

2 Compliance and Enforcement

2.1 Overview

Primary responsibility for compliance and enforcement with Energy Commission Energy Efficiency Standards rests with the local enforcement agency, typically associated with a city or county government. Low-rise residential buildings must obtain a permit from the local enforcement agency before a new building may be constructed, before constructing an addition, and before alterations are made to existing buildings. Before a permit is issued, the local enforcement agency examines the plans and specifications for the proposed building to verify compliance with all applicable codes and standards. Verification of compliance with the Building Energy Efficiency Standards, which is done by comparing the requirements specified on the Certificate of Compliance with the plans and specifications for the building, is the enforcement agency's plan check responsibility. The enforcement agency's plans examiner must also verify that the plans and specifications for the building are in compliance with the building code, plumbing code, electrical code, mechanical code, and all other applicable codes and standards adopted by the local enforcement agency.

Once the enforcement agency has determined that the proposed building (as represented in the plans and specifications) complies with all applicable codes and standards, a building permit may be issued at the request of the builder or the owner of the proposed building. This is the first significant milestone in the compliance and enforcement process. After building construction is complete, the local enforcement agency completes the final inspection and issues the certificate of occupancy. If the enforcement agency's final inspection determines that the building conforms to the plans and specifications approved during plan check, and that it complies with all applicable codes and standards, the enforcement agency may approve the building. The enforcement agency's final approval is also a significant milestone.

While the permit and the certificate of occupancy are the most significant milestones, the compliance and enforcement process is significantly more involved and requires participation by a number of other persons and organizations including the architect or building designer, specialty engineers (mechanical, electrical, civil, etc.), energy consultants, contractors, the owner, third party inspectors (HERS raters), and many others.

This chapter describes the overall compliance and enforcement process, and it identifies the responsibilities for each person or organization.

Compliance Document Registration

§10-103 and Reference Residential Appendix RA2

New requirements for a documentation procedure called *registration* are introduced beginning with the 2008 Building Standards. *Registration* documentation procedures are required for construction and alteration of residential buildings for which HERS verification is required for compliance.

Registration requirements will be described in this chapter, and elsewhere in this manual, as applicable. Also, *Reference Residential Appendix RA2* provides detailed descriptions of document registration procedures and individual responsibilities for registration of Certificate(s) of Compliance (CF-1R), Installation Certificate(s) (CF-6R), and Certificate(s) of Field Verification and Diagnostic Testing (CF-4R).

Initially, *Registration* will be introduced as a requirement for newly constructed low-rise residential buildings demonstrating compliance under the §151(c)2 multiple orientation alternative for which compliance requires HERS field verification. Beginning on October 1, 2010, *registration* will be required for all low-rise residential buildings for which compliance requires HERS field verification.

When *registration* is required, persons responsible for completing and submitting compliance documents (Certificate of Compliance, Installation Certificate, and Certificate of Field Verification and Diagnostic Testing) are required to submit the compliance form(s) electronically to a HERS provider data registry for retention.

Document information submitted to the registry shall be certified by the applicable responsible person (§10-103). The registry shall assign a unique *registration* number to the document(s), provided the documents are completed correctly and a certification/signature is provided by the responsible person. The "registered" document will be retained by the HERS provider data registry, and copies of the unique registered document(s) will be made available via secure internet website access, to authorized users of the HERS provider data registry, for use in making electronic or paper copies of the registered document(s) for submittals to the enforcement agency as required, and for any other applicable purposes such as posting copies in the field for enforcement agency inspections.

Examples of authorized users of the HERS provider data registry may include energy consultants, builders, building owners, construction contractors and installers, HERS raters, enforcement agencies, the Energy Commission, and other parties to the compliance and enforcement process that the documents are designed to support. Authorized users of the registry will be granted read/write access rights to only the electronic data that pertains to their project(s). Documents submitted to public agencies for code compliance are considered public information.

2.2 Compliance and Enforcement Phases

The process of complying with and enforcing energy efficiency goals in residential buildings involves many parties. Those involved may include the architect or designer, builder/developer, purchasing agent, general contractor, subcontractor/installer, energy consultant, plan checker, inspector, realtor, and owner/first occupant. All of these parties must communicate and cooperate in order for the compliance and enforcement process to run efficiently.

The standards specify detailed reporting requirements that are intended to provide design, construction, and enforcement parties with needed information to complete the building process and ensure the energy features are installed.

Each party is accountable for ensuring that the building's energy features are correctly installed in their area of responsibility.

This section outlines each phase of the process, and discusses responsibilities and requirements associated with them.

The 2008 Energy Compliance documentation has been revised and reorganized. Versions of the Certificate of Compliance have been designed to be used specifically with Residential New construction (CF-1R), Residential Additions (CF-1R-ADD), and Residential Alterations (CF-1R-ALT). The Installation Certificate (CF-6R) is separated into Envelope (CF-6R-ENV), Lighting (CF-6R-LTG), and Mechanical (CF-6R-MECH) categories, and most compliance measures have a separate CF-6R form that is specific to a particular installation. CF-6R forms now incorporate references to applicable mandatory measures. The HERS Certificate of Field Verification and Diagnostic Testing (CF-4R) has been categorized and organized in the same way as the CF-6R forms. Refer to Appendix A in this manual for more information about the forms, or to view samples of the forms. Additional information about use of the compliance forms will be provided in applicable sections of this chapter, and throughout this manual.

The 2008 Building Efficiency Standards introduces the requirement for residential energy compliance documents to be *registered* with a HERS provider data registry prior to submittal to an enforcement agency. This registration of documents prior to submittal accomplishes retention of a completed and signed copy of the submitted energy compliance documentation. Document retention is vital to compliance and enforcement follow-up and other quality assurance follow-up processes that ensure realization of energy savings from installed energy features. Although some local enforcement agencies elect to retain copies of submitted residential energy compliance documents, many jurisdictions do not retain these documents. Thus, the 2008 standards requirement for registration of the energy compliance documentation in HERS provider registry databases ensures that document retention is accomplished for the residential construction projects that require HERS verification for compliance. General information describing registration procedures that are specific to the design, construction and inspection phases follow in this chapter. Refer also to Reference Residential Appendix RA2 for more detailed descriptions of these document registration procedures that apply to each phase of the building energy code compliance and enforcement process.

2.2.1 Design Phase

§10-103(a)2

This phase sets the stage for the type and style of building to be constructed. In addition to issues concerning zoning, lot orientation and infrastructure, the building's overall design and energy features are documented in the construction documents and/or specifications. Parties associated with this phase must ensure that the building complies with the Building Energy Efficiency Standards and that the significant features required for compliance are documented on the plans and/or specifications.

During the design process, an energy consultant or other professional will typically assist the building designer, providing calculations that determine the impact of building features being proposed for the design, in order to ensure that the final building design plans and specifications submitted to the enforcement agency will comply with the Building Energy Efficiency Standards. Throughout

the design phase, recommendations or alternatives may be suggested by energy consultants or the documentation author to assist the designer in achieving compliance.

The building design plans submitted to the enforcement agency are required to include the specifications for the building energy features that are necessary to achieve compliance, including insulation levels, window performance, equipment performance, envelope sealing, weather stripping requirements, and any other feature that was used for compliance or is a mandatory measure. The building design plans and specifications must be consistent with respect to the energy efficiency features information on the Certificate of Compliance (CF-1R) submitted to the enforcement agency. Any change in the building plans or specifications, during any phase of design or construction, that changes the energy feature specifications for the design, necessitates recalculation of the building energy compliance, and issuance of a revised certificate of compliance that is consistent with the revised plans and specifications for the proposed building. If recalculation indicates that the building no longer complies, alternate building features must be selected that bring the design back into compliance with the Energy Efficiency Standards.

2.2.2 Permit Application

§10-103(a)2

When the design is complete, the construction documents are prepared, and when other approvals (planning department, water, etc.) are secured, the owner or contractor makes an application for a building permit. This is generally the last step in a long process of planning and design. At this point, the infrastructure (streets, sewers, water lines, electricity, gas, etc.) is in place or is being constructed and it is time to begin the process of constructing the building(s).

To assist the enforcement agency in verifying that the proposed building complies with the Energy Efficiency Standards, a set of compliance documents are submitted with the building permit application. These documents consist of a Certificate of Compliance, which is required by the Energy Efficiency Standards (see §10-103). The length and complexity of the documentation can vary considerably depending on the number of buildings that are being permitted, whether or not an orientation-independent permit is being requested, whether the performance approach or the prescriptive approach is being used, and many other factors. An energy consultant who understands the code and is able to help the builder or owner comply with the standards in the most cost-effective manner often prepares the Certificate of Compliance documents.

The Administrative Regulations §10-103(a)2 require that documentation be submitted with permit applications that will enable the plans examiner to verify the building's compliance. The forms used to demonstrate compliance must be readily legible and of substantially similar format and informational order as those specified in this compliance manual. If registration is required, the CF-1R that is submitted to the building department must be a registered copy from a HERS provider data registry.

The registration process requires the builder or designer to submit the Certificate of Compliance information and an electronic certificate or signature to a HERS provider data registry in order to produce a completed, signed and dated

electronic Certificate of Compliance (CF-1R) that is retained by the registry. The CF-1R is assigned a unique registration number, then copies of the unique registered CF-1R are made available to authorized users of the HERS provider data registry for use in making electronic or paper copies of the registered document(s) for submittal to the enforcement agency as required.

2.2.3 Plan Check

Local enforcement agencies check plans to ensure that the building design conforms to Building Standards. This includes health and safety requirements, such as fire and structural, and also the building energy efficiency requirements. Vague, missing, or incorrect information items on the construction documents are identified by the plans examiner, and when necessary, the permit applicant is required to make corrections or clarifications, then resubmit revised plans and specifications for verification by the plans examiner. When the permit applicant submits accurate, clearly defined plans and specifications, it helps to speed up the plan check process, since this provides the plans examiner with all the information that is needed to complete the plan check review. If the plans examiner must go back to the applicant to request more information, it can be a time-consuming process that would be simplified (thus completed more easily and in less time) when complete and accurate construction documents are submitted for plan check approval.

With regard to energy code concerns, from the enforcement agency's perspective, the plan checker's responsibility is to verify that the information contained on the construction documents is consistent with the requirements specified on the energy efficiency compliance documents. Since personnel that purchase building materials, and the building construction craftsmen in the field may rely solely on a copy of the approved plans and specifications for direction in performing their responsibilities, it is of utmost importance that the building design represented on the approved plans and specifications complies with the energy efficiency standards as specified on the Certificate(s) of Compliance (CF-1R).

