



CITY OF SACRAMENTO

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May 27, 1981

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Amendments to Residential Resale Energy Audit Provisions

SUMMARY:

Submitted is an ordinance which amends the residential resale energy audit provisions adopted by the Council on February 3, 1981. Generally, these amendments make some changes to conform to the County ordinance and provide a time extension for residences being rehabilitated. It is recommended that the Council amend the City Code relating to energy conservation standards and energy audits by adoption of the attached ordinance.

BACKGROUND:

During the discussions on the residential resale audit ordinance, it was pointed out that there were some variations between the proposed City and County ordinances. Staff was directed to report back with proposed amendments to reconcile these differences. Also, during these discussions, staff was directed to prepare an amendment which would take into consideration residences which were being rehabilitated and required a time extension to comply with the energy conservation measures. The proposed amendments accomplish these purposes as follows:

Section 1 - This section authorizes the Director of Building Inspections to designate certain persons to conduct the audits. It merely gives him the versatility to use a member of the City staff or other qualified individuals to conduct an audit if the need arises. It is anticipated that this authority will be exercised very seldom if ever; however, it does conform to the authority given the County's Chief Building Inspector.

Section 2 - This section adds a definition which was inadvertently left out of the original ordinance.

Section 3 - This section changes the date after which the issuance of a building permit will exempt the residence from the energy audit provisions. The July 1 1978 date proposed in this amendment is the actual date that the latest energy conservation regulations were imposed on new homes as opposed to

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the July 1, 1977 date which was the enactment date. The July 1, 1978 date conforms to the County regulations; however, the County does not have the 10-year limit on the exemption. Staff is of the opinion that this limit should remain in the City regulations because conditions could change in that amount of time which would warrant an audit and the application of new energy conservation measures. It is staff's understanding that the Sacramento County Energy Council is going to propose to the Board of Supervisors that they adopt the 10-year provision.

Section 4 - This section has been changed to conform to the County requirements and simply clarifies that a residence may have R-11 insulation and be exempted as opposed to having to exceed R-11. This was the intent of the original ordinance.

Section 5 - This section requires that hot water heater blankets have a thermal resistance value of R-6 "as installed". This provision conforms with the County requirements and precludes the use of insulation which may have the proper R-value on "the shelf" but not meet standards when installed.

Section 6 - This section requires that the Director of Building Inspections give notice to the buyer in addition to the individuals previously specified. The County regulations require that the Chief Building Inspector give such notice, and it is staff's opinion that the City should do likewise.

Section 7 - This section permits verification by an energy auditor as opposed to having an additional complete audit performed after energy conservation measures have been installed. This verification could be in the form of a certification by a licensed contractor that certain work had been performed. This amendment is not being proposed to conform to the County; however, the utility companies requested, and staff concurs that this wording should be changed for clarification.

Section 8 - This section is being amended to clarify the fact that the limits of money specified do not have to be spent if they are not required to meet the provisions of the energy conservation standards. The County does not have a provision specifying the maximum amounts that need be spent; however, staff is not making a recommendation to delete these limits because they were specifically requested by Council.

Section 9 - This section was added to restrict the liability of the utility companies. This provision is in the County regulations and staff is of the opinion that it should be included in the City's.

Section 10 - This section is being added to provide for extended conformance time periods for residences being rehabilitated. Council requested that this provision be included. The County does not have such a provision; however, it is staff's understanding that it will be proposed to the Board of Supervisors for adoption.

Section 11 - This section is being added to provide the City Manager with the same authority that the County Executive has in the implementation of the provisions of this article.

One additional requirement in the City regulations that the County does not have is electrical wall outlet gaskets. Staff is of the opinion that this requirement should remain in the City regulations and it is our understanding that the County Energy Council intends to propose similar requirements to the Board of Supervisors for adoption.

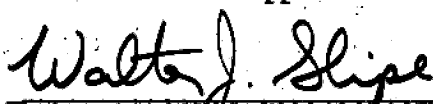
Another difference between the City and County regulations is in the recording of the Proof of Compliance form. The County requires this form to be recorded at the County Recorder's Office. The City regulations require it to be filed at the Building Inspection Division's office. It is staff's opinion that these forms should be maintained at the Building Inspection's office where they will be filed by address and readily accessible.

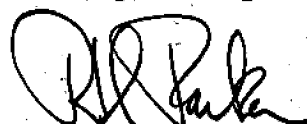
RECOMMENDATION:

It is recommended that provisions of Chapter 9, Article XX of the Sacramento City Code relating to energy conservation standards and energy audits be amended by adoption of the attached ordinance.

Respectfully submitted,

Recommendation Approved:


Walter J. Slupe, City Manager


R. H. PARKER
City Engineer

RHP/MHJ/hma

att.

June 2, 1981
All Districts

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 9, ARTICLE XX,
OF THE SACRAMENTO CITY CODE, RELATING TO ENERGY CONSERVATION
STANDARDS AND ENERGY AUDITS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 9.751(f) of the Sacramento City Code is hereby amended to read as follows:

(f) "Energy Auditor" means a representative of Pacific Gas and Electric Company or the Sacramento Municipal Utility District who is trained and qualified to conduct the energy audit required by this Article, or a person who is certified or licensed by the State of California as qualified to conduct the energy audit required by this Article, or a person authorized by the director to conduct the energy audit required by this article by reason of training, experience and qualification.

SECTION 2.

Subsection (j) is hereby added to Section 9.751 of the Sacramento City Code to read as follows:

(j) "Thermal Resistance (R)" means the measure of the resistance of a material or building component to the passage of heat in $\frac{^{\circ}\text{F} - \text{sq. ft.}}{\text{Btu/hr.}}$ The resistance value (R) of mass type insulations shall not include any value for reflective facing.

