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AMENDED IN SENATE MAY 19, 2022

AMENDED IN SENATE APRIL 21, 2022

AMENDED IN SENATE APRIL 18, 2022

AMENDED IN SENATE APRIL 04, 2022

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL**NO. 1393****Introduced by Senator Archuleta
(Principal coauthor: Assembly Member Rodriguez)****February 18, 2022**

An act to amend Section 25233.5 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1393, as amended, Archuleta. Energy: appliances: local requirements.

Existing law requires the State Energy Resources Conservation and Development Commission to gather or develop, and publish on its internet website, guidance and best practices to help building owners, the construction industry, and local governments overcome barriers to electrification of buildings and installation of electric vehicle charging equipment that include one or more specified topics.

This bill would require the commission to gather or develop, and publish on its internet website, the guidance and best practices by July 1, 2023, and would require the guidance to include all of those specified topics and additional topics. The bill would require the commission to update annually the guidance and best practices. The bill would require a city, including a charter city, or county, when adopting an ordinance requiring the replacement of a fossil fuel-fired appliance with an electric appliance upon the alteration or retrofit of a residential and nonresidential building, to consider the guidance published by the commission. The bill would, on and after a specified date, require a local government, within 60 days of adopting that ordinance, to submit to the commission a copy of the ordinance, and other specified information and would require the commission to determine whether the local government considered the commission's published guidance in the adoption of the ordinance. If the commission determines that the local government had not considered the guidance, the bill would require the local government to consider the guidance, make any modification of the ordinance deemed necessary by the local government, and resubmit the ordinance and other information to the commission. *The*

bill would specify that the commission is to implement the requirements of the bill upon appropriation by the Legislature.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25233.5 of the Public Resources Code is amended to read:

25233.5. (a) For the purposes of this section, the following definitions apply:

(1) "Local government" means a city, including a charter city, or county.

(2) "Low-to-moderate-income property owners" means those with annual household incomes of 130 percent or less of the area median income, as published by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code, for the jurisdiction in which the requirement would apply.

(b) To help building owners to decarbonize buildings and add energy storage or electric vehicle charging capacity to buildings, the commission, in coordination with the Public Utilities Commission, the Department of Housing and Community Development, the California Building Standards Commission, and other relevant state agencies, shall, by July 1, 2023, gather or develop, and publish on the commission's internet website, and update annually, guidance and best practices to help building owners, the construction industry, and local governments overcome barriers to electrification of buildings and installation of electric vehicle charging equipment that include all of the following topics:

(1) Availability of electrical equipment for replacement of the common fossil-fuel-powered equipment within buildings, including high-efficiency options that can minimize electrical service capacity requirements.

(2) Approaches for energy budgeting to fit electrical replacements and vehicle-charging equipment within the existing electrical service capacity of the building whenever possible, including guidance on how to maximize the use of the nonconcurrent electrical load that is allowed under the California Electrical Code (Part 3 (commencing with Section 89.101.1) of Title 24 of the California Code of Regulations).

(3) Technologies that allow the noncoincidental sharing of electrical circuits.

(4) The development of whole building electrification plans to help building owners prepare for future additions of electrical equipment, even if only a portion of equipment will be replaced, or energy storage or vehicle charging added, during an initial project. The plan may include wiring changes and energy planning to reduce the need for rework and help correctly size distributed energy and energy storage systems to anticipated future needs.

(5) Model permit applications, an eligibility checklist for expedited permitting, and a concise inspection list for the most common building electrification, energy storage, or vehicle charging installation projects that would be suitable for adoption by local governments seeking to streamline and standardize permitting and inspections.

(6) Ways in which local governments may assess the number of skilled installers of all electric appliances that operate within the local government's jurisdiction.

(7) Ways in which local governments may ensure that permitting and inspection of structures in the local jurisdiction adequately accommodate the need for 24-hour emergency replacement of new all electric space or water heating appliances.

(8) Ways in which local governments can establish incentives to assist low-to-moderate-income property owners in offsetting the first cost and installation of an equivalent all electric space or water heating appliance.

(9) Ways in which local governments can consider and implement limited exemptions for certain facilities, such as hospitals, acute care facilities, or other commercial facilities, particularly where any interruption in facility operations caused by an electrical outage could jeopardize public health and safety.

(10) Other topics deemed appropriate by the commission.

(c) (1) When adopting an ordinance to require that a fossil-fuel-powered appliance be replaced with an electric appliance upon the alteration or retrofit of a residential or nonresidential building, a local government shall consider the guidance published by the commission pursuant to subdivision (b). A local government shall not be required to update its ordinance when the commission updates its guidance.

(2) Within 60 days of adopting an ordinance described in paragraph (1), the local government shall submit to the commission a copy of the ordinance, a copy of the final staff report, supplemental documents, a copy of any cost-effectiveness study relied upon, and any other materials the local government deems relevant.

(3) Upon receipt of the materials described in paragraph (2), the commission shall publish and make publicly available the submitted material on the commission's internet website.

(4) Within 30 days after the local government's submission, the commission shall determine through written findings whether the local government considered the commission's guidance described in subdivision (b) that is published at the time of the adoption of the ordinance. The commission shall make its written findings publicly available.

(5) If the commission determines that the local government did not consider the commission's guidance, the commission shall provide its written findings to the local government. Upon receiving the written findings, the local government shall have 180 days to consider the guidance, make any modification to its ordinance as it deems necessary, and resubmit the ordinance and other materials pursuant to paragraph (2).

(6) (A) This subdivision shall not apply to local government until on July 1, 2023, or on the date following the adoption of the initial guidance described in subdivision (b), whichever is later.

(B) The commission shall post on its internet website the date of the adoption of the initial guidance.

(d) The commission shall implement the changes made to this section by Senate Bill 1393 of the 2021-22 Regular Session upon appropriation by the Legislature in the annual Budget Act or another statute for its purposes.

SEC. 2. The Legislature finds and declares that Section 1 of this act amending Section 25233.5 of the Public Resources Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.