



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Angelica Frasuto-Lupo, Community Development Director  
Steven B. Quintanilla, City Attorney

**AGENDA DATE:** August 19, 2025

**TITLE:** ORDINANCES ADOPTING 2025 ENERGY CODE AND AMENDMENTS THERETO FOR ENERGY-EFFICIENT SINGLE-FAMILY AIR CONDITIONERS (REPORT OF: CITY ATTORNEY) (DISTRICT: ALL DISTRICTS)

**TITLE SUMMARY:** ORDINANCES ADOPTING 2025 ENERGY CODE AND AMENDMENTS THERETO FOR ENERGY-EFFICIENT SINGLE-FAMILY AIR CONDITIONERS

**DISTRICT:** All Districts

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### **Recommendation(s)**

That the City Council:

1. Introduce and subsequently adopt the regular ordinance adopting the 2025 Energy Code and amendments thereto for energy efficient single family air conditioners; and
2. Introduce and adopt the companion urgency ordinance adopting the 2025 Energy Code and amendments thereto for energy efficient single family air conditioners.

### **SUMMARY**

These ordinances (regular and urgency) adopt the 2025 Energy Code with amendments which will require existing single-family dwellings in which an existing air conditioning system is altered or replaced or where an air conditioning system is added, to either install

a heat pump as the primary heating source or make other energy conservation improvements.

## **DISCUSSION**

The attached ordinances (regular and urgency) adopt the 2025 Energy Code with amendments which will require existing single-family dwellings in which an existing air conditioning system is altered or replaced or where an air conditioning system is added, to either install a heat pump as the primary heating source or make other energy conservation improvements. The requirements set forth in the ordinances constitute amendments to the 2025 Energy Code – specifically, to Title 24, Part 6, Subchapter 9, Section 150.2. The amendments to the 2025 Energy appear in strikeouts (deletions) and underlines (additions) within the ordinances.

Although the state fully occupies the field of building standards which “generally” preempts cities from adopting their own individual building standards, cities are specifically authorized to amend the state’s building standards as contained in Title 24, which includes the Energy Code, to establish more restrictive local building standards. However, to establish more restrictive building standards, cities must make specific findings that justify the need to adopt more restrictive building standards based on local climatic, geological, or topographical conditions and such findings must be made available as a public record, and a copy of those findings, together with the modifications or changes expressly marked and identified to which each finding refers, must be filed with the California Building Standards Commission. In general, no modification or change will become operative for any purpose until the requisite findings and modifications or changes have been filed with the California Building Standards Commission.

The amendments to the 2025 Energy Code, set forth in both ordinances, will reduce demands for local energy and resources, reduce regional pollution, and promote a lower contribution to greenhouse gases emissions. These are intended to reduce the City’s contributions to climate change and in turn reduce the impacts of climate change. Such amendments are necessary due to the City of Moreno Valley’s local climatic and topographic conditions which, in addition to trapping locally produced pollutants produced by reliance on natural gas, trap pollutants generated in densely urbanized coastal areas, such as Orange County and Los Angeles County, because of the prevailing winds in and around the City of Moreno, the higher elevations situated to the south, north, and east of the City, and the presence of a reoccurring inversion layer that prevents such pollutants from dispersing upwards.

The California Energy Commission also requires that the City Council make findings that include a statement to the effect that the City Council has at a public meeting, adopted a determination that the amendments contain standards that are cost-effective. As summarized in the Memorandum, dated August 15, 2025, prepared by Rincon Consultants, regarding “*Air Conditioning to Heat Pump Reach Code Cost Effectiveness Summary*,” attached hereto and incorporated by this reference, the amendments to the 2025 California Energy Code, outlined in the ordinances, will increase the energy efficiency requirements for newly installed and replaced air conditioning systems by

increasing fan efficiency, attic insulation, and duct insulation above the requirements of the 2025 Building Code, and while heat pump units can be installed pursuant to the 2025 Building Code with no additional efficiency changes, both the additional energy efficiency pathway and heat pump pathway have been shown to be cost effective over the lifecycle of the project.

There are two ordinances, which include a regular ordinance that is subject to two readings and the 30-day referendum period, and an urgency ordinance which contains the same amendments but will take effect immediately upon adoption at a single meeting, albeit the amendments (standards) as outlined in both ordinances do not become operative until the date approved by the California Energy Commission or upon the date the California Building Standards Commission accepts the ordinance for filing, whichever is later. However, it is critical that the City Council adopt the 2025 Energy Code with the subject amendments by an ordinance that has an effective date of September 30, 2025, or before. This option has been provided by the State as a middle ground for building departments that cannot evaluate the entire code in the available time frame provided by the State.

Section 36937 (b) of the California Government Code provides that an ordinance may take effect immediately, if it is an ordinance for the immediate preservation of the public peace, health or safety, and contains a declaration of the facts constituting the urgency and is passed by a four-fifths vote of the City Council. To support the adoption of the urgency ordinance, the urgency ordinance expressly finds and declares that the urgency ordinance shall take effect immediately as an urgency ordinance.

The immediate effectiveness of the urgency ordinance prior to September 30, 2025, albeit the amendments (standards) outlined therein shall not become operative until approved by the California Energy Commission and submitted to the California Building Standards Commission for acceptance, whichever is later, will result under the current State laws and regulations in the reduction in demands for local energy and resources, reduce regional pollution, and promote a lower contribution to greenhouse gases emissions, which are intended to reduce the City's contributions to climate change and in turn reduce the impacts of climate change, which has the collective effect of protecting public health from the impacts of air pollution, greenhouse gas emissions and climate change.

These ordinances are exempt from CEQA under 15061(b)(3) on the grounds that since these standards are more stringent than the State energy standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant effect on the environment.

## **ALTERNATIVES**

1. Adopt the urgency ordinance and introduce and subsequently adopt the regular ordinance. **(Staff recommends this alternative.)**
2. Do not adopt the urgency ordinance and do not introduce and subsequently adopt the regular ordinance. **(Staff does not recommend this alternative.)**

**FISCAL IMPACT**

The application of the requirements set forth in the ordinances shall not have any fiscal impact on the City since the cost of processing of any necessary building permits under the ordinances are paid for by the building permit applicants.

**NOTIFICATION**

Publication and distribution of the agenda at least 72 hours prior to the regular meeting of August 19, 2025.

**PREPARATION OF STAFF REPORT**

Prepared  Steven B. Quintanilla City Attorney	By:	Department Head Approval:  Angelica Frausto-Lupo Community Development Director
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**CITY COUNCIL GOALS**

Positive Environment: Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness: Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development**
- 2. Infrastructure**
- 3. Beautification, Community Engagement, and Quality of Life**