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*Comment Received From: California Building Industry Association  
Submitted On: 4/26/2024  
Docket Number: 22-BSTD-01*

**CBIA Comments on Part 1 On-Site Audits & Sampling**

*Additional submitted attachment is included below.*

April 25, 2024

Commissioner Andrew McAllister  
California Energy Commission  
Docket Unit, MS-4  
715 P Street  
Sacramento, California 95814

RE: Docket 22-BSTD-01  
2025 Building Energy Efficiency Standards  
Part 1, Section 10-103.3(d)(5)(C)(i)(f) – On-Site Audits & Sampling

Dear Commissioner McAllister

### **Introduction**

The California Building Industry Association (CBIA) is a statewide trade association representing over 3,000 member companies involved in residential and light commercial construction. CBIA member companies are responsible for over 85% of the new homes built in California annually.

### **For Reference**

The CEC is proposing the following addition to the Part 1 Administrative Code provisions for On-Site Audits & Sampling

#### ***10-103.3(d)(5)(C)(i)(f)***

- f. Onsite audits shall be performed for every seventh sample group used in a single residential development.***
- i. The ECC-Provider shall perform the onsite audit at an untested home in the same sample-group being tested and a tested home.***
  - ii. If the ECC-Provider is refused access to the development, all sample-groups for the development will be considered conflicted data (Section 10-103.3(b)1B).***

### **The Problem**

This change represents major logistical challenges that we believe are unintended by the Commission. Specifically, if access to a site by a HERS provider doing a Quality Assurance inspection is denied or obstructed, the project's compliance status is jeopardized. This puts an immense and, in many cases, unworkable scheduling and coordination burden on homebuilders and the HERS Providers. Under such circumstances, the only alternatives are:

- moving to 100% testing — an impractical and cost-prohibitive solution **at that stage of the project**, or
- locking the project registries related to the project, which poses significant operational disruptions.

Both alternatives are unworkable in the field. They would result in extensive delays and enormous costs, destroying the housing affordability aspect associated with production-style development.

Furthermore, the value and utility of the QA inspections under this new regulation are questionable. In instances where a QA inspection identifies non-compliance with Title 24 Standards in a sampled lot, the proposed framework does not allow for corrective action or discipline against the Rater, as the lot was merely sampled and not fully inspected. This limitation significantly undermines the purpose of the QA inspections.

It is important to note that nearly a third of new residential construction projects in California utilize sampling in some form, with most projects containing more than seven sample groups. Therefore, the impact of this mandate is considerable across the industry.

**Suggestion**

Given these concerns and the lateness of the proceeding, we urge the CEC to delete this proposed language to better align with the practical realities of residential construction and ensure a more effective and feasible compliance process.

CBIA also concurs with the comments and suggestions submitted by CalCERTS HERS Provider in their April 26, 2024, filing with the Commission.