The enforcement agency plans examiner must also verify that the compliance documents do not contain errors. When the compliance documents are produced by Energy Commission-approved computer software applications, there is less chance that there will be computational errors, but the plans examiner must still verify that the building design represented on the plans is consistent with the building energy features represented on the Certificate of Compliance (CF-1R) documents. To obtain a list of Energy Commission-approved energy code compliance software applications, visit the Energy Commission website at:

<http://www.energy.ca.gov/title24/2008standards/>

Or call the Efficiency Standards Hotline at 1-800-772-3300.

With production homes, where a builder may be constructing several identical houses at roughly the same time, the compliance documentation may be prepared in such a way that a house or model can be constructed in any orientation. When an application is filed for orientation independence, it usually follows the performance approach if the house is shown to comply when oriented along the four main compass points, it can be assumed to comply in any orientation.

2.2.4 Building Permit

After the plans examiner has approved the plans and specifications for the project, a building permit may be issued by the enforcement agency at the request of the builder. Issuance of the building permit is the first significant milestone in the compliance and enforcement process. The building permit is the green light for the contractor to begin the work. In some cases, the building permits are issued in phases. Sometimes there is a permit for site work and grading that precedes the permit for actual building construction.

2.2.5 Construction Phase

Upon receiving a building permit from the local enforcement agency, the contractor begins construction. The permit requires the contractor to construct the building in substantial compliance with the plans and specifications, but often there are variations. Some of these variations are formalized through change orders. When change orders are issued, it is the responsibility of the permit applicant and the local jurisdiction to verify that compliance with the code is not compromised by the change order. In some cases, it will be quite clear if a change order would compromise compliance, for instance when an inexpensive single glazed window is substituted for a more expensive high performance window. However, it may be difficult to determine if a change order would compromise compliance; for instance, when the location of a window is changed, or when the orientation of the house is changed. Field changes that result in non-compliance require enforcement agency approval of revised plans and energy compliance documentation to confirm that the building is still in compliance.

During the construction process, the general contractor or specialty subcontractors are required to complete various construction certificates. The purpose of these certificates is to verify that the contractor is aware of the requirements of the building energy standards, and that they have followed the Energy Commission-approved procedures for installation. The Installation Certificates (CF-6R) are a collection of separate energy compliance information forms that are applicable to each regulated energy feature that may be included in the construction. The certificates are required to be completed by each of the applicable specialty contractors when they install regulated energy features such as windows, water heater and plumbing, HVAC ducts and equipment, and insulation. Also, any contractor or specialist who may be responsible for insuring the building envelope tightness must complete the applicable section of a CF-6R for the building.

The licensed person responsible for the building construction, or for installation of an energy feature must ensure their construction or installation work is done in accordance with the approved plans and specifications for the building, and must complete and sign an Installation Certificate (CF-6R) to certify that the installed features, materials, components or manufactured devices for which they are responsible conform to the plans and specifications and the Certificate of Compliance (CF-1R) documents approved by the enforcement agency for the building. A copy of the completed, signed and dated CF-6R must be posted at the building site for review by the enforcement agency in conjunction with requests for final inspection for the building.

When registration is required, the CF-6R documents for installed features that require field verification by a HERS rater must be registered documents from a HERS provider data registry. When registration is required, the builder or installing contractor, upon completion of the work that requires field verification and/or diagnostic testing, must submit information to a HERS provider data registry in order to produce a completed, signed and dated electronic Installation Certificate (CF-6R) that is retained by the registry for use by authorized users of the registry. After the information to complete the CF-6R document is transmitted to the data registry, the CF-6R is assigned a registration number, and copies of the unique registered CF-6R are made available to authorized users of the HERS provider data registry for use in making electronic or paper copies of the registered document(s) for submittal to the enforcement agency as required. The builder or installing contractor responsible for the installation must provide a copy of the completed, signed, and registered Installation Certificate to the HERS rater, and post a copy at the building site for review by the enforcement agency in conjunction with requests for final inspection.

For additional information and detail on the registration of CF-6R documents, refer to Reference Residential Appendix RA2.

2.2.6 Enforcement Agency Field Inspection

§10-103(d)

Local building departments, or their representatives, inspect all new buildings to ensure compliance with Building Standards. Field construction changes and non-complying energy features require parties associated with previous phases to repeat and revise their original energy compliance documents.

Enforcement agencies generally make multiple visits to a building site to verify construction. The first visit is typically made just before it is time to pour the slab or the building foundation. At this visit, the building inspector verifies that the proper reinforcing steel is in place and that necessary wiring and plumbing that will be embedded in the slab meets the requirements of the Standards. The inspector should verify features that are to be installed in concrete slab floors, such as slab edge insulation or hot water recirculation loops that involve piping that must be installed in the slab. See Section 3.3.6, Slab Insulation, in the Envelope chapter of this manual.

The second visit generally occurs after the walls have been framed, and the wiring, plumbing, and other services have been roughed in. This inspection is recommended to be made before the insulation is installed, since it is the best time to assure the completion of sealing and caulking around windows, and the caulking and sealing of any holes bored through the framing members for installation of hot and cold water piping and electrical wiring. During the rough Frame Inspection, it is also best for the inspector to verify the installation of the high efficacy lighting (or the applicable lighting control alternatives) so that the contractor has ample time to make any necessary corrections before the Final Inspection, and to avoid having to remove drywall, insulation, etc. in order to remove an incandescent can.

The third visit is the Insulation Inspection, which takes place after the wall, ceiling, and floor insulation has been installed. This inspection occurs before the drywall is installed to verify that the insulation R-value matches the CF-1R Form,

and that the insulation has been properly installed without compressions, voids, or gaps. The inspector should verify that insulation is installed correctly around and behind piping, and that all exterior walls are insulated (especially behind obstructing objects like a bathtub).

The next visit is usually a Drywall Inspection, where the inspector verifies the drywall is installed properly to limit infiltration and exfiltration, especially at locations of lighting cans, HVAC registers and vents, electrical sockets, etc.

The Final Inspection is conducted after the walls have been closed and the final electrical and plumbing fixtures are in place. The typical enforcement agency inspection sequence can vary from jurisdiction to jurisdiction, and it can be difficult for the enforcement agency to verify every energy efficiency measure required to be installed the building. For example, exterior wall insulation will likely not be installed at the time of the Framing Inspection, and if the enforcement agency does not include the Insulation Inspection in their field verification process, the exterior wall insulation would be concealed from an inspector's view at the time of the Final Inspection.

For this and other reasons, the Installation Certificate (CF-6R) and when required, the Certificate of Field Verification and Diagnostic Testing (CF-4R) are crucial. When inspection of an installed energy feature would be impossible because of subsequent construction, the enforcement agency may require the CF-6R for the concealed feature to be posted at the site or made available to the inspector upon completion of the installation of the feature.

When registration is required, the CF-6R must be a registered copy from a HERS provider data registry. For all measures requiring field verification, a registered Certificate of Field Verification and Diagnostic Testing (CF-4R) shall also be made available to the building inspector.

2.2.7 Field Verification and/or Diagnostic Testing

Some building features require field verification and/or diagnostic testing by a third party inspector as a condition for compliance with the Standards. The Energy Commission has established the California Home Energy Rating System (HERS) program to provide for the training and certification of HERS raters who are to be considered special inspectors by building departments. When compliance with the energy code is based on energy features that require third party (HERS) verification, a certified HERS rater is required to perform field verification and/or diagnostic testing according to the procedures in Reference Residential Appendix RA2 using the protocols specified in Reference Residential Appendix RA3.

Prescriptive packages C, D, and E as well as most performance method applications require some sort of field verification and/or diagnostic testing. Most of the typical measures that require HERS field verification and/or diagnostic testing involve air conditioning equipment and forced air ducts that deliver conditioned air to the dwelling. Examples of measures requiring HERS verification are refrigerant charge measurement and duct sealing.

The 2008 Standards do not allow verification of a thermostatic expansion valve (TXV) as an alternative to performing refrigerant charge verification. However, 2008 Standards allow verification of the installation of a refrigerant Charge Indicator Display (CID) as an alternative method for compliance with the

prescriptive Refrigerant Charge Verification requirement. Additionally, 2008 Prescriptive Standards require installation of Saturation Temperature Measurement Sensors (STMS) if a CID is not installed in the air conditioning system. STMS must be factory installed or field installed according to the manufacturer's specifications. STMS make it possible to perform the refrigerant charge verification procedure without use of pressure gauges. Refer to the refrigerant charge verification procedure described in Reference Residential Appendix RA3.2 for more information about use of saturation temperature sensors. Note: STMS are not required if the performance compliance approach is utilized.

Additionally, 2008 Standards specify that the air conditioning system installer must provide Temperature Measurement Access Holes (TMAH) in the supply and return plenums, and either a Permanently installed Static Pressure Probe (PSPP) or a Hole for the temporary placement of a Static Pressure Probe (HSPP) in the supply plenum. These installer-provided features make it possible for HERS raters to perform non-intrusive temperature split and static pressure measurements as required by HERS verification protocols described in Reference Residential Appendix RA3.

Additional measures requiring field verification include verified prescriptive cooling coil airflow and fan watt draw, reduced duct surface area, increased duct R-value, high EER cooling equipment, and quality installation of insulation. For a full list of measures requiring field verification and/or diagnostic testing, refer to Table RA2-1 of the 2008 Reference Residential Appendices.

The requirements for field verification and/or diagnostic testing apply only when equipment or systems are installed. For example, if a house has no air distribution ducts, then a HERS rater does not have to test the ducts, since there are no ducts to test. Similarly, if a house showing prescriptive compliance does not have a split system air conditioner or heat pump, then a HERS rater does not have to test the refrigerant charge, because the requirements do not apply.

The HERS rater must perform field verification of the required features and transmit all required data describing the feature and the results of the verification or diagnostic test to a HERS provider data registry. The HERS rater must also confirm that the installed energy feature being verified is consistent with the requirements for that feature as specified on copies of the CF-1R approved by the enforcement agency for the dwelling, and that the information on the CF-6R is consistent with the CF-1R. The test results reported on the CF-6R by the person responsible for the installation must be consistent with the test results determined by the HERS rater's diagnostic verification and meet the criteria for compliance with the Standards.

Results from the Rater's verification or diagnostic test are reported to the HERS provider Data registry regardless of whether the result indicates compliance. If the results indicate compliance, the HERS provider data registry will make available a registered copy of the Certificate of Field Verification and Diagnostic Testing (CF-4R). A copy of the CF-4R must be posted at the building site for review by the enforcement agency, and made available for all applicable inspections. A copy of the CF-4R must be provided to the builder, and a copy must also be left in the dwelling for the owner at occupancy.

2.2.8 Approval for Occupancy

In multifamily dwellings of three -or more units, the final step in the compliance and enforcement process is the issuance of an occupancy permit by the enforcement agency. This is the green light for occupants to move in. Single family dwellings and duplexes may be approved for occupancy without an occupancy permit being issued. Often a signed-off final inspection serves as an approval for occupancy. Prior to the approval for occupancy, the HERS rater must post a signed and registered CF-4R in the field for the building official to review in conjunction with requests for final inspection. The HERS rater must also provide a copy of the registered CF-4R to the builder, and a copy must be left in the building for the building owner at occupancy. Only registered CF-4R documents are allowed for these document submittals. Handwritten versions of the CF-4R are not allowed for document submittals for compliance with the 2008 Standards.

2.2.9 Occupancy

At the occupancy phase, the enforcement agency shall require the builder to leave inside the building all completed, signed and dated compliance documentation which includes at a minimum the CF-1R and all applicable CF-6R forms. When HERS field verification is required, a registered copy of the CF-4R is also required to be left on site with the compliance documentation. When registration is required, the CF-1R and CF-6R compliance documentation shall be registered copies. The builder is required to provide the homeowner with a manual that contains instructions for operating and maintaining the features of their building efficiently. See Section 2.3.4 for more details.

2.3 Energy Standards Compliance Documentation

Compliance documentation includes the forms, reports and other information that are submitted to the enforcement agency with an application for a building permit. It also includes documentation completed by the contractor or subcontractors to verify that certain systems and equipment have been correctly installed. It may include reports and test results by third-party inspectors (HERS raters). Ultimately, the compliance documentation is included with a homeowner's manual so that the end user knows what energy features are installed in the house.

Compliance documentation is completed at the building permit phase, the construction phase, the testing and verification phase, and at the final phase. The required forms and documents are shown in Table 2-1 and described in the rest of this section in more detail. When registration is required, the compliance documentation and field verification certificate shall be registered copies.

Table 2-1 – Documentation Requirements, Prescriptive and Performance Compliance Methods

Phase	Method	Documentation Required when applicable
Building Permit	Prescriptive and Performance	CF-1R, Certificate of Compliance
	Prescriptive and Performance	MF-1R, Mandatory Measures
	Prescriptive	WS-1R, Thermal Mass Worksheet Checklist
	Prescriptive	WS-2R, Area Weighted Average Calculation Worksheet
	Prescriptive	WS-3R, Solar Heat Gain Coefficient (SHGC)
	Prescriptive and Performance	CF-SR, Solar Water Heating Calculation Form
Construction	Prescriptive and Performance	CF-6R, Installation Certificate
Field Verification and/or Diagnostic Testing	Prescriptive and Performance	CF-4R, Certificate of Field Verification and Diagnostic Testing, HERS Rater.

2.3.1 Building Permit Phase Documentation

§10-103(a)

The compliance documentation required at the building permit phase consists of the Certificate of Compliance (CF-1R), and Mandatory Measures (MF-1R) on the building plans depending on the compliance approach, the energy compliance documentation package may also include the Thermal Mass Worksheet (WS-1R), the Area Weighted Average Calculation Worksheet (WS-2R), and the Solar Heat Gain Coefficient (SHGC) Worksheet (WS-3R) and the Solar Water Heating Calculation Form (CF-SR). Blank copies of these documents are included in Appendix A for use with the prescriptive compliance requirements. When the performance approach is used, these documents are not needed since the Energy Commission-approved software performs the calculations and provides the necessary documentation as part of the software output.

The purpose of the compliance documentation is to enable the plans examiner to verify that the building design shown in the plans and specifications complies with the Standards, and to enable the field inspector to identify building features that are required for compliance.

Certificate of Compliance (CF-1R)

The standards require the certificate of compliance to be incorporated into the plans for the building and submitted to the enforcement agency. The CF-1R form identifies the minimum energy performance specifications selected by the building designer or building owner for compliance, and may include the results of the heating and cooling load calculations.

To meet the requirement for filing a copy of the CF-1R with the plans for the building, ask the local enforcement agency for information about their preferences or requirements for document submittal procedures. For instance:

- Local jurisdictions may allow or require taping CF-1R document sheets to the submitted design drawings for the building; or
- Local jurisdictions may allow or require simply attaching 8-1/2 inch x 11 inch printed CF-1R document reports to the submitted design drawing package; or

- Local jurisdictions may allow or require the CF-1R to be embedded in the building design computer aided drafting (CAD) file for plotting on sheets that are the same size as the building design's plan set sheets, thus the CF-1R documentation would be submitted as energy compliance design sheets integral to the entire plan set for the building.

Mandatory Measures (MF-1R)

- This document is applicable for both prescriptive and performance compliance. This reference lists mandatory measures to be part of the building plans along with the Certificate of Compliance to help builders and inspectors reference applicable mandatory measures in the Standards. Alternatively the designer must ensure that all applicable mandatory features are indicated on the plans and specifications.

For low-rise residential buildings for which compliance requires field verification, the CF-1R submitted to the enforcement agency must be a registered copy from a HERS provider data registry. Refer to Section 2.1 and to Reference Residential Appendix RA2 for more information about document registration.

2.3.2 Construction Phase Documentation (CF-6R)

§10-103(a)3 and 4

The Installation Certificates (CF-6R) are separated into Envelope (CF-6R-ENV), Lighting (CF-6R-LTG), and Mechanical (CF-6R-MECH) categories, and most compliance measures have a separate CF-6R form that is specific to a particular installation. The CF-6R's must be completed during the construction phase of the compliance and enforcement process. The CF-6R documents must be completed by the applicable contractors who are responsible for installing regulated energy features such as windows (fenestration), the air distribution ducts and the HVAC equipment, the measures that affect building envelope tightness, the lighting system, and the insulation.

The CF-6R must be signed by the licensed person responsible for the installation. If the Standards require registration of the energy compliance documentation for the project, all CF-6R documents that require HERS verification must be registered CF-6R copies from a HERS provider data registry.

- **HVAC Systems.** The contractor who installs mechanical equipment signs this part. Heating and cooling equipment are listed and the energy efficiency, capacity, design loads and other properties of each piece of equipment are documented.
- **Water Heating Systems.** This part includes information about the water heating equipment installed in the building, including model number, energy efficiency, tank size, input rating and other properties. The installer also verifies that faucets and shower heads are certified and comply with the appliance standards.

- **Fenestration/Glazing.** This part includes a list of all windows installed in the home. For each, the U-factor, SHGC, area, number of panes, and number of windows of this type in the building are indicated. This section is signed by the contractor that installs the windows.
- **Duct Leakage and Design Diagnostics.** This part is signed by the contractor responsible for installing the HVAC air distribution ducts and verifying that they comply with the leakage requirements. On this form the contractor includes the results of diagnostic tests, which will later be verified by a third-party inspector (HERS rater).
- **Refrigerant Charge and Airflow Measurement.** This part is signed by the contractor responsible for verifying that split system air conditioner and heat pumps have the correct refrigerant charge. This form contains diagnostic data that are later verified by a third-party inspector (HERS rater).
- **Duct Location and Area Reduction Diagnostics.** This portion of the mechanical section of the CF-6R must be completed and signed by the contractor who installs the HVAC air distribution ducts. It verifies that the installed duct system conforms to the duct system design layout that was submitted to the enforcement agency at plan check. The person responsible for the duct system installation must certify on the CF-6R that installed system features, such as supply register and return grill locations, duct diameters, duct R-values and other duct system design details conform to the duct system layout approved by the enforcement agency. This CF-6R requirement seeks to ensure that the installed duct design conforms to the requirements for energy compliance credit for improved duct design as specified on the CF-1R for the building.
- **Building Envelope Leakage Diagnostics.** This part is completed by the contractor responsible for testing building envelope leakage through pressurization of the house. This form contains test results that will later be verified by a third-party inspector (HERS rater).
- **Insulation Certificate.** This part is completed and signed by the contractor responsible for installing the insulation. This indicates the manufacturer, brand, and thermal properties of insulation installed in the roof, ceiling, walls, and floor.
- **Insulation Quality Checklist.** This part is completed and signed by the insulation contractor when credit is taken for quality insulation installation. This is later verified by a third-party inspector (HERS rater).
- **Lighting Systems.** This part is completed and signed by the contractor responsible for installing hard-wired lighting systems.

Persons responsible for the installations must sign the applicable CF-6R to certify that the installed features, materials, components, or manufactured devices conform to Title 20 Appliance Efficiency Regulations and Title 24 Building Energy

Efficiency Standards. The requirements on the plans and specifications should match the CF-1R documents approved by the local enforcement agency for the building. The MF-1R shall be on the plans to list the mandatory measures required for the particular project.

The CF-6R must be posted at the job site in a conspicuous location (e.g., in the garage) or kept with the building permit and made available to the enforcement agency upon request.

When field verification and/or diagnostic testing of the feature is required for compliance (as shown in the special features section of the CF-1R), the builder or the builder's subcontractor must perform field verification and diagnostic testing of the installation to confirm and document compliance with the Standards utilizing the applicable procedures specified in Reference Residential Appendix RA3. A copy of the completed CF-6R must be provided to the HERS rater for use during the HERS verification procedure.

When document registration is required, the builder, the builder's subcontractor, or authorized representative must submit the CF-6R information to a HERS provider data registry. When registration is required, all CF-6R information submittals must be done electronically. HERS raters or other authorized users of the HERS provider data registry shall be allowed to facilitate the transmittal/submittal of the Installation Certificate information to the HERS provider data registry website on behalf of the builder or the builder's subcontractor when such facilitation has been authorized by the builder or subcontractor. However, the builder or subcontractor responsible for the installation shall still be required to sign/certify the completed Installation Certificate (CF-6R) to confirm the accuracy of the information, and confirm that the installation complies with the requirements shown on the Certificate of Compliance (CF-1R) for the building. After submittal of the Installation Certificate information to the HERS provider data registry, the builder or subcontractor must access the registered Installation Certificate from the provider data registry, submit an electronic certification/signature to the registry, or sign a copy of the Installation Certificate accessed from the registry by the builder or subcontractor's authorized representative, provide a copy of the completed, signed and registered Installation Certificate to the HERS rater, and post a copy of the completed signed registered Installation Certificate at the building site for review by the enforcement agency in conjunction with requests for final inspection for each dwelling unit. The registered copy submitted to the HERS rater may be in paper or electronic format, except that if the builder or subcontractor provides electronic certification/signature directly to the registry, the HERS rater shall have access to a completed, signed and registered copy of the Installation Certificate directly from the registry.

A copy of the completed and registered CF-6R must be left in the building for the building owner to receive at occupancy, and included with the homeowners' manual (see below). The manual serves to provide the homeowner with information about the energy efficiency features installed in their home.

2.3.3 Field Verification and/or Diagnostic Testing Documentation (CF-4R)

§10-103(a)5

Many of the prescriptive requirements and some of the measures that may be used for compliance in the performance approach may require field verification and/or diagnostic testing. This must be performed by a third-party inspector who is specially trained and independent from the builder or general contractor. The Energy Commission recognizes HERS raters for this purpose.

When field verification and/or diagnostic testing is required, the *Certificate of Field Verification and Diagnostic Testing* (CF-4R) must be completed and signed/certified by the HERS rater. The CF-4R documents include information about the measurements and test results that were required to be performed. The HERS rater must verify that the requirements for compliance credit have been met.

The HERS rater must transmit the CF-4R information to a HERS provider data registry. A registered CF-4R from the provider that has been signed/certified by the rater is made available to the enforcement agency and to the builder when HERS verification confirms compliance. The builder is ultimately responsible for ensuring that the enforcement agency has received the CF-4R prior to the occupancy permit or final inspection.

Raters shall provide a separate registered CF-4R form for each house the rater determines has met the diagnostic requirements for compliance. The HERS rater shall not sign a CF-4R form for a house that does not have a CF-6R signed by the installer. When registration is required, the HERS rater shall not sign a CF-4R for a house that does not have a registered CF-6R that has been signed/certified by the installer. If the building was approved as part of a sample group, the CF-4R will include additional information that identifies whether the building was a tested or a "not tested" building from the sample group.

Refer to Reference Residential Appendix RA2 for more detail on HERS verification and CF-4R documentation procedures.

2.3.4 Compliance, Operating, and Maintenance, and Ventilation Information to be Provided by Builder

§10-103(b)

The final documentation in the compliance and enforcement process is the information that is provided to the homeowner. At the completion of construction and prior to occupancy, the enforcement agency shall require the builder to leave in the building the applicable completed, signed and dated compliance documentation including, at a minimum, the applicable CF-1R forms, and CF-6R forms, and if compliance required HERS verification, the applicable CF-4R forms. When registration is required, these compliance documents shall be registered copies. In addition to the compliance documentation, the builder must leave in the building all operating and maintenance information for all installed features, materials, components, and manufactured devices. The operating and maintenance information must contain the details needed to provide the building owner/occupant with instruction on how to operate the home in an energy-efficient manner and to maintain it so that it will continue to work efficiently into the future.

For individually-owned units in a multifamily building, the documentation must be provided to the owner of the dwelling unit or to the individual(s) responsible for operating the feature, equipment, or device. Information must be for the appropriate dwelling unit or building (paper or electronic copies of these documents are acceptable).

Example 2-1**Question**

What are the plan checking/field inspection requirements related to the CF-6R?

Answer

The CF-6R (Installation Certificate) is not required to be submitted with other compliance documentation at the time of permit application, but rather is posted or made available for field inspection. A field inspector should check the equipment that is actually installed against what is listed on the CF-6R and compare the CF-6R and CF-1R for consistent equipment characteristics.

For a performance approach that relies on features that require HERS verification, the field inspector should check the Special Features and Modeling Assumptions and HERS Required Verification listings on the CF-1R to identify the required installer tests, and verify that these tests were performed and documented on the applicable Installation Certificate CF-6R.

The enforcement agency may request additional information to verify that the installed efficiency measures are consistent with the approved plans and specifications. When material properties or equipment efficiencies greater than the minimum requirements are shown on the CF-1R, the enforcement agency may have procedures for verification of the actual material or equipment specifications. For example, the enforcement agency may require the installer to provide a copy of the applicable page(s) from a directory of certified equipment.

Example 2-2**Question**

What happens to the CF-6R after the final inspection?

Answer

§10-103(b) requires the builder to leave a copy of the CF-6R in the building for the building owner at occupancy.

Example 2-3**Question**

As a general contractor, when I have finished building a residence, is there a list of materials I am supposed to give to the building owner?

Answer

§10-103(b) requires that at final inspection, the enforcement agency shall require the builder to leave compliance, operating, maintenance, and ventilation information in the building for the “building owner at occupancy” which includes the following:

1. Certificate of Compliance (CF-1R),

2. Installation Certificate(s) (CF-6R),
3. Certificate(s) of Field Verification and Diagnostic Testing (CF-4R) if applicable
4. Operating information for all applicable features, materials, components, and mechanical devices installed in the building.
5. Maintenance information for all applicable features, materials, components, and manufactured devices that require routine maintenance for efficient operation.

Example 2-4

Question

I built some multifamily buildings and have some questions about the information I must provide to the building owner at occupancy (as required by §10-103(b)). Specifically:

If the building is a condominium, can I photocopy the same CF-1R information for all units?

When the building is an apartment complex (not individually-owned units), who gets the documentation?

If an apartment is converted to condominiums, does each owner/ occupant receive copies of the documentation?

Answer

Photocopied information is acceptable. It must be obvious that the CF-1R documentation applies to that dwelling unit. That is, the features installed must match the features shown on the Installation Certificate (CF-6R). If the CF-1R compliance documentation is for a “whole building,” a photocopy of the CF-1R compliance form for that building must be provided. If individual compliance is shown for each unique dwelling unit, a photocopy of the documentation that applies to that dwelling unit must be provided. The copies may be in paper or electronic format.

The documentation and operating information is provided to whoever is responsible for operating the feature, equipment, or device (typically the occupant). Maintenance information is provided to whoever is responsible for maintaining the feature, equipment or device. This is either the owner or a building manager (§10-103(b)).

If, during construction, the building changes from an apartment to condominiums, each owner at occupancy would receive the documentation. If an existing apartment building changes to condominiums at a later date, the documentation requirements are triggered only by a building permit application requiring compliance with the Energy Efficiency Standards (changing occupancy does not trigger compliance with the Standards).

2.4 Roles and Responsibilities

2.4.1 Designer

5537 and 6737.1 of California Business and Professions Code

The designer is the person responsible for the overall building design. As such, the designer is responsible for specifying the building features that determine

compliance with the building energy efficiency standards and other applicable building codes. The designer is required to provide a signature on the Certificate of Compliance (CF-1R) to certify that the building has been designed to comply with the building energy efficiency standards.

The designer may personally prepare the Certificate of Compliance documents, or may delegate preparation of the energy analysis and Certificate of Compliance documents to an energy documentation author or energy consultant. If preparation of the building energy Certificate of Compliance documentation is delegated, the designer must remain in responsible charge of the building design specifications, energy calculations, and all building feature information represented on the Certificate of Compliance. The designer's signature on the Certificate of Compliance affirms his responsibility for the information submitted on the Certificate of Compliance.

The designer may be an architect, engineer or other California-licensed professional; however, a licensed design professional may not always be required for low-rise residential buildings. The California Business and Professions Code allows unlicensed designers to prepare design documentation for wood-framed single family dwellings as long as the dwellings are no more than two stories in height (not counting a possible basement). Two-story wood-framed multifamily buildings may also be designed by unlicensed designers as long as the building has four or fewer dwelling units.

When the designer is a licensed professional, the signature block on the Certificate of Compliance must include the designer's license number.

When Certificate of Compliance document registration is required, the Certificate of Compliance must be submitted to a HERS provider data registry. All submittals to the HERS provider data registry must be made electronically.

2.4.2 Documentation Author

The person responsible for the design of the building may delegate the energy analysis and preparation of the Certificate of Compliance documentation to a building energy consultant or documentation author. A completed Certificate of Compliance must be submitted to the enforcement agency during the building permit phase. The Certificate of Compliance demonstrates to the enforcement agency plan checker that the building design complies with the requirements of the building energy efficiency standards, thus the building energy features information submitted on the Certificate of Compliance must be consistent with the building design features defined in the plans and specifications for the building submitted to the enforcement agency.

The documentation author is not subject to the same limitations and restrictions of the *Business and Professions Code* as is the building designer because the documentation author is not responsible for specification of the building design features. The documentation author may provide the building designer with recommendations for building energy features and if those recommendations are approved by the building designer, the features must be incorporated into the building design plans and specification documents submitted to the enforcement agency at plan check. The documentation author's signature on the Certificate of Compliance certifies that the documentation he has prepared is accurate and complete, but does not indicate documentation author responsibility for the

specification of the features that define the building design. The documentation author provides completed Certificate of Compliance documents to the building designer who must sign the Certificate of Compliance prior to submittal of the Certificate of Compliance to the enforcement agency at plan check. If registration of the Certificate of Compliance is required, the Certificate of Compliance must be submitted to the HERS provider data registry prior to submittal to the enforcement agency. When document registration is required, only registered Certificates of Compliance that display the registration number assigned to the certificate by a HERS provider data registry are acceptable for submittal to the enforcement agency at plan check.

For a list of qualified documentation authors, visit the *California Association of Building Energy Consultants (CABEC)* website at <http://www.cabec.org/ceperosterall.php>

2.4.3 Builder or General Contractor

The term builder refers to the general contractor responsible for construction. For production homes, the builder may also be the developer with responsibility for arranging financing, acquiring the land, subdividing the property, securing the necessary land planning approvals and attending to the other necessary tasks that are required prior to actual construction. Many production builders are also involved in the marketing and sales of homes after they are constructed.

During the construction process, the builder or general contractor usually hires specialty subcontractors to provide specific services, such as installing insulation, designing and installing HVAC systems, etc. For homes that do not require a licensed design professional, the builder may sign the Certificate of Compliance (CF-1R) in the “Responsible Building Designer’s” signature block.

The builder or general contractor must ensure that Installation Certificates (CF-6R) are submitted to the enforcement agency by the person(s) responsible for construction/installation of regulated features, materials, components, or manufactured devices. The builder or general contractor may sign the Installation Certificate on behalf of the specialty subcontractors it hires, but generally, Installation Certificate preparation and signature responsibility resides with the specialty subcontractor who provided the installation services. The Installation Certificate document identifies the installed features, materials, components, or manufactured devices detailed in the plans and specifications, and the Certificate(s) of Compliance approved by the local enforcement agency. If the installation requires HERS field verification and diagnostic testing, the Installation Certificate must report the results of any of the installer’s required testing of the regulated installations to measure their performance. The Installation Certificate is required to be posted at the building site for review by the enforcement agency in conjunction with requests for final inspection.

