



# ORDINANCE TO REPEAL CHAPTER 16.26 - ELECTRIFICATION OF NEW BUILDINGS TO TITLE 16 OF THE RIVERSIDE MUNICIPAL CODE

Office of Sustainability  
City Attorney's Office  
Community & Economic Development Department

City Council  
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## BACKGROUND

1. **December 6, 2022 – Electrification of New Buildings, Ordinance No. 7616 adopted** requiring new buildings applying for permits by specified dates in Riverside to be all electric
2. **436 building permits have been filed since effective date:**
  - 359 single family dwelling units
  - 17 Multifamily buildings
  - 60 Commercial buildings (industrial, retail, office, etc.)
  - 110 building permits issued
3. **Riverside's ordinance has not been challenged to date**



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## California Restaurant Association v. City of Berkeley

1. **Riverside's ordinance is similar to other ordinances in California** – including the City of Berkeley's ordinance
2. **April 17, 2023 – US Court of Appeal for the Ninth Circuit opinion that held that Berkeley's electrification ordinance was preempted** by the federal Energy Policy and Conservation Act (EPCA)
3. January 2, 2024 – Ninth Circuit denied Berkeley's petition for rehearing
4. **To settle litigation, Berkeley agreed to not enforce their ordinance and repealed it on May 14, 2024**



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## ISSUE

1. **EPCA is a federal regulation establishing energy use standards for covered products**
  - a. Covered products include most major household appliances including cooking stoves, refrigerators, water heaters, clothes dryers, furnaces, air conditioners, pool heaters, and more
2. **Ninth Circuit Opinion: EPCA preempts state and local regulations** – including state and local ordinances that have the effect of banning covered products



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# DISCUSSION

1. **Based on the recent Ninth Circuit decision, Riverside's ordinance could be vulnerable to a challenge** and the City faces risk associated with litigation
2. **Building decarbonization can and will still occur:**
  - a. Builders in Riverside and anyone who wants to construct to all electric can still opt to do so
  - b. California has adopted green-building standards that require most new construction to be electric ready and is already move to require all-electric construction over the next 1 to 6 years
  - c. California appliance standards are also anticipated to move to higher efficiency and to limit air emissions (NO<sub>x</sub> as well as carbon)



# STRATEGIC PLAN ALIGNMENT



## Priority 5 – High Performing Government

**Goal 5.3** - Enhance communication and collaboration with community members to improve transparency, build public trust, and encourage shared decision-making.

### Cross-Cutting Threads



Community Trust



Equity



Fiscal Responsibility



Innovation



Sustainability & Resiliency



## RECOMMENDATIONS

That the City Council adopt the first reading of an ordinance to repeal Chapter 16.26 - Electrification of New Buildings to Title 16 of the Riverside Municipal Code.



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