

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Juan Carrillo, Chair
AB 39 (Zbur) – As Amended February 25, 2025

SUBJECT: General plans: Local Electrification Planning Act.

SUMMARY: Requires counties and cities, including charter cities, to adopt a plan, or amend their general plan, to identify various goals, objectives, policies, and implementation measures regarding electrification of transportation and buildings. Specifically, **this bill:**

- 1) Enacts the Local Electrification Planning Act and requires cities and counties with a population of 75,000 or greater to, on or after January 1, 2027, but no later than January 1, 2030, prepare and adopt one of the following, or integrate a similar plan into the next adoption of their general plan:
 - a) Electrification plan;
 - b) Decarbonization plan;
 - c) Community energy plan; or
 - d) Other similar plan.
- 2) Requires the plan to include all of the following:
 - a) Locally based goals, objectives, policies, and feasible implementation measures that include, but are not limited to, the following components:
 - i) Identification of opportunities to expand electric vehicle charging to meet the needs of a county's or city's current and future visitors, residents, and businesses, including, but not limited to, removal of any barriers to expanding charging.
 - ii) Identification of opportunities to expand electric vehicle charging in residential, retail, and commercial parking lots and structures, and on public streets, including, but not limited to, consideration of the creation of public electric charging corridors on public streets, to the extent necessary to meet the needs of the county's or city's current and future visitors, residents, businesses, disadvantaged communities, and low-income households.
 - iii) Identification of strategies for the public electrification and decarbonization of new and existing buildings, including removing any barriers to support this transition.
 - iv) Identification of opportunities to expand zero-emission and renewable distributed energy resources to increase clean energy generation and local energy reliability, including, but not limited to, rooftop solar, community solar, microgrid, and battery storage technologies.

- v) Identification of areas where infrastructure may be needed and strategies to meet the existing and projected needs of public and private medium- and heavy-duty zero-emission vehicle fleets operating within the county or city.
 - vi) In coordination with the load-serving entities, identification of areas where grid infrastructure upgrades are needed to meet the transportation, decarbonization, and building electrification needs of visitors, residents, businesses, and governmental entities within the county or city.
- b) Policies or implementation measures that address the needs of disadvantaged communities, low-income households, and small businesses for equitable and prioritized investments in zero-emission technologies that directly benefit these groups.
- 3) Provides, if a city or county has already adopted a similar plan, apart from the general plan, that meets the requirements of this bill, the city or county may incorporate the plan by reference into the general plan to comply with this bill. If the general plan has provisions in existing elements that meet the requirements of this bill, the city or county may use those provisions to comply with this bill.
- 4) Provides that a plan adopted pursuant to this bill shall be deemed a regional plan for purposes of the California Environmental Quality Act (CEQA), as defined by Section 15125 of Title 14 of the California Code of Regulations.
- 5) Provides the following definitions for purposes of this bill:
- a) “Disadvantaged communities” refers to either of the following:
 - i) Pursuant to specified existing law, an area identified by the California Environmental Protection Agency that shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following:
 - (1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.
 - (2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.
 - ii) Pursuant to specified existing law, an area that is a low-income community, defined as a census tract with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits, as specified.

- b) “Load-serving entity” means an electrical corporation, electric service provider, or community choice aggregator, as defined by specified existing law. “Load-serving entity” does not include any of the following:
 - i) A local publicly owned electric utility.
 - ii) The State Water Resources Development System commonly known as the State Water Project.
 - iii) Customer generation located on the customer’s site or providing electric service through arrangements authorized by Section 218, if the customer generation, or the load it serves, meets specified criteria.
 - c) “Low-income households” means households of persons and families of very low and low income, as defined by specified existing law.
- 6) Finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.
 - 7) Finds and declares that Sections 65104 and 66014 of the Government Code provide local agencies with authority to levy fees sufficient to pay for the program or level of service mandated by this bill.
 - 8) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill, as specified by existing law.

