An act to amend Sections 25402 and 25402.1 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL’S DIGEST

AB 1627, as introduced, Dickinson. Environmental quality: building standards: vehicle miles traveled.

(1) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to prescribe, by regulation, building design and construction standards and energy and water conservation design standards for new residential and nonresidential buildings. Existing law requires the Energy Commission to certify, within 180 days of the approval of the standards by the State Building Standards Commission, an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings.

The bill would prohibit a local building department from issuing a building permit for a residential or nonresidential building unless the department confirms that the building plan complies with those standards.

The bill would enact the Healthy Neighborhoods Act of 2012 and would require the Energy Commission to prescribe, by regulation, standards for reducing vehicle miles traveled by occupants of a building that would be applicable to new residential and nonresidential buildings and modification of existing residential and nonresidential buildings. The bill would require the commission to publish the standards, upon
adoption, in the energy conservation manual. The bill would prohibit a local building department from issuing a building permit for a residential or nonresidential building unless the department confirms that the building plan complies with the standards. Because a local building department would be required to confirm that a building plan complies with the vehicle miles traveled standards, this bill would impose a state-mandated local program. The bill would authorize a city, county, or city and county to prescribe, by ordinance or resolution, a schedule of fees sufficient to cover the costs incurred in the enforcement of these standards.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the Healthy Neighborhoods Act of 2012.
2 SEC. 2. Section 25402 of the Public Resources Code is amended to read:
3 25402. The commission shall, after one or more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including the energy associated with the use of water:
4 (a) (1) Prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings. The commission shall periodically update the standards and adopt any revision that, in its judgment, it deems necessary. Six months after the commission certifies an energy conservation manual pursuant to subdivision (c) of Section 25402.1, no city, county, city and county, or state agency shall issue a permit for any building unless the building satisfies the standards prescribed by the commission pursuant to this subdivision or subdivision (b) that are in effect on the date an application for a building permit is filed. Water
efficiency standards adopted pursuant to this subdivision shall be
demonstrated by the commission to be necessary to save energy.

(2) Prior to adopting a water efficiency standard for residential
buildings, the Department of Housing and Community
Development and the commission shall issue a joint finding
whether the standard (A) is equivalent or superior in performance,
safety, and for the protection of life, health, and general welfare
to standards in Title 24 of the California Code of Regulations and
(B) does not unreasonably or unnecessarily impact the ability of
Californians to purchase or rent affordable housing, as determined
by taking account of the overall benefit derived from water
efficiency standards. Nothing in this subdivision in any way
reduces the authority of the Department of Housing and
Community Development to adopt standards and regulations
pursuant to Part 1.5 (commencing with Section 17910) of Division

(3) Water efficiency standards and water conservation design
standards adopted pursuant to this subdivision and subdivision (b)
shall be consistent with the legislative findings of this division to
ensure and maintain a reliable supply of electrical energy and be
equivalent to or superior to the performance, safety, and protection
of life, health, and general welfare standards contained in Title 24
of the California Code of Regulations. The commission shall
consult with the members of the coordinating council as established
in Section 18926 of the Health and Safety Code in the development
of these standards.

(b) (1) Prescribe, by regulation, energy and water conservation
design standards for new residential and new nonresidential
buildings. The standards shall be performance standards and shall
be promulgated in terms of energy consumption per gross square
foot of floorspace, but may also include devices, systems, and
techniques required to conserve energy and water. The commission
shall periodically review the standards and adopt any revision that,
in its judgment, it deems necessary. A building that satisfies the
standards prescribed pursuant to this subdivision need not comply
with the standards prescribed pursuant to subdivision (a). Water
conservation design standards adopted pursuant to this subdivision
shall be demonstrated by the commission to be necessary to save
energy. Prior to adopting a water conservation design standard for
residential buildings, the Department of Housing and Community
Development and the commission shall issue a joint finding whether the standard (A) is equivalent or superior in performance, safety, and for the protection of life, health, and general welfare to standards in the California Building Standards Code and (B) does not unreasonably or unnecessarily impact the ability of Californians to purchase or rent affordable housing, as determined by taking account of the overall benefit derived from the water conservation design standards. Nothing in this subdivision in any way reduces the authority of the Department of Housing and Community Development to adopt standards and regulations pursuant to Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code.

