

# **Guidance Document for 2022 Local Ordinance Applications**

## **Introduction**

This guide is provided by the California Energy Commission (CEC) to assist local government agencies seeking to enforce locally adopted energy standards that are more stringent than the state's Energy Code (California Code of Regulations, Title 24, Part 6). This document outlines the application process, documentation and formatting requirements, and provides an overview of the CEC's review process and timeline.

## **Authority & Submission Requirements**

Public Resources Code (PRC) Section 25402.1(h)(2) allows for more stringent local amendments to the energy efficiency and conservation provisions contained within the California Energy Code. The California Administrative Code, California Code of Regulations, Title 24, Part 1, Section 10-106, requires local governmental agencies seeking to adopt such amendments to submit them to the CEC. These applications should be directed to the Executive Director of the CEC and will be considered in accordance with the procedures outlined in the California Administrative Code, Section 10-110.

## **Summary of Section 10-106 Requirements**

Local government agencies may adopt and enforce their own energy efficiency standards for newly constructed buildings, additions, alterations, and repairs to existing buildings, provided the following two requirements are met prior to enforcement of the standards:

### **1. Cost-Effectiveness Determination**

The local agency determines and publicly adopts a finding that the proposed standards are cost-effective and then files this determination with the CEC.

### **2. CEC Approval for Increased Energy Efficiency**

The CEC finds that the proposed local standards will require buildings to be designed to consume less energy than permitted under the state's Energy Code.

## **Documentation Requirements for Local Ordinance Applications**

Local jurisdictions seeking to implement their own energy standards must submit an application to the CEC Executive Director containing:

- **The Proposed Local Energy Standards**

Include a copy of the signed ordinance resolution specifying how the proposed standards reduce energy use beyond the state's Energy Code.

- **Findings and Supporting Analyses**

Provide a memo or document that explains the projected energy savings and cost effectiveness of the proposed energy standards.

- **Statement or Finding from the Local Governmental Agency**

Statement or finding that the proposed standards will require buildings to be designed to consume less energy than the Energy Code; and

- **Environmental Compliance Documents**

Provide any applicable documents, as required under the California Environmental Quality Act (CEQA), PRC Section 21000 et seq., such as an Environmental Impact Report (EIR), Negative Declaration (ND), or Notice of Exemption (NOE). The application should include a signed, filed copy of CEQA documentation as provided by the City/County Clerk.

### **Document Accessibility Guidelines**

The Americans with Disabilities Act (ADA) was enacted to prevent discrimination against people with disabilities and ensure they have equal access to government programs and services. The CEC is required to ensure all documents on its public website are equally accessible and searchable for all visitors. Accessible documents are required to meet Website Content Accessibility Guidelines (WCAG) 2.1 AA standards for document attributes, including headers, lists, tables, alternative text for images (including signatures and logos), font and text styles, color, and/or meaningful links. Following the digital accessibility guidelines described below will ensure that the application documents are accessible and ready for posting on the CEC's website for public review, and will expedite the CEC's review and processing of application materials:

- **Font Size and Style**

- **Minimum font size:** 12 pt for paragraph text, and 18 pt for presentations.
- **Font style:** Use a sans-serif font (e.g., Arial, Calibri, Futura, Helvetica, Open Sans, Roboto) for better readability.

- **Color Use and Contrast**

- Ensure high contrast between text and background.
- Avoid relying solely on color to convey important information; use fill patterns or additional visual cues.
- **Test color contrast:** Software tools are available to check text and graphical elements to ensure proper color contrast.

- **Alternative Text**

- Provide descriptive alternative text for images, tables, and graphs for users who rely on screen readers or have limited internet access.

