
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 1738 (Boerner Horvath) - Building standards: installation of electric vehicle charging stations: existing buildings

Version: June 15, 2022

Urgency: No

Hearing Date: June 20, 2022

Policy Vote: HOUSING 7 - 0

Mandate: No

Consultant: Mark McKenzie

Bill Summary: AB 1738 would require the Building Standards Commission (BSC) and the Department of Housing and Community Development (HCD) to research, develop, and propose for adoption mandatory building standards for the installation of electric vehicle (EV) charging stations in existing multifamily dwellings and nonresidential development when existing parking facilities are being retrofitted, added, or altered, as specified.

Fiscal Impact:

- HCD estimates annual costs of approximately \$198,000 and 1.0 PY of staff for fiscal years 2023-24 and 2024-25 to research, develop, and propose for adoption building standards and associated regulatory documents for EV charging in existing multifamily dwellings, hotels, and motels, including engagement with stakeholders and coordination with other state agencies. Ongoing costs to review and potentially update the standards in each triennial code adoption cycle are expected to be absorbable. (General Fund)
- HCD additionally estimates one-time contracting costs of approximately \$200,000 to conduct a study of the existing conditions related to EV charging and determine whether existing infrastructure can support the increased demand. (General Fund)
- The BSC estimates staff costs of \$236,000 annually for three years (2023-24 through 2025-26, limited term Associate Architect position) for workload to research, develop, and propose for adoption a mandatory building standard for EV charging infrastructure for parking spaces for existing nonresidential development. BSC would incur additional minor and likely absorbable costs (approximately 0.25 PY of staff time) to review those standards every triennial code adoption cycle. BSC also estimates one-time costs of approximately \$50,000 in 2023-24 to reconfigure office space. (Building Standards Administration Revolving Fund)
- Costs for the California Air Resources Board (CARB) and the State Energy Resources Conservation and Development Commission (Energy Commission) to consult with BSC and HCD are expected to be absorbable.

Background: Existing law, the California Building Standards Law, authorizes the BSC to approve and adopt building standards through a triennial rulemaking process to revise and update the California Building Standards Code. There are approximately twenty state agencies that develop building standards for submittal to the BSC for review, approval, and adoption. HCD is responsible for proposing building standards to

the BSC for residential buildings including, hotels, motels, lodging houses, apartment houses, dwellings, buildings and structures. In the absence of a designated state agency, the BSC is required to adopt specific building standards, as prescribed. Building standards take effect 180 days after they are published, unless a different date is specified. The most recent update to the Building Standards Code, the 2019 Triennial Edition, went into effect on January 1, 2020.

Existing law also requires the BSC to publish, or cause to be published, the California Green Building Standards Code (CALGreen Code) once every three years. The 2019 CALGreen Code establishes standards for electric vehicle charging in multifamily dwellings. For new multifamily dwellings, 10% of the total number of parking spaces must be EV charging spaces with ability for installation of electric vehicle supply equipment, as specified. By 2023, multifamily projects with 20 or more units must have 10% of spaces that are capable of providing EV charging (EV Capable), 25% of spaces that have an outlet (EV Ready), and 5% must have EV chargers installed. For projects with fewer than 20 units, 20% of parking spots must have an EV Capable installation and 25% must have an EV Ready installation. In response to Governor's vetoes of prior legislation that would have required HCD to adopt building standards for EV charging infrastructure for existing multifamily dwellings, HCD proposed to apply standards for the installation of future EV charging infrastructure for parking spaces for existing multifamily dwellings at the time of alteration, demolition, and repair for adoption in the 2022 CALGreen Code. Specifically, when new parking facilities are added, or an electrical system is added or altered, and the work requires a building permit, 10% of the altered spaces must be EV capable.

Existing law requires HCD and the BSC to work with interested parties to adopt mandatory building standards for the installation of future infrastructure for EV charging in multi-family and commercial developments as part of the triennial code adoption cycle that took place after January 1, 2014. Building standards that require 3% of parking spaces in new multifamily dwellings must be EV-capable are included in the current Building Standards Code. All new single family homes are required to be EV capable.

Proposed Law: AB 1738 would require BSC and HCD, commencing with the next triennial edition of the California Building Standards Code, to research, develop, and propose for adoption by the BSC mandatory building standards or the installation of EV charging stations in existing multifamily dwellings, hotels, motels, and nonresidential developments during specified retrofits, additions, and alterations to existing parking facilities. Specifically, this bill would:

- Require HCD to research, develop, and propose for adoption mandatory building standards for the installation of EV charging stations with low power level 2 or higher EV chargers, including direct current fast chargers, in existing parking facilities serving multifamily dwellings, hotels and motels.
- Require BSC to research, develop, and propose for adoption mandatory building standards for the installation of EV charging stations with low power level 2 or higher EV chargers, including direct current fast chargers, in parking facilities serving existing nonresidential buildings.
- Require BSC and HCD, in researching, developing, and proposing building standards for adoption to do all of the following:

- Consult with interested parties, including CARB, the Energy Commission, investor-owned utilities, vehicle and EV supply equipment manufacturers, local building officials, commercial building and apartment owners, and the building industry.
- Invite participation by the public at large in the development of those building standards.
- Propose standards that only apply to certain additions and alterations of existing parking facilities when a building permit is required and other significant construction or repair is taking place, as specified.
- Require BSC and HCD to review and update the building standards every triennial code cycle, as needed, to ensure those standards support statewide needs for EV charging stations that align with the state's zero-emission vehicle targets until there is adequate availability of charging, given near term needs, and there is sufficient charging capacity to support the long-term goal of achieving 100% EV vehicles statewide.
- Sunset the bill's provisions on January 1, 2033.

Related Legislation: SB 1482 (Allen), which is currently pending in the Assembly Housing and Community Development Committee, would require building standards for parking spaces in multifamily dwellings to require access to 208/240 volt electric vehicle (EV) charging infrastructure for each dwelling unit that has access to a parking space, as specified.

AB 965 (Levine), which is currently on the Inactive File on the Senate Floor, would require the BSC to research, propose, and adopt mandatory building standards for the installation of future EV charging infrastructure for parking spaces associated with existing nonresidential buildings. The bill would also require HCD to contemplate specified factors when considering proposed standards for future EV charging infrastructure in existing multifamily dwellings.

AB 684 (Levine), which was vetoed by Governor Newsom in 2019, would have required HCD and BSC to research, propose, and adopt mandatory building standards for the installation of future EV charging infrastructure for parking spaces associated with existing multifamily dwellings and nonresidential buildings. The veto message included the following:

I agree with the intent of this bill to increase inclusive access to EV charging technology for Californians living in multifamily housing, which is necessary to increase the number of zero emission vehicles on the road. However, I believe this issue is best addressed administratively in order to balance our charging infrastructure objectives with our efforts to expand affordable housing. Therefore, I am directing the Department of Housing and Community Development to develop and propose a building standard that would increase the availability of EV charging infrastructure at existing multifamily properties, while limiting costs for affordable housing.

AB 1239 (Holden), which was vetoed in 2017, was substantially similar to AB 965. Governor Brown's veto message noted that transportation electrification will require coordination among various state entities and stated he would be directing the Government Operations Agency to work with all key parties to identify barriers to the construction of charging stations in existing buildings.

AB 1092 (Levine), Chap. 410/2013, required the BSC to adopt mandatory standards for the installation of future EV charging infrastructure for parking spaces in new multifamily dwellings and nonresidential development.

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