

# Oregon

## Home Energy Performance Scoring System

### Stakeholder Panel Charter

#### I. Background

The Stakeholder Panel was formed in November 2014 in accordance with rules adopted in July 2014 by the Oregon Department of Energy to implement a voluntary Home Energy Performance Scoring System as required by House Bill 2801 (2013). The Panel is intended to make expert recommendations to assist the Department in implementing and updating the Home Energy Performance Scoring System rules.

The Home Energy Performance Scoring System program adopted in 2014 builds on earlier rules adopted under Senate Bill 79 (2009). The focus of SB 79 was to increase energy efficiency in commercial and residential buildings. The bill called for increasing energy conservation requirements in the state building construction codes, creating a voluntary “Reach Code” to encourage even greater efficiencies in the construction of buildings, and a Task Force to investigate voluntary and mandatory building energy scores.

The job of the Task Force was to research existing building energy scoring systems currently in use and make recommendations for Oregon. A building energy score is analogous to the miles per gallon rating given to motor vehicles. The idea behind a building energy score is to make available a rating of the building’s energy efficiency for use by the owner or prospective buyer or renter in making purchasing decisions, and decisions about possible energy efficiency upgrades to the building.

The Task Force was comprised of 13 members from stakeholder groups with interests and expertise in building energy efficiency. The Task Force was charged with making recommendations to the Oregon Department of Energy (ODOE) regarding a voluntary scoring system, and with making a report to the legislature including recommendations regarding a mandatory scoring system.

The Task Force met regularly between January and July 2010. The Task Force heard presentations by experts in the field of building energy efficiency, and from individuals from the major scoring systems currently in use in the United States.

The Task Force recommended that ODOE adopt a voluntary building energy scoring system. The recommendations formed the basis of administrative rules which went into effect July 1, 2010. The rules spelled out a consistent methodology for building energy scoring, the metrics and format for displaying the score, and software approval requirements. The rules were designed to be flexible enough to accommodate an expected national scoring system that was subsequently established by the US Department of Energy (USDOE).

In addition to recommendations for rulemaking, the Task Force made several legislative recommendations to strengthen the voluntary building energy scoring program. The Task Force recommended that the legislature consider a physical inspection requirement for residential buildings and a certification requirement for raters.

In 2013, the Oregon Legislative assembly adopted House Bill 2801, which addressed whole building energy efficiency assessments, home energy performance scores, and valuing energy efficiency in real estate appraisals. Section 12 of the Bill required the Oregon Department of Energy to adopt revisions to the home energy performance score system, including training requirements for home energy assessors certified by the Construction Contractors Board, and requirements, if any, for home energy assessors to report home energy performance score data to the department.

ODOE formed a rulemaking advisory committee that met six times in 2013 and 2014 to discuss options for implementing House Bill 2801, Section 12. The committee was comprised of representatives of home energy performance score system providers, building assessment software providers, building assessment training providers, residential energy efficiency and construction trades, real estate professionals, utilities, energy efficiency incentive programs and other stakeholders. Several members of the rulemaking advisory committee had participated on the Senate Bill 79 Task Force.

Based on the rulemaking advisory committee's recommendations, ODOE amended the rules for residential energy performance scores pursuant to HB 2801. The amendments include new language describing: required elements of home energy performance score systems, (as described in OAR 330-063-0015) a process for home energy performance score systems to be reviewed by a stakeholder panel and approved for use in Oregon by the department's director, (as described in OAR 330-063-0020) three home energy performance score systems that are grandfathered for use in Oregon until January 1, 2016, (as described in OAR 330-063-0020) minimum training requirements for individuals seeking certification as home energy assessors by the Construction Contractors Board, (as described in OAR 330-063-0025) and a requirement for home energy assessors to report home energy performance score data to the department unless the department is able to obtain the data through other means, (as described in OAR 330-063-0030).

Additionally, the previously existing rule language related to energy performance scores for commercial buildings was rearranged and updated in the permanent rules in order to consolidate the commercial-related requirements into one rule section, clarify certain language, and use terminology consistent with the proposed new residential-related language as described in OAR 330-063-0040.

## **II. Relation to Rules**

This Charter was approved by the Stakeholder Panel to clarify its function, responsibilities and operations. If there is any conflict between this Charter and OAR 330-063-0000 through 330-063-0030, the administrative rules override this Charter.

## **III. Scope of Work**

### **PURPOSE**

The purpose of this Stakeholder Panel is to provide recommendations to ODOE's director on home energy performance score systems and their use in Oregon.

The primary function of the Stakeholder Panel is to review new, grandfathered and substantively revised home energy performance score systems and recommend approval or disapproval to ODOE's director. In its review of these systems, the Stakeholder Panel intends to:

- Review all required elements of the home energy performance score system listed in OAR 330-063-0015, as described in OAR 330-063-0020 (1) (c).
- Complete its review within 120 days of receipt of a complete request, as described in OAR 330-063-0020 (2) (b).
- Provide its recommendations to the director in writing, with a description of any dissenting views of panel members, as described in OAR 330-063-0020 (1) (e).

The Stakeholder Panel may also recommend to the director:

- Criteria for approval of home energy performance score systems under OAR 330-063-0020(2) (c).
- Criteria for approval of training and certification programs or work experience specified under OAR 330-063-0025(3) (d).
- Revisions to OAR 330-063-0015, if needed, that specify criteria for content and format of a standard energy metrics label to be included in all home energy performance reports.
- Additions and subtractions to the list of organizations represented on the Stakeholder Panel specified in 330-063-0020 (1) (b).

