight of the personnel who perform such

tasks. Accordingly, the adoption of these regulations is exempt from CEQA. (California Code of Regulations, Title 14, Section 15061, Subdivision (a)(3))

III. ADOPTION OF PROPOSED AMENDMENTS

The Energy Commission adopts the proposed amendments appended to this order, and adopts the *Home Energy Rating System Technical Manual*, which is incorporated by reference in said regulations.

IV. CONTINUATION OF DELEGATION OF AUTHORITY TO THE EFFICIENCY COMMITTEE; DIRECTIVES TO THE COMMITTEE

The Energy Commission continues its delegation to the Efficiency Committee of the authority to take, on behalf of the Energy Commission, all actions reasonably necessary to have the adopted regulations go into effect, including but not limited to, incorporating any non-substantive changes approved at the December 17, 2008, hearing into the final Express Terms submitted to the Office of Administrative Law (OAL); making any appropriate non-substantive, editorial-type changes; preparing and filing all appropriate documents, such as the Final Statement of Reasons, to OAL, and making any changes required by OAL.

Dated: December 17, 2008

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