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California Energy Commission

## **DRAFT REVISED COMMISSION GUIDELINES**

\*Proposed language appears in bold underline (**example**) and proposed deletions appear in strikethrough (~~example~~)

# **California Schools Healthy Air, Plumbing, and Efficiency Plumbing Program Guidelines**

**Gavin Newsom, Governor**

**August 2021 | CEC-300-2021-008-CMF-REV**

# California Energy Commission

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# ABSTRACT

The School Noncompliant Plumbing Fixture and Appliance Program is one of the two grant programs under the School Energy Efficiency Stimulus Program, established by Assembly Bill 841 (Ting, Chapter 372, Statutes of 2020). The program authorizes funding to local educational agencies and California state agencies for the replacement of plumbing fixtures and appliances to ensure that systems meet specified ENERGY STAR® and water efficiency requirements. These guidelines provide requirements for program participation including eligible applicants and projects, application process, funding awards and distribution, as well as project documentation and reporting requirements. For the purposes of administering the program, the program will be referred to as the California Schools Healthy Air, Plumbing, and Efficiency Program. The California Energy Commission envisions rolling out the program in phases to ensure prioritization of schools in Underserved Communities. The first edition of these guidelines addresses the initial phase of program awards, which are limited to local educational agencies and projects for schools in an Underserved Community as defined in California Public Utilities Code, Section 1601. Additional eligibility under the program guidelines may be addressed in updates to these guidelines.

**Keywords:** School Energy Efficiency Stimulus, CalSHAPE, SEES, School Noncompliant Plumbing Fixture and Appliance Program, grant, energy efficiency, school, local educational agency, Underserved Community, plumbing, ENERGY STAR®, fixture, assessment

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# CHAPTER 1: Program Overview

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## A. Introduction

The School Energy Efficiency Stimulus (SEES) Program, established by Assembly Bill (AB) 841 (Ting, Chapter 372, Statutes of 2020), provides grants to local educational agencies (LEA) as defined in Table 1 to assess, maintain, adjust, repair, or upgrade heating, ventilation, and air conditioning (HVAC) systems in schools. The SEES Program also provides grants to LEAs and California state agencies to replace Noncompliant Plumbing Fixtures and Appliances. AB 841 requires the California Energy Commission (CEC) as the program administrator to design, administer, and implement the program in collaboration with the utilities providing funding for the program. The SEES Program consists of the School Reopening Ventilation and Energy Efficiency Verification and Repair (SRVEVR) Program and the School Noncompliant Plumbing Fixture and Appliance (SNPFA) Program. For the purposes of administering these programs, the SNPFA Program will be referred to as the California Schools Healthy, Air, Plumbing, and Efficiency (CalSHAPE) Plumbing Program. The SRVEVR Program will be referred to as the CalSHAPE Ventilation Program.

These guidelines describe the program design, application process, and reporting requirements for the CalSHAPE Plumbing Program. The requirements of the CalSHAPE Ventilation Program are provided in separate guidelines.

These program guidelines provide applicants with information on program structure, applicant eligibility, and program requirements. All grant applicants and recipients are required to follow all program requirements including those outlined in Public Utilities Code (PUC) Division 1, Part 1, Chapter 8.7 (commencing with Section 1600) and as further outlined in these guidelines.

The CalSHAPE Program is established as part of each of the utilities' energy efficiency portfolios as a joint program among all the participating utilities that shall be consistent across the utility territories. The CalSHAPE Ventilation and Plumbing Programs are separate programs, and grant awards will be made specific to each program.

The CEC is rolling out the program in phases to ensure prioritization of schools in Underserved Communities, as defined in Table 1 below. These guidelines address only initial program awards, which are limited to LEAs and projects for schools identified as being in an Underserved Community. The CEC will continually evaluate the effectiveness of the program guidelines in achieving the purposes of AB 841 and publish new editions to update eligibility and prioritization as funding is available.

## B. Keyword/Terms

Table 1 identifies the key words or terms used in the program guidelines.

**Table 1: Key Words and Terms**

<b>Word/Term</b>	<b>Definition</b>
AB	Assembly Bill
CalSHAPE Plumbing Program	The CalSHAPE Plumbing Program administers the requirements of the School Noncompliant Plumbing Fixture and Appliance Program as specified in Article 4 of Chapter 8.7 (commencing with Section 1630) of Part 1 of Division 1 of the PUC.
CalSHAPE Program	California Schools Healthy Air, Plumbing, and Efficiency Program, which includes two grant programs: CalSHAPE Plumbing Program and CalSHAPE Ventilation Program.
CalSHAPE Plumbing Program Guidelines	California Schools Healthy Air, Plumbing, and Efficiency Plumbing Program Guidelines
CalSHAPE Ventilation Program	The CalSHAPE Ventilation Program administers the requirements of the School Reopening Ventilation and Energy Efficiency Verification and Repair Program as specified in Article 3 of Chapter 8.7 (commencing with Section 1620) of Part 1 of Division 1 of the PUC.
CEC	California Energy Commission
CEQA	The California Environmental Quality Act found in California Public Resources Code Section 21000 et seq., and the CEQA Guidelines, promulgated by the California Natural Resources Agency, California Code of Regulations Title 14, Section 15000 et seq. CEQA generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible.
Contractor	A person or company with the appropriate license classification, as determined by the Contractors State License Board.
DIR	California Department of Industrial Relations
LEA	Local educational agency. A school district as defined in Section 41302.5 of the Education Code, <del>or</del> a charter school that has been granted a charter pursuant to Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code, <b><u>or a regional occupational center established pursuant to Section 52301 of the Education Code that is operated by a joint powers authority and that has an active career technical education advisory committee pursuant to Section 8070 of the Education Code.</u></b>

