Tips & Tricks: State Level Advocacy

Wednesday, August 12, 2020 | 12:00pm – 1:30pm
Program Agenda

12:00pm   Welcome!
12:05pm   AIA CA COTE Update
12:20pm   Tips & Tricks: State Level Advocacy
1:00pm    Q&A
1:30pm    Conclusion
Questions?

Click on the **chat button** locate don the black menu bar either on the top or bottom of your computer screen. Type in any questions you might have. **Raise your hand** by clicking “participants”, the three dots next to “unmute me” and then “raise hand”.

AIA California
AIA CA COTE Update

• Mandatory Continuing Education
• Communications Subcommittee
  • Common App used in AIA CA Award Programs
  • What You Can Do Now
  • Social Media Toolkits
• Education Subcommittee
  • Energy Modeling Program
  • AIA 2030 Commitment Series
• Advocacy Subcommittee
  • Local Reach Codes: Electrification
Tips & Tricks: State Level Advocacy

Mark Christian, Hon. AIA CA, Director or Government Relations
Michael Malinowski, FAIA, Regulatory & Code Enforcement Consultant
AIA California
Moved from SF to Sacramento in 1981
Architects Practice Act (Act)

The Architects Practice Act (Act) and its regulations are being provided to licensees, candidates, and members of the public as a reference. All licensees and candidates for licensure should have knowledge of the California Architects Board’s (Board) statutes and regulations and should be familiar with and understand their provisions. While every effort has been made to ensure the accuracy of this document, it does not have legal effect. Should any difference or error occur, the law will take precedence.

Regulations may be changed during the year, whereas new statutes typically become effective on January 1 of the year following their passage unless, they have an urgency clause. The following section(s) of the Business and Professions Code and California Code of Regulations have been added, amended, or repealed between 2014 and 2018:
An active AIA member for 40+ years, Michael F. Malinowski is principal of Applied Architecture in Sacramento, California, 2016 President of the 11,000 member AIA California Council, a member of the ICC IEBC Code Development Committee, and former member and current collaborator with the AIA National Code and Standards Committee. Mike’s history of public pro-bono service also includes service as Chair of Sacramento’s Development Oversight Commission - which moved the City from dead last to number one in regional permit customer surveys. He is founder and president of the non-profit Streamline Institute, which operates the unique PASS Permit Streamlining Program in 18 northern California jurisdictions, saving up to 70% in time and money on both side of the counter.

Currently serving as a part time consultant (about .12 FTE) to AIA California in moving forward Climate Action via Code and Regulatory Change, and building links with a number of key California agencies including HCD, CEC, SFM, CBSC
Some Focused Initiatives

1. **ZERO Code for California** CalGreen; ZeroCode updates: simplification; electrification; special cases; Pre-Hearing advocacy and outreach

2. **Engagement with California Energy Commission on Climate Action:** metrics; ZeroCode; building type and commissioning expertise; electrification; ease of use, flexibility; open source modeling tools

3. **Support for Electrification:** 2022 CEC Code; Reach Codes and Renewable Energy Policies advancing across the state

4. **Expanded California adoption of IEBC** All three compliance paths to support architect’s work with existing buildings

5. **Stakeholder Engagement** State Fire Marshall, HCD, CBSC, CALBO, ICC, BIA, DecarbCoalition, NRDC, etc
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Late July 2019 at an AIA CA Board workshop nationally known environmental experts such as Ed Mazria, FAIA, Charles Ely, FAIA, California Energy Commissioner, Andrew McAllister, and Larry Strain, FAIA presented the case for urgent climate action via the Zero Code.

The next day, the AIA CA board unanimously moved to support adoption of the Zero Code as soon as possible.
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Code and Regulatory Environment for Buildings

• **National Codes and Standards**
  • International Code Council  **3 year cycle**

• **California Codes and Standards**
  • Based on the National Codes  **1 years**
  • New Codes (CEC) 10/2018 to 1/2022  **3.5+ yrs**
    “Mid Cycle Updates”  **2-2.5 yrs**

• **Regulations that implement laws**
  • Rulemaking process by State Agencies  **1.5 yrs**

• **Local Code Amendments**
  • Limited scope  **.5 to 1 year**
  • **New Laws**  **.5 to 1 year**

  • Against AIA CA policy to modify codes via law
Zero Code

Enlist Support of Governor Newsom

• Send a letter urging Urgent Action
• Prepare to Lobby in Person; descend on the State Capital
Zero Code

Three Path Strategy

- Executive Order: Letter; arrange meeting
- Legislative Action: Bill Leddy leads a charge
- Code Change: Fastest Path: *mid cycle update*; and invoke *Emergency action*
Zero Code

Where would the Zero Code Fit into the California Code Landscape?
Introducing the ZERO Code standard for new commercial, institutional, and mid- to high-rise residential buildings.

