

**DOCKETED**

<b>Docket Number:</b>	22-BSTD-01
<b>Project Title:</b>	2025 Energy Code Pre-Rulemaking
<b>TN #:</b>	242974
<b>Document Title:</b>	BayREN Codes & Standards Program Comments on Energy Code Compliance Improvement
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	BayREN Codes & Standards Program
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	5/9/2022 10:22:41 AM
<b>Docketed Date:</b>	5/9/2022

*Comment Received From: BayREN Codes & Standards Program  
Submitted On: 5/9/2022  
Docket Number: 22-BSTD-01*

## **Comments on Energy Code Compliance Improvement**

*Additional submitted attachment is included below.*



May 9, 2022

California Energy Commission

Dockets Office MS-4

1516 Ninth Street

Sacramento, CA 95814-5512

*Submitted via Docket No. 22-BSTD-01, 2025 Energy Code Pre-Rulemaking*

**Re: Comments on Energy Code Compliance Improvement**

Dear Commissioners and Staff,

The San Francisco Bay Area Regional Energy Network (BayREN) Codes and Standards Program is pleased to submit these comments and recommendations on Energy Code compliance improvement as part of the pre-rulemaking process for the 2025 Building Energy Efficiency Standards. BayREN is a collaboration of the Association of Bay Area Governments (ABAG) and the nine Bay Area counties. BayREN's Codes and Standards Program works to save energy by improving compliance with the Title 24 Parts 6 and 11, and by supporting and encouraging local energy policies such as reach codes. We work particularly closely with local government staff from building departments and sustainability offices within our region.

We greatly appreciate the Energy Commission's efforts to consider and improve Energy Code compliance as part of the 2025 Energy Code update process and found the March 22 Energy Code Compliance Tools Staff Workshop to be an excellent start. BayREN Codes & Standards Program offers the following specific comments related to Energy Code compliance and compliance tools:

**Energy Code compliance is a significant issue**

BayREN carried out research in 2014 by visiting 15 different jurisdictions and conducting plan reviews and field inspections for several permitting projects in each jurisdiction. The results were reported in the PROP Final Report, which can be accessed [here](#). The analysis found that full compliance with Energy Code requirements was rare, and energy performance would likely be worse for about half of the projects that did not conform. For additions and alterations, approximately two-thirds of projects would have worse energy performance than was anticipated.

In 2021, BayREN surveyed Bay Area building departments and found that many of the challenges identified in the PROP report still remain (survey results are available [here](#)). In particular, respondents indicated that the complexity of the code, contractor training, and building department staffing levels are common barriers to Energy Code compliance. Respondents also noted that energy conservation is perceived as a lower priority for both builders and building department staff, who prioritize life safety issues and do not perceive immediate adverse effects of non-compliance.

### **Involving all stakeholders is essential**

BayREN commends Commission staff for including designers and consultants, city and county staff, and contractors and installers in the March 22 workshop. The Energy Code is used in different ways by different stakeholders, such as energy consultants, designers and architects, plan reviewers, builders and contractors, HERS raters and ATTs, and field inspectors. The code and the code compliance process need to work for each of these stakeholders. As a result, hearing from and involving all of these parties will be necessary in order to improve compliance.

### **Recommendation for simplification and automation**

As was noted by multiple participants during the March 22 Workshop, the Energy Code is very complex for both building department staff and contractors to understand and navigate. BayREN Codes & Standards supports requests for simplifying the code, including aligning the structure of the code as much as possible with the structure of other Parts of Title 24.

Where the code cannot be simplified, BayREN recommends supporting and providing tools to automate the code compliance and enforcement process for interested jurisdictions. Energy Code Ace has developed the Virtual Compliance Assistant to automate the process of completing the forms accurately, and BayREN supports the use of CodeCycle in several Bay Area jurisdictions in order to test a tool that automates both design and enforcement of code-compliant commercial lighting. While there will always be a need for the judgment and expertise of trained code officials, providing automated tools for them to utilize can reduce the workload placed on jurisdiction staff and allow them to focus their time where it is most needed.

### **Recommendation for tailored summary sheet for building department staff**

BayREN Codes & Standards recommends development and promotion of a one-page summary sheet containing most important key Energy Code compliance information building departments need about a project. Currently, portions of almost all BayREN trainings include instructions on where to look in the forms for this information. Having to check multiple pages for different pieces of information complicates the process and creates a barrier to code enforcement. During the March 22 workshop, speakers mentioned a one-page "cheat sheet" that at least one energy consultant often creates for builders and HERS raters. Building department staff could benefit from a similar resource, particularly if it were standardized and provided for all projects.

### **Conclusion**

Thank you for the opportunity to provide this input, and for your careful consideration of these comments. We look forward to continuing to be involved in these important issues.

Respectfully submitted,



Karen Kristiansson

BayREN Codes & Standards Program Manager

Cc: Judy Roberson, CEC-BayREN Liaison