Noncompliant Appliance	Means all the following: (1) Any commercial dishwasher that was manufactured prior to January 1, 2010, that does not meet the efficiency requirement of the ENERGY STAR® Product Specification for Commercial Dishwashers, Version 1.1. (2) Any automatic commercial ice maker that was manufactured prior to January 1, 2010, that does not meet the efficiency requirement of the ENERGY STAR Product Specification for Automatic Commercial Ice Makers, Version 1.0. (3) Any commercial clothes washer that was manufactured prior to January 1, 2010, that does not meet the efficiency requirement of the ENERGY STAR Product Specification for Clothes Washers, Version 5.0.
Noncompliant Plumbing Fixtures	Has the same meanings as set forth in Section 1101.3 of the Civil Code, which is any of the following: (1) Any toilet manufactured to use more than 1.6 gallons of water per flush. (2) Any urinal manufactured to use more than one gallon of water per flush. (3) Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute. (4) Any interior faucet that emits more than 2.2 gallons of water per minute.
Notice of proposed award	CEC notification to the LEA following approval of a grant application.
Notice of funding availability	A notice issued by the CEC to identify anticipated funding that will be made available in each round of CalSHAPE Program grants. The notice will provide relevant application dates and any funding restrictions applicable to that funding round.
Project	“Project” refers to all replacements of Noncompliant Plumbing Fixtures and Appliances that are funded by a School Plumbing Fixture and Appliance Replacement Grant.
PUC	Public Utilities Code
School Plumbing Fixture and Appliance Replacement Grants	A grant provided as part of the CalSHAPE Plumbing Program to fund the replacement of Noncompliant Plumbing Fixtures and Appliances.
SEES Program	School Energy Efficiency Stimulus Program established pursuant to Section 1610 of Chapter 8.7 Article 1 of the PUC. For program administration purposes, the SEES Program will be referred to as the CalSHAPE Program.

Service territory requirement	Sites must be located in a participating utility's service territory to receive a CalSHAPE Program grant. PUC Section 1615(c) requires the CEC to ensure that moneys from each utility are used for projects located in the service territory of the utility from which the moneys are received.
Site	School where School Plumbing Fixture and Appliance Replacement Grant work will be performed.
Skilled and Trained Workforce	Has the same meaning as set forth in Section 2601 of the Public Contract Code.
Underserved Community	<p>A community that meets one of the following criteria:</p> <p>(1) Is a "disadvantaged community" as defined by subdivision (g) of Section 75005 of the Public Resources Code.</p> <p>(2) Is included within the definition of "low-income communities" as defined by paragraph (2) of subdivision (d) of Section 39713 of Health and Safety Code.</p> <p>(3) Is within an area identified as among the most disadvantaged 25 percent in the state according to the California Environmental Protection Agency and based on the most recent California Communities Environmental Health Screening Tool, also known as CalEnviroScreen.</p> <p>(4) Is a community in which at least 75 percent of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program.</p> <p>(5) Is a community located on lands belonging to a federally recognized California Indian tribe.</p>
Utility or Utilities	<p>Means both of the following:</p> <p>(1) An electrical corporation with 250,000 or more customer accounts within the state.</p> <p>(2) A gas corporation with 400,000 or more customer accounts within the state.</p> <p>This definition includes Pacific Gas and Electric Company (PG&amp;E), Southern California Edison Company (SCE), San Diego Gas &amp; Electric Company (SDG&amp;E), and Southern California Gas Company (SCG).</p>
Water-Conserving Appliance	<p>Means any of the following:</p> <p>(1) A commercial dishwasher that meets the criteria of the ENERGY STAR Product Specification for Commercial Dishwashers, Version 2.0, or any revision to those criteria published by the United States</p>

	<p>Environmental Protection Agency that is adopted by the CEC for the program.</p> <p>(2) An automatic commercial ice maker that meets the criteria of the ENERGY STAR Product Specification for Automatic Commercial Ice Makers, Version 3.0, or any revision to those criteria published by the United States Environmental Protection Agency that is adopted by the Energy Commission for the program.</p> <p>(3) Any commercial clothes washer that meets the criteria of the ENERGY STAR Product Specification for Clothes Washers, Version 8.0, or any revision to those criteria published by the United States Environmental Protection Agency that is adopted by the Energy Commission for the program.</p>
Water-Conserving Plumbing Fixtures	Has the same meanings as set forth in Section 1101.3 of the Civil Code, which is any fixture that complies with current building standards applicable to a newly constructed real property of the same type.

Source: California Energy Commission

## C. Budget

Funding for the CalSHAPE Program comes from the energy efficiency budgets of California’s large electric and gas investor-owned utilities. Specifically, this includes electrical corporations with 250,000 or more customer accounts within the state and gas corporations with 400,000 or more customer accounts within the state, as determined by the California Public Utilities Commission (CPUC). These utilities are Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SCG).

The program will accumulate funding in 2021, 2022, and 2023. The annual funding for the program is derived from a combination of current year available funds and prior year unspent and uncommitted energy efficiency funds as described in PUC Section 1615(a). Each year, from 2021 to 2023, it is expected that the utilities will be required to prepare a joint advice letter detailing that year’s budget for CPUC approval. Funding awards must be distributed proportionally to each utility area based on program funds contributed by that utility and used for projects located in the utility’s service territory. PG&E has both electric and gas service territories and the available funding attributed to each service territory will be in accordance with the energy efficiency portfolio budget recovery electric and gas funding percentages provided by PG&E in the utilities’ joint advice letter to the CPUC.

CEC will allocate the available funding contributed by each utility using five funding categories. The funding category available to each school site is determined based on the utility service territory in which the site is located. Table 2 identifies the funding categories and the associated utility service territories from which an award will be made. All projects funded by a program grant must meet the same requirements, as described by these guidelines, regardless of funding category.

CEC will provide notices of annual budget accrual, total program funding, and available funds for each funding category at least once per year. Funds are allocated to the two grant programs per PUC Section 1616, with 75 percent to CalSHAPE Ventilation and 25 percent to CalSHAPE Plumbing.

