

**DOCKETED**

<b>Docket Number:</b>	17-BSTD-03
<b>Project Title:</b>	2019 Title 24, Part 11, CALGreen Rulemaking
<b>TN #:</b>	224607
<b>Document Title:</b>	2019 CALGreen Fiscal and Economic Impact (Form 399)
<b>Description:</b>	Form 399 Fiscal and Economic Impact Analysis for the voluntary building energy efficiency measures in the proposed 2019 CALGreen Code.
<b>Filer:</b>	Adrian Ownby
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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# Memorandum

To: Bryan Cash  
Assistant Secretary for Administration and Finance

Date: July 16, 2018

From: **Drew Bohan**  
**Executive Director**  
**California Energy Commission**  
1516 Ninth Street  
Sacramento, CA 95814-5512

Subject: **STANDARD FORM 399 FOR CALIFORNIA GREEN BUILDING STANDARDS CODE  
RULEMAKING PROCEEDING**

Attached for your approval and signature is the Form 399 in support of a rulemaking proceeding for the California Green Building Standards Code, Title 24, Part 11. This rulemaking will update existing voluntary energy efficiency standards for newly constructed buildings, as well as additions and alterations to existing buildings. Once approved, the form will be provided to the Office of Administrative Law to initiate the public notice for the rulemaking.

If you have any questions regarding the content or the processing of this form, please contact Adrian Ownby, Energy Commission Specialist III, at 916-651-3008.

Attachment

cc: Christopher Meyer, ER Specialist III (Manager)  
Payam Bozorgchami, Senior Civil Engineer  
Adrian Ownby, EC Specialist III (Eff)

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME <b>California Energy Commission</b>	CONTACT PERSON <b>Adrian Ownby</b>	EMAIL ADDRESS <b>adrian.ownby@energy.ca.gov</b>	TELEPHONE NUMBER <b>916-651-3008</b>
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 <b>Revisions to the California Green Building Standards Code (CALGreen Code)</b>			NOTICE FILE NUMBER <b>Z</b>

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts business and/or employees       e. Imposes reporting requirements  
 b. Impacts small businesses                       f. Imposes prescriptive instead of performance  
 c. Impacts jobs or occupations                       g. Impacts individuals  
 d. Impacts California competitiveness               h. None of the above (Explain below):

Energy efficiency provisions of the CALGreen Code are voluntary.*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.**If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The California Energy Commission estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

- Below \$10 million  
 Between \$10 and \$25 million  
 Between \$25 and \$50 million  
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: unknownDescribe the types of businesses (Include nonprofits): potentially all types of businesses could be impactedEnter the number or percentage of total businesses impacted that are small businesses: unknown4. Enter the number of businesses that will be created: unknown eliminated: unknownExplain: The energy efficiency provisions of the CALGreen Code are voluntary and therefore have no definable impact.5. Indicate the geographic extent of impacts:  Statewide Local or regional (List areas): Unknown, must be enacted locally to have effect.6. Enter the number of jobs created: unknown and eliminated: unknownDescribe the types of jobs or occupations impacted: The energy efficiency provisions of the CALGreen Code are voluntary and therefore have no definable impact.

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

 YES       NO

If YES, explain briefly: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)****B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ unknown
- a. Initial costs for a small business: \$ unknown Annual ongoing costs: \$ unknown Years: unknown
- b. Initial costs for a typical business: \$ unknown Annual ongoing costs: \$ unknown Years: unknown
- c. Initial costs for an individual: \$ unknown Annual ongoing costs: \$ unknown Years: unknown
- d. Describe other economic costs that may occur: The energy efficiency provisions of the CALGreen Code are voluntary and therefore have no definable impact.
2. If multiple industries are impacted, enter the share of total costs for each industry: Nonresidential Construction (unknown %), Residential Construction (unknown %)
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ \_\_\_\_\_
4. Will this regulation directly impact housing costs?  YES  NO  
If YES, enter the annual dollar cost per housing unit: \$ unknown  
Number of units: unknown
5. Are there comparable Federal regulations?  YES  NO  
Explain the need for State regulation given the existence or absence of Federal regulations: Federal regulations do not apply to state, local and private sector construction in California.  
Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Individuals and businesses may benefit from the reduction in energy costs. Businesses that provide energy efficiency products and services may experience an increase in business. All state and local government agencies and their tenants may benefit.
2. Are the benefits the result of:  specific statutory requirements, or  goals developed by the agency based on broad statutory authority?  
Explain: \_\_\_\_\_
3. What are the total statewide benefits from this regulation over its lifetime? \$ unknown
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: California businesses producing energy efficiency products/technologies that meet or exceed the proposed CALGreen Code will likely expand their sales of those products/technologies due to the voluntary implementation of the CALGreen Code.

