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Comment Received From: Bob Raymer (CBIA, CAA, CBPA, and BOMA)
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Industry Coalition Comments on 2028 Energy Code Accounting Methodologies

Additional submitted attachment is included below.

CEC Docket NO. 25-BSTD-03: 2028 Energy Code Accounting Methodologies

Comments by: CBIA, CBPA, BOMA, and CAA

Date: September 12, 2025

To: California Energy Commission

From: California Building Industry Association
California Apartment Association
California Business Properties Association
Building Owners & Managers Association of California

RE: **CEC Docket No. 25-BSTD-03:
Industry Coalition Comments on 2028 Energy Code Accounting Methodologies**

Commissioner McAllister,

The Industry Coalition cited above appreciates the opportunity to submit comments on the CEC's proposed 2028 Energy Code Accounting Methodologies.

Reformatting California Energy Code to be Consistent with National Codes

At the beginning of the August 28th Workshop, CEC Staff announced that, because of AB 130, the "*CEC will not propose updates to single-family and multifamily building standards for the 2028 code cycle.*" However, the CEC did announce plans to reorganize the presentation of the existing code without changing its individual provisions for better clarity and consistency with national formatting. **The industry supports this change.**

Most of California's building standards use national codes as the basis for the state code. This includes the building, residential, and fire codes produced by the International Code Council. Building officials and designers are very familiar with the formatting of these national codes and have expressed their support for the CEC to consider reformatting its energy code in a manner consistent with ICC's building and residential codes. It is welcome news that the CEC plans to move forward with this change as part of the 2028 Update of its code.

AB 130: The CEC's legal counsel should investigate whether the provisions of AB 130, specifically Health and Safety Code 18929.1 (c) and 18930 (g), allow a simple reorganization of the CEC's residential building energy standards in a manner that does not change the specific provisions in the standards or impact either the prescriptive or performance methods of compliance.

If the CEC's legal counsel finds the reorganization of the residential energy code provisions violates AB 130, the industry suggests the CEC consider an alternative approach: formally adopting the existing 2025 residential code provisions as the 2028 Code, while at the same time producing an informal document that provides interested parties with the reformatted presentation of the residential energy efficiency provisions. Doing this would respond to requests for a presentation of the standards that mirror the format of the national codes and lessen the workload for CEC staff during the adoption of the 2032 Update proceeding.

Concerns with LSC:

The industry understands why the CEC has moved to the LSC metric. However, the industry believes there is a considerable risk in moving too quickly. This shift should be gradually spread over the following 3-4 updates of the CEC's Building Energy Efficiency Standards. This allows the CEC to observe the impact of implementation on overall energy consumption and ensure the standards continue to benefit building owners and operators through reduced utility bills.

The dual goal of these proceedings is to update the standards to address the impact of climate change on the grid over the next 30-40 years while ensuring these updates adequately address the significant summer peak loads we are experiencing now and will continue to experience in the future.

Measures that promote above-code energy savings during peak summer periods (including window efficiencies and higher A/C SEER installations) have worked very well and have reduced monthly utility bills for homeowners, renters, and commercial building owners and operators. Given that this summer peak load will be with us and will get worse, we should not neglect this in favor of winter measures that will be needed in the coming decades.

The CEC has identified this problem at least in part by deploying Peak Cooling as a performance metric in the 2025 code. However, Peak Cooling was developed and deployed as a stop-gap measure, adding complexity without clarity and providing no clear path to a permanent solution. Because LSC adds complexity and further abstraction from direct costs experienced by ratepayers, the CEC should consider extending the development time for LSC until the metric is sufficiently able to achieve its intended outcomes.

Plug Loads

Impact on Office Buildings: We appreciate that the CEC has performed simulations on prototype energy models to determine the impact of the proposed changes on compliance. On Page 18 of the Plug Load presentation, the CEC indicates that the LSC for office buildings decreases by 10%. How does this translate into a change in design, or more importantly, an estimated change in the cost of compliance?

