

DOCKETED

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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**2022 BUILDING ENERGY EFFICIENCY
STANDARDS, CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PARTS 1
AND 6**

Docket No. 21-BSTD-01

**RESOLUTION CERTIFYING THE RESIDENTIAL AND NONRESIDENTIAL
COMPLIANCE MANUALS FOR THE
2022 BUILDING ENERGY EFFICIENCY STANDARDS**

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Parts 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023, and

WHEREAS, these standards were approved by the California Building Standards Commission on December 14, 2021; and

WHEREAS, the Warren-Alquist Act, in Public Resources Code section 25402.1(e), requires the CEC to certify “an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings” no later than 180 days after the California Building Standards Commission approves the Building Energy Efficiency Standards; and

WHEREAS, in order to implement the requirement of section 25402.1(e), CEC staff has developed an energy conservation manual that is comprised of several documents, including residential and nonresidential compliance manuals, residential and nonresidential alternative compliance method reference manuals, a data registry requirements manual, and other compliance forms, all of which contain information to assist designers, builders, and contractors in meeting the Building Energy Efficiency Standards; and

WHEREAS, as part of developing the energy conservation manual, CEC staff developed new content for the Residential Compliance Manual, Publication Number CEC-400-2022-006-CMD, and the Nonresidential Compliance Manual, Publication Number CEC-400-2022-007-CMD, (collectively the “Compliance Manuals”), which explain the requirements of the 2022 Building Energy Efficiency Standards to individuals who must comply with and enforce the standards; and

WHEREAS, in order to develop the updated Compliance Manuals, CEC staff conducted an extensive public process, inviting people with knowledge of and interest in the Building Energy Efficiency Standards to review and comment on the updated Compliance Manuals, and revised the Compliance Manuals to respond to the comments that were received; and

WHEREAS, the CEC commends the work of its staff, its contractors, and utility sponsors of specific provisions of the Building Energy Efficiency Standards, to develop the updated Compliance Manuals and revise them to respond to commenters; and

WHEREAS, the CEC further commends the commenters for devoting their time to provide valued input to the California Energy Commission so that the updated Compliance Manuals can be effective in facilitating efficiency and successful implementation of the 2022 Building Energy Efficiency Standards; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the Compliance Manuals and finds that the Compliance Manuals do not meet the definition of a “project” under Public Resources Code section 21065 because the Compliance Manuals have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and, even if the Compliance Manuals were to be considered a project, then the project would fall under the “common sense exemption” in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the Compliance Manuals would have a significant effect on the environment; and

WHEREAS, the CEC has considered staff’s proposed updates to the Compliance Manuals and finding that its adoption is exempt from CEQA.

THEREFORE, BE IT RESOLVED, that on the basis of the entire record before it, the CEC hereby adopts staff’s finding that the Compliance Manuals are not subject to CEQA because they do not meet the definition of a “project” because they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (California Code of Regulations, Title 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

THEREFORE, BE IT RESOLVED, that the CEC hereby certifies the Residential Compliance Manual, Publication Number CEC-400-2022-006-CMD, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC hereby certifies the Nonresidential Compliance Manual, Publication Number CEC-400-2022-007-CMD, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced documents available and in good form, including but not limited to correcting typographical and other non-substantive errors.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on May 11, 2022.

AYE: Hochschild, Gunda, Monahan

NAY: NONE

ABSENT: McAllister, Vaccaro

ABSTAIN: NONE



Liza Lopez
Secretariat