



Locally Adopted Energy Ordinances

California Energy Commission

Joe Loyer

Building Standards Office
Efficiency Division

Joe.Loyer@energy.ca.gov

916-654-4811

California Energy Commission
www.energy.ca.gov



Two Different State Commissions

- All local **energy efficiency** standards that meet or exceed the California Building Energy Efficiency Standards (Title 24, Part 6) must be approved by the **California Energy Commission**.
- All local standards that exceed the California Building Code (plumbing, electric, historic, etc) must be filed with the **California Building Standards Commission**.



Commission Approval

- Only those local energy efficiency ordinances that have been approved by the Energy Commission are legally enforceable.
- Unapproved local ordinances that **require** buildings under their jurisdiction to be **more** energy efficient than what is required under the California Building Energy Efficiency Standards, Title 24, Part 6, are not legally enforceable.
- Complaints are investigated and remedies are developed and enforced.



The Application to the Energy Commission

- Required Documentation
 - A copy of the ordinance.
 - A study or analysis showing the expected energy savings and the cost effectiveness of the ordinance.
 - A statement/finding that the ordinance will require buildings to “consume no more energy than is permitted by (Title 24) Part 6.”
 - The date the ordinance, energy savings and cost-effectiveness study were presented to Council/Board in a **Publicly Noticed Meeting**.
 - A letter to the Executive Director assuring him that the City/County will continue to enforce Title 24, Part 6 as well as the proposed Ordinance.
 - Evidence of CEQA compliance.



All documents may be
submitted electronically to
Joe.Loyer@energy.ca.gov



Your Ordinance Needs Approval if it has any of the Following Elements

- Green Building Standard that includes **mandatory** energy efficiency requirements that meet or exceed the statewide Standard.
- Using Non-Governmental Certification Programs that meet or exceed the statewide Standard.
- Adopting CALGreen Tier I or II.
- Early Adoption of Energy Standards
- Adoption of stricter energy budgets
- Renewal or Updating Existing Ordinance

GPR
Appendix A4 or A5
5% to 35%
Part 6

LEED

OTHER





Non-Governmental Certification Programs

If the ordinance does NOT require formal certification when codifying a Non-Governmental Certification Program.



The ordinance **must** clearly state that certification is not required.



The ordinance **should** make it clear that compliance with the ordinance does not equal compliance with the Non-Governmental Certification Programs.



Typical Adoption of Stricter Energy Budgets

- Many ordinances target only residential or nonresidential buildings.
- Many include triggers for new construction based on square footage (conditioned or gross) or value.
- Many include additions and alterations to existing buildings based on square footage, percent changed or value.
- Many include historic buildings.



Expected Local Ordinances 2008 Standards

Belmont
 Morgan Hill
 San Mateo
 Assumed from the 2008 Local Jurisdiction Standards
 Gilroy
 Cupertino
 Santa Clara
 Chula Vista
 Cotati
 Santa Monica
 Daly City
 Fremont
 Palo Alto
 San Jose
 Hayward
 Healdsburg
 Los Altos
 Malibu
 Manhattan Beach
 Marin
 Menlo Park

64 Green Tier 1
 17
 15% beyond Standards

Portola Valley
 Redwood City
 Richmond
 San Anselmo
 San Carlos
 San Francisco
 Standards

Santa Rosa
 Sebastopol
 Sonoma County
 City of Sonoma
 Tiburon
 Union City
 West Sacramento
 Windsor

6 guarantee
 15% beyond Standards

To date, we have been contacted by approximately 15 local jurisdictions proposing reach code ordinances.

Five of these local jurisdictions have never had reach code before.



2013 Title 24, Part 11, Appendix A4



Newly Constructed Low-Rise Residential

Prerequisites

- Energy Design Rating
- Quality Insulation Installation
- High Efficacy Lighting

Tier I

- 85% of Energy Budget

Tier II

- 70% of Energy Budget



2013 Title 24, Part 11, Appendix A4 Additions and Alterations to Existing Residential Buildings



Prerequisites

- High Efficacy Lighting
- Lighting Controls

If the addition or alteration includes one or more mechanical systems.

Tier I

One system: 95% of Energy Budget
More than one: 90% of Energy Budget

Tier II

One system: 90% of Energy Budget
More than one: 85% of Energy Budget

If the addition or alteration changes the envelop with no change to the mechanical systems, then no additional efficiency measures above Title 24, Part 6 are required.



2013 Title 24, Part 11, Appendix A5 Newly Constructed & Additions and Alterations Nonresidential



Prerequisites

- Exterior Lighting – 90% of Std.
- Service Water Heating in Restaurants

Tier I

Indoor Lighting or Mechanical:
95% of Energy Budget

Indoor Lighting and Mechanical:
90% of Energy Budget

Tier II

Indoor Lighting or Mechanical:
90% of Energy Budget

Indoor Lighting and Mechanical:
85% of Energy Budget

If the newly constructed building, addition or alternative does not include indoor lighting or mechanical systems, then no additional efficiency measures above Title 24, Part 6 are required.



Evidence of CEQA Compliance



CEQA
Lead
Agency

Local agencies must include any findings, determinations, declarations or reports, including any determination of exemption, negative declaration or environmental impact report, that are required by CEQA.

CEQA
Respon-
sible

The Energy Commission is required to review and consider any Exemption, EIR or Negative Declaration prepared by the local agency, as well as comments made to the local agency.



Energy Commission Review of a Complete Application

Ordinance Review



Ensure that buildings will consume no more energy than permitted by Title 24, Part 6.

- ➔ Clear requirements to ensure greater energy efficiency.
- ➔ Clear statement(s) that Title 24, Part 6 will still be enforced.
- ➔ Exceptions or exemptions are explicitly limited to the ordinance and do not affect compliance with Title 24, Part 6.
- ➔ Look for elements that may trigger a Federal Preemption



We will gladly review your draft ordinance.



IT'S
FREE





Resources

California Energy Commission, Approved Local Ordinances

<http://www.energy.ca.gov/title24/2013standards/ordinances/>

Utility Contacts for Cost Effectiveness Studies

Southern California Edison

Javier Mariscal

Javier.mariscal@sce.com

(626) 302 - 0784

California Building Standards Commission

<http://www.bsc.ca.gov/codes/localfilings.aspx>