SECTION 3.

Section 9.752(b) of the Sacramento City Code is hereby amended to read as follows:

(b) Any dwelling for which a building permit was issued on or after July 1, 1978, 1977, shall be exempt from the provisions of this Article for 10 years following the date the building permit was issued.

SECTION 4.

Section 9.753(a) of the Sacramento City Code is hereby amended to read as follows:

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(a) All accessible attic space over conditioned spaces shall be insulated to a minimum thermal resistance value of R-19.

Exemptions:

(1) Existing ceiling insulation meets or exceeds R-11 throughout at least 90 per cent of the existing ceiling area.

SECTION 5.

Section 9.753(c) of the Sacramento City Code is hereby amended to read as follows:

(c) All domestic water heaters shall be fitted with external insulation blankets rated at a minimum thermal resistance value of R-6 as installed.

Exemptions:

(1) Thermal resistance of the total water heater insulation jacket which meets, or exceeds, A.S.H.R.A.E. Standard 90-75.

(2) Water heater clearance of less than 3" from nearest wall or is otherwise partially inaccessible to a wraparound insulation blanket.

(3) Water heater is of non-standard, non-cylindrical shape requiring oddly cut insulation blanket or does not possess a pressure release valve.

SECTION 6.

Section 9.754 of the Sacramento City Code is hereby amended to read as follows:

Sec. 9.754 Notice of the Requirements of the Article.

(a) Any real estate agent, real estate broker, real estate salesman or title company, whether representing a seller or buyer, involved in the sale of a dwelling subject to the provisions of this Article shall give written notice to the buyer of the requirements of this Article.

(b) The director shall give written notice to the buyer of the requirements of this Article.

(c) The failure of any person specified in subsections (a) and (b) of this section to give notice as required hereinabove shall not excuse or exempt the buyer of a dwelling subject to the provisions of this Article from complying with the energy audit requirement specified herein.

SECTION 7.

Section 9.755(b) of the Sacramento City Code is hereby amended to read as follows:

(b)(1) An energy auditor, when so authorized by a buyer, shall conduct an energy audit of the dwelling consistent with the standards set forth in this Article. The auditor shall set forth his findings on a Proof of Compliance Form approved by the director. If the dwelling fails to meet the standards set forth in this Article, the auditor shall indicate on the Proof of Compliance Form the work necessary to bring the dwelling into compliance.

(2) If the dwelling is in compliance with the provisions of this article the buyer shall record the Proof of Compliance Form as set forth above.

(3) If the dwelling does not comply with the provisions of this article the buyer shall perform, or have performed, the tasks set forth by the auditor as required to comply with the provisions of this Article. Thereafter, the buyer shall request a subsequent verification by an energy auditor to determine if the dwelling is in compliance with the provisions of this Article. The auditor shall set forth his findings on the Proof of Compliance Form. If the dwelling is then determined to be in compliance with the provisions of this Article the buyer shall record the Proof of Compliance Form as set forth above. If the dwelling is not in compliance, the buyer will continue to be subject to the provisions of this Article.

SECTION 8.

Section 9.755(c) of the Sacramento City Code is hereby amended to read as follows:

(c) The buyer may satisfy the requirements of this Article by demonstrating to the satisfaction of the director that \$750.00, or 1-1/2% of the fair market value of the dwelling as of the date of sale, whichever is greater, has been reasonably expended or paid by the buyer in meeting the energy conservation standards prescribed by Section 9.753 with respect to said dwelling. Such demonstration shall be in the form of receipts, invoices or other documentation satisfactory to the director showing the actual cost of materials or labor and the date of installation. If the director determines that the foregoing provisions have been satisfied, he shall issue a proof of Compliance Form to the buyer, indicating thereon the manner in which the buyer has satisfied the foregoing provisions. A copy of said Proof of Compliance Form shall be retained by the director. Nothing contained herein shall be construed to require an expenditure or payment beyond that necessary to comply with the energy conservation standards of Section 9.753.

SECTION 9.

Subsection (e) is hereby added to Section 9.755 of the Sacramento City Code to read as follows:

(e) No violation of this Article, or civil liability based on this Article, shall arise on the part of an energy auditor from the performance of an energy audit, or the failure to perform an energy audit, if the energy audit services were performed or offered to be performed free of charge to the buyer.

SECTION 10.

Subsection (f) is hereby added to Section 9.755 of the Sacramento city Code to read as follows:

(f) The director may grant the buyer an extension of time within which to comply with the requirements of this Article, if the director determines that the buyer is engaged in the rehabilitation of a substantial portion of dwelling, that the buyer has obtained a building permit for such rehabilitation, and that such rehabilitation efforts make the performance of the energy conservation measures required by this Article infeasible or premature within the time provided by subsection (a), and if it appears to the director that the buyer will comply with the requirements of this Article within the period of such extension.

The director may grant the extension as follows:

(1) For a fixed period of time, not to exceed 180 additional days; or

(2) For the term of the building permit obtained by the buyer for such rehabilitation; provided however, that if an extension is granted pursuant to this part the final inspection and approval required by Section 9.67 shall not be deemed complete and the project shall not be deemed approved thereunder until the buyer has complied with the requirements of this Article.

The director may condition the grant of an extension as he or she deems necessary to secure compliance with the requirements of this Article.

A buyer may apply for an extension provided for in this subsection by submitting a written request to the director in a form approved by the director. Such request shall be accompanied by such information as is deemed necessary by the director in order to determine whether the conditions for granting an extension exist.

SECTION 11.

Section 9.759 is hereby added to the Sacramento City Code to read as follows:

Sec. 9.759 Regulations.

The City Manager may, from time to time, establish practices and procedures to implement the provisions of this Article.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK