

**ASSEMBLY BILL**

**No. 1627**

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**Introduced by Assembly Member Dickinson**

February 9, 2012

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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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*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
- 2 Healthy Neighborhoods Act of 2012.
- 3 SEC. 2. Section 25402 of the Public Resources Code is
- 4 amended to read:
- 5 25402. The commission shall, after one or more public
- 6 hearings, do all of the following, in order to reduce the wasteful,
- 7 uneconomic, inefficient, or unnecessary consumption of energy,
- 8 including the energy associated with the use of water:
- 9 (a) (1) Prescribe, by regulation, lighting, insulation climate
- 10 control system, and other building design and construction
- 11 standards that increase the efficiency in the use of energy and water
- 12 for new residential and new nonresidential buildings. The
- 13 commission shall periodically update the standards and adopt any
- 14 revision that, in its judgment, it deems necessary. Six months after
- 15 the commission certifies an energy conservation manual pursuant
- 16 to subdivision (c) of Section 25402.1, no city, county, city and
- 17 county, or state agency shall issue a permit for any building unless
- 18 the building satisfies the standards prescribed by the commission
- 19 pursuant to this subdivision or subdivision (b) that are in effect on
- 20 the date an application for a building permit is filed. Water

1 efficiency standards adopted pursuant to this subdivision shall be  
2 demonstrated by the commission to be necessary to save energy.

3 (2) Prior to adopting a water efficiency standard for residential  
4 buildings, the Department of Housing and Community  
5 Development and the commission shall issue a joint finding  
6 whether the standard (A) is equivalent or superior in performance,  
7 safety, and for the protection of life, health, and general welfare  
8 to standards in Title 24 of the California Code of Regulations and  
9 (B) does not unreasonably or unnecessarily impact the ability of  
10 Californians to purchase or rent affordable housing, as determined  
11 by taking account of the overall benefit derived from water  
12 efficiency standards. Nothing in this subdivision in any way  
13 reduces the authority of the Department of Housing and  
14 Community Development to adopt standards and regulations  
15 pursuant to Part 1.5 (commencing with Section 17910) of Division  
16 13 of the Health and Safety Code.

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

27 (b) (1) Prescribe, by regulation, energy and water conservation  
28 design standards for new residential and new nonresidential  
29 buildings. The standards shall be performance standards and shall  
30 be promulgated in terms of energy consumption per gross square  
31 foot of floorspace, but may also include devices, systems, and  
32 techniques required to conserve energy and water. The commission  
33 shall periodically review the standards and adopt any revision that,  
34 in its judgment, it deems necessary. A building that satisfies the  
35 standards prescribed pursuant to this subdivision need not comply  
36 with the standards prescribed pursuant to subdivision (a). Water  
37 conservation design standards adopted pursuant to this subdivision  
38 shall be demonstrated by the commission to be necessary to save  
39 energy. Prior to adopting a water conservation design standard for  
40 residential buildings, the Department of Housing and Community

1 Development and the commission shall issue a joint finding  
2 whether the standard (A) is equivalent or superior in performance,  
3 safety, and for the protection of life, health, and general welfare  
4 to standards in the California Building Standards Code and (B)  
5 does not unreasonably or unnecessarily impact the ability of  
6 Californians to purchase or rent affordable housing, as determined  
7 by taking account of the overall benefit derived from the water  
8 conservation design standards. Nothing in this subdivision in any  
9 way reduces the authority of the Department of Housing and  
10 Community Development to adopt standards and regulations  
11 pursuant to Part 1.5 (commencing with Section 17910) of Division  
12 13 of the Health and Safety Code.

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

28 (3) The standards adopted or revised pursuant to subdivisions  
29 (a) and (b) shall be cost-effective when taken in their entirety and  
30 when amortized over the economic life of the structure compared  
31 with historic practice. When determining cost-effectiveness, the  
32 commission shall consider the value of the water or energy saved,  
33 impact on product efficacy for the consumer, and the life cycle  
34 cost of complying with the standard. The commission shall consider  
35 other relevant factors, as required by Sections 18930 and 18935  
36 of the Health and Safety Code, including, but not limited to, the  
37 impact on housing costs, the total statewide costs and benefits of  
38 the standard over its lifetime, economic impact on California  
39 businesses, and alternative approaches and their associated costs.

