

ORDINANCE NO. 2022-02

ADOPTION AND AMENDMENT OF THE 2019 CALIFORNIA ENERGY CODE TO REQUIRE CERTAIN NEWLY CONSTRUCTED BUILDINGS TO BE ALL-ELECTRIC BUILDINGS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance adopts and amends the 2019 California Energy Code to require all newly constructed residential buildings, hotels, offices, and retail buildings to be constructed as all-electric buildings without natural gas infrastructure. This ordinance is adopted pursuant to Health and Safety Code sections 17922, 17958, 17958.5, 17958.7, and 18941.5, Public Resources Code section 25402.1(h)(2), and Government Code sections 50020 through 50022.10.

SECTION II. Section 74-2.002 (Adoption) of Division 74 (Building Code) of the County Ordinance Code is amended to read:

74-2.002 Adoption.

- (a) The building code of this county is the 2019 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2019 California Residential Code (California Code of Regulations, Title 24, Part 2.5), the 2019 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), the 2019 California Existing Building Code (California Code of Regulations, Title 24, Part 10), and the 2019 Energy Code (California Code of Regulations, Title 24, Part 6), as amended by the changes, additions, and deletions set forth in this division and Division 72.
- (b) The 2019 California Building Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (c) The 2019 California Residential Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (d) The 2019 California Green Building Standards Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

- (e) The 2019 California Existing Building Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (f) The 2019 California Energy Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.
- (g) At least one copy of this building code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (h) As of the effective date of the ordinance from which this division is derived, the provisions of the building code are controlling and enforceable within the county. (Ords. 2022-02 § 2, 2019-31 § 2, 2016-22 § 2, 2013-24 § 2, 2011-03 § 2, 2007-54 §3, 2002-31 § 3, 99-17 § 5, 99-1, 90-100 § 5, 87-55 § 4, 80-14 § 5, 74-30.)

SECTION III. Section 74.4.010 (Amendments to CEnC) is added to Chapter 74-4 (Modifications) of Division 74 (Building Code) of the County Ordinance Code, to read:

74-4.010 Amendments to CEnC. The 2019 California Energy Code ("CEnC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2019 California Energy Code.

- (a) Section 100.0(e)(2)(A) of CEnC Subchapter 1 (All Occupancies - General Provisions) is amended to read:
 - A. **All newly constructed buildings.**
 - i. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsection B, C, D, or E, as applicable.
 - ii. A newly constructed building that is any of the following building types shall be an all-electric building:
 - a. Residential.
 - b. Detached accessory dwelling unit.
 - c. Hotel.

- d. Office.
- e. Retail.

Exception to Section 100.0(e)(2)(A)(ii): Development projects that have obtained vested rights before the effective date of this subsection (ii) or June 1, 2022, whichever is later, pursuant to a development agreement in accordance with Government Code section 65866, a vesting tentative map in accordance with Government Code section 66998.1, or other applicable law, are exempt for the requirements of Section 100.0(e)(2)(A)(ii).

- (b) Section 100.1(b) (Definitions) of CEnC Subchapter 1 (All Occupancies - General Provisions) is amended by adding the following definition:

ALL-ELECTRIC BUILDING means a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the sole source of energy for its space heating (including heating of all indoor and outdoor spaces of the building), water heating (including heating of indoor and outdoor pools and spas), cooking appliances, and clothes drying appliances. An all-electric building may utilize solar thermal pool heating.

(Ord. 2022-02 § 3.)

SECTION IV. VALIDITY. The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence, or word of this ordinance or of the 2019 California Energy Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination herefrom any portion or provision as may be declared invalid.

SECTION V. EFFECTIVE AND OPERATIVE DATE. This ordinance becomes effective, but not operative, upon approval by the California Energy Commission or 30 days after passage, whichever is later. This ordinance will become operative on the effective date of this ordinance or June 1, 2022, whichever is later. Within 15 days of passage, this ordinance shall be published once in the East Bay Times, a newspaper published in this County.

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PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By:

Deputy

[SEAL]

KCK:

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