

Title: **2022 Energy Code Nonresidential and Multifamily Compliance Manuals**

Document Description: These manuals contain information supplemental to the 2022 Energy Code regulations. The manuals are intended to help plans examiners, inspectors, owners, designers, builders, and energy consultants comply with and enforce California's 2022 Building Energy Efficiency Standards.

1296 page(s)

Document Type: Document

Link: [2022 Energy Code Nonresidential and Multifamily Compliance Manuals](#)

Title: **2022 Energy Code Single-Family Residential Compliance Manual**

Document Description: These manuals contain information supplemental to the 2022 Energy Code regulations. The manuals are intended to help plans examiners, inspectors, owners, designers, builders, and energy consultants comply with and enforce California's 2022 Building Energy Efficiency Standards.

573 page(s)

Document Type: Document

Link: [2022 Energy Code Single-Family Residential Compliance Manual](#)

Memorandum

To: Docket 21-BTSD-01

Date: **May 11, 2022**

From: **Michael J. Sokol, Deputy Director, Efficiency Division**
Efficiency Division
California Energy Commission

Subject: Basis for Finding that the 2022 Compliance Manuals are not a project and are exempt from the California Environmental Quality Act under the Common-Sense Exemption

I. CEQA

The California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 *et seq.*, see also CEQA Guidelines, California Code of Regulations, Title 14, sections 15000 *et seq.*) requires that state agencies consider the environmental impact of their discretionary decisions. CEQA allows for certain projects to be exempted from its requirements. Of relevance here, and discussed further below, is the common-sense exemption (California Code of Regulations, Title 14, section 15061(b)(3)).

II. Public Resources Code section 25402.1(e) Compliance Manuals

Public Resources Code section 25402 requires the CEC to adopt building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings, and to adopt energy and water conservation design standards. The Building Energy Efficiency Standards (Energy Code) are contained in Part 6 and associated administrative regulations in Part 1 of Title 24 of the California Code of Regulations. Further, section 25402 requires the Energy Code to be cost-effective when taken in its entirety and when amortized over the economic life of the structure when compared with historic practice.

No later than 180 days after approval of the Energy Code by the California State Building Standards Commission, the CEC must certify an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings (Public Resources Code section 25402.1(e)). The manual shall contain, but not be limited to, the following: (1) the standards for energy conservation established by the CEC; (2) forms, charts, tables, and other data to assist designers and builders in meeting the standards; (3) design suggestions for meeting or exceeding the standards; (4) any other information which the CEC finds will assist persons in conforming to the standards; (5) instructions for use of the computer program for calculating energy consumption in residential and nonresidential buildings; and (6) the prescriptive method for use as an alternative to the computer program.

III. The Proposed Action

On August 11, 2021, the CEC adopted amendments to its Building Energy Efficiency Standards, located in Part 1, Chapter 10, and Part 6 of Title 24 of the California Code of Regulations (2022 Energy Code), as authorized and directed by Public Resources Code section 25402.

Prior to adopting the 2022 Energy Code, the CEC certified an Environmental Impact Report (EIR) for the Energy Code.¹ The CEC found, based on the Final EIR (which included a draft EIR, comments received on the Draft EIR, and responses to the comments received) and the entire record of the proceeding, that there were no significant, unmitigated environmental impacts from the adoption of the 2022 Energy Code.

On December 14, 2021, the California Building Standards Commission approved the 2022 Energy Code. The 2022 Energy Code will go into effect on January 1, 2023.

To implement the requirement of section 25402.1(e), CEC staff developed an energy conservation manual that is comprised of several documents, including residential and nonresidential compliance manuals, residential and nonresidential alternative compliance method reference manuals, a data registry requirements manual, and other compliance forms, all of which contain information to assist designers, builders, and contractors in meeting the 2022 Energy Code, including forms, charts, and other data. As part of developing the energy conservation manual, the CEC developed new content for the Residential Compliance Manual and the Nonresidential Compliance Manual (2022 Compliance Manuals), which explain the requirements of the 2022 Energy Code to interested persons. The CEC is considering certifying the 2022 Compliance Manuals at the May 11, 2022, CEC business meeting.

IV. The 2022 Compliance Manuals are not a project.

CEQA only applies to an action “that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (California Code of Regulations, Title 14, section 15061(a)).

As discussed above, the CEC certifies an energy conservation manual to assist interested persons with complying with the Energy Code, pursuant to Public Resources Code section 25402.1(e). The energy conservation manual provides information regarding the 2022 Building Energy Efficiency Standards, which were previously adopted by the CEC on August 11, 2021, and approved by the California Building Standards Commission on December 14, 2021. The energy conservation manual does not impose any new requirements and therefore has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Accordingly, the energy conservation manual, including the 2022 Compliance Manuals do not meet the definition of a project under CEQA.

