

LEGISLATIVE DIGEST

[Building Code - Gas Infrastructure for EPCA Appliances in New Construction]

Ordinance amending the Building Code to allow new construction that complies with the Design Guidelines for Electric-Ready Buildings to install gas infrastructure to serve appliances covered by the Energy Policy and Conservation Act (EPCA); adopting findings of local conditions under the California Health and Safety Code; affirming the Planning Department’s determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Existing Law

The Building Code prohibits the Department of Building Inspection (DBI) from issuing building permits for construction of new mixed-fuel buildings where the initial application for the permit was submitted on or after June 1, 2021. There are two exceptions allowing construction of new mixed-fuel buildings (buildings with natural gas infrastructure) for installation of cooking equipment in restaurants, or where all-electric design is physically or technically infeasible.

Amendments to Current Law

The proposed legislation would allow DBI to issue permits for new construction that includes natural gas infrastructure solely to serve appliances covered by the Federal Energy Policy and Conservation Act (42 U.S.C. §§ 6201 et seq., “EPCA”) as long as the building complies with the DBI’s Design Guidelines for Electric-Ready Buildings. The proposed legislation would deem such buildings as all-electric and not subject to the limitations on new construction of mixed-fuel buildings.

Background Information

Natural gas combustion, infrastructure, and transport create significant health, safety, and environmental risks for San Francisco. The City’s unique topography, high population density, stock of older wooden structures, seismic activity, and wind patterns make the City vulnerable to fast spreading fires triggered or strengthened by gas leaks and explosions. Further, natural gas service takes significantly longer to resume after major disruptions than electrical service. Indoor use of natural gas is also a significant contributor to indoor air pollution, the health impacts of which are exacerbated in denser developments with smaller dwelling units that make up a significant portion of the City’s housing stock. For these reasons, the City prohibited construction of Mixed-Fuel buildings in 2021.

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Since enacting that prohibition, the United States Court of Appeals for the Ninth Circuit determined in *California Restaurant Ass'n v. City of Berkeley*, 89 F.4th 1094 (9th Cir. Jan. 2, 2024), that EPCA preempts local laws that would prohibit installation of appliances covered by EPCA. The proposed legislation would explicitly allow natural gas infrastructure for EPCA-covered appliances in otherwise electric-ready buildings to address this issue.

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