



DATE: November 18, 2025

TO: Mayor and City Council

FROM: Director of Public Works & Director of Development Services

SUBJECT Introduction of Revised Electrification Reach Code Ordinance: 1) Modifying the 2025 California Building Standards Code; 2) Finding that the Action is Exempt from CEQA; and 3) Repealing Previous and Current Reach Code Ordinances

RECOMMENDATION

That the City Council adopts a resolution (Attachment II) and introduces the revised electrification Reach Code ordinance (Attachment III) that: 1) modifies the 2025 California Building Standards Code; 2) finds the action to be exempt from the California Environmental Quality Act (CEQA); and 3) repeals the previous Reach Code ordinances 22-11, 25-01 and 25-08. The proposed revised Reach Code references the 2025 California Building Standards Code and would result in no changes to the City's existing electric vehicle charging requirements.

SUMMARY

Hayward's current Reach Code has two primary components – one that addresses the installation of natural gas infrastructure in new buildings (Ordinance 22-11); and one that addresses the installation of electric vehicle (EV) charging infrastructure for new buildings, and modifications to existing buildings that result in new parking spaces (Ordinance 25-08). On June 24, 2025, the City Council adopted a revised Reach Code ordinance to modify the EV charging requirements included in the 2022 California Building Standards Code. The 2022 Code will expire on December 31, 2025, and the 2025 Code will become effective on January 1, 2026. To continue Hayward's existing requirements for EV charging, a new Reach Code explicitly modifying the 2025 Code must be adopted.

At this time, staff is not recommending a new Reach Code ordinance addressing the use of natural gas in new or existing buildings. The 2025 California Building Standards Code will require significantly more electric appliances, electric readiness and energy efficiency for new buildings. In addition, recent state law requires that local jurisdictions allow mixed-fuel residential construction.

FISCAL IMPACT

Adoption of the revised Reach Code ordinance would not impact the General Fund or Measure C.

BACKGROUND

The California Building Standards Code is updated every three years. The 2022 Code is in effect from January 1, 2023, through December 31, 2025, and the 2025 Code will take effect on January 1, 2026. The California Building Standards Code has 12 parts. Part 11 is the California Green Building Standards Code, which is known as CalGreen, and contains the requirements for EV charging infrastructure.

State law allows local jurisdictions to adopt ordinances that amend the California Building Standards Code. The ordinances are commonly referred to as reach codes. Out of approximately 540 cities and counties in California, more than sixty local governments in California have adopted reach codes in the last few years to encourage or require all-electric construction as well as electric vehicle charging infrastructure. The City of Hayward has had a reach code since 2020.

Hayward adopted its first Reach Code on March 3, 2020. Hayward's current Reach Code was adopted on November 15, 2022¹ and was re-adopted on June 6, 2023² with minor technical revisions. The purpose of the ordinance is to reduce the use of fossil fuels – both in buildings and in vehicles. The ordinance modifies CalGreen to require:

- a) All new residential buildings, including mixed-use buildings, must be all electric.
- b) All new non-residential buildings for which natural gas infrastructure is installed, must be “electric ready”, meaning they have the wiring, electrical capacity and space needed to be converted to an all-electric building in the future.
- c) All new buildings, and modifications to existing buildings resulting in new parking spaces, must have electric vehicle (EV) charging infrastructure above and beyond that required by the CalGreen Code.

As reported to the Council Sustainability Committee (CSC) on March 11, 2024³, staff stopped enforcing the Reach Code requirements prohibiting installation of natural gas infrastructure in new residential construction (item ‘a’ above). This was in response to the Ninth Circuit Court of Appeals ruling on January 2, 2024, regarding the City of Berkeley's gas ban.

In addition to the three-year cycle mentioned above, the California Building Standards Commission also adopts minor code amendments in the middle of each triannual cycle, which is called the “intervening code cycle”. On July 1, 2024, several changes to EV charging requirements took effect in the state Code. In response, to maintain consistency and to

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5936054&GUID=8FFD9DC8-3B84-4362-96C4-67C41B3FBED4&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6247758&GUID=10E0620B-A871-4725-B18F-696FBDAF87B6&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6569388&GUID=F29400E0-5305-4176-975C-D436CFF616DF&Options=&Search=>

continue to require charging infrastructure that is equivalent to or more stringent than the state Code, staff prepared amendments to Hayward's EV charging requirements. Following review and a recommendation from the CSC, the City Council introduced a revised Reach Code ordinance on December 17, 2024⁴. On January 21, 2025⁵, the City Council adopted the ordinance (25-01) establishing local amendments to CalGreen and amending the City's Off-Street Parking Regulations (Chapter 10, Article 2 of the City's Municipal Code).