EXISTING LAW:

- 1) Requires each county or city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties. (Government Code § 65300)
- 2) Requires the general plan to contain seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety. (Government Code § 65302)
- 3) Requires the general plan to include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. (Government Code § 65302)

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary.** This bill requires counties and cities to prepare and adopt, or incorporate into their general plan, an electrification plan, decarbonization plan, community plan, or other similar plan that includes locally based goals, objectives, policies, and implementation measures related to electrification of transportation and buildings. A county or city would

have to comply with these provisions on or after January 1, 2027, but no later than January 1, 2030.

This bill is sponsored by the Building Decarbonization Coalition and CALSTART.

- 2) **Author’s Statement.** According to the author, “In order to meet the state’s climate goals, Californians will need over one million chargers to support the eight million electric vehicles anticipated on the road by 2030, and more to meet the state’s 2035 electric vehicle mandate. Residential and commercial buildings will also need upgrades and retrofitting and installation of electric appliances and equipment to cut greenhouse gas emissions. AB 39 requires cities and counties to create plans to meet their transportation and building electrification needs, and to ensure that electric vehicle chargers and building electrification are accessible to renters, multi-family housing residents, commercial vehicle and truck fleets, and disadvantaged communities. The bill requires consideration of and planning for on-street electric vehicle charger corridors and electrification funding strategies for disadvantaged communities.”
- 3) **Police Power of Counties and Cities.** The California Constitution allows counties and cities to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that counties and cities derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

Local governments use their police power to enact zoning ordinances that shape development, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks to preserve privacy, lot coverage ratios to increase open space, and others. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations.

- 4) **General Plans.** State law provides additional powers and duties for counties and cities regarding land use. Each city and county must prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions. Counties’ and cities’ major land use decisions—including zoning ordinances and development permitting—must be consistent with their general plans. In this way, the general plan is a blueprint for future development.

The general plan has seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. Counties and cities may adopt optional elements that address issues of their choosing, and once adopted, those elements have the same legal force as the mandatory elements. The general plan must be “internally consistent,” which means the various elements cannot have conflicting information or assumptions.

Although state law spells out the plans’ minimum contents, it also says that local officials can address these topics to the extent to which they exist in their counties and cities, and with a specificity and level of detail that reflects local circumstances. This flexibility reflects the Legislature’s recognition that “the diversity of the state’s communities and their residents

requires planning agencies and legislative bodies to implement [general plan law] in ways that accommodate local conditions and circumstances, while meeting its minimum requirements” (Government Code § 65300.7). Similarly, state law does not require counties and cities to regularly revise their general plans (except for the housing element, which must generally be revised every eight years). However, as communities evolve, many jurisdictions update their general plans to reflect changing demographics, economic conditions, and environmental factors, making them a critical tool for sustainable and equitable development.

- 5) **Environmental Justice in the General Plan.** Local jurisdictions are required to incorporate environmental justice (EJ) into their general plan if they are concurrently adopting or revising two or more elements of their general plan and they have a disadvantaged community, defined as “an area identified by the California Environmental Protection Agency Pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation” (Gov. Code, § 65302, subd. (h)(4)(A)). The general plan may address EJ as a stand-alone element or integrate it into other elements, but must include mechanisms to identify objectives and policies to:
- a) Reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.
 - b) Promote civic engagement in the public decision making process.
 - c) Prioritize improvements and programs that address the needs of disadvantaged communities.
- 6) **Zoning Laws.** Local land use policies and decisions, including zoning, specific plans, development agreements, and subdivision map approvals, of general law counties and cities must be consistent with their general plan. However, charter cities are exempted from many provisions in law that apply to local planning and zoning ordinances, except where state law specifically states that it applies to charter cities. County or city zoning ordinances, including charter cities, must be consistent with the general plan. To comply with this requirement, a county or city must ensure that the various land uses the ordinance authorizes are compatible with the objectives, policies, general land uses, and programs the general plan specifies. Any resident or property owner in the county or city can bring an action in superior court to enforce compliance within 90 days of a new zoning ordinance or amendment’s enactment. If a zoning ordinance becomes inconsistent with a general plan due to an amendment to the general plan, or any of its elements, the county or city must amend the zoning ordinance in a reasonable time so that it is consistent with the amended general plan.