**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: The energy efficiency provisions of the CALGreen Code are voluntary and therefore have no definable impact.



**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

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**ECONOMIC IMPACT STATEMENT (CONTINUED)**

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ unknown Cost: \$ unknown

Alternative 1: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 2: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?  YES  NO

Explain: Performance Standards are a fundamental part of the proposed energy efficiency provisions of the CALGreen Code.

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.*

*California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.*

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million?  YES  NO

*If YES, complete E2. and E3  
If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

*(Attach additional pages for other alternatives)*

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 1: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 2: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

4. Will the **regulation subject to OAL review** have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES  NO

*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: \_\_\_\_\_

The incentive for innovation in products, materials or processes: \_\_\_\_\_

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: \_\_\_\_\_

# ECONOMIC AND FISCAL IMPACT STATEMENT

## (REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

### FISCAL IMPACT STATEMENT

**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

a. Funding provided in \_\_\_\_\_

Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

a. Implements the Federal mandate contained in \_\_\_\_\_

b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: \_\_\_\_\_ vs. \_\_\_\_\_

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_

Date of Election: \_\_\_\_\_

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_

e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_

Authorized by Section: \_\_\_\_\_ of the \_\_\_\_\_ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

3. Annual Savings. (approximate)

\$ \_\_\_\_\_

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain The energy efficiency provisions of the CALGreen Code are voluntary and must be enacted locally to have any effect.

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT (CONTINUED)**

**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

*It is anticipated that State agencies will:*

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain The energy efficiency provisions of the CALGreen Code are voluntary and must be enacted locally to have any effect.

**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain The energy efficiency provisions of the CALGreen Code are voluntary and must be enacted locally to have any effect.

FISCAL OFFICER SIGNATURE



DATE

*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY



DATE

8/20/2018

*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

**ATTACHMENT TO**  
**FULLY EXECUTED ECONOMIC IMPACT STATEMENT**  
**July 16, 2018**

All California Energy Commission mandatory building energy efficiency regulations are found in provisions of the California Building Code, Parts 1 and 6 (the Energy Code). The California Energy Commission cannot provide any estimated costs or claim any estimated savings for the voluntary building energy efficiency provisions in the California Building Code, Part 11 (CALGreen Code). By definition the CALGreen energy efficiency provisions have no force or impact unless they are imposed by a local jurisdiction through the passage of a local ordinance. Without the force of a local ordinance, no savings or costs can be realized or claimed by any government agency. The act of enacting a local ordinance places the responsibility for the associated costs and savings on the locality that passes the ordinance.

At practical level, any attempt to estimate the costs and savings associated with the CALGreen voluntary provisions faces significant technical challenges. Any credible estimate of the statewide costs and savings impact from the CALGreen voluntary provisions would require defensible assumptions or data regarding the following:

- The number of local jurisdictions that will impose some level of mandatory building energy efficiency requirements that are more stringent than the Energy Code, based on the CALGreen voluntary provisions. It is important to emphasize that last part – “based on the CALGreen voluntary provisions” – because not all local ordinances that implement beyond code requirements follow the recommendations made in the CALGreen code. Past local ordinance enactments cannot be credibly used to estimate this because the Energy Code becomes increasingly stringent with each code cycle, leaving fewer and fewer opportunities to exceed its requirements. The proposed 2019 Energy Code will require many newly constructed residential buildings to be relatively close to zero net energy. Whatever measure requirements are enacted locally under the 2019 Energy Code will be significantly different than those enacted under the 2016 Energy Code. Past data on the impact of CALGreen voluntary measures implemented locally have no relevance or predictive validity for CALGreen measures that will be implemented locally under the 2019 Energy Code.
- The extent to which those local jurisdictions will impose CALGreen voluntary provisions as requirements beyond the Energy Code. As noted in the previous bullet above the proposed 2019 Energy Code will require many newly constructed residential buildings to be nearly zero net energy. However, a local jurisdiction may require beyond code energy efficient construction across a spectrum – bounded by just beyond the Energy Code at one end and zero net energy (or beyond that, “carbon neutral”) construction at the other.



## 2019 Revisions to the CALGreen Voluntary Building Energy Efficiency Provisions

- The technology those local jurisdictions would require builders implement in order to meet their beyond Energy Code requirements. Buildings are complicated “systems” and there are multiple methods or technologies that might be implemented to increase a building’s energy efficiency beyond the current Energy Code requirements.