**MEMORANDUM**

To: Jurisdiction Staff

Cc: Central Coast Community Energy

From: Farhad Farahmand, Taylor Taylor (TRC)

**Re: California Building Standards Commission & California Energy Commission Application Package Template README**

Congratulations on passing your local decarbonization amendment! Your jurisdiction must now file your local amendment with California agencies. This package of documents contains materials for state filing, and if necessary, state approval of your local amendment. Please complete the following steps, in accordance with your City Attorney guidance:

1. Fill out documents listed in the table below with jurisdiction specific information. If amending Title 24 Part 6, proceed to Step 2. If amending other sections of the building code or municipal code, skip to Step 3.
2. Submit the Part 6 amendment to the California Energy Commission (CEC)
   * 1. Email [Anushka.Raut@Energy.ca.gov](mailto:Anushka.Raut@Energy.ca.gov) and [Michael.Shewmaker@energy.ca.gov](mailto:Michael.Shewmaker@energy.ca.gov), carbon copy your Community Choice Aggregator representative and [FFarahmand@trccompanies.com](mailto:FFarahmand@trccompanies.com).
     2. Follow-up with the CEC if they have not confirmed receipt within 1-2 business days. After CEC has approved your code during a business meeting, proceed to Step 3.
3. File any buildings-related ordinances with the California Building Standards Commission (CBSC) by emailing [Ordinancefilings@dgs.ca.gov](mailto:Ordinancefilings@dgs.ca.gov), including all required documents. Copy your Community Choice Aggregator representative and [FFarahmand@trccompanies.com](mailto:FFarahmand@trccompanies.com).

Table 1 below includes required or recommended materials for cities submitting application to either to the CEC or BSC. These materials have been developed from review of state agency documents, listed at the end of this memo for reference. TRC has provided some template materials in the package, with fields requiring jurisdiction customization highlighted in gray.

Table 1. Submittal Requirements

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| --- | --- | --- | --- |
| Attachments | CEC | CBSC | Notes |
| 1: Cover letter | *Recommended* | Required | Update with specific details for jurisdiction and amendment. Ensure you are specifying the state law providing the authority for the amendment. |
| 2: Staff report | Required | Required | Append your staff report used during adoption. |
| 3: Signed Ordinance\* | Required | Required | Include the following elements:   1. Building Code section being amended, if any, and distinguish the amendment text from the text of Title 24 not being amended. 2. Express findings that amendments to the building standards in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions, or environmental conditions for green building standards code amendments. |
| 4: Copy of cost effectiveness studies | Required | - | Include the same cost-effectiveness studies were included as part of Council deliberations. |
| 5: Notice of Exemption from the California Environmental Quality Act (CEQA)\* | Required | - | Update with specific details for jurisdiction and amendment. |
| 6: Letter from Chief Building Official\* | Required | - | Updated with specific details for jurisdiction and amendment. |

\***NOTE:** For all documents that are printed, signed, then scanned, final submitted documents must be in a searchable format for submission. If they are not searchable, they will not comply with ADA requirements. One way to make a scanned document searchable is using [Adobe Acrobat Pro DC](https://youtu.be/6NLWj7Q_lz8?si=P7NybU56mGby9Kq5).

## Building Standards Commission Reference

We developed the above guidance based on the CBSC [Guide for Local Amendments of Building Standards](https://www.dgs.ca.gov/-/media/Divisions/BSC/05-Resources/Guidebooks/Guide-Local-Amend-of-Bldg-Stnds-07-08-22-Final.pdf?la=en&hash=9088D0302D437FC09FBE61C83FA9E734F99EB9B2), July 2022, Fourth Edition. The section of the guide which is pertinent for city applications to the CBSC is reproduced below. This guide is located on the [BSC website on local amendments](https://www.dgs.ca.gov/BSC/Codes/Local-Amendments-to-Building-Standards---Ordinances).

Refer to page 16/22 of the [Guide for Local Amendments of Building Standards](https://www.dgs.ca.gov/-/media/Divisions/BSC/05-Resources/Guidebooks/Guide-Local-Amend-of-Bldg-Stnds-02-03-23-Final-rev-10-23.pdf?la=en&hash=8546192D2BDA94AF258B867FC731C45B139891DB) for common reasons for CBSC Rejection. Reasons include applications that lack detailed amendments or express findings.

*Guide for Local Amendments of Building Standards, page 6/22*

Local Amendments under the California Building Standards Law

**Amendment application:** Amendments to Title 24 made under the authority of HSC 18941.5 may apply to any building, or building feature, that is not otherwise subject to another state law. For example, amendments for residential buildings, historic buildings, and energy conservation are affected by other state laws and may not be subject to an amendment made under the authority of HSC 18941.5.

**Document requirements:** Amendment documents must be expressly marked to:

• Specify the state law providing the authority for the amendment.

• Identify the Title 24 section being amended and distinguish the amendment text from the text of Title 24 not being amended.

• Indicate that amendments are more restrictive building standards than those provided in Title 24.

• Clearly show that the local governing body made an express finding that amendments to the building standards in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions, including environmental conditions for green building standards.

**Filing requirements:** Local amendments are not effective or operative until the amendment documents meeting the requirements have been filed with CBSC. Send amendment documents with ordinance identification and governing body official’s signature to:

California Building Standards Commission   
 2525 Natomas Park Drive, Suite 130  
 Sacramento, CA 95833-2936  
 ordinancefilings@dgs.ca.gov

CBSC will issue a letter to the local enforcing agency stating that the code modifications are accepted for filing when they meet the requirements of HSC Sections 17958.7 and 18941.5. For filings that do not meet the requirements, an email will be sent noting any deficiencies. Local amendments accepted for filing will be listed on CBSC’s website.

**Accessibility Requirements:** In order for local amendment documents to be posted on CBSC’s ordinance listing for viewing or downloading by the public, they must be provided in a format that is accessible to persons with disabilities. Alternatively, a jurisdiction may provide a link to their posting of the ordinance on their website for access via CBSC’s ordinance listing.

## California Energy Commission Reference

If the local ordinance amends Title 24 Part 6, then you also need to submit to the CEC and wait for the amendment to be approved during a business meeting. The CEC describes submittal requirements in Title 24 Part 6 Section 10-106 (reproduced below):

**10-106 – LOCALLY ADOPTED ENERGY STANDARDS**

**(a) Requirements.** Local governmental agencies may adopt and enforce energy standards for newly constructed buildings, additions, alterations, and repairs to existing buildings provided the following two requirements are met prior to any enforcement of the standards:

1. A determination that the standards are cost effective is adopted by the local agency at a public meeting and subsequently filed with the Energy Commission; and

2. The Energy Commission finds that the standards will require buildings to be designed to consume less energy than permitted by Title 24, Part 6.

(**b) Documentation Application.** Local governmental agencies wishing to enforce energy standards subject to Section10-106(a) shall submit an application with the following materials to the Executive Director:

1. The proposed energy standards;

2. The local governmental agency's findings and supporting analyses on the energy savings and cost effectiveness of the proposed energy standards;

3. A statement or finding by the local governmental agency that the proposed energy standards will require buildings to be designed to consume less energy than permitted by Part 6; and

4. Any findings, determinations, declarations or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Pub. Resources Code Section 21000 et seq.

**NOTE:** Authority: Section 25402.1, Public Resources Code. Reference: Sections 25402.1, 21080.4, 21153, Public Resources Code.