Local governments have broad authority to define the specific approval processes needed for land use projects. For example, some housing projects can be permitted by city or county planning staff “ministerially” or without further approval from elected officials, but most large housing projects require “discretionary” approvals from local governments, such as a conditional use permit or a change in zoning laws. This process requires hearings by the local planning commission and public notice and may require additional approvals.

- 7) **Local Planning Agencies.** The Planning and Zoning Law also establishes a planning agency in each county and city, which may be a separate planning commission, administrative body, or the legislative body of the city or county itself. Public notice must be given at least 10 days in advance of hearings where most permitting decisions will be made. The law also allows residents to appeal permitting decisions and other actions to either a board of appeals or the legislative body of the city or county. Counties and cities may adopt ordinances governing the appeals process, which can entail appeals of decisions by planning officials to the planning commission and the city council or county board of supervisors.
- 8) **Greenhouse Gas Reduction Policies.** California must reduce statewide greenhouse gas (GHG) emissions to a level 40 percent below 1990 levels by 2030 [SB 32 (Pavley), Chapter 249, Statutes of 2016] and 80 percent below 1990 levels by 2050 (Executive Order S-3-05). The California Air Resources Board (CARB) oversees the implementation of these mandates and has developed the Climate Change Scoping Plan, which details the strategies the state will use to achieve its emissions reduction goals. The state has also set the policy goal of carbon neutrality for the state's electrical grid by 2045 [SB 100 (De Leon), Chapter 312, Statutes of 2018]. SB 100 directed the California Public Utilities Commission (PUC), the California Energy Commission (CEC), and the State Air Resources Board to incorporate that policy into all relevant planning and to issue a joint report to the Legislature every four years specifying information related to the implementation of the policy.
- 9) **EV Policies.** California has been steadily expanding its policies supporting the adoption of electric vehicle (EV) technology and infrastructure, beginning with incentives for purchasing EVs and requirements on automakers to manufacture specified percentages of EVs in relation to gas-powered vehicles. In 2012, Governor Jerry Brown issued Executive Order B-16-12 directing CARB, CEC, PUC, and other relevant agencies to establish benchmarks to help the state's zero emission vehicle (ZEV) infrastructure support 1.5 million EVs by 2025, and targeting a reduction of GHG emissions from the transportation sector equaling 90 percent less than 1990 levels by 2050. Executive Order N-79-20, issued by Governor Newsom in 2020, requires 100% of in-state sales of new passenger cars and trucks to be zero-emission by 2035.
 - a) **AB 1236 of 2015.** Responding to the patchwork of California's EV permitting structure and the uncertainty it posed to installers, AB 1236 (Chiu), Chapter 598, Statutes of 2015, placed significant new requirements into law regarding applications to install EV charging stations. AB 1236 required counties and cities to administratively approve an application to install EV charging stations through the issuance of a building permit or similar nondiscretionary permit, and limited review of an application to whether it meets all health and safety requirements of local, state, and federal law. Requirements of local law were limited to those standards and regulations necessary to ensure that the EV charging station will not have a specific, adverse impact upon the public health or safety. AB 1236 allowed a county or city to require an applicant to apply for a use permit under certain circumstances.

AB 1236 also required local agencies to adopt an ordinance that creates an expedited, streamlined permitting process for EV charging stations. Local agencies must adopt a checklist of all requirements with which EV charging stations must comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist is deemed complete. A local agency must approve the application and issue all

required permits once the local agency confirms the application and supporting documents are complete and meet the requirements of the checklist. If a local agency receives an incomplete application, it must issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