**Table 2: Utility Service Territory Funding Categories**

Funding Category	Utility Service Territories
<b>PG&amp;E Electric</b>	PG&E electric/PG&E gas PG&E electric/Nonparticipating utility gas PG&E electric/SCG gas
<b>PG&amp;E Gas</b>	Nonparticipating utility electric/PG&E gas
<b>SCE</b>	SCE electric/Nonparticipating utility gas SCE electric/SCG gas
<b>SCG</b>	Non-participating utility electric/SCG gas
<b>SDG&amp;E</b>	SDG&E electric/SDG&E gas SDG&E/ Nonparticipating utility gas SDG&E electric/SCG gas

Source: California Energy Commission

Following PUC Section 1615(e), the CEC shall return all unused funds to each utility by December 1, 2026. To accomplish this, all projects, reporting, and reconciliation must be completed and any unused funds returned to the CEC as described in Chapter 4. LEAs will be provided instructions for returning any unused funds to the CEC.

## **D. CalSHAPE Plumbing Eligibility**

### **1. Eligible Applicants**

California LEAs are eligible applicants for grants. An LEA is defined as either **any of the following**:

- a. A school district as defined in Section 41302.5 of the Education Code, which includes:
  1. County boards of education.
  2. County superintendents of schools.
  3. Direct elementary and secondary level instructional services provided by the state, including the Diagnostic Schools for Neurologically Handicapped Children as established under Article 1 (commencing with Section 59200) of Chapter 3 of Part 32 of the Education Code.
- b. A charter school that has been granted a charter following Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code.
- c. **A regional occupational center established pursuant to Section 52301 of the Education Code that is operated by a joint powers authority and that has an active career technical education advisory committee pursuant to Section 8070 of the Education Code.**

California LEAs may apply for funding to be used for projects at schools that are in the service territory of the utilities as defined herein. LEAs must demonstrate that each site

meets service territory requirements. CEC staff will verify submitted information as needed to ensure compliance with the service territory requirements.

Authorized third parties may complete applications on behalf of LEAs but may not sign or enter into agreements on behalf of LEAs. A letter of authorization from the LEA, specifying any authority or responsibility delegated to the third party, is required as part of the application package. No funding will be provided for the costs of completing an application for funding or for third-party consultant fees for application or project related work.

## 2. Utility Service Territories and Application Tiers

PUC Section 1615(c) states that CEC shall ensure that moneys from each utility are used for projects located in the service territory from which the money is received; for example, the funds collected from PG&E will be distributed in PG&E territory.

For implementing the program, CEC has established an approach based on the method employed for the CEC’s Energy Conservation Assistance Act — Education Subaccount (ECAA-Ed) Competitive Loan Program to ensure that program funds are available to a range of LEAs within each utility service territory. LEAs in each utility service territory funding category are divided into three tiers based on LEA student enrollment. LEA tiers are detailed in Table 3.

**Table 3: LEA Tier by Enrollment Numbers**

<b>Tier</b>	<b>Number of Students</b>
1	Less than 1,000
2	Between 1,000 and 5,000
3	More than 5,000

Source: California Energy Commission

LEAs will be included in one or more of the application tiers as detailed in Table 4 corresponding to a utility service territory funding category and the size of the LEA.

**Table 4: LEA Application Tiers**

<b>Tier</b>	<b>PG&amp;E Electric</b>	<b>PG&amp;E Gas</b>	<b>SCE</b>	<b>SDG&amp;E</b>	<b>SCG</b>
<b>1</b>	PG&E-E1	PG&E-G1	SCE1	SDG&E1	SCG1
<b>2</b>	PG&E-E2	PG&E-G2	SCE2	SDG&E2	SCG2
<b>3</b>	PG&E-E3	PG&E-G3	SCE3	SDG&E3	SCG3

Source: California Energy Commission

## 3. Allocation of Funds Method

To allocate program funds for each program year, CEC will calculate the available funds by tiers presented in Table 4 for each utility service territory funding category. The calculation will be based on the final budget for each utility as approved by the CPUC for each program year as described in PUC 1615(a)(1).

CEC will allocate funds by application tier for each utility service territory funding category using the percentages shown in Table 5.

**Table 5: Available Funds by Application Tier**

<b>Tier</b>	<b>PG&amp;E Electric</b>	<b>PG&amp;E Gas</b>	<b>SCE</b>	<b>SDG&amp;E</b>	<b>SCG</b>
<b>1</b>	PG&E-E1: 10%	PG&E-G1: 10%	SCE1: 10%	SDG&E1: 10%	SCG1: 10%
<b>2</b>	PG&E-E2: 10%	PG&E-G2: 10%	SCE2: 10%	SDG&E2: 10%	SCG2: 10%
<b>3</b>	PG&E-E3: 80%	PG&E-G3: 80%	SCE3: 80%	SDG&E3: 80%	SCG3: 80%

Source: California Energy Commission

CEC will provide the amount of funds available for each utility’s service territory and the funds available in each application tier in the notice of funding availability as described in Chapter 3, which will be issued for each funding round.

#### **4. Funds Not Used in an Application Tier**

If all funding originally allocated to a particular application tier is not disbursed at the conclusion of the applicable funding round, undisbursed funds may be reallocated to one or more other application tiers, or reserved for a future funding round depending on current and projected applicant demand. Consistent with PUC Section 1615(c), funds cannot be reallocated to fund projects from one utility service territory to another.

#### **5. Eligible Schools**

LEAs may apply for grants to conduct activities at schools that:

- a. Are on a site owned by the LEA.
- b. Are on a publicly owned site, such as a site owned by a school district or other public entity, whether the LEA has a lease with that entity.
- c. Are on a privately owned site, for which there is a lease with a term that exceeds the program duration, ending after December 1, 2026.

LEAs must provide proof of ownership or complying leases. Charter schools will be required to submit a Certificate of Good Standing with the application package.

Sites that are located within the service territory of a community choice aggregator (CCA) or local publicly owned electric utility (POU) are not prohibited from participating in the program. School sites located within a CCA or POU that meet the underserved community criteria, as specified in Section E, may be eligible for funding based on the appropriate utility service territory funding category as described in Section C and Table 2.

#### **6. Number of Applications**

An LEA may submit up to three applications for program funds in each funding round. For the initial phase of program awards, only sites meeting one or more of the definitions of an Underserved Community may be included. There is no restriction on how many sites an LEA can include in a single application. A site can be included only once and cannot be included in multiple applications.

