

DOCKETED

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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***Amendments to the Whole-House
Home Energy Rating and Labeling
Regulations***

Docket No.: 23-HERS-02

**ORDER INSTITUTING RULEMAKING
PROCEEDING**

I. PURPOSE AND SCOPE OF THE PROCEEDING

The California Energy Commission (CEC) hereby institutes a rulemaking proceeding under Public Resources Code § 25942 *et seq.* (Home Energy and Labeling Program) to consider amendments to the California Home Energy Rating System (HERS) Program regulations (Title 20, California Code of Regulations, sections 1670-1675). This action is taken under the authority of Public Resources Code sections 25210, 25213, 25218(e), 25218.5, and 25942, and Title 20, California Code of Regulations, sections 1220-1225.

Advancing energy efficiency of new and existing residential buildings is a critical strategy to achieving California's climate action and greenhouse gas reduction goals. Public Resources Code (PRC) Section 25942 directs the CEC to establish a consistent, accurate, and uniform home energy rating system based on a single statewide rating scale. The program is directed to include reasonable estimates of potential utility bill savings, and reliable recommendations on cost-effective measures to improve energy efficiency. In response to this directive, the CEC created the California HERS Program in Title 20 of the California Code of Regulations, which currently includes two subprograms. The first is a voluntary whole-house home energy rating and labeling program, as called for in PRC 25942. The second is a mandatory field verification and diagnostic testing program, which specifies verification procedures used to demonstrate compliance with the California Building Energy Efficiency Standards in Title 24, Part 6. In a separate proceeding, the CEC is in the process of removing the field verification and diagnostic testing requirements from Title 20 and moving them into Title 24, Part 6.

In this proceeding, the CEC will consider various amendments to update and improve the voluntary whole-house home energy rating and labeling program in the Title 20 regulations to better support state energy efficiency, climate action, and greenhouse gas reduction goals.

II. DELEGATION OF AUTHORITY

Commissioner Andrew McAllister is lead commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the lead commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act (Government Code sections 11340 et seq.) and the California Environmental Quality Act (Public Resources Code sections 21000, et seq). Adoption of any changes to the CEC's regulations pursuant to this Order Instituting Rulemaking will be by vote of the CEC at a noticed business meeting.

III. PUBLIC PARTICIPATION

The CEC encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The executive director, in conjunction with the public advisor, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the CEC to allow timely participation. The CEC will establish a date for the receipt of written comments on draft regulations.

The CEC will set forth deadlines for the receipt of written comments in Notices of Proposed Action, which will be published later in this proceeding. When new information is posted in this proceeding, an email will be sent to those on either the Efficiency Topics or Building Energy Efficiency Standards subscription lists. To receive these notices, sign up for subscriptions and manage existing subscriptions at CEC Subscriptions at <https://www.energy.ca.gov/subscriptions>.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page for this docket at [<https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=23-HERS-02>], Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with 20 California Code of Regulations section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 23-HERS-02 and "Whole-House Home Energy Rating and Labeling Pre-Rulemaking" in the subject line and email to docket@energy.ca.gov. A paper copy may be sent to:

Docket No. 23-HERS-02
Docket Unit, MS-4
California Energy Commission
715 P Street
Sacramento, California 95814-5512

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC's Public Advisor assists the public with participating in CEC proceedings.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on October 18, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat