

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

Rulemakings to Update and)	Docket No. 22-HERS-02
Amend the Home Energy Rating)	Docket No. 22-BSTD-03
System Program Regulations)	Order No.
and the Building Energy)	
Efficiency Standards)	

[PROPOSED] ORDER INSTITUTING RULEMAKING PROCEEDING

I. PURPOSE AND SCOPE OF THE PROCEEDING

The California Energy Commission (CEC) hereby institutes two related rulemaking proceedings to consider amendments to the Home Energy Rating System (HERS) Program regulations (Title 20, California Code of Regulations, sections 1670-1675) and the Building Energy Efficiency Standards (Title 24, California Code of Regulations, Parts 1 and 6). This action is taken under the authority of Public Resources Code sections 25210, 25213, 25218(e), 25218.5, 25402, 25402.1, and 25942, and Title 20, California Code of Regulations, sections 1220-1225.

The HERS Program regulations in Title 20 currently cover both whole-house home energy ratings, which rates the overall energy performance of building energy efficiency improvements, and field verification and diagnostic testing, which verifies compliance with the Building Energy Efficiency Standards in Title 24. One purpose of these proceedings is to consider changes to the field verification and diagnostic testing program to increase program oversight and improve program performance. Another purpose is to consider moving field verification and diagnostic testing from Title 20 to the Building Energy Efficiency Standards in Title 24. This would allow future program updates to align with the triennial update cycle of the Building Energy Efficiency Standards and provide for better location and clarity of program requirements that are presently split between Title 20 and Title 24. To accomplish these objectives, the CEC proposes two separate proceedings: one as part of the upcoming 2025 publication of the triennial update to the Building Energy Efficiency Standards in Title 24, which is proposed for adoption in 2024 with an effective date of January 1, 2026; and a separate rulemaking proceeding to amend the HERS Program regulations in Title 20.

In the proposed rulemaking for the Building Energy Efficiency Standards in Title 24, the CEC will work with stakeholders and the public to consider how to, among other things, (1) improve regulatory alignment by relocating the field verification and diagnostic testing program and data collection requirements from Title 20; (2) improve CEC oversight and program performance by adding or amending provisions for progressive

discipline, quality assurance procedures, conflict of interest, rater designation, and approval processes, and training requirements; and (3) amend and clarify other sections, as necessary.

In the proposed rulemaking to the HERS Program regulations in Title 20, the CEC will work with stakeholders and the public to consider how to, among other things, improve regulatory alignment by identifying existing field verification and diagnostic testing and data collection requirements in Title 20 that will sunset upon the adoption of their relocation in Title 24, and amend and clarify other sections, as necessary.

DELEGATION OF AUTHORITY

Commissioner Andrew McAllister is lead commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the lead commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act (Government Code sections 11340 et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq.), and the California Building Standards Law (Health and Safety Code sections 18901, et seq.). Adoption of any changes to the CEC's regulations pursuant to this Order Instituting Rulemaking will be by vote of the CEC at a noticed business meeting.

II. PUBLIC PARTICIPATION

The CEC encourages full and free public participation in these proceedings. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The executive director, in conjunction with the public advisor, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the CEC to allow timely participation. The CEC will establish a date for the receipt of written comments on draft regulations.

The CEC will set forth deadlines for the receipt of written comments in Notices of Proposed Action, which will be published later in each proceeding. When new information is posted in either proceeding, an email will be sent to those on the Building Energy Efficiency Standards list server. To receive these notices, subscribe at the Home Energy Rating System program - HERS page, located at <https://www.energy.ca.gov/programs-and-topics/programs/home-energy-rating-system-hers-program>, or the Building Energy Efficiency Standards – Title 24 page, located at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards>. Manage existing list servers or sign up for others at CEC List Servers, at https://ww2.energy.ca.gov/listservers/index_cms.html.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://www.energy.ca.gov/proceedings/e-filing-and-e-commenting>, which links

to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with 20 California Code of Regulations section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 22-HERS-02 and “Rulemaking to Amend HERS Regulations” in the subject line or docket number 22-BSTD-03 and “Rulemaking to Amend the Building Energy Efficiency Standards” in the subject line and email to docket@energy.ca.gov. A paper copy may be sent to:

Docket No. 22-HERS-02 or Docket No. 22-BSTD-03
Docket Unit, MS-4
California Energy Commission
715 P Street
Sacramento, California 95814-5512

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC’s Public Advisor assists the public with participating in CEC proceedings. Please call (916) 957-7910 or contact publicadvisor@energy.ca.gov for assistance.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the California Energy Commission held on May 11, 2022.

AYE:
NAY:
ABSENT:
ABSTAIN:

Liza Lopez,
Secretariat
Routing Log