## **7. Relationship to CalSHAPE Ventilation Applications and Awards**

CalSHAPE Ventilation and CalSHAPE Plumbing are separate programs. LEAs are required to submit individual applications to participate in either program.

## **8. Multiple Sources of Funding**

Participation in another program does not prevent participation in the program. However, an LEA receiving program funding may not receive additional funds from another program that, when combined with program funding, exceed the total cost of the project. Furthermore, program funds shall only be used for distinct, eligible costs described in these guidelines that are not funded by another funding source. CEC reserves the right to review and audit all grant and funding award documents to ensure compliance with this requirement

## **E. Priority Awards**

PUC Section 1612 requires the program offer funds to schools that are in an Underserved Community before schools that are not in an Underserved Community. The program defines an Underserved Community as meeting one of the following criteria:

1. Is a "disadvantaged community" as defined by Public Resources Code Section 75005(g)<sup>1</sup>
2. Is included within the definition of "low-income communities" as defined by Health and Safety Code Section 39713(d)(2).<sup>2</sup>
3. Is within an area identified as among the most disadvantaged 25 percent in the state according to the California Environmental Protection Agency and based on the most recent California Communities Environmental Health Screening Tool, also known as CalEnviroScreen
4. Is a community in which at least 75 percent of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program
5. Is a community located on lands belonging to a federally recognized California Indian tribe

PUC Section 1612 requires that at least 25 percent of projects to be in Underserved Communities.

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1 Public Resources Code Section 75005(g) defines "disadvantaged community" as a community with a median household income less than 80 percent of the statewide average.

2 Health and Safety Code Section 39713(d)(2) defines "low-income communities" as census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted under Health and Safety Code Section 50093.

To meet the statutory requirement that schools meeting one or more Underserved Community criteria be offered funding before other schools, CEC is limiting applications and awards for the initial phase of program awards to schools meeting one or more of the Underserved Community criteria referenced in PUC Section 1601(e) and described in these guidelines.

These guidelines may be updated and additional notice provided as necessary, including the possibility of addressing additional eligibility.

# **CHAPTER 2:**

## **Project Requirements**

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### **A. School Plumbing Fixture and Appliance Replacement Grants**

An LEA may apply for a grant to fund the replacement of Noncompliant Plumbing Fixtures and Appliances with Water-Conserving Plumbing Fixtures and Appliances.

Grant applications must specify the details of each site and provide contractor estimates for costs specific to each site. Awards will be made based on contractor's estimates. Additional details on application requirements are provided in Chapter 3.

School Plumbing Fixture and Appliance Replacement Grant funds can only be used for costs directly related to the replacement of the Noncompliant Plumbing Fixtures and Appliances with Water-Conserving Plumbing Fixtures and Appliances as described in this chapter. More information on ineligible costs can be found in Chapter 3.H.

### **B. Noncompliant Plumbing Fixtures and Appliances**

#### **1. Noncompliant Plumbing Fixtures**

Plumbing fixtures exceeding the following water usage levels as set forth in Section 1101.3 of the Civil Code shall be considered noncompliant:

- a. Any toilet manufactured to use more than 1.6 gallons of water per flush.
- b. Any urinal manufactured to use more than one gallon of water per flush.
- c. Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute.
- d. Any interior faucet that emits more than 2.2 gallons of water per minute.

#### **2. Noncompliant Appliances**

Noncompliant appliances meeting one of the following conditions shall be considered noncompliant:

- a. Commercial dishwasher manufactured before January 1, 2010, that does not meet the efficiency requirement of the ENERGY STAR® Product Specification for Commercial Dishwashers, Version 1.1
- b. Any automatic commercial ice maker manufactured before January 1, 2010, that does not meet the efficiency requirement of the ENERGY STAR Product Specification for Automatic Commercial Ice Makers, Version 1.0
- c. Any commercial clothes washer manufactured before January 1, 2010, that does not meet the efficiency requirement of the ENERGY STAR Product Specification for Clothes Washers, Version 5.0

## **C. Application**

Applicants will be required to provide documentation showing the existence of Noncompliant Plumbing Fixtures or Appliances with the application for a School Plumbing Fixture and Appliance Replacement Grant. The documentation must provide a description, list the respective efficiencies, and identify the noncompliant components of the plumbing fixtures and appliances that are included for replacement in the contractor estimate. This documentation will be used to determine which fixtures or appliances meet the Noncompliant Plumbing Fixtures and Appliances requirements listed in Chapter 2.B and are therefore eligible for replacement through the program.

The documentation included with the application shall include:

1. Name and address of site and person or contractor preparing and certifying any documents.
2. Documentation of the plumbing fixture and appliance equipment model number, serial number, general condition of unit, ENERGY STAR rating, and any additional information that could be used to assess replacement options given potential for increased water usage efficiency benefits.
3. The contractor-verified cost estimate for the replacement of all Noncompliant Plumbing Fixtures and Appliances included in the application.

## **D. Documentation of Completed Work**

Upon completion of all work funded by a grant, the applicant must document the Noncompliant Plumbing Fixture and Appliance replacement at each site included in the grant. The documentation of completed work must include:

1. Name and address of site and person or contractor preparing and certifying information.
2. Description of Noncompliant Plumbing Fixtures and Appliances.
3. Verification that the applicant has installed Water-Conserving Plumbing Fixtures and Appliances, as defined in Table 1. This verification must include the minimum water efficiencies for plumbing fixtures and minimum ENERGY STAR ratings for plumbing appliances.
4. The new water use efficiencies for each of the replaced plumbing fixtures and appliances.
5. Verification that all work was performed by qualified personnel, including the provision of the contractor's name and license, and verification that all construction work has been performed by a Skilled and Trained Workforce.

