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August 3, 2009

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 09-OII-01
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET

09-OII-1

DATE 8/5/2009

RECD. 8/5/2009

To Whom It May Concern:

The North Bay Association of REALTORS®, also known as NorBAR, is a 3,000+ member REALTOR® trade organization that serves Mendocino, Sonoma, Napa and Lake Counties. The purpose of this letter is to provide written comments on the Preliminary State Energy Program Guidelines, and to bring to your attention the concerns of the North Bay Association of REALTORS® and our members.

First and foremost, as an organization, we wholeheartedly support the goals of the State Energy Program. We firmly believe that there is a need to reduce GHG emissions and that existing housing stock is only a small part of the problem.

The Preliminary State Energy Program Guidelines: Chapter III: California Comprehensive Residential Building Retrofit Program- Program Evaluation Criteria – page 35, includes a home energy audits and/or home energy ratings to the Multiple Listing Service at the time of sale as criteria for evaluating proposals in response to local government solicitation of SEP funds. While we agree that home energy audits are an important tool in educating homeowners, mandating that home energy audits or retrofitting be completed at time of sale is highly inefficient. Also, to suggest that mandating home ratings on private Multiple Listing Services, with private memberships is not within the purview of government.

The 2008 California Energy Action Plan established ambitious goals to achieve an average of 40% savings in existing California residences by 2020. According to the California Association of REALTORS® Economic Department, by the year 2020, less than 25% of existing housing stock will ever change ownership. In today's economy, with an ever increasing number of foreclosures and distress sales, who knows if we would even be able to gain this percentage of retrofits. These objectives are more likely to be realized by working cooperatively with

MEMBER:



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the real estate community, as point of sale does not accomplish the goal. We need to be more aggressive!

A second concern is homeowner privacy. In Chapter II: Municipal Financing District Program (AB 811-type programs), it is recommended that all program participants have an energy audit that can be used for disclosure purpose during a sale transaction. While the intention is good, a seller is already legally obligated to disclose any known material defects about the property during a transaction. There are concerns that if home energy audits or ratings become public record, homeowners may not participate in the program for fear that code enforcement officer will use audit reports as a tool to identify code violations. In order to achieve the reduction goals, you must have participation.

It is also important to understand that the current federal climate protection legislation precludes the use of any mechanism that impedes the real estate transaction if federal dollars are involved. For an AB 811 type program to be successful, participants will be non real estate transaction related.

As a local association, we have been working hard to develop community-wide, date certain retrofit programs, and we are in the beginning stages of developing voluntary programs to highlight energy efficient homes. It is essential that all property owners participate! We firmly believe that the basis for any program should include: education, financing and incentives. Through collaborative, voluntary efforts, we do believe that our industry can contribute in making a difference statewide.

We ask that the Preliminary State Energy Program Guidelines be rewritten to exclude the consideration of point of sale as a trigger for the completion of a home energy audit/rating, and that cooperative outreach with the real estate industry be emphasized.

We appreciate the opportunity to provide comment on the Preliminary State Energy Program Guidelines, and urge the California Energy Commission to make the appropriate changes as suggested by NorBAR, other stakeholders and homeowners.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cory Maguire".

Cory Maguire
President
North Bay Association of REALTORS®