In addition to developing this charter, the Stakeholder Panel intends to develop and periodically review, operating procedures needed to conduct its work, including:

- Meeting dates and work plans for the Stakeholder Panel.
- Schedules, forms and information needed by applicants to submit timely and complete applications under OAR 330-063-0020(2) (a).
- Criteria and procedures for determining if a home energy performance score meets the requirements of OAR 330-063-0015.
- Criteria and procedures for reviewing test results demonstrating the accuracy of the building energy assessment software submitted with the application for review under OAR 330-063-0020 (2) (a) (C).
- Communication materials for home energy assessors, providers of home energy performance score systems and other stakeholders.

#### **IV. Stakeholder Panel Structure**

1. In convening this Stakeholder Panel, ODOE has selected members that reflect the range of entities both directly and indirectly affected by implementation of the program. Representatives should be able to consider the technical, policy, fiscal and economic impact of the program for their business and/or organization that they represent. Members of the Stakeholder Panel may serve terms up to five years. ODOE may add or replace Panel members from time to time to include representatives from the following or other sectors:

(A) A chair from the Oregon Department of Energy.

- (B) A representative from Energy Trust of Oregon.
- (C) A representative from the U.S. Department of Energy.
- (D) A representative from a provider of building energy assessment software.
- (E) A representative from each home energy performance score system approved for use in Oregon.
- (F) A representative from an investor-owned electric utility.
- (G) A representative from a consumer-owned electric utility.
- (H) A representative from a natural gas utility.
- (I) A representative from the residential construction industry.
- (J) A representative from the real estate industry.
- (K) A representative from the appraisal industry.
- (L) A representative from an entity that provides training for building energy assessments.

2. ODOE will seek to include all key stakeholder perspectives on the Panel while being mindful of maintaining a Panel size that is conducive to decision-making. Members may designate alternates, who may participate in panel discussions but may not participate in decision-making except in the members' absence.

## **V. Stakeholder Panel Meetings**

1. All meetings will be:
  - Open to the public
  - Advertised on ODOE's webpage
  - Scheduled from 9 am to 2 pm unless stated otherwise in the meeting agenda
  - Held in Salem, Eugene or Portland
  - Accessible via a call-in number
2. Meeting materials will be posted on the Stakeholder Panel webpage located at:  
<http://www.oregon.gov/energy/RESIDENTIAL/Pages/HEPS-system-stakeholder-panel.aspx>
3. ODOE will prepare meeting summaries that document decisions, action items and the highlights of Panel discussions and the different perspectives and recommendations of Panel members. Panel meetings will be recorded, but ODOE will not prepare formal meeting transcripts or minutes or a formal Panel report.

## **VI. Responsibilities**

1. Responsibilities of the Chair:
  - Facilitate the conversation so the Stakeholder Panel stays focused on the agenda and on intended outcomes of the meeting.
  - Ensure that all perspectives are heard.
  - Ensure that all members adhere to the process and ground rules.
  - Facilitate comments and input from the public.

## 2. Responsibilities of the Stakeholder Panel members:

- Attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. It is each member's responsibility to fully brief the alternate on all relevant issues and prior Panel discussions.
- Prepare for and set aside time for the meetings.
- Provide ODOE staff with copies of relevant research and documentation cited during the meeting.
- Stay focused on the specific topics for each meeting.
- Comment constructively and in good faith.
- Consult regularly with constituencies to inform them on the process and gather their input.
- Treat everyone and his or her opinions with respect.
- Allow one person to speak at a time.
- Be courteous by not engaging in sidebar discussions.
- Avoid representing to the public or media the views of any other Panel Member or the Panel as a whole.

## VII. Decision making

ODOE will seek consensus positions from the Stakeholder Panel on specific issues. In determining if there is consensus on an issue, ODOE will seek input and recommendations from each individual Panel member.

Consensus decision-making is a group decision-making process that seeks the consent of all members. For purposes of this Panel, consensus means an acceptable resolution, one that can be supported by all, even if not the 'favorite' of each individual. In cases where an organization has two or more representatives on the Panel, those members are expected to speak with one voice during decision-making.

In the event the Panel does not reach consensus, they will report dissenting views as described in OAR 330-063-0020 (1) (e): "The Stakeholder Panel . . . must provide its recommendations to the director in writing and must include a description of any dissenting views of panel members. . . ."

## VIII. Public Records and Confidentiality

Stakeholder Panel records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records. Stakeholder Panel communications are not confidential and may be disclosed. However, the private documents of individual Panel members generally are not considered public records if ODOE does not retain copies.

## IX. Information Exchange

Panel members intend to provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the

member is expected to provide a general description of the information and the reason for not providing it.

## **X. Public Involvement**

All meetings will be open to the public and have time set aside for the public to speak. Additionally, individuals who wish to submit comments are encouraged to communicate directly with a Panel member or directly with ODOE staff.

## **XI. Communications and Media Coverage**

ODOE will respond to public or media inquiries associated with the purpose, organization, structure, process and goals for the program and Stakeholder Panel process. While free to communicate and share individual perspectives with the media and others, ODOE asks Stakeholder Panelists to offer their personal viewpoint only and to refrain from speaking for other panelists or the Stakeholder Panel as a whole. See HB2801 and OAR 330-063-0000 through 330-063-0040.

Media inquiries directed to individual panelists should be redirected to the appropriate ODOE contact, listed in the following section. Panelists may relay panel decisions or actions that are considered final to colleagues or constituents, as appropriate. They may also solicit input on topics of ongoing discussion from colleagues or constituents, taking care to avoid representing the positions of other panelists or ODOE. Panelists are expected to avoid speculating about the outcome of a pending discussion, recommendation, or decision. When asked for information about the activities of the Stakeholder Panel beyond a basic description of the Panel's purpose, ODOE asks you to refer others to the related language contained in HB2801 and OAR 330-063-0000 through 330-063-0040, as well as ODOE's website.

## **XII. ODOE Contacts**

### Media Inquiries:

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