(2) In order to increase public participation and improve the efficacy of the standards adopted pursuant to subdivisions (a) and (b), the commission shall, prior to publication of the notice of proposed action required by Section 18935 of the Health and Safety Code, involve parties who would be subject to the proposed regulations in public meetings regarding the proposed regulations. All potential affected parties shall be provided advance notice of these meetings and given an opportunity to provide written or oral comments. During these public meetings, the commission shall receive and take into consideration input from all parties concerning the parties’ design recommendations, cost considerations, and other factors that would affect consumers and California businesses of the proposed standard. The commission shall take into consideration prior to the start of the notice of proposed action any input provided during these public meetings.

(3) The standards adopted or revised pursuant to subdivisions (a) and (b) shall be cost-effective when taken in their entirety and when amortized over the economic life of the structure compared with historic practice. When determining cost-effectiveness, the commission shall consider the value of the water or energy saved, impact on product efficacy for the consumer, and the life cycle cost of complying with the standard. The commission shall consider other relevant factors, as required by Sections 18930 and 18935 of the Health and Safety Code, including, but not limited to, the impact on housing costs, the total statewide costs and benefits of the standard over its lifetime, economic impact on California businesses, and alternative approaches and their associated costs.
(c) (1) Prescribe, by regulation, standards for minimum levels of operating efficiency, based on a reasonable use pattern, and may prescribe other cost-effective measures, including incentive programs, fleet averaging, energy and water consumption labeling not preempted by federal labeling law, and consumer education programs, to promote the use of energy and water efficient appliances whose use, as determined by the commission, requires a significant amount of energy or water on a statewide basis. The minimum levels of operating efficiency shall be based on feasible and attainable efficiencies or feasible improved efficiencies that will reduce the energy or water consumption growth rates. The standards shall become effective no sooner than one year after the date of adoption or revision. No new appliance manufactured on or after the effective date of the standards may be sold or offered for sale in the state, unless it is certified by the manufacturer thereof to be in compliance with the standards. The standards shall be drawn so that they do not result in any added total costs for consumers over the designed life of the appliances concerned.

In order to increase public participation and improve the efficacy of the standards adopted pursuant to this subdivision, the commission shall, prior to publication of the notice of proposed action required by Section 18935 of the Health and Safety Code, involve parties who would be subject to the proposed regulations in public meetings regarding the proposed regulations. All potential affected parties shall be provided advance notice of these meetings and given an opportunity to provide written or oral comments. During these public meetings, the commission shall receive and take into consideration input from all parties concerning the parties’ design recommendations, cost considerations, and other factors that would affect consumers and California businesses of the proposed standard. The commission shall take into consideration prior to the start of the notice of proposed action any input provided during these public meetings.

The standards adopted or revised pursuant to this subdivision shall not result in any added total costs for consumers over the designed life of the appliances concerned. When determining cost-effectiveness, the commission shall consider the value of the water or energy saved, impact on product efficacy for the consumer, and the life cycle cost to the consumer of complying with the standard. The commission shall consider other relevant
factors, as required by Sections 11346.5 and 11357 of the
Government Code, including, but not limited to, the impact on
housing costs, the total statewide costs and benefits of the standard
over its lifetime, economic impact on California businesses, and
alternative approaches and their associated costs.

(2) No new appliance, except for any plumbing fitting, regulated
under paragraph (1), that is manufactured on or after July 1, 1984,
may be sold, or offered for sale, in the state, unless the date of the
manufacture is permanently displayed in an accessible place on
that appliance.

(3) During the period of five years after the commission has
adopted a standard for a particular appliance under paragraph (1),
no increase or decrease in the minimum level of operating
efficiency required by the standard for that appliance shall become
effective, unless the commission adopts other cost-effective
measures for that appliance.