The Respective ENERGY STAR databases can be found at the following locations:

1. ENERGY STAR Requirements for Dishwashers:  
[Energy Star Commercial Dishwasher Requirement 1.1](#)
2. Energy Star Requirements for Commercial Ice Makers:  
[Energy Star Requirements for Automatic Commercial Ice Makers 1.0](#)

### 3. ENERGY STAR Requirements for Commercial Clothes Washers:

[Energy Star Requirement for Commercial Clothes Washers Version 5.0](#)

## **E. Skilled and Trained Workforce Requirement**

All replacement work completed as a part of the School Plumbing Fixture and Appliance Replacement Grant must be performed by a Skilled and Trained Workforce, which has the same meaning as in Section 2601 of the Public Contract Code. LEAs may use in-house staff to complete the work if the staff meet all Skilled and Trained Workforce requirements.

## **F. Proper Disposal/Recycling Requirements**

Grant recipients shall dispose or recycle all Noncompliant Plumbing Fixtures, Noncompliant Appliances, or both in compliance with all local ordinances, standards, and requirements. Noncompliant Plumbing Fixtures and Appliances are to be removed from service as part of this program and are not to be resold or reinstalled.

## **G. Grant Budget**

The budget for each LEA grant award will be equal to the sum of approved individual site budgets for all sites included in the LEA grant application. Each site budget will be equal to the amount of the contractor estimate for eligible work to be completed at that site. CEC program staff will determine the approved site budget based on program requirements, including eligible cost requirements in these guidelines and SEES Program statutes. No additional funding will be awarded for costs that exceed the approved site budgets.

## **H. Payment of Prevailing Wage**

The LEA shall ensure, to the extent applicable, the budget considers the payment of prevailing wages. These grants may be subject to public works requirements (Labor Code Section 1720 et seq.), a requirement of which is to pay prevailing wages. LEAs are responsible for complying with all applicable laws, which can include public works requirements.

Only the California Department of Industrial Relations (DIR) and courts of competent jurisdiction may issue legally binding determinations that a project is or is not a public works project. LEAs shall assume their projects are public works unless they obtain a determination to the contrary from DIR or an appropriate court. As such processes can be time-consuming, please plan accordingly given the application deadline. Without such a determination, LEAs shall explain how they have included appropriate budgets for prevailing wages.

## **I. Project Term**

For each School Plumbing Fixture and Appliance Replacement Grant project, the LEA will have up to 24 months to complete all work and submit the final documentation described in Chapter 4.

# **CHAPTER 3:**

## **Grant Applications and Awards**

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This chapter provides information for participation in the initial phase of program awards including the application process, required application forms and supporting documentation, a description of the process used by the CEC to approve applications and determine grant awards, payment of funds, and project and reporting requirements.

As described, PUC Section 1612 requires that schools in Underserved Communities be offered funding before schools that are not in an Underserved Community. Consistent with the statute and anticipated funding availability, CEC will offer funding in the initial phase only for schools located in an Underserved Community. The funding award amounts will be made based on a contractor's site-specific estimate for eligible work.

CEC will issue a notice of funding availability identifying the anticipated funding to be made available in each round of grants. The notice of funding availability will identify any relevant application dates including the first and last date applications can be submitted and any funding restrictions applicable to that round of funding. Dates may be adjusted by the CEC through the issuance of a notice updating information.

### **A. Application Process**

The application process has been designed to simplify the submission of an initial application. CEC will also provide an option for the LEA to receive reimbursement of eligible incurred costs pursuant to program requirements.

The application and award process generally follow the following steps.

1. CEC issues a notice of funding availability with details of the total funding available, start and end dates for application acceptance, and the breakdown of funds by funding category and by tiers, as described in these guidelines.
2. LEAs submit grant applications electronically as required in the notice of funding availability.
3. CEC will begin to review applications in the order that complete applications are received.
  - a. CEC staff will accept and review all applications submitted by the posted deadline.
  - b. At any time, should the CEC determine that all funds in a single funding category or tier or both have been reserved, the CEC may provide public notification of that determination but will continue to accept applications and identify LEAs that may be funded should additional funding become available.
4. CEC will grant funding awards for complete applications, at which time funds will be reserved for the LEA for approved projects.

5. Incomplete applications and applications deemed not to have met the application requirements (collectively referred to as “noncompliant” applications) will not be considered.
  - a. CEC will notify LEAs if an application is noncompliant, and the applicant may reapply during the open application period. Depending on the volume and timing of applications received, the CEC may not always be able to review and notify applicants of noncompliant applications during the open application period. Accordingly, applicants are encouraged to apply as early in the process as possible.
6. CEC will issue a notice of proposed award to an LEA with a complete application. The LEA will be required to submit the additional required documents and complete a grant agreement to reserve the grant award funding.
7. The LEA will automatically receive reimbursement for incurred costs of 50 percent of the overall grant award after completion of the grant agreement. Any eligible incurred costs greater than 50 percent of the overall grant award will be included in the final invoice. For these guidelines, the term “incurred costs” is defined as an expense for which the recipient has become liable (legally obligated) to pay.
8. All planned projects will also receive additional guidance on project completion, reporting, and invoice submittal.
9. All projects must adhere to the requirements provided in these guidelines and must use all required forms to receive a grant award and funding.

## **B. Application Package**

Eligible applicants must submit a complete application package for a School Plumbing Fixture and Appliance Replacement Grant using the electronic submission process and system identified in the notice of funding availability issued by the CEC. The application package must include the following in the required form or formats. The information required in the application form is listed in Appendix A of these guidelines and all forms will be made available for use in developing the application package on the [program webpage](https://www.energy.ca.gov/programs-and-topics/programs/california-schools-healthy-air-plumbing-and-efficiency-program) (<https://www.energy.ca.gov/programs-and-topics/programs/california-schools-healthy-air-plumbing-and-efficiency-program>)

1. Applicant Details (Plumbing-1): LEA information including official name, address, responsible parties, contact information, description of LEA territory, and schools.
2. Overall Grant Request Summary (Plumbing-2): Grant site and budget summary page and status of all site-specific work including start date and projected end date.
3. Site-Specific Details (Plumbing-3): Detailed information identifying all sites to be addressed by the grant, general site information, identification of the number and type of Noncompliant Plumbing Fixtures and Appliances on site, project completion status, total site-specific estimate for replacement project.
4. The LEA self-certifies:
  - a. It will follow the program guidelines.