- **Hyperlink Text**

- Use meaningful, descriptive hyperlink text instead of long, confusing URLs to improve navigation for screen reader users.
- **Reading Order**
  - **Ensure logical reading order:** Content should be arranged in the correct reading sequence, as expected by the content author.
  - **Test reading order:** Use assistive technologies (e.g., screen readers) to confirm the correct flow of content.
- **Headings, Lists, and Structured Content**
  - Use headings for titles and section titles to organize content.
  - Use lists for bulleted or numbered information to enhance clarity.
- **Tables**
  - Use table headers and avoid splitting or merging cells.
  - Provide a table summary for assistive technology (AT) users and a caption for visual readers.
- **Document Information**
  - **Title:** Ensure the document title accurately reflects its content.
  - **Language:** Verify that the document's language is set correctly under the Review tab (Set Proofing Language) to support AT users.
  - **Author:** Specify the author (e.g., "California Energy Commission"), not just an abbreviation like "CEC" or initials.
- **Testing for Accessibility**
  - **Iterative process:** Test multiple times to catch all potential issues. Use the built-in accessibility checker to identify common issues such as missing alternative text. However, do not rely solely on the checker as it may miss issues like color contrast or reading order.
  - **Test with assistive technologies:** Use an assistance technology tool to test if the reading order is correct.
  - After converting documents to a different format (e.g., Word to PDF), retest accessibility to ensure consistency across formats.

## **PDF Searchability**

The CEC requires submitted PDFs to be searchable to ensure proper functionality with screen readers. Saving a document as a PDF follows similar steps across various word processors like Microsoft Word, Google Docs, Apple Pages, or other word processors. Follow the steps below to make a PDF searchable and to verify that it is searchable:

- **Creating a PDF**
  - 1) Open the document you want to save as a PDF.
  - 2) Click on the **File** tab.
  - 3) Follow the specific steps for your program:
    - a) **Microsoft Word:** Select **Save As**, then choose **PDF** from the dropdown menu.

- b) **Google Docs:** Click **File > Download > PDF.**
  - c) **Apple Pages:** Click **File > Export To > PDF.**
- 4) The file extension **.pdf** will automatically be added to the file name.
- **Alternative Method**
  - 1) Open the **File** menu and choose **Print** (this may appear as **Print Preview**).
  - 2) Under **Printer**, change the selection from your default printer (e.g., Epson, Canon, HP) to **Print to PDF**.
  - 3) Click **Print**, and the document will be saved as a PDF.
- **Making a PDF Searchable using Adobe Acrobat**
  - 1) Open **Adobe Acrobat** or **Adobe Acrobat Pro**.
  - 2) Click **Open** and select the PDF you want to make searchable.
  - 3) Navigate to **Tools** and choose **Recognize Text**.
  - 4) Select **PDF Output Style: Searchable Image**.
  - 5) Click **OK** to apply the changes.
- **Checking to Make Sure a PDF is Searchable**
  - 1) Open the PDF and use the search function (**CTRL + F** on Windows or **CMD + F** on Mac).
  - 2) Enter a word that appears multiple times in the document. If the word is highlighted, the PDF is searchable.
  - 3) Alternatively, open the PDF in **Adobe Acrobat**, go to the **Edit** menu, and select **Select All**. If no text is highlighted, the file likely contains only images and is not searchable.

### **Application Submission**

To ensure a smooth review process, submit a complete application packet in accordance with the requirements found in Section 10-106 of the Administrative Code. Include all documents identified in Section 10-106 and further described in this guidance document to avoid delays.

Email your application to: [LocalOrdinances@energy.ca.gov](mailto:LocalOrdinances@energy.ca.gov)

### **Post-Application Submission Process Overview**

- **Receipt Confirmation:** Once the complete ADA-compliant application is received by CEC staff, a confirmation email will be sent to acknowledge receipt of the application documents.
- **Internal Review:** Staff will review the submitted application documents and may reach out to the applicant to request additional information to complete the

application package. Upon receipt of the complete application and consistent with Section 10-110 requirements, the CEC's internal review process will begin.

- **Public Comment Period:** Consistent with Section 10-110 process requirements, the full application must be docketed for a minimum 15-day public comment period. If any comments are received, CEC staff will collaborate with the applicant to resolve them. If changes are made to the application in response to comments or other factors, an additional public comment period may be warranted.
- **Continued Review and Business Meeting Agenda:** After comments are addressed, the application will undergo further review and preparation for approval at a CEC Business Meeting. Once finalized, it will be added to the next available Business Meeting agenda as a consent item.
- **Approval and Resolutions:** Upon approval at a CEC Business Meeting, staff will issue a signed resolution via email and docket for the local jurisdiction's records within the following days.

### **Document Review Timeline at the CEC**

The CEC follows a structured timeline for reviewing local ordinance applications as outlined in Section 10-110 of the Administrative Code, and applications will be reviewed in the order in which they are received. The documentation review timeline ensures that all proposed amendments are thoroughly evaluated and aligns with PRC Section 25402.1(h)(2), while allowing for public input and maintaining a transparent process. Below is a summary of the key steps:

#### **1. Initial Review (75 Days)**

- a. Within **75 days** of receiving an application, the Executive Director determines if it includes all required documents and is complete.
- b. If any information is missing, as required pursuant to Section 10-106, the application is considered incomplete.

#### **2. Public Comment Period (15–60 Days)**

- a. Once the application is determined to be complete, it is shared with all interested parties for review and comment on the CEC Docket, [Local Ordinances Exceeding the 2022 Energy Code](#)
- b. The comment period is set by the Executive Director and lasts between 15 and 60 days.

#### **3. Requests for Additional Information (75 Days)**

- a. The Executive Director may request additional information needed to evaluate the application within 75 days of determining the application is complete.
- b. The review process pauses until the applicant provides the required additional information.

#### **4. Optional Workshop and Additional Comments**

- a. A **workshop** may be held within **75 days** of the date the application is determined to be complete to gather more information from the applicant and stakeholders.
- b. If a workshop is scheduled, interested parties will have 15 additional days to submit further comments.

#### **5. Final Recommendation (90 Days)**

- a. Within 90 days of determining the application to be complete, or within 30 days after receiving complete requested additional information under Section 10-110(c), or within 60 days after additional information is received through a workshop), the Executive Director submits a written recommendation to the CEC.
- b. The recommendation, complete package, and all associated documentation is placed on the consent calendar for approval at the next feasible CEC Business Meeting, subject to internal deadlines and posting requirements.

#### **6. Consent Calendar and Decision**

- a. The CEC votes on the application at the Business Meeting.
- b. Any person may request the item be removed from the consent calendar for further discussion at the Business Meeting.

### **Key Takeaways**

- Please note that the CEC's review process typically takes 2 months but may take up to 3–6 months depending on the number of applications being processed, the need for additional information, or public input.
- Local governments must provide clear evidence that their standards will require buildings to be designed to consume less energy than permitted by the Energy Code and meet cost-effectiveness requirements.
- Public and stakeholder engagement is a critical part of the review.

### **Additional Resources**

- **Contact Information:** For inquiries, please email [LocalOrdinances@energy.ca.gov](mailto:LocalOrdinances@energy.ca.gov).
- **2022 Energy Code:** California's 2022 Energy Efficiency Standards for Residential and Nonresidential Buildings.
- **California Code of Regulations Title 24, Part 1:**
  - **Standards 10-106** : Requirements for locally adopted energy standards.
  - **Standards 10-110** : Procedures for considering applications under Sections 10-104, 10-105, 10-106, 10-108, and 10-109.

- **Docket Link:** [22-BSTD-07 Docket Log](#)
- **CEC Business Meetings:** <https://www.energy.ca.gov/proceedings/business-meetings>
- **CBSC “Local Amendments to Building Standards – Ordinances” webpage:** <https://www.dgs.ca.gov/bsc/codes/local-amendments-to-building-standards---ordinances>