1 (c) (1) Prescribe, by regulation, standards for minimum levels  
2 of operating efficiency, based on a reasonable use pattern, and  
3 may prescribe other cost-effective measures, including incentive  
4 programs, fleet averaging, energy and water consumption labeling  
5 not preempted by federal labeling law, and consumer education  
6 programs, to promote the use of energy and water efficient  
7 appliances whose use, as determined by the commission, requires  
8 a significant amount of energy or water on a statewide basis. The  
9 minimum levels of operating efficiency shall be based on feasible  
10 and attainable efficiencies or feasible improved efficiencies that  
11 will reduce the energy or water consumption growth rates. The  
12 standards shall become effective no sooner than one year after the  
13 date of adoption or revision. No new appliance manufactured on  
14 or after the effective date of the standards may be sold or offered  
15 for sale in the state, unless it is certified by the manufacturer thereof  
16 to be in compliance with the standards. The standards shall be  
17 drawn so that they do not result in any added total costs for  
18 consumers over the designed life of the appliances concerned.

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

34 The standards adopted or revised pursuant to this subdivision  
35 shall not result in any added total costs for consumers over the  
36 designed life of the appliances concerned. When determining  
37 cost-effectiveness, the commission shall consider the value of the  
38 water or energy saved, impact on product efficacy for the  
39 consumer, and the life cycle cost to the consumer of complying  
40 with the standard. The commission shall consider other relevant

1 factors, as required by Sections 11346.5 and 11357 of the  
2 Government Code, including, but not limited to, the impact on  
3 housing costs, the total statewide costs and benefits of the standard  
4 over its lifetime, economic impact on California businesses, and  
5 alternative approaches and their associated costs.

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

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

17 (4) Neither the commission nor any other state agency shall  
18 take any action to decrease any standard adopted under this  
19 subdivision on or before June 30, 1985, prescribing minimum  
20 levels of operating efficiency or other energy conservation  
21 measures for any appliance, unless the commission finds by a  
22 four-fifths vote that a decrease is of benefit to ratepayers, and that  
23 there is significant evidence of changed circumstances. Before  
24 January 1, 1986, the commission shall not take any action to  
25 increase a standard prescribing minimum levels of operating  
26 efficiency for any appliance or adopt a new standard under  
27 paragraph (1). Before January 1, 1986, any appliance manufacturer  
28 doing business in this state shall provide directly, or through an  
29 appropriate trade or industry association, information, as specified  
30 by the commission after consultation with manufacturers doing  
31 business in the state and appropriate trade or industry associations  
32 on sales of appliances so that the commission may study the effects  
33 of regulations on those sales. These informational requirements  
34 shall remain in effect until the information is received. The trade  
35 or industry association may submit sales information in an  
36 aggregated form in a manner that allows the commission to carry  
37 out the purposes of the study. The commission shall treat any sales  
38 information of an individual manufacturer as confidential and that  
39 information shall not be a public record. The commission shall not  
40 request any information that cannot be reasonably produced in the

1 exercise of due diligence by the manufacturer. At least one year  
2 prior to the adoption or amendment of a standard for an appliance,  
3 the commission shall notify the Legislature of its intent, and the  
4 justification to adopt or amend a standard for the appliance.  
5 Notwithstanding paragraph (3) and this paragraph, the commission  
6 may do any of the following:

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

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

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

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

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

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

32 (d) Recommend minimum standards of efficiency for the  
33 operation of any new facility at a particular site that are technically  
34 and economically feasible. No site and related facility shall be  
35 certified pursuant to Chapter 6 (commencing with Section 25500),  
36 unless the applicant certifies that standards recommended by the  
37 commission have been considered, which certification shall include  
38 a statement specifying the extent to which conformance with the  
39 recommended standards will be achieved.

1 Whenever this section and Chapter 11.5 (commencing with  
2 Section 19878) of Part 3 of Division 13 of the Health and Safety  
3 Code are in conflict, the commission shall be governed by that  
4 chapter of the Health and Safety Code to the extent of the conflict.

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

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

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

15 (3) Not later than January 1, 2005, report to the Legislature on  
16 its progress with respect to the requirements of paragraphs (1) and  
17 (2).

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

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

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

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

37 (D) *In developing and revising the standards, the commission*  
38 *shall consider all feasible and attainable means available to*  
39 *achieve significant reductions in vehicle miles traveled.*



1 (E) In determining the feasible and attainable means, the  
2 commission shall take into consideration all economic, social, and  
3 environmental costs, over a minimum of a 30-year life cycle for  
4 the state as a whole, and shall include, but not be limited to, the  
5 following:

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

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

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

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

15 (v) Health impacts of automobile emissions.

