

DOCKETED

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Document Title:	Regulatory Advisory for Low-Rise Multifamily Compliance Forms for the 2022 Energy Code
Description:	This is a Regulatory Advisory regarding processing of low-rise multifamily compliance documentation for the 2022 Building Energy Efficiency Standards.
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Regulatory Advisory

November 18, 2022

LOW-RISE MULTIFAMILY COMPLIANCE FORMS FOR THE 2022 BUILDING ENERGY EFFICIENCY STANDARDS

Background

The 2022 Building Energy Efficiency Standards (Energy Code), which goes into effect January 1, 2023, introduced new requirements for low-rise multifamily (LRMF) buildings and includes the registration of new LRMF compliance documentation. CalCERTS, Inc. (CalCERTS) and ConSol Home Energy Efficiency Rating Services, Inc. (CHEERS) have each applied to the California Energy Commission (CEC) to be certified as residential data registries for the 2022 Energy Code. Both CalCERTS and CHEERS are creating new systems to process and register the new LRMF compliance documents required by the 2022 Energy Code.

While development is ongoing, both CalCERTS and CHEERS have informed the CEC that they will not be able to complete required programming and testing of the new LRMF component of their residential data registries until after March 1, 2023. As a result, for LRMF buildings only,¹ there will be no approved data registry capable of registering compliance documentation for this building type until at least the end of March 2023. Document registration with an approved residential data registry is required by the 2022 Energy Code for both newly constructed buildings and additions or alterations to existing buildings (specific code references are listed below).

Official Guidance

CEC staff recommends local authorities having jurisdiction (AHJs) take the following steps to ensure that permitting for LRMF buildings under the 2022 Energy Code is not delayed.

CEC staff intends to create and issue fillable PDF compliance forms that can be used to demonstrate compliance in LRMF buildings until those forms can be registered with an approved residential data registry. Responsible persons, as defined by section 10-103(a), should utilize those fillable PDF compliance forms to document compliance with

¹ Registration of single-family compliance documentation for the 2022 Energy Code is not affected by this issue. Staff reviewed the data registries' applications for the single-family residential and nonresidential components of both the CalCERTS and CHEERS data registries and the CEC will consider approval of these registries on December 14, 2022, for processing of these 2022 compliance documents beginning January 1, 2023.



code requirements including field verification and diagnostic testing. Upon completion of the fillable PDF compliance forms, the responsible person should submit the compliance forms directly to the AHJ and retain the completed PDF compliance forms for later registration with the data registry. To comply with the 2022 Energy Code section 10-103(a), the responsible person shall register all compliance documentation with a data registry once an approved residential data registry capable of processing these forms becomes available.

Local AHJs should consider suspending enforcement of the impacted code sections (see below) that require registration of LRMF compliance documentation until an approved residential data registry capable of processing these forms becomes available. At that point, responsible persons shall register the documents with the approved data registry, as discussed above, and additional guidance will be provided by the CEC.

AHJs should consider holding digital or paper copies of the documents submitted to them as demonstration of compliance for retention and eventual registration.

Impacted Code Sections

The following sections of the 2022 Energy Code are affected by the lack of a CEC approved residential data registry capable of processing LRMF compliance documentation:

- 10-103(a)1B Certificate of compliance
- 10-103(a)2A [paragraph 3] Application for a building permit
- 10-103(a)3C Certificate of installation
- 10-103(a)3F Certificate of installation: Availability
- 10-103(a)5B Certificate of verification
- 10-103(a)5C Certificate of verification: Availability
- 10-103(b)1A Compliance information to be provided by Builder
- 10-103(d)1 Enforcement agency requirements: Permits
- 10-103(d)2 Enforcement agency requirements: Inspection

Further Information

For additional information or questions, please contact the Energy Standards (Title 24) Hotline at 1-800-772-3300, toll-free in California or via email at Title24@energy.ca.gov.