- b. The information included in the application package is true and correct to the best of the LEA's knowledge.
  - c. It will obtain Division of the State Architect (DSA) project approval as applicable under California Code Regulations, Title 24.
  - d. It acknowledges that the expended funds may be subject to audit, including a financial audit.
  - e. It will comply with all reporting requirements.
  - f. It will comply with all School Plumbing Fixture and Appliance Replacement Grant terms and conditions.
  - g. All Noncompliant Plumbing Fixtures and Appliances will be disposed of or recycled in compliance with its own policies or other applicable state and local end of life management and recycling requirements.
  - h. It will comply with all Skilled and Trained Workforce requirements.
  - i. All applicable DIR and Labor Code requirements on public works, including the payment of prevailing wage, will be followed.
  - j. It acknowledges that it may be subject to a post-program site visit and measurement and evaluation study conducted by the CEC or its delegate.
5. Supporting documentation:
- a. Site-specific contractor estimate supporting each site-specific amount requested.
    - 1. To be deemed complete, a contractor estimate must be itemized and include all required details.
  - b. Certificate of Good Standing for Charter School Applicants.
  - c. Letter of authorization for third-party applicants.

## **C. Contractor Estimates**

The amount requested in the application package may only be for reasonable costs of the replacement of Noncompliant Plumbing Fixtures and Appliances, as described in Chapter 2.

The contractor estimate must include a detailed site-specific budget, timeline, and a clear and accurate description of the work that will be provided. The site-specific budget needs to show line item cost estimates for materials, labor, and other costs. Any amount included in other costs must include a brief narrative explaining the use of these funds.

The LEA will be required to submit the original contractor estimate as part of the application package to demonstrate that all costs are reasonable for the work to be completed. The contractor estimate must include supporting documentation demonstrating that the scope of work is consistent with the requirements of these guidelines, as listed in Chapter 2.

Ineligible costs, as described in Chapter 3.H, cannot be included as part of the contractor estimate. Additional information consistent with these guidelines may be required from LEAs to complete the grant agreement after notification of the grant award.

The CEC does not have authority to authorize LEAs to use a particular procurement method for use of these funds. LEAs will have to rely on their own existing authority and shall comply with applicable law.

## **D. Application Review**

Applications will be accepted only electronically through the CEC's electronic submission system, and all applications submitted will be identified by the date and time received. Any applications received after the noticed deadline will not be accepted, and a notice of rejection will be sent to the applicant. Any application forms or links and deadlines shall be described in the notice of funding availability. The CEC will not accept applications via email or fax. Applications must use the CEC's electronic submission system.

The CEC will review each submitted application package to ensure all the required information has been provided. An application with minor errors or inconsistencies that do not affect the completeness of the package may still be considered for funding. If an applicant or the CEC discovers any minor errors or inconsistencies, the applicant will be given 10 calendar days or until the application deadline, whichever occurs first, to resubmit the application to resolve the errors or inconsistencies. If the application is resubmitted, but there are remaining or additional errors or inconsistencies discovered in the application, the applicant will be given an additional 10 calendar days or until the application deadline, whichever occurs first, to resubmit the application to resolve the errors or inconsistencies. If the applicant does not resubmit the application in the allowed time frame, the application will be rejected.

If an application is rejected during the open application period, the LEA may revise and resubmit the application during the open application period. Depending on the volume and timing of applications received, the CEC may not always be able to review and notify applicants of errors during the open application period. If the applicant does resolve the errors or inconsistencies before the application deadline, the application will be approved or not be approved accordingly pursuant to program requirements.

CEC staff will rank all approved applications by the date and time the final approved application was received. Grant applications will be processed until all available funds within each funding category and tier are awarded. Any approved grant applications received that exceed the amount of funds available in the current round of funding for the funding category and application tier will be placed in order of date and time received on a priority list for funding when funds become available.

## **E. Notice of Proposed Award and Completion of Grant Agreement**

Following approval of an application, CEC staff will send a notice of proposed award to the successful LEA and will request the following additional information to complete the grant agreement, consistent with these guidelines:

1. Payee Data Record (STD-204): Required for grant award payment.
2. An authorizing document from the governing body, such as a resolution authorizing acceptance of the award and entering award agreement.

3. A signed grant agreement indicating that the LEA has read and accepts the terms and conditions.

Failure to agree to the terms and conditions by taking actions such as failing to sign the grant agreement or indicating that acceptance is based on modification of the terms will result in rejection of the application. CEC reserves the right to modify the terms and conditions prior to executing the grant agreement.

At the time the grant agreement is fully executed and received by the CEC, the grant award funding will be reserved for the LEA. Grantees will receive reimbursement of eligible incurred costs of 50 percent of the total grant award after notification of the funding reservation. Eligible incurred costs are those costs incurred to achieve the purpose of the program. Additional information on project reporting and invoicing is provided in these guidelines and further guidance consistent with these guidelines will be made available to grantees.

## **F. Payment of Grant Funds**

The CEC expects to receive funding for the program from participating utilities quarterly. Payment to grantees depends on CEC receipt of funding.

The CEC will issue an email notice to approved grant applicants identifying the amount of the award. As noted above, the LEA will be awarded the amount requested which must equal the total of each site-specific budget.

## **G. Timing of Payment**

The CEC will issue a portion of funds to cover eligible incurred costs, as defined in Sections A and D above, equal to 50 percent of the overall grant award. Upon approval of an award, the grantee will receive a notice of proposed award from the CEC and a grant agreement will be executed. After grant agreement execution, the CEC will approve payment of incurred cost funds equal to 50 percent of the overall award for all sites represented in the grant agreement to be issued by the State Controller's Office (SCO). SCO expects to be able to issue incurred cost payments within four weeks once the LEA completes the grant agreement and all required documentation is reviewed and approved by CEC.

The remaining grant funds will be provided upon receipt and review of all final required reporting. The LEA shall provide the CEC with additional documentation, as specified in Chapter 4. If the LEA received reimbursement of eligible incurred costs and does not complete all the project requirements, any grant award funding shall be promptly returned to the CEC.