The builder or general contractor must make arrangements for the services of a certified HERS rater if the Certificate of Compliance indicates that third-party field verification and diagnostic testing by a HERS rater is required. The builder or general contractor must ensure that a copy of the Certificate of Compliance that was approved by the designer/owner and submitted to the enforcement agency during the permitting phase is transmitted to the HERS provider and also to the HERS rater who will perform any required field verification and diagnostic testing. Additionally, the builder must ensure that the HERS rater receives a copy of the

completed Installation Certificate (CF-6R) that has been signed by the builder employees or subcontractors responsible for the installation that is to be verified by the HERS rater.

When the Standards require registration of the compliance documents, the builder or general contractor must ensure the transmittal/submittal of the required CF-1R information is made to the HERS provider data registry. Also, when installation work is complete, the builder or general contractor must ensure that the persons responsible for the installation work have transmitted/submitted the required Installation Certificate information to the HERS provider data registry. When registration of the Installation Certificate is required, the completed and signed copies, that are posted at the building site for review by the enforcement agency in conjunction with requests for final inspection, are required to be registered copies. A copy of the registered Installation Certificate must be made available to the HERS rater.

At final inspection, the builder or general contractor is required to leave in the building all applicable completed, signed and dated compliance documents for the building owner at occupancy. Such information must, at a minimum, include information indicated on the following forms: Certificate of Compliance (CF-1R); Installation Certificate (CF-6R); and for buildings for which compliance requires HERS field verification, Certificate(s) of Field Verification and Diagnostic Testing (CF-4R). These forms must be in paper or electronic format and must conform to the applicable requirements of §10-103(a).

2.4.4 Specialty Subcontractors

Specialty subcontractors provide the builder with services from specific building construction trades for installation of features such as wall and ceiling insulation, windows, HVAC systems and/or duct systems, water heating and plumbing systems, and these subcontractors may perform other trade-specific specialty services during the building construction process. The builder has ultimate responsibility for all aspects of the building's construction and has the authority to complete and sign/certify all sections of the required Installation Certificate (CF-6R) forms; however, the licensed specialty subcontractor should be expected to complete and sign/certify all applicable Installation Certificate(s) that document the completion of the installation work they have performed for the builder. The subcontractor's responsibility for Installation Certificate documentation should include providing a completed signed copy of all applicable CF-6R's to the builder, posting a completed signed copy of all applicable CF-6R's at the building site for review by the enforcement agency, and making available to the HERS rater the completed signed copies of the applicable CF-6R's if HERS third-party field verification is required for compliance, as specified on the Certificate of Compliance (CF-1R).

When the Standards require document registration, all copies of the Installation Certificate documentation submitted to the builder, the enforcement agency, and the HERS rater are required to be registered copies prepared in accordance with the procedures described in Reference Residential Appendix RA2 and Section 2.3 of this Residential Compliance Manual.

2.4.5 Enforcement Agency

§10-103

The enforcement agency is the local agency with responsibility and authority to issue building permits and verify compliance with applicable codes and standards. The enforcement agency performs several key roles in the compliance and enforcement process.

Plan check: The enforcement agency performs plan check review of the Certificate of Compliance documentation and of the plans and specifications that define the building design submitted to the enforcement agency at the building permit phase. During plan check, the Certificate of Compliance documentation is compared to the plans and specifications for the building design in order to confirm that the building features that describe the building are specified consistently in all of the documents submitted. If the specification for building design features shown on the Certificate of Compliance does not conform to the specifications shown on the designer's submitted plans and specifications for the building, revision of the submitted documents must be performed to make the design specification consistent in all documents. Thus, if the Certificate of Compliance indicates the building complies, and the features on the Certificate of Compliance are consistent with the features given in the plans and specifications for the building design, then the plan check process can confirm that the building design complies with the building energy code. If it is determined that the building design is in compliance with the building energy code, the enforcement agency may issue a building permit. When the Standards require document registration, the Certificate of Compliance documentation that is submitted to plan check must be a registered document from a HERS provider data registry.

Construction inspection: During the construction of the building, the enforcement agency should make several visits to the construction site to verify that the building is being constructed in accordance with the approved plans and specifications, and energy compliance documentation. As part of this process, at each site visit, the enforcement agency should review any applicable Installation Certificates that have been posted or made available with the building permit(s). The enforcement agency should confirm that the energy efficiency features installed in the house are consistent with the requirements given in the plans and specifications for the building approved during plan check; that the installed features are described accurately on the Installation Certificate(s); and that all applicable sections of the Installation Certificates have been signed by the responsible licensed person(s). The enforcement agency shall not approve a dwelling unit until the enforcement agency has received all applicable Installation Certificates. When the Standards require registration of the energy compliance documents, the Installation Certificate documentation applicable to installation work that will require third-party HERS field verification must be registered documentation from a HERS provider data registry.

Corroboration of field verification and diagnostic testing procedures: As described in Reference Residential Appendix Section RA2.4.4, at its discretion, the enforcement agency may require that field verification and diagnostic testing performed by the builder or subcontractors or the certified HERS rater must be scheduled to be performed at a time when the enforcement agency's field inspector can observe the verification or test procedures to corroborate the

results reported/documented on the Installation Certificate (CF-6R) and/or the Certificate of Field Verification and Diagnostic Testing (CF-4R).

Sampling within enforcement agency jurisdictions: When sampling is utilized for HERS verification compliance for *newly constructed buildings*, all dwellings in a designated sample group must be located within the same enforcement agency jurisdiction and subdivision or multifamily housing development, as specified in Reference Residential Appendix Section RA2.6.

When sampling is utilized for HERS verification compliance for *alterations*, the dwellings in a designated sample group are not required to be located within the same enforcement agency jurisdiction, and the building owner may choose for the field verification and diagnostic testing to be completed as part of a designated sample group composed of dwelling units for which the same installing company has completed the work that requires field verification and diagnostic testing for compliance, as specified in Reference Residential Appendix Section RA2.8. However, to enable the enforcement agency to schedule testing to accomplish the corroboration described in the previous section, the enforcement agency may choose to require that a separate dwelling unit from the sample group that is located within its jurisdiction be tested.

Final approval: The enforcement agency may approve the dwelling at the final inspection phase of the process if the enforcement agency field inspector determines that the dwelling conforms to the requirements of the building's plans and specifications and Certificate of Compliance documents approved by the enforcement agency at plan check, and meets the requirements of all other applicable codes and standards. For dwelling units that have used an energy efficiency compliance feature that requires Installation Certificate documentation, the enforcement agency shall not approve the dwelling unit until the enforcement agency has received an Installation Certificate that meets the requirements of §10-103(a) that has been completed and signed by the builder or subcontractor. For dwelling units that have used an energy efficiency compliance alternative that requires third party HERS field verification and diagnostic testing, the enforcement agency shall not approve the dwelling unit until the enforcement agency has received a registered copy of the Certificate of Field Verification and Diagnostic Testing that meets the requirements of §10-103(a) that has been signed and dated by the HERS rater. The builder must ultimately take responsibility to ensure that all such required energy compliance documentation has been completed properly and posted at the job site or submitted to the enforcement agency in conjunction with any of the enforcement agency's required inspections. However, the enforcement agency, in accordance with §10-103(d), as prerequisite to approval of the building, must examine all required copies of Installation Certificate (CF-6R) documentation and HERS Certificate of Field Verification and Diagnostic Testing (CF-4R) documentation posted at the site or made available with the building permits for the required inspections, to confirm that they have been properly prepared and are consistent with the plans and specifications and the Certificate of Compliance documentation approved by the enforcement agency for the building at plan check.

When an alteration has been performed by a participating Third Party Quality Control Program (TPQCP) contractor, the enforcement agency may conditionally approve the building based on the Installation Certificate (CF-6R) if the TPQCP data checking has indicated that the installation complies. However, if subsequent HERS compliance verification procedures determine that re-

sampling, full testing or corrective action is necessary for such conditionally approved dwellings in the group, the corrective work must be completed. Refer to Reference Residential Appendix RA2.4.3 and RA2.7 for additional information on TPQCP requirements.

Corroboration of information provided for the owner/occupant: At final inspection, the enforcement agency shall require the builder to leave in the building (for the building owner at occupancy) energy compliance, operating, maintenance, and ventilation information documentation as specified by §10-103(b).

Compliance documents for the building shall, at a minimum, include information indicated on forms: Certificate of Compliance (CF-1R); Installation Certificate (CF-6R); and, for buildings for which compliance requires HERS field verification, Certificate(s) of Field Verification and Diagnostic Testing (CF-4R). These forms shall be copies of the documentation submitted to or approved by the enforcement agency, and the copies must conform to the applicable requirements of §10-103(a).

Operating information shall include instructions on how to operate or maintain the buildings energy features, materials, components, and mechanical devices correctly and efficiently. Such information shall be contained in a folder or manual which provides all information specified in §10-103(b). This operating information shall be in paper or electronic format. For dwelling units, buildings or tenant spaces that are not individually owned and operated, or are centrally operated, such information shall be provided to the person(s) responsible for operating the feature, material, component, or mechanical device installed in the building. This operating information shall be in paper or electronic format.

Maintenance information shall be provided for all features, materials, components, and manufactured devices that require routine maintenance for efficient operation. Required routine maintenance actions shall be clearly stated and incorporated on a readily accessible label. The label may be limited to identifying, by title and/or publication number, the operation and maintenance manual for that particular model and type of feature, material, component, or manufactured device. For dwelling units, buildings or tenant spaces that are not individually owned and operated, or are centrally operated, such information shall be provided to the person(s) responsible for maintaining the feature, material, component, or mechanical device installed in the building. This maintenance information shall be in paper or electronic format.

Ventilation information shall include a description of the quantities of outdoor air that the ventilation system(s) are designed to provide to the building's conditioned space, and instructions for proper operation and maintenance of the ventilation system. For buildings or tenant spaces that are not individually owned and operated, or are centrally operated, such information shall be provided to the person(s) responsible for operating and maintaining the feature, material, component, or mechanical ventilation device installed in the building. This information shall be in paper or electronic format.

Example 2-5**Question:**

We are an enforcement agency with jurisdiction over the replacement of an HVAC unit's outdoor compressor/condenser unit (an alteration), and the HVAC contractor who pulled the permit for replacing the unit has requested that we approve the final inspection and close out the permit based only on the Installation Certificate (CF-6R) for this job. This job requires HERS verification, and I thought it was necessary to receive the HERS rater's completed and signed Certificate of Field Verification and Diagnostic Testing (CF-4R) before the job could be considered to be in compliance as a condition to final approval of the installation. Is there an allowance for compliance based only on the CF-6R?