The ZERO Code is a national and international building energy standard for new building construction that integrates cost-effective energy efficiency standards with on-site and/or off-site renewable energy resulting in zero-net-carbon buildings.

The ZERO Code includes prescriptive and performance paths.
THE ZERO CODE

The ZERO Code provides code-adaptable language defining the energy efficiency and renewable energy requirements (on-site generation and/or off-site procurement) for zero-net-carbon new buildings.

Complying with the ZERO Code entails first meeting the minimum prescriptive or performance requirements for building energy efficiency defined by ASHRAE Standard 90.1-2016. As part of a standardized and predictable process to continue to advance energy efficiency, new standards that exceed ASHRAE Standard 90.1-2016 have been incorporated into the ZERO Code, such as the 2018 International Green Construction Code (IgCC) and ASHRAE Standard 189.1-2017. Newer versions of ASHRAE 90.1, 189.1 and the IgCC will be incorporated as they are published. Once the minimum requirements of the standard are met, then the on-site and/or off-site renewable energy is calculated to achieve a zero-net-carbon building design.
Will be an Appendix in the 2022 International Energy Conservation Code

More like a ‘reach code’ than a ‘base minimum building standard’
CALGreen

- CALGreen (Title 24, Part 11): Current edition & supplements
- Guidebook: Non-residential CALGreen building standards
- Checklists: CALGreen Mandatory, Tier 1 and Tier 2

CALGreen is the first-in-the-nation mandatory green building standards code. In 2007, CBSC developed green building standards in an effort to meet the goals of California's landmark initiative AB 32, which established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020.

CBSC has the authority to propose CALGreen standards for nonresidential structures that include, but are not limited to, new buildings or portions of new buildings, additions and alterations, and all occupancies where no other state agency has the authority to adopt green building standards applicable to those occupancies.

California Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen)
Chapter 1 Administration .................................................................
Chapter 2 Definitions ......................................................................
Chapter 3 Green Building ...............................................................  
Chapter 4 Residential Mandatory Measures. .................................
Chapter 5 Nonresidential Mandatory Measures. ..............................
Chapter 6 Referenced Organizations and Standards ........................
Chapter 7 Installer and Special Inspector Qualifications .................
Chapter 8 Compliance Forms and Worksheets. ...............................  
Appendix A4 Residential Voluntary Measures. ..............................
Appendix A5 Nonresidential Voluntary Measures. ...........................
Appendix A6.1 – Voluntary Standards for Health Facilities. ...............  
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2019 California Green Building Standards Code

Chapter 1 Administration ..........................................................
Chapter 2 Definitions ................................................................
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Appendix A4 Residential Voluntary Measures. .............................
Appendix A5 Nonresidential Voluntary Measures. ......................
Appendix A6.1 – Voluntary Standards for Health Facilities. .......... 
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Side Note: Key Staff at CBSC are Architects and AIA CA members: Executive Director Mia Marvelli, Deputy Director Michael Nearman, and Gary Fabian Associate Architect and Spokesperson
Petition for Amendments to the California Green Building Standards Code to incorporate reference to the ZeroCode for California for voluntary adoption by jurisdictions

Outline of Proposed Code Changes

Amend Title24 Part 11 California Green Building Standards Code
Appendix A5 Nonresidential Voluntary Measures
Modify Section A5.211 Renewable Energy as follows:
Add new text as follows:

Section A5.211.4 Zero Carbon
Section A5.211.4.1 Performance Standard
Conform to the requirements of the Zero Code for California (ZCC) found at https://zero-code.org. The ZCC includes both prescriptive and performance paths to compliance referencing the current California Building Energy Standards.
Modify Section A5.602.1 CALGreen VERIFICATION GUIDELINES TIER 1 Division 5.2 Energy Efficiency
Add new text as follows:

Elective Zero Carbon Code Section A5.211.4, A5.211.4.1

Modify Section A5.602.2 CALGreen VERIFICATION GUIDELINES TIER 2 Division 5.2 Energy Efficiency
Add new text as follows:

Elective Zero Carbon Code Section A5.211.4, A5.211.4.1

Dated October 22, 2019 Version 1.0
Respectfully Submitted
Michael F. Malinowski FAIA
American Institute of Architects California
Government Relations Liason
(916) 448 9082 mail@aiacalifornia.org
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Add new text as follows:

Elective Zero Carbon Code Section A5.211.4, A5.211.4.1
Modify Section A5.602.2 CALGreen VERIFICATION GUIDELINES TIER 2
Division 5.2 Energy Efficiency
Add new text as follows:

Elective Zero Carbon Code Section A5.211.4, A5.211.4.1

Dated October 22, 2019  Version 1.0
Respectfully Submitted
Michael F. Malinowski FAIA
American Institute of Architects California
Government Relations Liaison
(916) 448 9082   mail@aiacalifornia.org
Code Change Petition Filed with CBSC
October 2020

- Cite Climate Emergency
  - Declared by over 1200 Government Bodies around the world
Campaign Impact

The Climate Emergency Movement Has Arrived

The goal of the Climate Emergency Campaign is to compel governments to adopt an emergency response to climate change and ecological breakdown in order to reclaim OUR FUTURE.

1,747 Governments Declared
830+ Million People
30 Countries

Any city can achieve the hugely ambitious goal of eliminating emissions in 10 years. That city will inspire action and lead the way.
Code Change Petition Filed with CBSC
October 2020

• Petition Accepted and Deemed Valid
• CBSC Meeting Nov 5th
Zero Code

Emergency Declaration by State Agency

- Referred to Air Resources Board
- Meeting CalEPA: Mid November
Zero Code

Three Path Strategy Revisited

- Executive Order: No Response
- Legislative Action: No Significant Change or Progress
- Code Change: No Emergency Declaration
  Deemed too late for Mid Cycle
New Two Path Strategy

- **Reach Code Coordination**: modify Zero Code to align with Reach Codes spreading across Ca
- **Code Change**: CalGreen, 2022 Code Cycle
Climate Action via Code Change

- A new ZeroCode for California to 2022 CalGreen
- Expand the California Existing Building Code to include all three alternative Compliance Paths that are in the International Existing Building Code
The Players

- Code officials
- Design professionals
- Code consultants
- Trade associations
- Builders/contractors
- Manufacturers/suppliers
- Government agencies
- Anyone with an interest
• A Few Personal Observations

• **By nature, State Agencies are ‘Reactive’**
  • They ‘Implement and Enforce’ requirements that come from legislative and administrative actions
  • It would be good for more architects to consider working for State agencies: a unique perspective

• **There is a need to identify opportunities for change**
  • AIA CA members can engage in Code Development we can help move the ball forward

• **California Cities are at the world’s cutting edge in climate action**
  • AIA CA members can influence their own community to address climate change via Reach Code adoption
  • When CA acts, the world takes notice
CA State Agency adopting Building Regulations

• Department of Housing and Community Development (HCD)
• Office of the State Fire Marshal (SFM)
• Division of the State Architect (DSA)
• Office of Statewide Health Planning and Development (OSHPD)
• The California Department of Public Health (CDPH)
• Department of Industrial Relations, Division of Occupational Safety and Health (DOSH)
• California Energy Commission (CEC)
• State Historical Building Safety Board (SHBSB)
• Department of Food and Agriculture (AGR)
• Department of Water Resources (DWR)
• Board of State and Community Corrections (BSCC)
• California State Library (CSL)
• Department of Consumer Affairs (DCA)
CBSC Advisory Committees

- Accessibility Committee (ACCESS);
- Plumbing, Electrical, Mechanical, and Energy Committee (PEME);
- Building, Fire and Other Committee (BFO);
- Structural Design/Lateral Forces Committee (SD/LF);
- Health Facilities Committee (HF);
- Green Building Committee (GREEN).
Climate Action via Code Change

Looking ahead for January 1 2023
• Need for Consistency in Reach Code environment
What will be the landscape for Carbon?
• Embodied Carbon
• Carbon Capture
• Beyond Zero: Carbon Positive designation

Anyone Interested in seeing these emerging issues in CalGreen contact me
mfm@appliedarts.net
Q & A
Upcoming Local COTE Roundtables

- Making the Case for Climate Action
  - Nov, 5, 2020, 12:00pm

- Tips & Tricks: Local Level Advocacy
  - Feb. 10, 2021, 12:00pm

- Success Stories
  - May 12, 2021, 12:00pm