(4) Neither the commission nor any other state agency shall
take any action to decrease any standard adopted under this
subdivision on or before June 30, 1985, prescribing minimum
levels of operating efficiency or other energy conservation
measures for any appliance, unless the commission finds by a
four-fifths vote that a decrease is of benefit to ratepayers, and that
there is significant evidence of changed circumstances. Before
January 1, 1986, the commission shall not take any action to
increase a standard prescribing minimum levels of operating
efficiency for any appliance or adopt a new standard under
paragraph (1). Before January 1, 1986, any appliance manufacturer
doing business in this state shall provide directly, or through an
appropriate trade or industry association, information, as specified
by the commission after consultation with manufacturers doing
business in the state and appropriate trade or industry associations
on sales of appliances so that the commission may study the effects
of regulations on those sales. These informational requirements
shall remain in effect until the information is received. The trade
or industry association may submit sales information in an
aggregated form in a manner that allows the commission to carry
out the purposes of the study. The commission shall treat any sales
information of an individual manufacturer as confidential and that
information shall not be a public record. The commission shall not
request any information that cannot be reasonably produced in the
exercise of due diligence by the manufacturer. At least one year prior to the adoption or amendment of a standard for an appliance, the commission shall notify the Legislature of its intent, and the justification to adopt or amend a standard for the appliance. Notwithstanding paragraph (3) and this paragraph, the commission may do any of the following:

(A) Increase the minimum level of operating efficiency in an existing standard up to the level of the National Voluntary Consensus Standards 90, adopted by the American Society of Heating, Refrigeration, and Air Conditioning Engineers or, for appliances not covered by that standard, up to the level established in a similar nationwide consensus standard.

(B) Change the measure or rating of efficiency of any standard, if the minimum level of operating efficiency remains substantially the same.

(C) Adjust the minimum level of operating efficiency in an existing standard in order to reflect changes in test procedures that the standards require manufacturers to use in certifying compliance, if the minimum level of operating efficiency remains substantially the same.

(D) Readopt a standard preempted, enjoined, or otherwise found legally defective by an administrative agency or a lower court, if final legal action determines that the standard is valid and if the standard that is readopted is not more stringent than the standard that was found to be defective or preempted.

(E) Adopt or amend any existing or new standard at any level of operating efficiency, if the Governor has declared an energy emergency as described in Section 8558 of the Government Code.

(5) Notwithstanding paragraph (4), the commission may adopt standards pursuant to Commission Order No. 84-0111-1, on or before June 30, 1985.

(d) Recommend minimum standards of efficiency for the operation of any new facility at a particular site that are technically and economically feasible. No site and related facility shall be certified pursuant to Chapter 6 (commencing with Section 25500), unless the applicant certifies that standards recommended by the commission have been considered, which certification shall include a statement specifying the extent to which conformance with the recommended standards will be achieved.
Whenever this section and Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code are in conflict, the commission shall be governed by that chapter of the Health and Safety Code to the extent of the conflict.

(e) The commission shall do all of the following:

(1) Not later than January 1, 2004, amend any regulations in effect on January 1, 2003, pertaining to the energy efficiency standards for residential clothes washers to require that residential clothes washers manufactured on or after January 1, 2007, be at least as water efficient as commercial clothes washers.

(2) Not later than April 1, 2004, petition the federal Department of Energy for an exemption from any relevant federal regulations governing energy efficiency standards that are applicable to residential clothes washers.

(3) Not later than January 1, 2005, report to the Legislature on its progress with respect to the requirements of paragraphs (1) and (2).

(f) (1) The commission shall, in consultation with the Office of Planning and Research, the Department of Transportation, and the State Air Resources Board, prescribe, by regulation, standards to reduce the vehicle miles traveled by occupants of residential and nonresidential buildings within the boundaries of a metropolitan planning organization.

(2) (A) The initial standards prescribed pursuant to this subdivision shall accomplish a significant reduction of vehicle miles traveled by occupants of a building relative to the regional average as established by the appropriate metropolitan transportation organization.

(B) The standards shall be revised by the commission every three years to accomplish a gradual decrease in statewide per capita vehicle miles traveled.

(C) The initial standards and revisions of the standards shall be consistent with and further the intent of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), Chapter 728 of the Statutes of 2008, and Chapter 469 of the Statutes of 2011.