Answer:

Yes. The enforcement agency may provide a "conditional" final approval of the installation based upon the CF-6R for alterations jobs only, and only if the installing contractor is an approved Third Party Quality Control Program (TPQCP) installing contractor. The conditional final approval is allowed if TPQCP data checking has scrutinized the diagnostic test data submitted by the approved contractor's diagnostic test for the installation, and such data checking indicates the installation complies as shown on the CF-6R. The permittee is still required to complete all HERS verification procedures and comply with all HERS verification criteria, and a CF-4R is still required to be submitted to the enforcement agency, builder, and home owner in order for the documentation procedure to be complete. If HERS verification of the approved TPQCP contractor's installation work determines that re-sampling, full testing, or corrective action is necessary to bring the installation into compliance, such work must be completed prior to issuance of the CF-4R. Sampling procedures for HERS verification for installation work performed by an approved TPQCP contractor allows for testing of one sample from a designated group of up to 30 dwellings/installations for which the work was performed by the same approved TPQCP installing contractor. Refer to Reference Residential Appendix Sections RA2.4.3, RA2.7 and RA2.8 for additional information on Third Party Quality Control Programs and conditional approvals for alterations that use approved TPQCP contractors.

2.4.6 HERS Provider

<http://www.cheers.org>

<http://www.calcerts.com>

<http://www.cbpc.org>

A HERS provider is an organization that the Energy Commission has approved to administer a HERS program. A HERS provider has responsibility to certify and train raters and maintain quality control over the activities performed by the HERS raters who provide third-party field verification and diagnostic testing on installed energy efficiency features in dwellings when required for compliance with the Standards. In California, currently certified HERS providers are California Home Energy Efficiency Rating System (CHEERS), California Certified Energy Rating & Testing Services (CalCERTS) and California Building Performance Contractors Association (CBPCA).

The HERS provider must maintain a database (data registry) that incorporates an internet website-based user interface that has sufficient functionality to accommodate the needs of the authorized users of the data registry who must

participate in the administration of HERS compliance and building energy standards enforcement activities. The data registry must receive and record information input sufficient to identify and track measures that require HERS verification in a specific dwelling, and must have the capability to determine compliance based on the information from the results of applicable testing or verification procedures reported as input to the registry for the dwelling. When the requirements for compliance are met, the registry must make available a unique "registered" certificate for use in complying with document submittal requirements to enforcement agencies, builders, building owners, HERS raters, and other interested parties. The data registry must have the capability to facilitate electronic submittal of the registered certificates to an Energy Commission document repository for retention of the certificates for use in enforcement of the regulations.

The HERS provider must make available via phone or internet communications interface a way for building officials, builders, HERS raters, and other authorized users of the provider data registry to verify the information displayed on copies of the submitted Certificate(s). Refer to Reference Residential Appendices Section RA2.4.2 for additional information describing the HERS provider's role and responsibilities.

2.4.7 HERS Rater

The HERS rater is certified by an Energy Commission-approved HERS provider to perform the field verification and diagnostic testing that may be required to demonstrate and document compliance with the Standards. HERS raters receive special training in diagnostic techniques and building science as part of the HERS rater certification process administered by the HERS provider; thus HERS raters are to be considered special inspectors by enforcement agencies and shall demonstrate competence, to the satisfaction of the enforcement agency, to conduct the required visual inspections and diagnostic testing of the regulated energy efficiency features installed in the dwelling.

If the documentation author who produced the certificate of compliance documentation for the dwelling is not an employee of the builder or subcontractor, the documentation author for the dwelling may also act to perform the responsibilities of a HERS rater, provided the documentation author has met the requirements and has been certified as a HERS rater, and is associated with one of the Energy Commission-approved HERS providers.

If requested to do so by the builder or subcontractor, the HERS rater may assist the builder or subcontractor in transmitting/submitting the Installation Certificate (CF-6R) information to the HERS provider for registration. However, the HERS rater may not certify the information on an Installation Certificate. The builder or subcontractor responsible for the installation must provide the Installation Certificate certification/signature to confirm the information submitted to the provider data registry, even if the HERS rater has assisted with transmittal of the data. Refer to Reference Residential Appendix Section RA2.5 for more information that describes these procedures for document registration for which the HERS rater may assist the builder or subcontractor.

The HERS rater is responsible for conducting the field verification and diagnostic testing of the installed special features when required by the Certificate of Compliance (CF-1R). The HERS rater must transmit the results of the field

verification and diagnostic testing to the HERS provider data registry. The HERS rater must provide to the registry all information required to complete the Certificate of Field Verification and Diagnostic Testing form, and must also submit a certification/signature to the provider data registry. Whereupon, the registry will make available registered copies of the Certificate of Field Verification and Diagnostic Testing to the HERS rater, the builder, the enforcement agency, and other authorized users of the HERS provider data registry. Printed copies, electronic or scanned copies, and photocopies of the completed, signed, registered Certificate of Field Verification and Diagnostic Testing are allowed for document submittals, subject to verification that the information contained on the copy conforms to the registered document information currently on file in the provider data registry for the dwelling. A completed signed registered copy of the Certificate of Field Verification and Diagnostic Testing (CF-4R) must be posted at the building site for review by the enforcement agency in conjunction with requests for final inspection for each dwelling unit.

For more information on the roles and responsibilities for HERS raters, refer to Reference Residential Appendix Section RA2.4.2.

Example 2-6

Question:

May a certified HERS rater who does the field verification and completes and signs the CF-4R for a dwelling also perform the testing required of the builder or installer to certify compliance with Title 24 installation requirements on the CF-6R?

Answer:

Yes. This approach is allowed when the HERS rater is doing field verification for every dwelling (100% testing), but it is not allowed when the HERS rater performs verification utilizing a designated sample group of dwellings. When 100% testing is utilized for HERS verification, the builder or the installer may utilize the information from the HERS rater's verification or diagnostic test results when completing the CF-6R; but when doing so, the builder or installer must be aware that when they sign the certification statement on the CF-6R they are assuming responsibility for the information content on the CF-6R and are certifying that the installation conforms to all applicable codes and regulations. The HERS rater may not sign the CF-6R form and cannot be assigned the responsibilities of the builder or installer as stated on the CF-6R form and in regulations. If the HERS rater determines that the compliance requirements are not met, the builder or installer must take corrective action to make whatever corrections are necessary. Once corrections have been made and the HERS rater determines that all compliance requirements are met, the builder or installer may certify the work by completing and signing the applicable section of the CF-6R, and the HERS rater can complete the CF-4R documentation for the dwelling.

Note that the HERS rater must complete field verification and diagnostic testing after the measure is completely installed. For duct sealing, drywall must be completely installed before testing. A builder may contract with a certified HERS rater to complete testing at rough-in for quality control purposes, but such testing is not sufficient for meeting compliance requirements and certifications on the CF-4R.

Example 2-7**Question**

I heard that there are conflict-of-interest requirements that HERS raters must abide by when doing field verification and diagnostic testing. What are these requirements?

Answer

HERS raters are expected to be objective, independent, third parties when they are fulfilling their duties as field verifiers and diagnostic testers. In this role, they are serving as special inspectors for local enforcement agencies. By law, HERS raters must be independent entities from the builder or subcontractor installer of the energy efficiency features being tested and verified. They can have no financial interest in the installation of the improvements. HERS raters cannot be employees of the builder or subcontractor whose work they are verifying. Also, HERS raters cannot have a financial interest in the builder's or contractor's business, or advocate or recommend the use of any product or service that they are verifying.

The Energy Commission expects HERS raters to enter into a contract with the builder (not with sub-contractors) to provide independent, third-party diagnostic testing and field verification. The procedures adopted by the Energy Commission call for direct reporting of results to the builder, the HERS provider, and the building official. Although not recommended by the Energy Commission, a "three-party contract" with the builder is possible, provided that the contract delineates both the independent responsibilities of the HERS rater and the responsibilities of a sub-contractor to take corrective action in response to deficiencies that are found by the HERS rater. Such "three-party contracts" may also establish the role for a sub-contractor to serve as contract administrator for the contract, including scheduling the HERS rater, invoicing, and payment, provided the contract ensures that monies paid by the builder to the HERS rater can be traced through audit. It is critical that such "three-party contracts" preserve the rater's independence in carrying out the responsibilities specified in Energy Commission-adopted HERS field verification and diagnostic testing procedures. Even though such "three-party contracts" are not on their face in violation of the requirements of the Energy Commission, the closer the working relationship between the HERS rater and the sub-contractor whose work is being inspected, the greater the potential for compromising the independence of the HERS rater.

Compliance cannot be shown using sampling if a "three-party contract" is used. 100% of homes must be tested by a HERS rater when a three-party contract is used. HERS raters must use their own diagnostic equipment (cannot use the installing contractor's diagnostic equipment) when verifying work performed when a three-party contract is used.

(see Blueprint #66, pp. 1-2, and Blueprint #67, p. 7)

CHEERS, CBPCA and CalCERTS have been approved by the Energy Commission to serve as HERS providers to certify and oversee HERS raters throughout the state. These providers are required to provide ongoing monitoring of the propriety and accuracy of HERS raters in the performance of their duties and to respond to complaints about HERS rater performance. In cases where there may be real or perceived compromising of HERS rater independence, they are responsible for providing increased scrutiny of the HERS rater, and taking action to ensure objective, accurate reporting of diagnostic testing and field verification results, in compliance with Energy Commission adopted procedures.

Enforcement agencies have authority to require HERS raters to demonstrate their competence to the satisfaction of the building official. Therefore, in situations where the independence of the HERS rater is in question, building officials can prohibit a particular HERS rater from being used in their jurisdiction, or disallow HERS rater practices that the building official believes will compromise the HERS rater's independence. Building officials may require the use of a three-party contract. For additional information about three-party contracts, please contact the Energy Commission Hotline.

2.4.8 Third Party Quality Control Program

The Energy Commission may approve Third Party Quality Control Programs (TPQCP) that serve some of the functions of HERS raters for field verification purposes but do not have the authority to sign compliance documentation as a HERS rater.

Third Party Quality Control Programs:

1. Provide training to installers, participating program installing contractors, installing technicians and specialty Third Party Quality Control Program subcontractors regarding compliance requirements for measures for which diagnostic testing and field verification is required.
2. Collect data from participating installers for each installation completed for compliance credit.
3. Perform data checking analysis of information from diagnostic testing performed on participating TPQCP contractor installation work to evaluate the validity and accuracy of the data and to independently determine whether compliance has been achieved.
4. Provide direction to the installer to retest and correct problems when data checking determines that compliance has not been achieved.
5. Require resubmission of data when retesting and correction is directed.
6. Maintain a database of all data submitted by the participating TPQCP contractor in a format that is acceptable and made available to the Energy Commission upon request.