- b) **GO-Biz Guidebook.** GO-Biz published the first edition of its “EV Charging Station Permitting Guidebook” in July 2019. The GO-Biz Guidebook notes, “To support California’s ambitious ZEV deployment goals – 5 million ZEVs in California by 2030 – the state is prioritizing the development of infrastructure to support these vehicles, in the form of plug-in EV charging stations and hydrogen fueling stations. At the most fundamental level, infrastructure enables the deployment of ZEVs. When consumers look to buy a new or used car, they need confirmation that it will be able to take them where they want to go. Widespread availability of infrastructure ensures that Californians will have that confidence...Ultimately, a successful transition to zero emissions hinges on success at the local level.”
 - c) **AB 970 of 2021.** In response to the GO-Biz Guidebook’s recommendations, AB 970 (McCarty), Chapter 710, Statutes of 2021, established specific time frames in which local agencies must complete and approve permits for EV charging stations. Under the bill, an application to install an EV charging station is deemed complete if the building official of the county or city has not either deemed the application complete or written a correction notice detailing the deficiencies in the application within specified time periods. Applications are deemed approved 20 business days after the application was deemed complete for an installation of up to 25 charging stations at a single site, or 40 business days for an installation of more than 25 charging stations, if certain conditions are met.
 - d) **AB 2427 of 2024.** AB 2427 (McCarty), Chapter 567, Statutes of 2024, required GO-Biz to develop a model permitting checklist, model zoning ordinances, and best practices for permit costs and review for inclusion in updates to its Guidebook to help local governments permit curbside EV charging stations. This bill also required cities and counties to develop a checklist with requirements for permitting installation of EV charging stations in the public right-of-way, to identify all fees and charges associated with the permitting process, and to identify any criteria adopted by the local agency to determine appropriate locations within the public right-of-way for installation of an EV charging station.
- 10) **Building Decarbonization Policies.** ‘Building decarbonization’ is a term used to describe reductions in GHG emissions from the building sector. According to CARB, residential and commercial buildings are responsible for roughly 25% of California’s GHG emissions. Of this 25%, roughly 10% of emissions are attributable to fossil fuel combustion, including natural gas, with residential buildings accounting for slightly more of those emissions than commercial buildings.
- a) **Climate Change Scoping Plan.** The Climate Change Scoping Plan identifies actions to reduce GHG emissions from the building sector, including progressively improving building codes and standards, pursuing voluntary efforts to exceed code requirements, and completing existing building retrofits. Several strategies can be deployed to reduce carbon emissions from the building sector. These include improving the energy efficiency

of buildings and appliances, reducing carbon emissions from fossil fuel sources, ensuring cleaner sources of energy to operate buildings and associated appliances, addressing methane leaks, and others.

- b) **Building Codes.** The California Building Standards Code (Title 24 of the California Code of Regulations) contains building standards and regulations as adopted by the California Building Standards Commission. These standards include, among other requirements, structural standards for building safety (the Building Code), fire safety standards (the Fire Code), energy efficiency standards (the Energy Code), and standards for green buildings (CalGreen).

The Building Standards Code is updated on a three-year cycle. Once adopted at the state level, local agencies in California then enact an ordinance to adopt the codes. Those ordinances may include amendments that are more stringent than the state codes, if the local governing body makes findings that the amendments are necessary because of local climatic, geological, or topographical conditions. CalGreen provides that local climatic, geological, or topographical conditions include environmental conditions established by the county or city, meaning that local agencies can adopt more stringent green building requirements.

New construction and improvements to existing buildings must comply with the current building codes, and improvements to an existing building may trigger additional code upgrades for other parts of a building.

- c) **Energy Efficiency Standards for Buildings.** The CEC adopts building energy efficiency standards that are cost effective for occupants over the 30-year lifespan of a building. The standards ensure that builders use the most energy efficient technologies and construction, save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants and help preserve the environment. These measures can be found in Title 24, Parts 6 and 11, of the California Code of Regulations.

State law also tasks the CEC with developing and implementing a comprehensive program to achieve greater energy savings in California's existing residential and nonresidential building stock that fall significantly below the current standards in Title 24. The CEC has also adopted a Building Action Plan that sets out a ten-year roadmap to use market forces to improve California's existing residential, commercial, and public building stock into high-performing and energy-efficient buildings.

