

DOCKETED

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*Comment Received From: Brian Selby
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**Energy Code Compliance Issues Relating to Departure of
CalCERTS as a HERS Provider**

Additional submitted attachment is included below.



California Association of Building Energy Consultants

July 31, 2024

To: California Energy Commission
Docket Number: 22-HERS-01

From: CABEC Board of Directors

RE: Energy Code Compliance Issues Relating to Departure of CalCERTS as a HERS Provider

Dear Commissioners and Staff,

CABEC was taken by surprise, as was all of the building industry, by the July 22, 2024 announcement that CalCERTS was ceasing operations as a HERS Provider starting on August 2, 2024 and that the CalCERTS registry would close on September 1, 2024 after transferring their files to the CEC. Many CABEC members have depended on CalCERTS as their primary HERS Registry, while others have worked primarily with CHEERS. We appreciated having two different HERS Providers that offered somewhat different services, and we are sorry to see CalCERTS close.

We have been considering how this will affect our membership as Energy Consultants working to support California's Energy Code, and we have some questions that we would like the CEC to address.

HERS Registration of Low-rise Multifamily Buildings

As background, on July 16, 2024, the CEC sent out the following message:

The California Energy Commission (CEC) recently approved the second low-rise multifamily (LRMF) residential data registry for the 2022 Energy Code. In response, staff has withdrawn guidance regarding enforcement of compliance documentation for 2022 Energy Code LRMF projects.

Beginning July 11, 2024, authorities having jurisdiction, all Title 24, Part 6, responsible persons, and other data registry users should resume compliance documentation requirements described in Title 24, part 1, section 10-103(a).

Of course now we are back to a single low-rise multifamily residential data registry for the 2022 Energy Code, so we are trying to determine what, if any, limits that may put on the industry.

The CEC approved CHEERS for almost all low-rise multifamily LMCV HERS verification forms except for LMCV-EXC-20 HERS Verification of Existing Conditions and LMCV-MCH-31 Whole House Fan Verification Cooling.

However, the only LMCC Low-rise Multifamily Certificates of Compliance CHEERS is allowed to register are the LMCC-MCH-02-E Alterations to Space Conditioning Systems and LMCC-PRF-01-E Low-rise Multifamily Performance Compliance Method. The CEC did not approve CHEERS for any other Prescriptive Certificates of Compliance.

That seems to put CABEC and the industry into an odd position for most low-rise multifamily Prescriptive compliance, since CHEERS can do most of the low-rise multifamily HERS testing and generate LMCV forms, but at this point they cannot provide registered Certificates of Compliance to give to building departments.

Question 1: How can CABEC members and others in the industry meet the requirement to register all low-rise multifamily projects if there is no HERS registry available for most low-rise multifamily Prescriptive measures?

HERS Verification and Registration of Non-HVAC Prescriptive ADD-01 and ALT-01 Forms for Single-family Buildings

The CEC approved CHEERS to provide HERS verification and registration for Prescriptive non-HVAC alterations to single-family buildings using the ALT-01 form, and also for Prescriptive single-family additions less than 1,000 ft² with or without HVAC components using the ADD-01 form. However, there is nothing easily available on the main CHEERS website about how to access and complete these forms. These forms are only accessible if you happen to find out about special hidden parts of the CHEERS website that go to them. This has led many experienced energy consultants, and presumably building departments and others going to the CHEERS website, to assume that CHEERS cannot provide those services. This is likely to discourage compliance with the Energy Code requirements for HERS verification and registration for those kinds of alterations and additions.

Question 2: In the interest of increasing Energy Code compliance with these HERS measures for additions and alterations, can the CEC take any steps to persuade CHEERS to provide easier and more visible access to these Prescriptive single-family forms?

Access to CalCERTS Forms Transferred to the CEC After September 1, 2024

According to the CalCERTS docketed letter dated July 22, 2024, CalCERTS plans to send all of the project files in their registry to the CEC when they close down on September 1, 2024:

All registered documents maintained by CalCERTS for the 2016, 2019, and 2022 building standards will be transferred to the California Energy Commission.

CABEC is urging our members to transfer all of their ongoing CalCERTS projects over to CHEERS before September 1st, but there will be some situations where past projects are in the group sent to the CEC. CABEC members have expressed concerns about accessing files prepared by (1) an energy consultant who is no longer in business or otherwise available to make a transfer to CHEERS or (2) a HERS rater who is no longer in business or otherwise available to redo an EXC form attached to a CFIR. There was also a concern about (3) how to get project records if there is some sort of litigation relating to a project after CalCERTS closes.

Question 3: If someone needs to access CalCERTS project files after September 1, 2024, how does the CEC plan to make them available, and how will the CEC protect the data from unauthorized user access?

Thank you for your attention to these concerns. We appreciate the California Energy Commission's help as CABEC navigates this change in the available HERS Providers.

Sincerely,

Brian Selby, Board Chairman

Rosemary Howley, Board Treasurer

on behalf of the 2024 CABEC Board of Directors