The HERS provider must arrange for the services of an independent HERS rater to conduct independent field verifications of the installation work performed by the participating TPQCP contractor and Third Party Quality Control Program. If group sampling is utilized for HERS verification compliance for jobs completed by a participating TPQCP contractor, the sample from the group that is tested for compliance by the HERS rater may be selected from a group composed of up to 30 dwellings for which the same participating TPQCP contractor has performed the installation work. For alterations, the installation work performed by TPQCP contractors may be approved at the enforcement agency's discretion, based upon a properly completed Installation Certificate (CF-6R) as described in Section 2.4.5 above, on the condition that if subsequent HERS compliance verification procedures determine that re-sampling, full testing or corrective action is necessary for such conditionally approved dwellings in the group, the corrective work must be completed. If the Standards require registration of the

Installation Certificate, the certificate must be a registered copy from a HERS provider data registry.

Refer to Reference Residential Appendix RA2 for additional information about the Third Party Quality Control Program, and for additional information about document registration.

2.4.9 Owner

Building owner means the owner of the dwelling unit. In the context of production homes, the owner is the person or family that the builder sells the house to. In custom homes and remodels, the owner may be the “builder” or developer, and a general contractor, architect, or engineer, etc. may be in their employment.

As part of the compliance process, the owner must receive Compliance, Operating, Maintenance, and Ventilation information documents at the time of occupancy. The enforcement agency must require the builder to leave this information in the building for the building owner at occupancy as specified in §10-103(b).

Example 2-8

Question

What is my responsibility with respect to the CF-6R (Installation Certificate) (a) as an enforcement agency inspector and (b) as a builder?

Answer

(a)The enforcement agency field inspector is responsible for checking the CF-6R during applicable site inspections to be sure it is filled out completely and in conformance with the requirements of §10-103(d), which includes checking for registration when required by the Standards, and confirming that the person responsible for the installation has signed the certificate. Inspectors must verify that the installed features conform to the plans and specifications and the Certificate of Compliance approved by the enforcement agency.

The CF-6R is required to be posted at the job site or kept with the building permit, and must be made available for all applicable inspections. The enforcement agency field inspector should verify installation certificates during applicable site inspections. It is not advisable to wait until the final inspection to check all CF-6R documentation.

(b)The general contractor, or his/her agent (e.g. the installing contractor) must take responsibility for completing and signing the CF-6R form for the work performed. A homeowner acting as the general contractor for a project is authorized to sign the CF-6R; however, the installing contractor should provide the certification since the CF-6R certification statement is an installer’s assurance to the owner that the work has been completed properly and in compliance with applicable codes and regulations. The CF-6R certification statement and signature indicates that the equipment or feature: 1) was installed properly and it confirms that the information provided on the form properly identifies the installed item; 2) is equivalent or more efficient than required by the approved plans (as indicated on the CF-1R); and 3) meets all relevant certification or performance requirements.

Refer to §10-103(a)3A for more information about Installation Certificate requirements.

2.5 HERS Field Verification and Diagnostic Testing

This section describes some of the procedures and requirements for field verification and/or diagnostic testing of energy efficiency features.

Field verification and diagnostic testing is performed by special third-party inspectors called Home Energy Rating System (HERS) raters. The Energy Commission has given this responsibility to the HERS raters, who must be specially trained and certified to perform these services. HERS raters cannot be employees of the builder or contractor whose work they are verifying. Also HERS raters cannot have financial interest in the builder's or contractor's business, or advocate or recommend the use of any product or service that they are verifying.

2.5.1 Measures Requiring HERS Field Verification and Diagnostic Testing

The following features require field verification and/or diagnostic testing:

- Duct Sealing
- Supply Duct Location, Surface Area and R-Value
- Low Leakage Ducts in Conditioned Space
- Low Leakage Air Handlers
- Refrigerant Charge in Split System Air Conditioners and Heat Pumps
- Refrigerant Charge Indicator Display (CID)
- Verified Cooling Coil Airflow
- Air Handler Fan Watt Draw
- High Energy Efficiency Ratio (EER)
- Maximum Rated Total Cooling Capacity
- Evaporatively Cooled Condensers
- Ice Storage Air Conditioners
- Building Envelope Sealing
- High Quality Insulation Installation (QII)
- Quality Insulation Installation for Spray Polyurethane Foam
- PV Field Verification Protocol

Field verification and diagnostic testing is only required when certain regulated efficiency measures or equipment features are installed. If such efficiency measures or equipment features are not installed, then field verification and diagnostic testing is not required. For example, if a dwelling that must comply with the Standards does not have air distribution ducts, then HERS verification of ducts is not required for compliance. Similarly, if a dwelling does not have a split system air conditioner or heat pump, and the building must otherwise comply with package C, D or E, then it is not necessary to have a HERS rater perform a refrigerant charge verification.

2.5.2 Verification, Testing and Sampling

At the builder's option, HERS field verification and diagnostic testing may be completed either for each dwelling unit or for a sample of dwelling units. Sampling is permitted only when multiple dwelling units of the same type are constructed within the same subdivision by the same subcontractor. Sampling may also be utilized for alterations for groups composed of dwellings having the same measure installed that requires HERS verification, and where the same installing contractor has installed the measures. More detail on the sampling procedures is provided in Reference Residential Appendix Section RA2.6.

The builder or subcontractor must provide to the HERS rater a copy of the Certificate of Compliance approved/signed by the principal designer/owner and a copy of the Installation Certificate signed/certified by the builder or subcontractors as specified in Reference Residential Appendix Section RA2.5.

When compliance does not require document registration, the Certificate of Compliance information and Installation Certificate information necessary to identify the dwelling and the dwelling's sample group may be entered into the provider data registry by the HERS rater, using the information from the signed copies provided by the designer/owner and the builder or subcontractor. Alternatively, the information may be submitted electronically to the HERS provider data registry by an authorized user of the registry.

When compliance requires document registration, prior to performing field verification and diagnostic testing, the HERS rater must verify that transmittal to the HERS provider data registry of the Certificate of Compliance information and the Installation Certificate information has been completed for each dwelling unit for which compliance requires HERS verification.

For all HERS verification procedures, the HERS rater must confirm that the Installation Certificate has been completed as required, and that the installer's diagnostic test results and all other Installation Certificate information shows compliance consistent with the requirements given in the plans and specifications and Certificate of Compliance approved by the local enforcement agency for the dwelling.

If field verification and diagnostic testing determines that the requirements for compliance are met, the HERS rater shall transmit the test results and rater certification/signature to the HERS provider data registry, whereupon the provider shall make available a registered copy of the completed and signed Certificate of Field Verification and Diagnostic Testing to the HERS rater, the builder, the enforcement agency, and other approved users of the HERS provider data registry. Printed copies, electronic or scanned copies, and photocopies of the completed, signed and registered Certificate of Field Verification and Diagnostic Testing shall be allowed for document submittals, subject to verification that the information contained on the copy conforms to the registered document information currently on file in the provider data registry for the dwelling.

A completed, signed and registered copy of the Certificate of Field Verification and Diagnostic Testing must be posted at the building site for review by the enforcement agency in conjunction with requests for final inspection for each dwelling unit.

The HERS provider shall make available via phone or internet communications interface a way for building officials, builders, HERS raters, and other authorized users of the provider data registry to verify that the information displayed on copies of the submitted Certificate(s) conforms to the registered document information currently on file in the provider data registry for the dwelling unit.

If the builder chooses the sampling option, the procedures described in Reference Residential Appendix Sections RA2.6.1, RA2.6.2, and RA 2.6.3 must be followed.

2.5.3 Initial Model Field Verification and Diagnostic Testing

The HERS rater must diagnostically test and field verify the first dwelling unit of each model within a subdivision or multifamily housing development. To be considered the same model, dwelling units must have the same basic floor plan layout, energy design, and compliance features as shown on the Certificate of Compliance for each dwelling unit. Variations in the basic floor plan layout, energy design, compliance features, zone floor area, or zone volume, that do not change the HERS features to be tested, the heating or cooling capacity of the HVAC unit(s), or the number of HVAC units specified for the dwelling units, shall not cause dwelling units to be considered a different model. For multi-family buildings, variations in exterior surface areas caused by location of dwelling units within the building shall not cause dwelling units to be considered a different model. This initial testing allows the builder to identify and correct any potential construction flaws or practices in the build out of each model. If field verification and diagnostic testing determines that the requirements for compliance are met, the HERS rater will transmit the test results to the HERS provider data registry, whereupon the provider will make available a registered copy of the Certificate of Field Verification and Diagnostic Testing to the HERS rater, the builder, the enforcement agency, and other authorized users of the HERS provider data registry.

2.5.4 Group Sample Field Verification and Diagnostic Testing

After the initial model field verification and diagnostic testing is completed, the builder, or the builder's authorized representative determines which sampling procedure is to be used for the group of dwellings that require HERS field verification. There are two procedures for HERS verification compliance using group sampling: (1) sampling of a "closed" group of up to seven dwellings; and (2) sampling of an "open" group of up to five dwellings. The procedures are described in this section.

Transmittal/submittal of the Installation Certificate information, for at least one dwelling, to the HERS provider data registry, is required in order to "open" a new group. Additional dwellings may be entered into the registry, and included in an "open" group over a period of time, subject to transmittal/submittal of the Installation Certificate information to the registry for each additional dwelling. However the group shall not remain "open" to receive additional dwellings for a period longer than six months from the earliest date shown on any Installation Certificate for a dwelling included in a group. A group may be "closed" at any time after the group has been "opened" at the option of the builder or builder's authorized representative, thus the size of a "closed" group may range from a

minimum of one dwelling to a maximum of seven dwellings. When a group becomes classified as “closed”, no additional dwellings shall be added to the group.

Sampling of a “closed” group of up to seven dwellings requires the following conditions to be met as prerequisite to receiving HERS compliance verification for the group:

1. All of the dwelling units contained in the sample group have been identified. Up to seven dwellings are allowed to be included in a “closed” sample group for the HERS compliance verification.
2. Installation of all the measures that require HERS verification has been completed in all the dwellings that are entered in the group, and transmittal or submittal of the Installation Certificate information to the HERS provider data registry for all the dwellings entered in the group has been completed.
3. The group has been classified as a “closed” group in the provider data registry.
4. At the request of the builder or the builder’s authorized representative, a HERS rater will randomly select one dwelling unit from the “closed” sample group for field verification and diagnostic testing. If the dwelling unit meets the compliance requirements, this “tested” dwelling and also each of the other “not-tested” dwellings in the group will receive a registered Certificate of Field Verification and Diagnostic Testing.