- d) **Building Decarbonization Assessment.** AB 3232 (Friedman), Chapter 373, Statutes of 2018, required the CEC to develop a plan to achieve the goal of reducing the emissions of GHGs by the state's residential and commercial building stock by at least 40% below the 1990 levels by January 1, 2030. The AB 3232 California Building Decarbonization Assessment was published in August of 2021 and analyzes scenarios to reduce GHG emissions from the building sector.

However, the report identifies a laundry list of barriers to building decarbonization, including costs, availability of workforce to install products, ability to install products in some emergency circumstances, current building age, availability of electric technology

in some markets, and misaligned incentives between landlords and tenants in rental buildings, among others. The assessment further notes, “Low-income and disadvantaged communities may face additional unique barriers because of systemic inequality, a history of lower access to capital and financing, greater energy burden, and lower rates of home or business ownership. Rural regions and Native American tribes also require careful consideration for decarbonization solutions.”

11) **Local Energy Reliability Policies.** Energy reliability is the ability of a power system to consistently deliver power to homes, buildings, and devices—even in the face of instability, uncontrolled events, cascading failures, or unanticipated loss of system components. Ensuring energy reliability at the local level may include strengthening local grids, integrating diverse energy sources such as solar, and using technologies like microgrids and battery storage to enhance resilience.

- a) **California Energy Code.** In August 2021, the CEC approved the 2022 California Energy Code, making California the first state to require solar and battery storage for new commercial buildings and high-rise multifamily buildings. The Energy Code also requires builders to design new single-family homes so battery storage can be easily added in the future.

Additionally, the PUC’s Self-Generation Incentive Program (SGIP) offers rebates for installing distributed energy systems, including battery storage, for residential and non-residential buildings.

- b) **Solar Permitting Process.** The California Legislature enacted the Solar Rights Act in 1978 to protect a homeowner’s right to install a solar energy system by limiting a homeowner association’s ability to object to such installations through its covenants, conditions and restrictions (CC&Rs). Existing law limits review of an application to install solar energy system to the building official’s review of whether it meets all health and safety requirements of local, state, and federal law.
- c) **Net Energy Metering.** Net Energy Metering (NEM) is a policy framework originally designed to incentivize the adoption of rooftop solar by allowing customers to offset their energy usage with the electricity they generate. Under NEM, customers can send excess energy back to the grid in exchange for bill credits. The first iteration of NEM policy was introduced in 1995 and is now referred to as NEM 1.0 [SB 656 (Alquist), Chapter 369, Statutes of 1995], which was followed in 2013 by NEM 2.0 [AB 327 (Perea), Chapter 611, Statutes of 2013)]. The Net Billing Tariff (NBT), also referred to as NEM 3.0, went into effect in April 2023 following adoption by the PUC. Under the NBT framework, customers are credited for excess energy based on hourly rates that reflect market demand and grid needs. According to the PUC, this approach aims to provide fair compensation while encouraging solar systems designed for self-consumption and energy storage.
- d) **SB 1339 of 2018.** SB 1339 (Stern), Chapter 566, Statutes of 2018, required the PUC, in consultation with the CEC and the Independent System Operator (CAISO), to facilitate the commercialization of microgrids for distribution customers of large electrical corporations. This bill required the governing board of a local publicly owned electric utility (POU) to develop and make available a standardized process for the

interconnection of a customer-supported microgrid, including separate electrical rates and tariffs.

12) **Local Voluntary Efforts to Reduce GHGs.** Local agencies can adopt certain plans to reduce their GHG emissions and mitigate the climate impacts of their activities.

- a) A Climate Action Plan (CAP) is a voluntary document local agencies may adopt. A CAP typically:
 - i) Identifies baseline GHG emissions.
 - ii) Sets a target level of GHG emissions.
 - iii) Forecasts business-as-usual emissions without additional actions.
 - iv) Chooses strategies to reduce emissions to meet the target.
 - v) Identifies implementation steps, including funding.
 - vi) Provides for monitoring and tracking of emissions.

According to CARB's 2019 Report on the State of CAPs in CA, 181 cities and 21 counties had adopted CAPs.

