

DOCKETED

Docket Number:	23-HERS-02
Project Title:	Home Energy && Labeling Program Updates Pre-Rulemaking
TN #:	251933
Document Title:	Charles Hanson Comments - on CEC Issues Cease and Desist Notice to RESNET & CalCERTS HERS Index in California - Part 1 of 2
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Organization:	Charles Hanson
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Comment Received From: Charles Hanson
Submitted On: 8/25/2023
Docket Number: 23-HERS-02

**on CEC Issues Cease and Desist Notice to RESNET & CaCERTS
HERS Index in California - Part 1 of 2**

Additional submitted attachment is included below.

From: [Charles Hanson](#)
To: [Energy - Docket Optical System](#)
Subject: Fwd: CEC Issues Cease and Desist Notice to RESNET & CalCERTS HERS Index in California
Date: Tuesday, August 22, 2023 7:19:22 AM
Attachments: [CEC Cease and Desist Letter.pdf](#)

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Dear CEC Staff,

This is for docket 22-HERS-01 and relevant for the approval for any HERS Provider.

Builders should not be using HERS Providers to pursue unapproved energy rating systems. Any unapproved ratings provided to California home builders should rescinded and fully investigated by the CEC. See attached letter.

Charles

From: Morgan Morales <mmorales@cbia.org>
Sent: Monday, August 21, 2023 3:29:54 PM
To: Beth Harris <bharris@cbia.org>
Subject: CEC Issues Cease and Desist Notice to RESNET & CalCERTS HERS Index in California

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Dear Builder,

It has been brought to our attention that the California Energy Commission (CEC) has issued a notice to RESNET and CalCERTS to immediately cease and desist any related services related to RESNET's national HERS Index program.

RESNET is a well-established provider of, among other things, energy ratings for residential dwellings at the national level. CalCERTS is one of two companies in California certified by the CEC to maintain a registry of energy code compliance information and certifies California HERS Raters to verify the work completed at your homes complies with the CEC's energy efficiency standards.

On August 4, the California Energy Commission issued RESNET and CalCERTS a letter to immediately cease and desist any services related to RESNET's **national** HERS Index program.

According to the Energy Commission, RESNET, and CalCERTS have violated California law by operating an unapproved energy rating program in California. In addition, the CEC asserts that these two entities have provided false and misleading information to the California building

industry. **It is unlawful to rate a home in California without CEC program approval and certification. The national RESNET HERS Index is not approved by the CEC for use in California, as California has its own stand-alone energy efficiency standards.**

CBIA intends to work with the CEC to understand and potentially mitigate any risk exposure to California builders for participating in an unlawful program. But for the time being, CBIA urges builders doing business in California and currently pursuing HERS Index ratings for their homes to either pause this action or seek advice from their legal counsel while the CEC addresses this situation.

For more information, please get in touch with Chris Ochoa, CBIA Sr Counsel for Codes, at (916) 340-3351 or Bob Raymer PE, CBIA Codes Consultant, at (916) 812-1900.

[View the CEC August 4 cease and desist letter here.](#)

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