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

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

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

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

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

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

36 (4) To increase public participation and improve the efficiency  
37 of the standards adopted pursuant to this subdivision, the  
38 commission shall, prior to publication of the notice of proposed  
39 action required by Chapter 3.5 (commencing with Section 11340)  
40 of Part 1 of Division 3 of Title 2 of the Government Code, involve

1 parties that would be subject to the proposed regulations in public  
2 meetings regarding the proposed regulations. All potentially  
3 affected parties shall be provided advance notice of these meetings  
4 and given an opportunity to provide written or oral comments.  
5 During these public meetings, the commission shall receive and  
6 take into consideration input from all parties concerning the  
7 parties' cost considerations and other factors that would affect  
8 consumers and California businesses subject to the proposed  
9 standard. The commission shall take into consideration prior to  
10 the notice of proposed action any input provided during these  
11 public meetings.

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

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

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

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

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

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

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

39 (iii) Offsite offset measures may include, but are not limited to,  
40 the following:

1 (I) Endowing a new bus line or an upgrade in service for an  
2 existing bus line in the immediate neighborhood of the building  
3 or in an area in the jurisdiction where efficacy for reducing vehicle  
4 miles traveled is high.

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

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

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

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

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

19 25402.1. (a) In order to implement the requirements of  
20 subdivisions (a) and (b), and (f) of Section 25402, the commission  
21 shall do all of the following:

22 ~~(a)~~

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

30 ~~(b)~~

31 (2) Establish a formal process for certification of compliance  
32 options for new products, materials, and calculation methods which  
33 provides for adequate technical and public review to ensure  
34 accurate, equitable, and timely evaluation of certification  
35 applications. Proponents filing applications for new products,  
36 materials, and calculation methods shall provide all information  
37 needed to evaluate the application that is required by the  
38 commission. The commission shall publish annually the results  
39 of its certification decisions and instructions to users and local  
40 building officials concerning requirements for showing compliance

1 with the building standards for new products, materials, or  
2 calculation methods. The commission may charge and collect a  
3 reasonable fee from applicants to cover the costs under this  
4 subdivision. Any funds received by the commission for purposes  
5 of this subdivision shall be deposited in the Energy Resources  
6 Programs Account and, notwithstanding Section 13340 of the  
7 Government Code, are continuously appropriated to the  
8 commission for the purposes of this subdivision. Any  
9 unencumbered portion of funds collected as a fee for an application  
10 remaining in the Energy Resources Programs Account after  
11 completion of the certification process for that application shall  
12 be returned to the applicant within a reasonable period of time.

13 (e)

14 (3) Include a prescriptive method of complying with the  
15 standards, including design aids such as a manual, sample  
16 calculations, and model structural designs.

17 (d)

18 (4) Conduct a pilot project of field testing of actual residential  
19 buildings to calibrate and identify potential needed changes in the  
20 modeling assumptions to increase the accuracy of the public  
21 domain computer program specified in subdivision (a) and to  
22 evaluate the impacts of the standards, including, but not limited  
23 to, the energy savings, cost effectiveness, *reduction in vehicle*  
24 *miles traveled*, and the effects on indoor air quality. The pilot  
25 project shall be conducted pursuant to a contract entered into by  
26 the commission. The commission shall consult with the participants  
27 designated pursuant to Section 9202 of the Public Utilities Code  
28 to seek funding and support for field monitoring in each public  
29 utility service territory, with the University of California to take  
30 advantage of its extensive building monitoring expertise, and with  
31 the California Building Industry Association to coordinate the  
32 involvement of builders and developers throughout the state, *when*  
33 *appropriate*. The pilot project shall include periodic public  
34 workshops to develop plans and review progress. The commission  
35 shall prepare and submit a report to the Legislature on progress  
36 and initial findings not later than December 31, 1988, and a final  
37 report on the results of the pilot project on residential buildings  
38 not later than June 30, 1990. The report shall include  
39 recommendations regarding the need and feasibility of conducting  
40 further monitoring of actual residential and nonresidential

1 buildings. The report shall also identify any revisions to the public  
2 domain computer program ~~and~~, energy conservation standards,  
3 *and the standards prescribed by subdivision (f) of Section 25402*  
4 if the pilot project determines that revisions are appropriate.

