

DOCKETED

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Project Title:	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
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Document Title:	California Association of REALTORS(R) Follow Up Comment Letter on Building Energy Use Disclosure
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Comment Received From: Jennifer Svec

Submitted On: 8/12/2016

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California Association of REALTORS(R) Follow Up Comment Letter on Building Energy Use Disclosure and Public Benchmarking Program- July 22, 2016 AB 802 Benchmarking Staff Workshop

Additional submitted attachment is included below.



CALIFORNIA ASSOCIATION OF REALTORS®

August 12, 2016

California Energy Commission
Dockets Office MS-4
RE: Docket No. 15-OIR-05
1516 Ninth Street
Sacramento, CA 95814-5512

RE: Building Energy Use Disclosure and Public Benchmarking Program – July 22, 2016 AB 802 Benchmarking Staff Workshop

Dear Ms. Abhilasha Wadhwa,

Thank you for meeting by phone with us regarding the latest draft of the proposed regulations for the Building Energy Use Disclosure and Public Benchmarking Program. We are committed to being a valuable and effective contributor in the development of these regulations and policies.

C.A.R. commends you for the proposed definitional clarification of "Covered Building" contained in Section 1680. The language reflects the legislative intent of AB 802 by clarifying that the single family, 1-4 exemption, specifically includes condominiums as they are individually owned units.

C.A.R. respectfully requests that the proposed regulation requiring uploading of data used for benchmarking in Portfolio Manager and be limited to the utilities, not building owners, as required by the clear meaning of the statute. We are concerned that requiring data submission into Portfolio Manager by a building owner would result in liability for violating tenant privacy. We are troubled that language in the proposed regulations will force building owners to use "best guess" strategies to complete the Portfolio Manager Account setup regarding the property. When owners do upload information, they should be provided a liability shield, similar to that offered during the AB 1103 proceedings/regulation, which allowed buildings owners to upload this information without fear of liability for unintentional inaccuracies.

Per our conversation, we will continue to review the proposed regulations and submit additional comment recommending clarification on language contained in these proposed regulations. The CALIFORNIA ASSOCIATION OF REALTORS® looks forward to ongoing collaboration with the California Energy Commission and its staff as these regulations are developed to implement AB 802

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Svec".

Jennifer Svec,
Legislative Advocate
California Association of REALTORS®

CC:

Galen Lemei, Senior Attorney, California Energy Commission
Erik Jensen, Energy Commission Specialist, California Energy Commission



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