V. If the 2022 Compliance Manuals were considered a project, they would be exempt from CEQA under the Common-Sense Exemption.

¹ The Final EIR consists of the Draft EIR, comments received during the 45-day public review and comment period, and the CEC’s responses to the significant environmental comments received during the 45-day public review and comment period, as well as a revised Draft EIR incorporating changes made to the text of the Draft EIR in response to the comments received on the Draft EIR.

The 2022 Compliance Manuals are exempt from CEQA under the Common-Sense Exemption. As stated above, CEQA only applies to projects that have the potential to cause a significant effect on the environment (California Code of Regulations, Title 14, section 15061(b)(3)). A “significant effect on the environment” is defined as a substantial, or a potentially substantial, adverse change in the environment, and does not include an economic change by itself (Public Resources Code section 21068; California Code of Regulations, Title 14, section 15382).

The 2022 Compliance Manuals are designed to help

VI. Conclusion

As shown above, the proposed certification of the 2022 Compliance Manuals is not a project because the 2022 Compliance Manuals do not impose any new requirements and therefore have no potential for resulting in either a direct physical change in the environment. If the 2022 Compliance Manuals were a project, there is no possibility that the 2022 Compliance Manuals may have a significant effect on the environment and, therefore, they are exempt pursuant to the Common-Sense Exemption under California Code of Regulations, Title 14, section 15061(b)(3).

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:

***2022 Building Energy Efficiency
Standards,
California Code of Regulations, Title 24,
Parts 1 and 6***

Docket No. 21-BSTD-01

**RESOLUTION CERTIFYING THE RESIDENTIAL AND NONRESIDENTIAL
COMPLIANCE MANUALS FOR THE
2022 BUILDING ENERGY EFFICIENCY STANDARDS**

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Parts 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023, and

WHEREAS, these standards were approved by the California Building Standards Commission on December 14, 2021; and

WHEREAS, the Warren-Alquist Act, in Public Resources Code section 25402.1(e), requires the CEC to certify “an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings” no later than 180 days after the California Building Standards Commission approves the Building Energy Efficiency Standards; and

WHEREAS, in order to implement the requirement of section 25402.1(e), CEC staff has developed an energy conservation manual that is comprised of several documents, including residential and nonresidential compliance manuals, residential and nonresidential alternative compliance method reference manuals, a data registry requirements manual, and other compliance forms, all of which contain information to assist designers, builders, and contractors in meeting the Building Energy Efficiency Standards, including forms, charts, and other data; and

WHEREAS, as part of developing the energy conservation manual, CEC staff developed new content for the Residential Compliance Manual, Publication Number CEC-400-2022-006-CMD, and the Nonresidential Compliance Manual, Publication Number CEC-400-2022-007-CMD, (collectively the “Compliance Manuals”), which explain the requirements of the 2022 Building

Energy Efficiency Standards to individuals who must comply with and enforce the standards; and

WHEREAS, in order to develop the updated Compliance Manuals, CEC staff conducted an extensive public process, inviting people with knowledge of and interest in the Building Energy Efficiency Standards to review and comment on the updated Compliance Manuals, and revised the Compliance Manuals to respond to the comments that were received; and

WHEREAS, the CEC commends the work of its staff, its contractors, and utility sponsors of specific provisions of the Building Energy Efficiency Standards, to develop the updated Compliance Manuals and revise them to respond to commenters; and

WHEREAS, the CEC further commends the commenters for devoting their time to provide valued input to the California Energy Commission so that the updated Compliance Manuals can be effective in facilitating efficiency and successful implementation of the 2022 Building Energy Efficiency Standards.

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the Compliance Manuals and finds that the Compliance Manuals do not meet the definition of a “project” under Public Resources Code section 21065, because the Compliance Manuals have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the Compliance Manuals were to be considered a project, then the project would fall under the “common sense exemption” in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the Compliance Manuals would have a significant effect on the environment; and

WHEREAS, the CEC has considered staff’s proposed updates to the Compliance Manuals and finding that its adoption is exempt from CEQA; and

THEREFORE, BE IT RESOLVED, that on the basis of the entire record before it, the CEC hereby adopts staff’s finding that the Compliance Manuals are not subject to CEQA because they do not meet the definition of a “project” as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (California Code of Regulations, Title 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

THEREFORE, BE IT RESOLVED, that the CEC hereby certifies the Residential Compliance Manual, Publication Number CEC-400-2022-006-CMD, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC hereby certifies the Nonresidential Compliance Manual, Publication Number CEC-400-2022-007-CMD, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced documents available and in good form, including but not limited to correcting typographical and other non-substantive errors.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on May 11, 2022.

AYE:

NAY:

ABSENT:

ABSTAIN:

Original Signed by:

Liza Lopez, Secretariat
California Energy Commission