

**DOCKETED**

<b>Docket Number:</b>	22-BSTD-02
<b>Project Title:</b>	2022 Energy Code Compliance Software && Supporting Documents
<b>TN #:</b>	243531
<b>Document Title:</b>	Resolution Approving the 2022 Public Domain Residential and Nonresidential and Multifamily Compliance Software
<b>Description:</b>	Resolution No: 22-0608-7
<b>Filer:</b>	Liza Lopez
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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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. 22-BTSD-02**

**RESOLUTION APPROVING THE 2022 PUBLIC DOMAIN RESIDENTIAL  
(CBECC-RES 2022.1.0) AND NONRESIDENTIAL AND MULTIFAMILY  
(CBECC 2022.1.0) COMPLIANCE SOFTWARE**

**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 will go into effect January 1, 2023; and

**WHEREAS**, the Warren-Alquist Act, in Public Resources Code section 25402.1(a), requires the CEC to develop a public computer program which will enable contractors, builders, architects, engineers, and government officials to estimate the energy consumed by residential and nonresidential buildings; and

**WHEREAS**, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance residential software (CBECC-Res 2022.1.0), which is used to estimate energy consumed by single-family residential buildings and demonstrate compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1, Chapter 10, and 6; and

**WHEREAS**, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance nonresidential software (CBECC 2022.1.0), which is used to estimate energy consumed by nonresidential and multifamily residential buildings and demonstrate compliance with the performance-based nonresidential and multifamily provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1, Chapter 10, and 6; and

**WHEREAS**, as part of developing a public domain computer program, CEC staff has reviewed and tested CBECC-Res 2022.1.0 and CBECC 2022.1.0 to ensure they meet the requirements, specifications, and criteria for building energy models set forth in the 2022 Alternative Calculation Method Approval Manual; and

**WHEREAS**, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the CBECC-Res 2022.1.0 and the CBECC 2022.1.0 compliance software and finds that the compliance software does not meet the definition of a “project” under Public Resources Code section 21065, because the compliance software 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 software were 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 software would have an significant effect on the environment; and

**WHEREAS**, the CEC has considered staff’s proposed updates to the CBECC-Res 2022.1.0 and the CBECC 2022.1.0 compliance software 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 CBECC-Res 2022.1.0 and the CBECC 2022.1.0 compliance software are not subject to CEQA because they do not meet the definition of a “project” as 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

**FURTHER BE IT RESOLVED**, that the CEC approves CBECC-Res 2022.1.0 used for estimating energy consumed by single-family residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

**FURTHER BE IT RESOLVED**, that the CEC approves CBECC 2022.1.0 used for estimating energy consumed by nonresidential and multifamily residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based nonresidential and multifamily residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; 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 software available and maintain the software in good form, including but not limited to releasing bug fixes, correcting calculation and analytical errors, necessary ongoing software updates, user interface changes, and other minor updates.

**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 June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

  
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Liza Lopez  
Secretariat