5 ~~(e)~~

6 (5) Certify, not later than 180 days after approval of the  
7 standards *prescribed pursuant to subdivision (a) or (b) of Section*  
8 *25402* by the State Building Standards Commission, *or after the*  
9 *adoption of the standards prescribed pursuant to subdivision (f)*  
10 *of Section 25402*, an energy conservation manual for use by  
11 designers, builders, and contractors of residential and nonresidential  
12 buildings. The manual shall be furnished upon request at a price  
13 sufficient to cover the costs of production and shall be distributed  
14 at no cost to all affected local agencies. The manual shall contain,  
15 but not be limited to, the following:

16 ~~(1)~~

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

19 ~~(2)~~

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

22 ~~(3)~~

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

24 ~~(4)~~

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

27 ~~(5)~~

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

30 ~~(6)~~

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

33 (G) *The standards adopted pursuant to subdivision (f) of Section*  
34 *25402.*

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

38 ~~(f) The commission shall establish~~

39 (6) *Conduct research to increase the accuracy of the tools*  
40 *needed for the measurement of vehicle miles traveled.*

1 (7) *Establish* a continuing program of technical assistance to  
 2 local building departments in the enforcement of subdivisions (a)  
 3 ~~and~~, (b), *and* (f) of Section 25402 and this section. The program  
 4 shall include the training of local officials in building technology  
 5 and enforcement procedures related to energy conservation, and  
 6 the development of complementary training programs conducted  
 7 by local governments, educational institutions, and other public  
 8 or private entities. The technical assistance program shall include  
 9 the preparation and publication of forms and procedures for local  
 10 building departments in performing the review of building plans  
 11 and specifications. The commission shall provide, on a contract  
 12 basis, a review of building plans and specifications submitted by  
 13 a local building department, and shall adopt a schedule of fees  
 14 sufficient to repay the cost of those services.

15 ~~(g)~~  
 16 (b) Subdivisions (a) ~~and~~, (b), *and* (f) of Section 25402 and this  
 17 section, and the rules and regulations of the commission adopted  
 18 pursuant ~~thereto~~ *those provisions*, shall be enforced by the building  
 19 department of every city, county, or city and county.

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

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

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

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

1 schedule of fees sufficient to pay the costs incurred by that  
2 enforcement.

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

12 ~~(h)~~

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

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

26 (2) The enforcement of city or county energy conservation or  
27 energy insulation standards, whenever adopted, with regard to  
28 residential and nonresidential buildings on which actual site  
29 preparation and construction have not commenced prior to the  
30 effective date of rules and regulations adopted pursuant to  
31 subdivisions (a) and (b) of Section 25402 and this section, if the  
32 city or county files the basis of its determination that the standards  
33 are cost effective with the commission and the commission finds  
34 that the standards will require the diminution of energy  
35 consumption levels permitted by the rules and regulations adopted  
36 pursuant to those sections. If, after two or more years after the  
37 filing with the commission of the determination that those standards  
38 are cost effective, there has been a substantial change in the factual  
39 circumstances affecting the determination, upon application by  
40 any interested party, the city or county shall update and file a new

1 basis of its determination that the standards are cost effective. The  
 2 determination that the standards are cost effective shall be adopted  
 3 by the governing body of the city or county at a public meeting.  
 4 If, at the meeting on the matter, the governing body determines  
 5 that the standards are no longer cost effective, the standards shall,  
 6 as of that date, be unenforceable and no building permit or other  
 7 entitlement shall be denied based on the noncompliance with the  
 8 standards.

9 (i)

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

17 (j)

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

24 ~~(k) Nothing in~~

25 (f) Section 25130, 25131, ~~or~~ 25402, ~~or in this section prevents~~  
 26 *does not prevent the* enforcement of any regulation adopted  
 27 pursuant to this chapter, or Chapter 11.5 (commencing with Section  
 28 19878) of Part 3 of Division 13 of the Health and Safety Code as  
 29 they existed prior to September 16, 1977.

30 SEC. 4. No reimbursement is required by this act pursuant to  
 31 Section 6 of Article XIII B of the California Constitution because  
 32 a local agency or school district has the authority to levy service  
 33 charges, fees, or assessments sufficient to pay for the program or  
 34 level of service mandated by this act, within the meaning of Section  
 35 17556 of the Government Code.