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Needed Regulations on HERS Raters

Additional submitted attachment is included below.

From: [New Earth Energy Specialists](#)
To: [Energy - Docket Optical System](#)
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Needed Regulations on HERS Raters:

CEC Staff,

To expedite my points, I will list the needed regulations on HERS Raters and industry as a whole and give explanation below for context and reasoning.

-HERS Raters should not be paid by HVAC companies. HERS Raters should be paid by the homeowner to align the HERS Rater to have the best interest of the homeowner, not the HVAC company.

-HVAC Companies should not give referrals to homeowners for HERS Raters. Homeowners need to research and hire their own HERS Rater to be truly independent. similar to a home inspector during the sale of a home.

-Supply houses that sell HVAC equipment to HVAC installers need to be audited to ensure there are permits being pulled for each piece of equipment being installed. I would guess 80-90% of HVAC companies are not pulling permits for installs they are completing.

-Require providers (CalCERTS/CHEERS) to develop good training materials and videos for HERS Raters for code cycles

Collusion between HERS Companies and HVAC companies are rampant in this industry. By requiring homeowners to search for their own HERS Rater and require payments come from the homeowner, it will force the "loyalty" to the homeowner, who is paying the HERS Rater. When the HVAC company pays the HERS Rater, the "loyalty" is directed toward the HVAC company. This scenario might as well be considered like an "in house employee" for the HVAC company. Homeowners are completely capable of hiring a HERS Rater, as its similar to hiring a building inspector for selling a home. CalCERTS, CHEERS has lists of HERS Raters or, a simple internet search yields dozens of results. I believe this will be a more effective tool to ensure compliance, more so than the QA process. The incentive to keep the HVAC company as a client is removed and the HERS Rater is free to uphold code requirements without fear of losing their client and main source of revenue. HERS Raters will be judged by the public/homeowner and how well they protect the consumer by ensuring Title 24 compliance.

HVAC Companies should not be giving "referrals" for HERS Companies under this new system. It would continue the collusion that is already occurring. Part of the QA process of HERS Raters is determining how many HERS tests the Rater is completing for an HVAC company. Establishing thresholds would be important to ensure the HVAC company

is not directing the homeowner to "their HERS Rater". Some numeric threshold stating "90% of Joe's HVAC company cannot come from the same HERS Company". If one HERS Company is exclusively completing more than ___% of an HVAC company's installs; there is collusion occurring. There must be some way to ensure HVAC companies are not referring HERS Raters. Monitoring the percentage of ratings a HERS Company does for a HVAC Company needs to occur to ensure collusion is not occurring.

The majority of HVAC Companies are not pulling permits for the installs they are completing for "alterations" aka "change-outs". With regard to energy goals for the State of CA; these regulations are only capturing about 10-20% of all alterations occurring in the State. HVAC companies are not pulling permits for the work they are completing because it is less expensive to not pull a permit, therefore, not requiring a HERS Inspection. If the CEC were to audit supply house's sales of HVAC equipment, requiring a permit from a municipality for the units to be sold, it would ensure HERS Raters are inspecting these installs. Any heat pump, furnace, condenser or coil sale requires a HERS inspection which would require a permit for the installation. PO numbers and addresses are used in the purchase of this equipment. Ensure all HVAC companies are pulling permits for work they are doing by auditing the sale of equipment between the supply house and HVAC company.

-Providers are not developing sufficient training videos to ensure Raters are prepared for code updates. This leaves Raters unprepared for new requirements and leaves no time for education for HVAC companies.

-With regard to the QA process; Large HERS Companies have an advantage because they have many employees who become Raters, then leave the company. They are able to "Sign off" on poor installs with a HERS Rater that has quit the HERS Company and moved onto other employment in another industry, but retain the login credentials. The HERS Company can then have as many QA violations on the Raters who do not work there and if their certification is revoked, it doesn't matter. There is no penalty on the HERS Company.

David Ortiz
HERS Rater