Sampling of an “open” group of up to five dwellings requires the following conditions to be met as prerequisite to receiving HERS compliance verification for the group:

1. At least one dwelling unit from the sample group has been identified. Up to five dwellings are allowed to be included in an “open” sample group for the HERS compliance verification.
2. Installation of all the measures that require HERS verification shall be completed in all the dwellings that are entered in the group, and transmittal or submittal of the Installation Certificate information to the HERS provider data registry for all the dwellings entered in the group has been completed.
3. At the request of the builder, or the builder’s authorized representative, a HERS rater will randomly select one dwelling unit from those currently entered into the “open” sample group for field verification and diagnostic testing. If the dwelling unit meets the compliance requirements, the “tested” dwelling and also each of the other “not tested” dwellings currently entered into the group shall receive a registered Certificate of Field Verification and Diagnostic Testing. If less than five dwelling units have been entered into the group, the group shall be allowed to remain “open” and eligible to receive additional dwelling units. Dwelling units entered into the “open” group subsequent to the successful HERS compliance verification of the “tested” dwelling shall also receive a registered Certificate of Field Verification and Diagnostic Testing as a “not tested” dwelling subject to receipt of the

Installation Certificate information by the HERS provider data registry for the dwelling. The group shall be “closed” when it reaches the limit of 5 dwellings or when the 6 month limit for “open” groups has been exceeded.

The HERS rater must confirm that the Installation Certificates have been completed as required, and that the installer’s diagnostic test results and the Installation Certificate information shows compliance consistent with the Certificate of Compliance for the dwelling unit.

The HERS rater must diagnostically test and field verify the selected dwelling unit, and enter the test and/or field verification results into the HERS provider data registry regardless of whether the results indicate a pass or fail. If the test fails, then the failure must be entered into the provider’s data registry even if the installer immediately corrects the problem. In addition, any applicable procedures for re-sampling, full testing, and corrective action must be followed as described in the next section.

If field verification and diagnostic testing determines that the requirements for compliance are met, the HERS rater will enter the test results into the HERS provider data registry. Whereupon the provider will make available to the HERS rater, the builder, the enforcement agency, and to other approved users of the HERS provider data registry, a registered copy of the Certificate of Field Verification and Diagnostic Testing for the “tested” dwelling, and for all other “not tested” dwelling units entered in the group at the time of the sample test.

The HERS provider is required to “close” any “open” group within 6 months after the earliest signature date shown on any Installation Certificate for a dwelling entered in the group. When such group closure occurs, the HERS provider shall notify the builder that the group has been “closed,” and require that a sample dwelling be selected for field verification and diagnostic testing by a HERS rater if field verification has not yet been conducted on a sample dwelling entered in the group.

2.5.5 Re-sampling, Full Testing and Corrective Action

When a failure is encountered during sample testing, the failure must be entered into the provider data registry by the HERS rater. Corrective action must then be taken on the failed dwelling unit, and the dwelling unit must subsequently be retested to verify that corrective action was successful and the dwelling complies. Corrective action and retesting on the dwelling unit must be repeated until the testing determines that the dwelling complies and the successful compliance results have been entered into the HERS provider data registry. Whereupon, a registered Certificate of Field Verification and Diagnostic Testing for the dwelling will be made available to the HERS rater, the builder, the enforcement agency, and other authorized users of the HERS provider data registry. In addition, the HERS rater must conduct re-sampling to assess whether the first failure in the group is unique, or if the rest of the dwelling units in the group are likely to have similar failings.

“Re-sampling” refers to the procedure that requires testing of additional dwellings within a group when the selected sample dwelling from a group fails to comply with the HERS verification requirements.

When re-sampling in a "closed" group, if the testing of a second randomly selected dwelling in the group confirms that the requirements for compliance credit are met for that unit, then the dwelling unit with the initial failure is not considered to be an indication of failure in the remaining untested dwelling units in the group, and a copy of the Certificate of Field Verification and Diagnostic Testing will be made available for the remaining dwelling units in the group, including the dwelling unit in the re-sample. If the second sample results in a failure, the HERS rater must report the second failure to the HERS provider, and all not yet tested dwelling units in the group must thereafter be individually field verified and diagnostically tested.

Additional information describing the procedures for re-sampling of closed groups of up to 7 dwellings, and the procedures for re-sampling for open groups of up to 5 dwellings are given in Reference Residential Appendix RA2.6.3.

2.5.6 Installer Requirements and HERS Procedures for Alterations

When compliance for an alteration requires field verification and diagnostic testing, the building owner may choose for the field verification and diagnostic testing to be completed for the dwelling unit individually; or alternatively, as part of a designated sample group of dwelling units for which the same installing company has completed work that requires testing and field verification for compliance. The building owner or agent of the building owner must complete the applicable portions of a Certificate of Compliance. The building owner or agent must make arrangements for transmittal/submittal of the Certificate of Compliance information to the HERS provider, identifying the building features and measures that require HERS verification. The building owner must also arrange to submit an approved/signed copy of the Certificate of Compliance to the HERS rater.

When the installation is complete, the person responsible for the performance of the installation must complete the Installation Certificate.

The HERS rater must perform HERS compliance verification, and if group sampling is utilized for compliance, the sampling procedures described in Reference Residential Appendix RA2.6.2 for sampling of a "closed" group of up to seven dwellings must be used, requiring that all dwelling units (HVAC systems) within the group have been serviced by the same installing company. The installing company may request a group for sampling that is smaller than seven dwelling units (HVAC units). Whenever the HERS rater for the group is changed, a new group must be established.

Re-sampling, full testing, and corrective action must be completed, if necessary, as specified by Reference Residential Appendix RA2.6.3.

The enforcement agency cannot approve the alteration until the enforcement agency has received a completed Installation Certificate, and a completed Certificate of Field Verification and Diagnostic Testing.

Third Party Quality Control Programs, as specified in Reference Residential Appendix RA2.7, may also be used with alterations, and must be limited to "closed" sample group sizes of thirty dwelling units (HVAC units) or less.

When a Third Party Quality Control Program is used, the enforcement agency may approve compliance based on the Installation Certificate, where data

checking has indicated that the unit complies, on the condition that if HERS compliance verification procedures determine that re-sampling, full testing, or corrective action is necessary, such work shall be completed.

2.5.7 For More Information

More detail on field verification and/or diagnostic testing is provided in the *2008 Residential Appendices*, as described below:

- Reference Residential Appendix RA2 – Residential HERS Verification, Testing, and Documentation Procedures
- Reference Residential Appendix RA3 – Residential Field Verification and Diagnostic Test Protocols

Example 2-9

Question

Given a multifamily building that has used the Duct Sealing HERS credit for compliance for all the dwelling units in the building, what is the correct sampling procedure for HERS field verification and diagnostic testing for the air distribution ducts?

Answer

If the builder of a multifamily building chooses to comply using sampling, then the sampling is done using groups composed of dwelling units that have utilized the same HERS measures for compliance. Dwellings that do not have the same HERS measures specified for compliance are not allowed to be placed in the same HERS sample group. If the whole-building compliance approach has been used, all dwellings in the building, by default, have the same HERS features specified. However, if unit-by-unit compliance approach has been used, and all dwellings do not utilize the same HERS features for compliance, then only the dwellings that have utilized the same HERS features may be grouped together.

For this example, since duct testing is the only HERS measure specified for all of the dwelling units, all of the dwelling units in the building can be grouped together for purposes of HERS verification requirements. The procedures for assigning dwellings to groups and the HERS verification of a sample from each group must follow the same procedure as for single family dwellings described in Section 2.5.2, and in Reference Residential Appendix RA2.

The first dwelling unit for each model floor plan in the building must be verified by the HERS rater prior to start of formation of sample groups. For multi-family buildings, variations in exterior surface areas caused by location of dwelling units within the building do not cause dwelling units to be considered a different model floor plan. When verifying a dwelling unit, all the duct systems associated with every HVAC unit in the dwelling must be tested in order to determine compliance for that dwelling.

After the HERS verification of the first dwelling of each model floor plan is complete, the HERS rater must randomly select a sample dwelling unit from each group of dwellings that have been formed, and these samples must be tested according to applicable procedures in Reference Residential Appendix RA3, and documented according to procedures in Reference Residential Appendix RA2. In a sampled dwelling unit that is to be tested to confirm compliance, the duct system associated with every HVAC unit in that dwelling unit must be tested. However duct systems do not have to be tested in dwelling units that are not selected for sampling, provided the dwelling that was tested complies. If the tested dwelling in the group complies with the HERS verification, the remaining dwellings in the sample group are certified for compliance based on the results of the sample dwelling test result. Testing must be done on every duct system in a dwelling unit, regardless of whether it appears that the HVAC and duct system are in conditioned space or not. This is akin to a single family residence with one HVAC unit serving upstairs with ducts in the attic and another serving downstairs with ducts between floors.

Defining duct location as "inside" or "outside" for leakage purposes is not described by the locations of walls or the number of stories. The boundary between inside and outside for leakage purposes is defined by the air boundary, typically drywall, between inside and outside. Spaces between floors and spaces in walls (including interior walls) are often "outside" from an air leakage perspective because they are not sealed effectively to form an air barrier and communicate to the outside.

Duct insulation is not required for ducts in conditioned space because there is an expectation that there will be reduced conduction losses for these ducts. But to get full credit for ducts in conditioned space, duct leakage must be tested and meet the requirements for duct sealing. In a multifamily building in order for compliance credit to be taken for ducts in conditioned space, all of the duct systems in the building must be in conditioned space unless compliance is documented for each dwelling unit separately. To meet the mandatory requirements, all HVAC units must have ducts made of UL 181 approved materials (i.e., cased coils). Coils enclosed by sheetrock do not meet the mandatory requirements.

Example 2-10

Question

I am a HERS rater and I would like to verify the refrigerant charge on a split system air conditioner equipped with a TXV. The condensing and the evaporator coils both have Saturation Temperature Measurement Sensors (STMS) installed on them. Am I required to use the STMS for charge verification or can I use refrigerant pressure gauges to determine the saturation temperatures?

Answer

No, you do not have to use the STMS to determine the saturation temperatures; you can use either STMS or refrigerant pressure gauges to determine the saturation temperatures.

Example 2-11

Question

If in the example above (Example 2-10), the STMS are not installed, is the HERS rater allowed to use refrigerant pressure gauges to determine the refrigerant charge?

Answer

Yes, the raters can use the gauges if they are chlorofluorocarbons (CFC) certified. If the STMS are not installed, and the rater is not CFC certified, he/she cannot perform refrigerant charge verification.