**CEC staff will issue payment only for the final invoice once and only when all final reporting is submitted and approved by CEC staff**

## **H. Ineligible Costs**

Only direct costs and work performed in accordance with the terms of the grant agreement will be eligible for reimbursement. Costs not related to the replacement of the Noncompliant Plumbing Fixtures and Appliances, as defined in Chapter 2.B, are not eligible expenses.

Costs that are not reimbursable with grant funding include, but are not limited to:

1. Costs, other than those noted above, incurred outside the terms of the grant agreement with the CEC.
2. Purchase of equipment not an integral part of the project.
3. Replacement of existing funding sources for ongoing programs.
4. Costs stemming from DSA requirements.
5. Consultant fees.

# **CHAPTER 4:**

## **Project Completion and Reporting**

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### **A. Completion of Projects**

As noted, grant recipients will have 24 months to complete all replacement work and final documentation requirements. Although the CEC may issue a reminder of the project deadline, it is the grant recipients' responsibility to monitor project completion and meet all required documentation and invoicing deadlines.

LEAs shall submit final documentation electronically using the system or process required by the CEC at the time the documentation is due. The CEC will provide all forms, formats, and guidance needed to assist in documentation on the program webpage.

### **B. Reporting**

PUC Section 1618 states that the reduction in greenhouse gases (GHG) and energy savings attributed to a project funded by the CalSHAPE Program shall be attributed to the utility that provided those funds.

Energy and GHG savings are not a required element of the final documentation reporting on grant projects. Nonetheless, additional data or information may be requested from the grantee to allow the CEC to determine the GHG reductions and energy savings pursuant to PUC Section 1618. The LEA, contractor, or Licensed Professional, or a combination thereof, shall cooperate with CEC staff or CEC consultants in any assessment of an individual project's energy and GHG savings, including providing access to the project site and providing project and equipment information. The cost associated with any additional reporting or assessment will not be funded by a program grant.

### **C. Final Documentation and Invoice for Remaining Funds**

After the project has been completed, the applicant will submit a final document package to the CEC that includes:

1. Detailed Noncompliant Plumbing Fixture and Appliance documentation, as specified in Chapter 2.C.
2. Documentation of installed plumbing fixtures and appliances, as specified in Chapter 2.D.
3. Final invoice for any remaining expended funds up to the original grant award amount.
4. Additional reporting detail as required to calculate or confirm water usage savings, energy usage savings, or reduction in greenhouse gas emissions resulting from the project.
5. The LEA self-certifies:
  - a. It followed the program guidelines.

- b. The information included in the final document package is true and correct to the best of the LEA's knowledge.
- c. All California Environmental Quality Act (CEQA) requirements are completed.
- d. It has obtained any required DSA project approvals as applicable under California Code Regulations, Title 24.
- e. It acknowledges that the expended funds may be subject to an audit, including a financial audit.
- f. It complied with all reporting requirements.
- g. It complied with all School Plumbing Fixture and Appliance Replacement Grant terms and conditions.
- h. All Noncompliant Plumbing Fixtures and Appliances have been disposed of or recycled in compliance with its own policies or other applicable state and local end of life management and recycling requirements.
- i. It complied with all Skilled and Trained Workforce and other labor requirements.
- j. It complied with any applicable labor code requirements on the payment of prevailing wage.
- k. All DIR requirements for public works, including payment of prevailing wages, were followed.
- l. It commits to participate with the CEC or its delegate in the assessment of energy savings or GHG emission reductions, including providing access to project sites and project and equipment information.
- m. It acknowledges that it may be subject to a post-program site visit and measurement and evaluation study conducted by the CEC or its delegate.

## **D. Time Extension Requests**

Grant recipients may request one-time extension to complete final reporting. The extension will be no more than six months and will not exceed the final program reporting deadline date of June 1, 2026.

# CHAPTER 5:

## Administration

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### A. Guidelines Authority

This program guidelines are adopted under Public Utilities Code Division 1, Part 1, Chapter 8.7 added by AB 841 (Ting, Chapter 372, Statutes of 2020), which directs the CEC to implement the CalSHAPE Plumbing Program as part of the CalSHAPE Program. Under PUC Section 1614(b), the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to the adoption these guidelines.

### B. Effective Date of Guidelines

These program guidelines are not effective until adopted by the CEC at a publicly noticed business meeting. The CEC will post the adopted [CalSHAPE Plumbing Program Guidelines](https://www.energy.ca.gov/programs-and-topics/programs/california-schools-healthy-air-plumbing-and-efficiency-program) on its website: <https://www.energy.ca.gov/programs-and-topics/programs/california-schools-healthy-air-plumbing-and-efficiency-program>. Applicants may also obtain the program guidelines by contacting [CalSHAPE@energy.ca.gov](mailto:CalSHAPE@energy.ca.gov).

### C. California Environmental Quality Act

The CEC must comply with CEQA (Public Resources Code section 21000 et seq.; see also California Code of Regulations Title 14, Section 15000 et seq.), which generally requires public agencies to identify and consider potential environmental impacts of proposed projects. Applicants will be required to submit CEQA documentation as part of their application to determine CEQA compliance. Refer to Appendix A: Application and Forms for further information.

### D. Division of the State Architect Review

DSA provides design and construction oversight for school districts. To ensure buildings are safe and compliant with accessibility standards, DSA must review and approve public school construction for compliance with the California Code of Regulations, Title 24, the California Building Code (CBC), when alterations or additions are made to existing buildings.

Certain equipment replacements and upgrades funded by the program might be exempt or excluded from DSA review and approval for structural safety, depending on the scope of work and estimated construction cost. To help LEAs determine the various requirements and possible exemptions, DSA provides resources and guidelines on its [website](https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Plan-Review-Appointment-Process-for-School-Essential-Services-Construction-Project) at <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Plan-Review-Appointment-Process-for-School-Essential-Services-Construction-Project>.