(D) In developing and revising the standards, the commission shall consider all feasible and attainable means available to achieve significant reductions in vehicle miles traveled.
(E) In determining the feasible and attainable means, the commission shall take into consideration all economic, social, and environmental costs, over a minimum of a 30-year life cycle for the state as a whole, and shall include, but not be limited to, the following:

(i) Changes in the cost of construction to comply with the standards.

(ii) Changes in the capital and operational costs of transportation and utility infrastructure for local and state government resulting from more compact development.

(iii) Changes in the cost of automobile ownership and operation necessary for households and businesses.

(iv) Reductions in the costs resulting from harm to life, limb, and property caused by automobile accidents.

(v) Health impacts of automobile emissions.

(vi) Other environmental, economic, and social costs that result from the use of an automobile as compared to mass transit, bicycle, or pedestrian modes of transportation.

(F) The standards developed shall facilitate a local government's demonstration of progress towards compliance with the requirements of the California Global Warming Solutions Act of 2006.

(3) (A) The standards prescribed by this subdivision shall apply to new residential and nonresidential buildings, and to modification of existing residential and nonresidential buildings that increases the transportation needs of occupants of those buildings.

(B) The standards shall apply only to residential and nonresidential buildings located within the boundaries of a metropolitan planning organization.

(C) The standards do not apply to modification of a residential or nonresidential building that does not increase the gross square footage of that building.

(D) The standards do not apply to modification of an existing residential building that does not increase the number of residential units of the building.

(4) To increase public participation and improve the efficiency of the standards adopted pursuant to this subdivision, the commission shall, prior to publication of the notice of proposed action required by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, involve
parties that would be subject to the proposed regulations in public meetings regarding the proposed regulations. All potentially affected parties shall be provided advance notice of these meetings and given an opportunity to provide written or oral comments. During these public meetings, the commission shall receive and take into consideration input from all parties concerning the parties’ cost considerations and other factors that would affect consumers and California businesses subject to the proposed standard. The commission shall take into consideration prior to the notice of proposed action any input provided during these public meetings.

(5) Upon the adoption of the standards, the commission shall publish the standards in the energy conservation manual certified pursuant to paragraph (5) of subdivision (a) of Section 25402.1. The standards shall be effective six months after the adoption and publication of the standards in the energy conservation manual.

(6) The commission shall determine means of demonstrating compliance with standards adopted pursuant to this subdivision that include, but are not limited to, all of the following:

(A) Project location relative to existing destinations and the walkability, bikeability, and transit access existing in the immediate area of the building.

(B) Physical design factors of the proposed building or proposed modification of the building that impact walkability, bikeability, and transit access for the occupants of the building both onsite and offsite.

(C) Programs that accommodate reduction in the building occupants’ vehicle miles traveled, such as carpooling or transit pass subsidies.

(D) (i) Offsite offset measures that reduce the vehicle miles traveled within the jurisdiction of the local government in which the building is located when location and onsite design measures would not accomplish the vehicle mile traveled reduction required by the standards.

(ii) Each local jurisdiction shall maintain a list of projects or programs that would reduce the vehicle miles traveled and the estimated vehicle miles traveled reduction for the listed projects and programs.

(iii) Offsite offset measures may include, but are not limited to, the following:
(I) Endowing a new bus line or an upgrade in service for an
existing bus line in the immediate neighborhood of the building
or in an area in the jurisdiction where efficacy for reducing vehicle
miles traveled is high.

(II) Funding or undertaking improvements to walkability,
bikeability, or transit access in another area within the jurisdiction.

(III) Endowing trip reduction programs in other areas in the
jurisdiction.

(IV) Priority shall be given to offsite offset measures that have
the most cost-effective vehicle miles traveled reduction achievable,
such as measures in existing denser and mixed-use areas.

(7) Means of demonstrating compliance with the standards
adopted pursuant to this subdivision shall not include means that
do not reduce automobile vehicle miles traveled, such as energy
efficiency of structures, use of alternative fuel, or fuel-efficient
vehicles, and site design features, such as reduced pavement.

SEC. 3. Section 25402.1 of the Public Resources Code is
amended to read:

25402.1. (a) In order to implement the requirements of
subdivisions (a) and (b), and (f) of Section 25402, the commission
shall do all of the following:

(a) Develop a public domain computer program which will
enable contractors, builders, architects, engineers, and government
officials to estimate the energy consumed by residential and
nonresidential buildings and the vehicle miles traveled by the
occupants of those buildings. The commission may charge a fee
for the use of the program, which fee shall be based upon the actual
cost of the program, including any computer costs.

