

Draft PDS-01 Addendum 67

Chapter 1 Update – Proposed Changes

This proposal is being issued on behalf of the Standards Committee of the Northeast Home Energy Rating System Alliance, which represents more than 260 Raters and 11 Providers from New Jersey to Maine.

102.1.1.2 - The Rating QA Provider shall maintain a **full recording** of all Remote QAs performed by Quality Assurance Designees for a period of at least three years and be made available to RESNET upon request.

Response: It is unclear what “full recording” means here, is the intent for a video recording or that all aspects of the QA are recorded via screenshots, etc. to support the QA was performed. Propose definition of full recording as: A recording via notes and screenshots to support all aspects of the QA inspection including all photo documentation required per current MINHERS and other standards as applicable to the Rating.

102.1.10 Ensure Certified HERS Raters utilizing HERS Modelers and/or RFIs maintain sufficient personal involvement in modeling and field data collection supervision and review, to certify their knowledge that the resulting HERS and HERS_{H2O} Ratings meet the standards of the profession. Rating Quality Assurance Providers and Certified HERS Raters shall not allow the Certified HERS Rater’s ID to be affixed to any HERS or HERS_{H2O}. Rating not reviewed by the Certified HERS Rater or prepared under the Certified HERS Rater’s supervisory control. **Rating Quality Assurance Providers shall not perform any substantive alteration to and re-register a previously uploaded HERS or HERS_{H2O} Rating that would have a calculation impact on that HERS or HERS_{H2O} Rating or any calculation impacts that would change the compliance status of the other compliance methods outlined in Section 101.1 - Purpose without either first conducting a new on-site field inspection through a certified Quality Assurance Designee under their Providership during the course of Field QA or obtaining affirmative agreement or written consent to do so from the original Certified HERS Rater. The original Certified HERS Rater’s Rating Quality Assurance Provider, with access to the original Certified HERS Rater’s work, or a different Rating Quality Assurance Provider or another Certified HERS Rater (who is not the original Certified HERS Rater) that somehow obtains the original Certified HERS Rater’s work may not use any of that original Certified HERS Rater’s work to reverse engineer and generate a new Rating on the same address where the construction has progressed past the point where verification of specific minimum rated features would not be possible in accordance with the RESNET standards except in scenarios outlined and approved in the NEW RESNET POLICY NAME. All other instances of a Rating Quality Assurance Provider or another Certified HERS Rater (who is not the original Certified HERS Rater) attempting to modify an existing HERS or HERS_{H2O} Rating or reverse engineer and generate a new HERS or HERS_{H2O} Rating on the same address using the original Certified HERS Rater work is expressly prohibited**

Response: The proposed language empowers Providers to function as an intermediary in the contract, a role more appropriately delegated to the original and subsequent Raters. **Move to strike the bolded language in its entirety.**

102.2.9.2.1 ~~Written~~ Conflict of interest ~~provisions-disclosure requirements~~ prohibit undisclosed conflicts of interest but allow for a waiver with advance disclosure to the Rating Quality Assurance Provider and RESNET in a manner prescribed by RESNET for each unit that receives a HERS rating. The RESNET "Home Energy Rating Standard Disclosure" (Standard Disclosure) form shall be completed for each home that receives a home energy rating.

Response: The current proposal lacks clarity on the format or form of the proposed waiver. Therefore, it is suggested to retain the existing RESNET Standard Disclosure as the default form. However, in situations where a municipality mandates a specific disclosure form, that particular form may be utilized as an alternative to the RESNET Standard Disclosure. This approach allows for flexibility while ensuring compliance with local regulations and maintaining a consistent standard when required.

Proposed Revised Language: ~~Written~~ Conflict of interest ~~provisions-disclosure requirements~~ prohibit undisclosed conflicts of interest but allow for a waiver with advance disclosure. The RESNET "Home Energy Rating Standard Disclosure" (Standard Disclosure) form shall be completed for each home that receives a home energy rating.

102.2.9.3.2-6-13 ~~The Provider shall provide w~~Written notification ~~to the Certified HERS Rater/RFI/HERS Modeler which includes the cause, terms, restrictions, and notifications to third parties~~ Rating Clients and known EEPs for whom projects were submitted to the RESNET Registry within the last calendar year by the Rater in question of the suspension of the Certified HERS Rater/RFI/HERS Modeler's ability to complete, submit or acquire any new rating projects or new rating business recognized by any RESNET Accredited Rating Quality Assurance Provider as of the date of suspension.

Response: The proposed reporting approach lacks clarity regarding the reporting method, potentially burdening the Provider with the responsibility of contacting known Rating Clients and EEPs. Additionally, the proposed language puts the Provider in a legal position to act as an intermediary between the Rater and their client. **Propose to strike this change and utilize the online Rater Verification status for any EEPs and other stakeholders to show a Rater's current status.**

102.2.9.3.125 Certified HERS Rater's/~~RFI's~~Rating Field Inspectors /HERS Modeler's who have their certification revoked may at their initiative re-apply for certification to any Rating Quality Assurance Provider as a Certified HERS Rater, RFI Rating Field Inspector and/or HERS Modeler candidate ~~found in~~ Chapter 2, Section 207, Recertification ~~are not~~unless the HERS Rater, Rating Field Inspector or HERS Modeler is revoked for fraud. In the case of revocation due to fraud, the HERS Rater, Rating Field Inspector or HERS Modeler is not allowed to re-apply for certification.

Response: The following language is proposed to address the issue of fraud-related revocation of certification (continues next page):

1. **Limited Revocation Period:** In cases of certification revocation due to fraud or unethical practices, the offending Rater, RFI, or Modeler shall be subject to a 90-Day suspension period. This will also allow time for the Rater, RFI, or Modeler to make an appeal of the decision. If not appealed and/or following the results of an appeal, if a revocation is issued, the HERS Rater, RFI, or Modeler shall be able to re-apply for certification following the successful completion of ethics training as outlined below and eligible for re-certification after the completion of the 90-day suspension/revocation period.

2. **Ethics Training Requirement:** Prior to re-applying for certification after the revocation period, the offending party shall be mandated to complete comprehensive ethics training. This training aims to reinforce ethical conduct, ensure a clear understanding of RESNET standards, and foster a commitment to upholding integrity in their professional practice.

By incorporating these provisions into the certification framework, we aim to strike a balance between addressing fraudulent behavior and providing an opportunity for individuals to learn from their mistakes, improve their professional conduct, and potentially regain certification eligibility after fulfilling the necessary requirements.

Note of Caution: Fraud is a serious legal term that demands utmost consideration and must be handled with caution. Any actions related to suspected fraudulent activities should be taken solely through proper legal channels. It is crucial to ensure that a competent legal authority has thoroughly investigated and determined the occurrence of fraudulent activity before initiating any actions or consequences. Premature or unfounded allegations of fraud can have severe consequences and may lead to legal liabilities. Therefore, it is imperative to exercise prudence, diligence, and adherence to legal procedures when dealing with such matters.