



# Building Electrification Reach Code

Special City Council Meeting

August 22, 2024.

# History

- November 2022 – City adopted a Building Electrification Reach Rode amending California Energy Code (Title 24 Part 6):
  - All **new construction** to be all electric
  - Non-residential and multi-family install PV
  - EV charging required
- CRA vs. City of Berkeley

# Reach Code Goals



Cost effective approach to decarbonize the built environment



Help developers and building owners reduce emissions



Improve Health & Safety

# CRA vs. City of Berkeley

- 2019 CRA sued Berkeley on their fuel gas piping ban in new buildings
- 3 judge panel of the 9<sup>th</sup> Circuit Federal Court stuck down Berkeley ordinance
- City of Berkeley requested an en-banc rehearing
- 2024 the 9<sup>th</sup> Circuit declined to reconsider
- Many jurisdictions with all electric or similar ordinances suspended enforcement

# Result



All electric element –  
suspended enforcement



Develop an alternative  
approach for City Council  
consideration

# Alternate Options:

| Option  | What is it  | Pro   | Con   |
|---|---|---|---|
| 1. Gas ban through a local amendment to the building code | Complete gas ban – All electric ordinance                             | Easy to understand<br>Easy to implement   | Legally tenuous (Glendale City Council suspended parts of the all electric ordinance)                     |
| 2. Air Quality Ordinance                                  | Regulates sources of air emissions (NO <sub>x</sub> , GHG)            | Complete gas ban (minus exemptions)<br>EPCA Compliant<br>Supported by SCAQMD and CARB efforts | Untested legally (some risk) (Sustainability Commission recommended staff research an emissions standard) |
| 3. Single margin source energy code amendment             | Establish an energy performance metric more stringent than state code | EPCA Compliant<br>Well established reach code approach  | Gas can still be installed in new construction<br>More difficult modeling to show compliance              |

# Recommendation

- Ask that the City Council provide direction to staff to develop an alternative reach code to regulate energy performance that is EPCA compliant and provide pathways to compliance for both mixed fuel and all-electric buildings.



# Thank you

Questions?

