



April 8, 2013

The Honorable Kathleen B. Hogan
Deputy Assistant Secretary
for Energy Efficiency
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20560

RE: Extension of the May 1, 2013, Effective Date of Federal Minimum Efficiency Standards for Residential Non-Weatherized Gas Furnaces

Dear Deputy Assistant Secretary Hogan:

The National Multi Housing Council and the National Apartment Association represent the nation's leading firms participating in the multifamily rental housing industry. As providers of residential housing for 35 million people, the apartment industry is directly affected by the direct final rule to establish regional appliance efficiency standards under the Energy Policy and Conservation Act (42 U.S.C. §6295) set to go into effect on May 1, 2013. We respectfully request that the Department stay the effective date of the rule to accommodate the resolution of lawsuits currently pending on this matter.

The process by which the Regional Efficiency Standard direct final rule was developed failed to consider the significant physical and technical challenges that the installation of 90% AFUE furnaces would pose for certain multifamily building configurations. We had received assurances that the technical concerns related to retrofit installations would be addressed by the Department in an enforcement rule that was required to be published within 15 months of the date of the final rule published June 27, 2011. The Department has not published this document. The American Public Gas Association filed suit against the Department in regard to the rule. It has been reported in the trade press that the Department has agreed to a settlement to resolve the lawsuit that would vacate the gas furnace standard. This settlement agreement has not been finalized and we are concerned that our members face regulatory peril as they make decisions regarding repair or replacement of gas furnaces on their apartment properties.

We respectfully request that the Department act to resolve this matter and stay the effective date of the rule to permit resolution of the issues raised by stakeholders that were not fairly considered in the expedited direct rule making process.

Sincerely,

Cindy V. Chetti
Senior Vice President of Government Affairs
National Multi Housing Council

Gregory Brown
Vice President of Government Affairs
National Apartment Association