Hotels and Motels: On Pages 5, 8, and 17 of the Plug Load presentation, the CEC refers to potential changes to hotels and motels, pending a determination of whether AB 130 applies to these transient occupancies.

The relevant provisions of AB 130 (H&S 18921.1(c) and 18930(g)) are reprinted at the end of this submittal. The language in both sections refers broadly to "*residential units*" and does not provide language excluding these transient occupancies. Also, during the related legislative process, several groups sought to exempt hotels, motels, and high-rise multifamily. The author of the bill did not accept those proposed amendments. As such, it would seem AB 130 applies to all residential occupancies, including transient occupancies such as hotels and motels.

Solar PV Cost-Effectiveness

Recent changes to the Net Energy Metering rules adopted by the California Public Utilities Commission prompted the CEC to remove the mandatory solar PV requirements for some multi-tenant commercial buildings during the 2025 energy standards update. Given the very fluid nature of federal and state policies related to the application of solar PV in residential and non-residential markets, has the CEC updated its PV cost-effectiveness analysis for the 2028 update of the standards? If not, does the CEC plan to do so for both residential and non-residential buildings?

References:

AB 130 Provisions related to Six-Year Pause on Building Standards Affecting Residential Units

Section 18929.1 of the Health and Safety Code is amended to read:

(c) Commencing October 1, 2025, to June 1, 2031, inclusive, subdivision (a) shall not apply to any building standards affecting residential units and proposed building standards affecting residential units shall not be considered, approved, or adopted by the commission, unless any of the following conditions are met:

- (1) The commission deems those changes necessary as emergency standards to protect health and safety.*
- (2) The building standards are amendments by the State Fire Marshal to building standards within the California Wildland-Urban Interface Code (Part 7 of Title 24 of the California Code of Regulations).*
- (3) The building standards are proposed for adoption in relation to standards researched pursuant to Section 13108.5.2.*
- (4) The building standards are proposed for adoption pursuant to Section 17921.9, 17921.11, or 18940.7 of this code, or Section 13558 of the Water Code.*
- (5) The building standards are necessary to ensure the latest editions of the model codes specified in Section 18916 are incorporated into the triennial edition of the California Building Standards Code, along with any necessary and related state amendments supporting or facilitating the incorporation of the model codes.*
- (6) The building standards are necessary to incorporate errata or emergency updates to the national model codes specified in Section 18916, along with any necessary and related state amendments supporting or facilitating the incorporation of errata or emergency updates to the model codes.*
- (7) The building standards under consideration would take effect on or after January 1, 2032.*

Section 18930 of the Health and Safety Code is amended to read:

(g) Commencing October 1, 2025, to June 1, 2031, inclusive, proposed building standards affecting residential units shall not be considered, approved, or adopted by the commission or any other adopting agency, unless any of the following conditions are met:

- (1) The commission deems those changes necessary as emergency standards to protect health and safety.*
- (2) The building standards are amendments by the State Fire Marshal to building standards within the California Wildland-Urban Interface Code (Part 7 of Title 24 of the California Code of Regulations).*
- (3) The building standards are proposed for adoption in relation to standards researched pursuant to Section 13108.5.2.*
- (4) The building standards are proposed for adoption pursuant to Section 17921.9, 17921.11, or 18940.7 of this code, or Section 13558 of the Water Code.*
- (5) The building standards are necessary to ensure the latest editions of the model codes specified in Section 18916 are incorporated into the triennial edition of the California Building Standards Code, along with any necessary and related state amendments supporting or facilitating the incorporation of the model codes.*
- (6) The building standards are necessary to incorporate errata or emergency updates to the national model codes specified in Section 18916, along with any necessary and related state amendments supporting or facilitating the incorporation of errata or emergency updates to the model codes.*
- (7) The building standards are necessary to incorporate updates to accessibility requirements that align with minimum federal accessibility laws, standards, and regulations..*