



ALL-ELECTRIC NEW BUILDINGS

TEMPORARY SUSPENSION ACKNOWLEDGEMENT FORM

EFFECTIVE DATE: June 28, 2023

APPLICABLE PROJECTS: All Newly Constructed Buildings (SLMC § 8.11.030(I))

APPLICABLE CODES: 2022 CEEnC, CEC, CBC, and SLOMC Chapter 8.11

All newly constructed buildings, as defined in San Luis Obispo Municipal Code Section 8.11.030, including residential and nonresidential buildings, submitting for building permit on or after June 28, 2023, shall carefully read the following information and acknowledge your understanding by signing this form.

On July 19, 2022, City Council adopted Ordinance No. 1717 (2022 Series) updating the Clean Energy Program for New Buildings to protect public health and safety by requiring all new buildings to be all-electric, banning gas infrastructure with limited exceptions, in Title 8 (Health and Safety) of the Municipal Code. The ordinance went into effect on January 1, 2023.

On June 28, 2023, pursuant to Resolution No. 11414 (2023 Series), the Community Development Director Issued Administrative Order No. 01 (2023 Series) (the "Order") temporarily suspending enforcement of Chapter 8.11 (All-Electric New Buildings) pending final resolution of *California Restaurant Association v. City of Berkeley* (9th Cir. (2023) 65 F.4th 1045) (the "Ruling"), which held that a similar ordinance adopted by Berkeley was pre-empted by federal law and, therefore, could not be enforced.

The suspension of enforcement of Chapter 8.11 allows permit applications for newly constructed mixed-fuel buildings to start the building permit review process. However, should the Ruling be vacated, the City will immediately reinstate enforcement of Chapter 8.11. Consistent with applicable law, building permits will be processed based on ordinances, standards, and regulations in place at the time of building permit issuance **and** the permit holder's demonstration that it has performed substantial work and incurred substantial liabilities in good faith reliance on such permit, or at such other time development rights may vest according to law. Absent such showing of good faith reliance on a building permit issued during the suspension of enforcement of Chapter 8.11, the City may require applicant to modify their building plans or construction to bring development into compliance with Chapter 8.11, should enforcement resume.

By signing this form, you acknowledge that you have read, understood, and agree to the following:

- a. The City of San Luis Obispo has **temporarily** paused enforcement of San Luis Obispo Municipal Code Chapter 8.11 via Administrative Order No. 01 (2023 Series) and will not deny a building permit application or otherwise require compliance with Chapter 8.11 as allowed under applicable law until such time the Order is rescinded and enforcement resumes.
- b. Any actions taken, or decisions made during this temporary enforcement pause are undertaken at your own risk, and the City disclaims any liability for any future enforcement of Chapter 8.11 as allowed by law and any resulting consequences, including but not limited to costs associated with potential re-design or any other related expenses.



Failure or refusal of applicant to sign this Acknowledgement in no way modifies or limits the City's rights, consistent with applicable law, set forth herein.

Acknowledgement:

Applicant

Owner

Signature

Signature

Phone

Phone