(b) Establish a formal process for certification of compliance
options for new products, materials, and calculation methods which
provides for adequate technical and public review to ensure
accurate, equitable, and timely evaluation of certification
applications. Proponents filing applications for new products,
materials, and calculation methods shall provide all information
needed to evaluate the application that is required by the
commission. The commission shall publish annually the results
of its certification decisions and instructions to users and local
building officials concerning requirements for showing compliance
with the building standards for new products, materials, or
calculation methods. The commission may charge and collect a
reasonable fee from applicants to cover the costs under this
subdivision. Any funds received by the commission for purposes
of this subdivision shall be deposited in the Energy Resources
Programs Account and, notwithstanding Section 13340 of the
Government Code, are continuously appropriated to the
commission for the purposes of this subdivision. Any
unencumbered portion of funds collected as a fee for an application
remaining in the Energy Resources Programs Account after
completion of the certification process for that application shall
be returned to the applicant within a reasonable period of time.

(c)

Include a prescriptive method of complying with the
standards, including design aids such as a manual, sample
calculations, and model structural designs.

(d)

Conduct a pilot project of field testing of actual residential
buildings to calibrate and identify potential needed changes in the
modeling assumptions to increase the accuracy of the public
domain computer program specified in subdivision (a) and to
evaluate the impacts of the standards, including, but not limited
to, the energy savings, cost effectiveness, *reduction in vehicle
miles traveled*, and the effects on indoor air quality. The pilot
project shall be conducted pursuant to a contract entered into by
the commission. The commission shall consult with the participants
designated pursuant to Section 9202 of the Public Utilities Code
to seek funding and support for field monitoring in each public
utility service territory, with the University of California to take
advantage of its extensive building monitoring expertise, and with
the California Building Industry Association to coordinate the
involvement of builders and developers throughout the state, *when
appropriate*. The pilot project shall include periodic public
workshops to develop plans and review progress. The commission
shall prepare and submit a report to the Legislature on progress
and initial findings not later than December 31, 1988, and a final
report on the results of the pilot project on residential buildings
not later than June 30, 1990. The report shall include
recommendations regarding the need and feasibility of conducting
further monitoring of actual residential and nonresidential
buildings. The report shall also identify any revisions to the public
domain computer program and energy conservation standards,
and the standards prescribed by subdivision (f) of Section 25402
if the pilot project determines that revisions are appropriate.

(5) Certify, not later than 180 days after approval of the
standards prescribed pursuant to subdivision (a) or (b) of Section
25402 by the State Building Standards Commission, or after the
adoption of the standards prescribed pursuant to subdivision (f)
of Section 25402, an energy conservation manual for use by
designers, builders, and contractors of residential and nonresidential
buildings. The manual shall be furnished upon request at a price
sufficient to cover the costs of production and shall be distributed
at no cost to all affected local agencies. The manual shall contain,
but not be limited to, the following:

(A) The standards for energy conservation established by the
commission.

(B) Forms, charts, tables, and other data to assist designers and
builders in meeting the standards.

(C) Design suggestions for meeting or exceeding the standards.

(D) Any other information which the commission finds will
assist persons in conforming to the standards.

(E) Instructions for use of the computer program for calculating
energy consumption in residential and nonresidential buildings.

(F) The prescriptive method for use as an alternative to the
computer program.

(G) The standards adopted pursuant to subdivision (f) of Section
25402.

(H) Coefficients and algorithms used to determined the vehicle
miles traveled reduction and the economic, social, and
environmental costs using the best analysis available.

(I) The commission shall establish

(6) Conduct research to increase the accuracy of the tools
needed for the measurement of vehicle miles traveled.
(7) Establish a continuing program of technical assistance to local building departments in the enforcement of subdivisions (a) and (b), and (f) of Section 25402 and this section. The program shall include the training of local officials in building technology and enforcement procedures related to energy conservation, and the development of complementary training programs conducted by local governments, educational institutions, and other public or private entities. The technical assistance program shall include the preparation and publication of forms and procedures for local building departments in performing the review of building plans and specifications. The commission shall provide, on a contract basis, a review of building plans and specifications submitted by a local building department, and shall adopt a schedule of fees sufficient to repay the cost of those services.