In cases where DSA review is required, DSA will verify that the original building construction was certified before it can issue approval of plans for alterations on that building. DSA regional office staff can help LEAs identify whether a particular building is suitably certified and what steps are required to achieve certification. LEAs are advised to consider DSA requirements

early in their planning for plumbing fixture and appliance replacements and contact the appropriate DSA regional office with jurisdiction over the area in which the project is located. Visit the DSA Project Submittal Planning page for more information regarding plan submission at Plan Review Appointment Process.

## **E. Enforcement**

In addition to any other rights the CEC has, the CEC can take any of the following actions necessary to enforce the CEC's rights and program requirements.

### **1. Recovery of Overpayment**

The CEC may direct its chief counsel to commence formal legal action against any applicant, former applicant, or recipient to recover any portion of a payment under a grant agreement that the Executive Director determines the applicant, former applicant, or recipient was not otherwise entitled to receive, retain (that is, advanced funds), or spend in the manner it was spent.

### **2. Fraud and Misrepresentation**

The Executive Director may initiate an investigation of any applicant that the Executive Director has reason to believe may have misstated, falsified, or misrepresented information in submitting an application, payment request, or any reporting or other information required under the program. Based on the results of the investigation, the Executive Director may take any action deemed appropriate, including, but not limited to, cancellation of the reservation of funds, termination of the award or award agreement, recovery of any overpayment, and, with the concurrence of the CEC, recommending the Attorney General initiate an investigation and prosecution under Government Code Section 12650, et seq., or other provisions of law.

### **3. Noncompliance With Agreement**

The CEC may seek remedies for noncompliance with agreement terms, work scope, and project milestones including not limited to stop work, termination, withholding requested payments, recovery of funds, or any other administrative or civil action.

## **F. Use and Disclosure of Information and Records and Confidentiality**

With very few exceptions, all project documents submitted to the CEC or its technical consultant(s), including as part of any audit, are considered public records subject to disclosure under the California Public Records Act. The CEC or other state agencies may also use any of these documents or information for any purpose, including to determine eligibility and compliance with the CalSHAPE Program, applicable law, or a particular solicitation or guideline document; to evaluate related or relevant programs or program elements; or to prepare reports. These documents and information include but are not limited to applications for funding, the agreement itself, invoices and any documentation submitted in support of applications, all agreement deliverables, final project report, and documents prepared for

other reporting requirements, materials and documents developed as part of technology transfer activities.

If the CEC requires an applicant or recipient to provide copies of records that the recipient believes contain confidential/proprietary information entitled to protection under the California Public Records Act or other law, the recipient may request that such records be designated confidential according to the CEC's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.

Applicants considering confidentiality should note that CalSHAPE funds are subject to information disclosure requirements to ensure transparency. Information concerning the identity of recipients and the grant amount is public information and will be disclosed according to the California Public Records Act. This information, as well as other public information, may also be disclosed through the CEC's website, another State of California agency website, or through other means.

The CEC can disclose confidential information and records to other governmental entities and policing authorities for civil and criminal investigation and enforcement.

## **G. Substantive Changes in Guidelines**

After adoption, substantive changes to the adopted program guidelines may be made with the approval of the CEC at a publicly noticed meeting with no fewer than 15 days public notice. Unless stated otherwise in the resolution approving substantive changes, such changes shall take effect upon adoption by the CEC. Substantive changes to design or requirements include but are not limited to program eligibility.

## **H. Nonsubstantive Changes in Guidelines**

If the program guidelines require nonsubstantive changes, the CEC will provide a notice of the changes to the CalSHAPE list serve (school\_ee\_stimulus) and post the amended guidelines on the program web page.

# **APPENDIX A:**

## **Application Forms**

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This appendix describes the information that will be required in the application form. The School Plumbing Fixture and Appliance Replacement Grant Application form will be completed and submitted by the LEA using the electronic submission process and system identified in the notice of funding availability issued by the CEC. The application form will be made publicly available for use in developing the application package on the [program webpage](https://www.energy.ca.gov/programs-and-topics/programs/california-schools-healthy-air-plumbing-and-efficiency-program) (<https://www.energy.ca.gov/programs-and-topics/programs/california-schools-healthy-air-plumbing-and-efficiency-program>)

### **School Plumbing Fixture and Appliance Replacement Grant Application Form**

- Application Information
  - Applicant name
  - Type of Entity/CDS Code
  - Application Region
  - Address
  - Contact information
  - Utility Provider(s)
- Project Information (Table format for multiple projects in LEA's application)
  - Type of project
  - School address
  - School size (classrooms/students)
  - Project description
- Project Schedule
  - Estimated start date
  - Estimated completion date
- Project Budget
- CEQA-related information
- Application Documents
- Self-Certifications

# **APPENDIX B:**

## **Plumbing Application and Documentation Forms**

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This appendix describes the information that will be required in the application and final document package. The School Plumbing Fixture and Appliance Replacement Grant Application and final document package will be completed and submitted by the LEA using the electronic submission process and system identified in the notice of funding availability issued by the CEC. The documentation forms will be made publicly available for use in developing the application and final document package on the [program webpage](https://www.energy.ca.gov/programs-and-topics/programs/california-schools-healthy-air-plumbing-and-efficiency-program) (<https://www.energy.ca.gov/programs-and-topics/programs/california-schools-healthy-air-plumbing-and-efficiency-program>)

- **Documentation Form for Appliances (checklist)**
  - Unit/Model No./Serial No./ENERGY STAR Rating
  - Cost to replace
  - Cost to dispose of old equipment
  - Labor cost
- **Documentation Form for Fixtures (checklist)**
  - Unit/Model No./Serial No./Water Usage
  - Cost to replace
  - Cost to dispose of old equipment
  - Labor cost
- **Documentation of Completed Work Form for Appliances**
  - New Unit/Model No./Serial No./ENERGY STAR Rating
  - Completed invoice
- **Documentation of Completed Work Form for Fixtures**
  - New Unit/Model No./Serial No./Water Usage
  - Completed invoice

## **APPENDIX C: Additional References**

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[Assembly Bill No. 841](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB841) Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program. (2019-2020) (Ting)  
[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB841](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB841)