- b) The California Environmental Quality Act (CEQA) requires public agencies, including local governments, to analyze and mitigate the GHG impacts of "projects," defined to include "the whole of an action, which has potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment" (Section 15378 of Title 14 of the California Code of Regulations). CEQA's guidelines allow local agencies to adopt GHG reduction plans to more comprehensively analyze the impacts from projects. A GHG reduction plan must:
 - i) Quantify greenhouse gas emissions from activities within a defined geographic area;
 - ii) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
 - iii) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
 - iv) Specify measures or a group of measures to collectively achieve the specified emissions level;
 - v) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
 - vi) Be adopted in a public process following environmental review.

Projects that comply with measures in the plan may be considered to not have a cumulative impact on GHG emissions.

- c) Some local governments have adopted “reach codes” that go beyond the state’s energy efficiency building standards to reduce the GHG emissions from buildings in their jurisdictions. Reach codes often involve a combination of building electrification and EV charging requirements.
- d) Finally, the CEC’s Local Government Building Decarbonization Challenge offers planning grants to local governments to develop local codes, ordinances, and voluntary measures that support building decarbonization.

13) **Policy Consideration.** The Committee may wish to consider the following: This bill requires counties and cities to undertake a task that, given the numerous state and local efforts to decarbonize buildings and transportation, might be duplicative of these efforts. The Committee may wish to consider if this bill is necessary.

14) **Related Legislation.** AB 819 (Macedo), among other things, exempts parking facilities owned or leased by a church or nonprofit organization that is exempt from federal income taxation from any mandatory building standards that require the installation of electric vehicle charging stations or future electric vehicle charging infrastructure, except designated employee parking spaces.

15) **Previous Legislation.** AB 1176 (Zbur) of 2023 was nearly identical to this bill. AB 1176 died in the Senate Energy, Utilities, and Communications Committee.

AB 1889 (Friedman), Chapter 686, Statutes of 2024, required the conservation element of a county or city’s general plan to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity, beginning January 1, 2028.

AB 2684 (Bryan), Chapter 1009, Statutes of 2024, required the safety element of a county or city’s general plan to consider the hazard of extreme heat, beginning January 1, 2028.

AB 1132 (Friedman), Chapter 357, Statutes of 2023, extended the sunset date on provisions of law that limit the permit fees a county or city can charge for solar energy systems, from January 1, 2025, to January 1, 2034.

SB 1291 (Archuleta), Chapter 373, Statutes of 2022, added hydrogen-fueling stations to the provisions of AB 1236.

AB 970 (McCarty), Chapter 710, Statutes of 2021, established specific time frames in which local agencies must approve permits for EV charging stations.

AB 1124 (Friedman), Chapter 235, Statutes of 2021, revised the definition of "solar energy system" as that term is used for the purpose of local permitting of such systems, including the allowable fees a local agency may charge, and clarified the permit fees local agencies may charge for commercial and residential solar energy systems.

SB 32 (Cortese) of 2021 would have required, after January 1, 2023, each county and city, including charter cities, to make a one-time amendment to its general plan during the next cycle of updates to the plan, climate action plan or greenhouse gas emissions reduction plan, or building codes to identify goals, policies, objectives, targets, and feasible implementation strategies to decarbonize newly-constructed commercial and residential buildings. SB 32 was held in the Senate Appropriations Committee.

AB 2168 (McCarty) of 2020 was nearly identical to AB 970. AB 2168 was held in this Committee.

AB 2700 (Friedman) of 2020 was substantially similar to AB 1124. AB 2700 was held in this Committee.

AB 1414 (Friedman), Chapter 849, Statutes of 2017, reduced the maximum permit fee a county or a city may charge for residential rooftop solar energy systems, applied these caps and commercial permit fee caps to a broader range of solar energy systems, and made additional changes to existing law governing permit fees for rooftop solar energy systems.

AB 1236 (Chiu), Chapter 598, Statutes of 2015, required counties and cities to administratively approve applications to install EV charging stations, and create an expedited, streamlined permitting process for EV charging stations.

