

DOCKETED

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URGENT - Please Read to Help Protect HERS Raters

Additional submitted attachment is included below.

From: [David Slama](#)
To: [Calcerts - Training](#)
Cc: eFiling@energy.ca.gov; [Energy - Docket Optical System](#)
Subject: RE: URGENT - Please Read to Help Protect HERS Raters 23-HERS-01
Date: Wednesday, March 15, 2023 4:54:38 PM

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To Whom it may concern (please forward to the proper personnel overseeing this subject);

The proposed action to repeal the HERS FV & DT by the CEC is already affecting **today, not the future**, how many building dept jurisdictions are interpreting and determining *for themselves* that the **current HERS certifications are no longer relevant DUE to future proposed changes**.

As a result, and for example, in the geographical region of concern to the impact of my own business, primarily the cities of **Kerman, Madera, and Fresno** have either stopped asking, or have established a very loose set of rules (different from the CEC mandates) causing local **builders and sub-contractors to be under the impression that HERS certification is no longer necessary and that there will be no consequences for not getting HERS testing done and providing documentation for current regulatory requirements**.

This is causing a lot of confusion between builders, subs, and their raters. It's also placing an unfair burden upon HERS raters to try and explain regulations are in fact still in place, and to try and compel the builders and subs, to stay in compliance and thus be covered in the event of an building dept audit by the CEC.

This growing adopted mindset by local jurisdictions is based on false assumptions and could even potentially open up the rating company to lawsuits by a builder or sub-contractor that they are contracted to do services for in the event that the responsible party misses calling for certification (**whether intentional or not**). Builders/Subs are then called and compelled to produce documentation (by a building dept, under audit) that doesn't exist at some future date well beyond when the final for occupancy was given by that building dept. It would not be possible for the HERS rater to produce documentation after a fair amount of time passes in order to make the builders records fall into compliance without the real possibility of potential fraud by all parties in the process. Why even go there?

Building depts must understand that, as of this time, nothing has changed, HERS FV & DT certification is still required!

YES, a general consensus is growing **NOW** in the building industry that any audits of local jurisdictions by the CEC for current guidelines regarding record keeping, or the lack thereof, for proper HERS documentation is irrelevant and no repercussions will be administered for failure to do so.

Also, I might mention, there are many financial lending institutions that require the HERS certificates to be on record with title/escrow in order to close and fund home loans.

Needless to say, it will **NOT** be **Jan 1, 2026** that the FV & DT services of HERS raters will cease to be required, as it seems to be the **current general feeling of building jurisdictions, and happening now.**

And yes, my current financial bottom line is being affected as a result. Plus, how are we expected to continue to provide services for current regulations if the entire HERS industry is being viewed as irrelevant and at a time builders are looking for any opportunity to cut building costs?

Very concerned,
Dave Slama

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