

Date of Hearing: May 1, 2013

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Norma Torres, Chair

AB 1092 (Levine) – As Amended: April 8, 2013

SUBJECT: Building standards: electric vehicle charging infrastructure

SUMMARY: Requires the California Building Standards Commission (CBSC) to adopt mandatory standards for the installation of electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development in the next triennial edition of the California Building Standards Code (Title 24 of the California Code of Regulations). Specifically, this bill:

- 1) Requires CBSC to adopt, approve, codify, and publish mandatory building standards for the installation of future infrastructure for electric vehicle charging in multifamily and nonresidential development in the next triennial edition of the building standards code adopted after January 1, 2014.
- 2) Requires the Department of Housing and Community Development (HCD) to propose and submit the mandatory standards for multifamily dwellings to CBSC for consideration.
- 3) Requires HCD and CBSC to consider specified voluntary provisions of the existing California Green Building Standard (CALGreen) for electric vehicle charging infrastructure in developing the mandatory standards.

EXISTING LAW

- 1) Authorizes the California Building Standards Commission (CBSC) to approve and adopt building standards. Every three years, CBSC undertakes building standards rulemaking to revise and update the California Building Standards Code (Title 24 of the California Code of Regulations).
- 1) Requires proposed building standards that are submitted to CBSC for consideration to be accompanied by an analysis completed by the appropriate state agency that justifies approval based on the following criteria:
 - a) The building standard does not conflict with, overlap, or duplicate other building standards;
 - b) The proposed standard is within the parameters of the agency's jurisdiction;
 - c) The public interest requires the adoption of the building standard;
 - d) The standard is not unreasonable, arbitrary, unfair, or capricious;
 - e) The cost to the public is reasonable, based on the overall benefit to be derived from the building standard;

- f) The standard is not unnecessarily ambiguous or vague; and
- g) The applicable national specifications, published standards, and model codes have been appropriately incorporated into the standard.

(Health & Safety Code Section 18930)

- 2) Requires CBSC to receive proposed building standards from a state agency for consideration in the triennial code adoption cycle. Requires CBSC to adopt regulations governing the procedures for triennial the adoption cycle, which must include adequate provision of the following:
 - a) Public participation in the development of standards;
 - b) Notice in written form to the public of the compiled building standards with justifications;
 - c) Technical review of the proposed building standards and accompanying justification by advisory boards of CBSC; and
 - d) Time for review of recommendations by the advisory boards prior to CBSC taking action.

(Health & Safety Code Section 18929.1)

- 3) Requires HCD to propose the adoption, amendment, or repeal of building standards to CBSC for residential buildings, including hotels, motels, lodging houses, apartment houses, dwellings, buildings, and structures (Health & Safety Code Section 17921).
- 4) Provides that only those building standards that are approved by the CBSC and are in effect at the local level at the time an application for a building permit is submitted shall apply to the plans and specifications for construction (Health and Safety Code Section 18938.5).
- 5) Requires CBSC to publish, or cause to be published, editions of the CALGreen Code in its entirety once every three years. The CALGreen Code is a part of the California Code of Regulations, also referred to as the California Building Standards Code.
- 6) Pursuant to the CALGreen Code, establishes a voluntary standard for the installation of electric vehicle charging infrastructure in multifamily dwellings for at least 3% of the total parking spaces to be capable of supporting future electric vehicle supply equipment. For non-residential development, establishes a voluntary standard for at least 10% of total spaces to be designated for parking for low-emitting, fuel-efficient, and carpool/vanpool vehicles, including electric vehicles.

FISCAL EFFECT: Unknown

COMMENTS:

Background: According to a 2012 study completed by the California Center for Sustainable Energy in coordination with the California Air Resources Board (ARB), Californians own more

than 12,000 plug-in electric vehicles, roughly 35% of all plug-in vehicles in the United States. Approximately 1,000 new plug-in vehicles are being sold in the state every month.

Last year, the Governor issued an Executive Order (EO) directing ARB, the California Energy Commission, the Public Utilities Commission, and other relevant agencies working with the Plug-in Electric Vehicle Collaboration and the Fuel Cell Partnership to develop benchmarks to help support and facilitate the rapid commercialization of zero-emission vehicles. The order directed these agencies to establish benchmarks to help the state's zero-emission vehicle infrastructure support 1.5 million electric vehicles by 2025. In furtherance of this goal, the Office of Planning and Research and the State Architect published guidelines this month to address physical accessibility standards and design guidelines for the installation of plug-in electric vehicle charging stations throughout California. These guidelines are voluntary and apply to public and private sites and eventually could become regulations within California Building Code Chapter 11B: Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing.

Process for adopting building standards: The California Building Standards Law establishes the process for adopting state building standards by CBSC. Statewide building standards are intended to provide uniformity in building across the state. Among CBSC's duties are the following: receiving proposed building standards from state agencies for consideration in an triennial building code adoption cycle; reviewing and approving building standards submitted by state agencies; adopting building standards for state buildings where no other state agency is authorized by law; and publishing the approved building standards in the California Building Standards Code (California Code of Regulations, Title 24). There are approximately twenty state agencies that develop building standards. HCD is responsible for standards for residential buildings.

In 2010, the CBSC adopted CALGreen, which included both mandatory and voluntary building standards. The purpose of CALGreen is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in five categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality

The CALGreen Code establishes a voluntary standard for the installation of electric vehicle charging infrastructure in multifamily dwellings for at least 3% of the total parking spaces to be capable of supporting future electric vehicle supply equipment. For non-residential development, the CALGreen Code establishes a voluntary standard for at least 10% of total parking spaces to be designated for low-emitting, fuel-efficient, and carpool/vanpool vehicles, including electric vehicles. Each local jurisdiction retains the administrative authority to exceed the CALGreen standards.

Purpose of this bill: This bill would require HCD to propose mandatory standards for the installation of infrastructure to support electric vehicle charging in multifamily housing developments. Although the bill does not state that the mandatory standards apply to parking spaces in newly constructed multifamily dwellings, building standards in practice apply prospectively to construction that occurs after the standards are adopted, unless otherwise stated.

Although the bill specifies that HCD is responsible for developing the multifamily standards required for electric vehicle charging infrastructure, it does not specify which agency or agencies are responsible for developing building standards for nonresidential buildings. The author may wish to add those agencies to the bill.

According to the author, currently there are no mandatory building standards for electric vehicle charging infrastructure. This bill directs CBSC to plan for the need for electric vehicle infrastructure since accelerating the market for zero emission vehicles is a cornerstone of California's long-term strategy to reduce localized pollution and greenhouse gas emissions. By anticipating the needed infrastructure and planning now, expensive retrofitting will be avoided in the future as more and more individuals purchase plug-in electric vehicles.

Supporters of this bill contend that HCD has already initiated research on this subject and is working with stakeholders on developing new standards that will also be of use to CBSC as they move forward with similar building standards for non-residential buildings. They indicate that this bill allows for the adoption of codes within the normal administrative process, thus reducing the regulatory development cost to the state and ensuring a thorough level of review and participation by interested members of the public.

Committee amendments:

On page 2, line 20 delete "and" and after A5.106.5.1 insert ", and A5.106.5.3"

Double referred: The bill passed the Committee on Transportation on April 15, 2013, by a vote of 12 to 3.

REGISTERED SUPPORT / OPPOSITION:

Support

American Planning Association
California Building Industry Association
California Business Properties Association
California State Association of Electrical Workers

Opposition

None on file.

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