AB 2188 (Muratsuchi), Chapter 521, Statutes of 2014, required every county and city to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

SB 1222 (Leno), Chapter 614, Statutes of 2012, limited the fees that counties and cities charge for permits related to the installation of rooftop solar energy systems.

AB 2473 (Wolk), Chapter 789, Statutes of 2004, required counties and cities to permit the installation of solar energy systems by right if the system meets specified requirements, and redefined the term “significantly” in regard to restrictions on solar systems that raise costs or decrease efficiency.

- 16) **Arguments in Support.** According to the Building Decarbonization Coalition and CALSTART, co-sponsors of this bill, “California has adopted ambitious climate goals... Achieving these targets will require the support and partnership of local governments, which are uniquely positioned to enable the adoption of climate-friendly technologies like EVs and heat pumps through their local permitting and planning process...”

“AB 39 would further support these electrification efforts by enabling local jurisdictions to coordinate with electric utilities on identifying areas where grid infrastructure upgrades will be needed to meet new electric demand, and for climate-forward local jurisdictions that have already adopted similar goals, AB 39 provides them with the flexibility to use existing plans where applicable.

“Whether for electric vehicle chargers or residential heat pump appliances, local planning and permitting frameworks in California remain highly fragmented. Increased support and attention by local governments to identify and address barriers to electrification will be

essential to fostering the equitable and efficient decarbonization of California’s economy and ensuring everyone has access to electric vehicles and the benefits of electric home upgrades.”

- 17) **Arguments in Opposition.** According to the California Hydrogen Coalition, “Unfortunately, as written, AB 39 (Zbur) omits hydrogen and fuel cell electric vehicles (FCEVs) rendering any decarbonization plan as incomplete, thus slowing our shared goal of transitioning toward zero emission transportation across all vehicle classes, across all communities.

“With fueling infrastructure in place, FCEVs are a 1:1 replacement for the gasoline and diesel experience. The combination of 3-5 minute refuel times, centralized fueling locations and long ranges make FCEVs a great option for drivers living in multi-unit dwellings, those who park on the street or lack access to workplace charging. According to the California Air Resources Board’s most recent Mobile Source Strategy, approximately 20% of light-duty electric vehicles will be hydrogen powered because of the many drivers needing “fast and convenient” refueling.

“Furthermore, according to the California Energy Commission, ‘hydrogen fuel cell electric vehicles are critical to the state’s goal of getting 1.5 million zero-emission vehicles on California roads by 2025. They are also a vital part of the state’s work to achieve its climate change goals, improve air quality, and reduce reliance on fossil fuels.’ To successfully decarbonize the transportation sector, FCEVs and their requisite hydrogen fueling infrastructure are critical. Technology-neutral planning bills ensure the most comprehensive analyses which maximize outcomes while also allowing local governments to anticipate and design infrastructure based on the unique needs of every community.”

REGISTERED SUPPORT / OPPOSITION:

Support

Building Decarbonization Coalition [CO-SPONSOR]
CALSTART [CO-SPONSOR]
Advanced Energy United
Cal Asian Chamber of Commerce
California African American Chamber of Commerce
California Environmental Voters
California Solar & Storage Association
Communities for A Better Environment
Electric Vehicle Charging Association
Natural Resources Defense Council
Redwood Coalition for Climate and Environmental Responsibility
Rising Sun Center for Opportunity
San Diego Gas and Electric Company
Santa Monica Democratic Club
Sierra Club California
Streets are For Everyone (SAFE) (ORG)
The Climate Center
The Climate Reality Project, Bay Area Chapter
The Climate Reality Project, California State Coalition
The Climate Reality Project, Los Angeles Chapter

The Climate Reality Project, San Diego Chapter
The Climate Reality Project, San Fernando Valley CA Chapter
Union of Concerned Scientists
Vote Solar

Opposition

California Hydrogen Coalition (unless amended)

Analysis Prepared by: Julia Mouat / L. GOV. / (916) 319-3958