(b) Subdivisions (a) and (b), and (f) of Section 25402 and this section, and the rules and regulations of the commission adopted pursuant thereto, shall be enforced by the building department of every city, county, or city and county.

(1) No building permit for any residential or nonresidential building shall not be issued by a local building department, unless a review by the building department of the plans for the proposed residential or nonresidential building contains detailed energy system and vehicle miles traveled specifications and confirms that the building satisfies the minimum standards established pursuant to subdivision (a) or (b) and subdivision (f) of Section 25402, and this section that are applicable to the building.

(2) Where there is no local building department, the commission shall enforce subdivisions (a) and (b), and (f) of Section 25402 and this section.

(3) If a local building department fails to enforce subdivisions (a) and (b), and (f) of Section 25402 and this section or any other provision of this chapter or standard adopted pursuant thereto, the commission may provide enforcement after furnishing 10 days’ written notice to the local building department.

(4) A city, county, or city and county may, by ordinance or resolution, prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of subdivisions (a) and (b), and (f) of Section 25402 and this section. The commission may establish a
schedule of fees sufficient to pay the costs incurred by that enforcement.

(5) No construction of any state building shall not commence until the Department of General Services or the state agency that otherwise has jurisdiction over the property reviews the plans for the proposed building and certifies that the plans satisfy the minimum standards established pursuant to subdivision (a) or (b) of Chapter 2.8 (commencing with Section 15814.30) of Part 10b of Division 3 of Title 2 of the Government Code, subdivision (a) or (b) and subdivision (f) of Section 25402, and this section which are applicable to the building.

(c) Subdivisions (a) and (b) of Section 25402 and this section shall apply only to new residential and nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to those sections that are applicable to those buildings. Nothing in those sections shall prohibit either of the following:

(1) The enforcement of state or local energy conservation or energy insulation standards, adopted prior to the effective date of rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section with regard to residential and nonresidential buildings on which actual site preparation and construction have commenced prior to that date.

(2) The enforcement of city or county energy conservation or energy insulation standards, whenever adopted, with regard to residential and nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section, if the city or county files the basis of its determination that the standards are cost effective with the commission and the commission finds that the standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to those sections. If, after two or more years after the filing with the commission of the determination that those standards are cost effective, there has been a substantial change in the factual circumstances affecting the determination, upon application by any interested party, the city or county shall update and file a new
basis of its determination that the standards are cost effective. The
determination that the standards are cost effective shall be adopted
by the governing body of the city or county at a public meeting.
If, at the meeting on the matter, the governing body determines
that the standards are no longer cost effective, the standards shall,
as of that date, be unenforceable and no building permit or other
entitlement shall be denied based on the noncompliance with the
standards.

(d) The commission may exempt from the requirements of this
section and of any regulations adopted pursuant to this section any proposed building for which compliance would be
impossible without substantial delays and increases in cost of
construction, if the commission finds that substantial funds have
been expended in good faith on planning, designing, architecture
or engineering prior to the date of adoption of the regulations.

(e) If a dispute arises between an applicant for a building permit,
or the state pursuant to paragraph (5) of subdivision (g), and the
building department regarding interpretation of Section 25402 or
the regulations adopted pursuant thereto, either party may submit
the dispute to the commission for resolution. The commission’s
determination of the matter shall be binding on the parties.

(f) Nothing in Section 25130, 25131, or 25402, or in this section prevents
does not prevent the enforcement of any regulation adopted
pursuant to this chapter, or Chapter 11.5 (commencing with Section
19878) of Part 3 of Division 13 of the Health and Safety Code as
they existed prior to September 16, 1977.

SEC. 4. No reimbursement is required by this act pursuant to
Section 6 of Article XIIIB of the California Constitution because
a local agency or school district has the authority to levy service
charges, fees, or assessments sufficient to pay for the program or
level of service mandated by this act, within the meaning of Section