In April 2025, the California Building Standards Commission requested technical corrections to the ordinance. The City Council introduced a revised Reach Code ordinance on June 17, 2025⁶, and adopted the ordinance on June 24, 2025⁷. The current Reach Code ordinance, all previous Council reports, as well as checklists for builders and developers are available on the City's Reach Code webpage⁸.

Policy Context Related to Reach Codes – On January 30, 2024⁹, the City Council adopted Hayward's updated Climate Action Plan (CAP), which includes the following actions:

- Action BE-1.2 - Adopt an ordinance, reach code, or zero NOx threshold, effective January 1, 2026, that establishes mandatory requirements that all newly constructed buildings avoid natural gas use by 2026.
- Action BE-2.1 - Once costs and funding/financing options are identified (BE-2.5), adopt a decarbonization ordinance for existing single-family residential buildings by 2026 that, based on legislative feasibility, establishes mandatory requirements that eliminates expansion of natural gas infrastructure, and requires appliances, upon replacement, to be decarbonized where technologically feasible and cost effective.
- Action BE-3.1 - Based on the results of the feasibility studies (BE- 3.4) adopt a decarbonization ordinance for existing commercial buildings by 2026 that, based on legislative feasibility, establishes mandatory requirements that eliminates expansion of natural gas infrastructure and requires appliances, upon replacement, to be decarbonized where technologically feasible and cost effective.
- Action BE-3.2 - Based on the results of the feasibility studies (BE- 3.4) adopt a decarbonization ordinance for existing multi-family buildings by 2026 that, based on legislative feasibility, establishes mandatory requirements that eliminates expansion of natural gas infrastructure and requires appliances, upon replacement, to be decarbonized where technologically feasible and cost effective.
- Action T-4.1 - Continue to enforce the Hayward EV Charger Reach Code requiring electric vehicle charging stations in new development projects.

The need for a reach code is somewhat lessened by the Bay Area Air District's rules that will require electric appliances. The Air District regulates nitric oxide (NO) and nitrogen dioxide (NO₂), collectively referred to as nitrogen oxides (NO_x) and adopted new rules¹⁰ in 2023. The Air District is currently developing amendments to add flexibility to the rules,

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7059334&GUID=CA8E7E66-F1E3-43D5-B983-E7AF7A763B31&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7096311&GUID=2BC22DF9-CD92-4678-8626-04A92CEA3393&Options=&Search=>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7437052&GUID=F18849B8-2E85-416A-83B2-DAF2FD94B7C6&Options=&Search=>

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7444793&GUID=5033D065-EDE3-4BCA-9C0D-48050A39C4C9&Options=&Search=>

⁸ <https://www.hayward-ca.gov/reach-code>

⁹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6497833&GUID=90E54932-8B3F-46FA-8B79-47F2DD47560D&Options=&Search=>

¹⁰ <https://www.baaqmd.gov/rules-and-compliance/rule-development/building-appliances>

which may be considered by the Board of Directors in 2026. As currently written, the rules will require:

- Water Heaters – Only ultra-low NOx emission water heaters can be sold or installed in the Bay Area beginning in 2027.
- Furnaces – Only ultra-low NOx furnaces can be sold or installed in the Bay Area starting in 2029.
- Large Commercial Water Heaters – Only ultra-low NOx large commercial water heaters can be sold or installed in the Bay Area starting in 2031.

Potential Requirements Considered for 2026 for New and Existing Buildings – On September 8, 2025¹¹, staff presented a report to the CSC that recommended no new reach code for new buildings. For retrofits to existing single-family homes, staff presented three possible approaches that would require some level of electrification and energy efficiency when certain renovations are made. Two of the three Committee members were present and supported the concept of a reach code for existing homes, but expressed concern about costs to homeowners and adding complexity to the permit process.

DISCUSSION

EV Charging – No changes are proposed for Hayward’s current EV charging requirements. Attachments IV and V show in tracked changes the recommended minor administrative changes to the EV Reach Code ordinance. For three land use categories (multi-family, hotel/motel, and general non-residential), the 2025 CalGreen will be equal to Hayward’s current EV charging requirements. The Hayward-specific requirements for these land uses are no longer necessary and are deleted in the attached draft ordinance. The charging requirements, as detailed in the draft ordinance, are summarized in Attachment VI. If the attached draft ordinance is adopted, and considering the new requirements in the 2025 CalGreen Code, Hayward’s requirements for EV charging infrastructure will remain unchanged.

New Residential and Non-Residential Buildings – The California Code becomes more stringent with each code cycle. With the 2025 Code, heat pumps, electrification and electric readiness are now required for new construction in most cases. There is now less of a need for local governments to adopt reach codes for new construction. In addition, AB130, signed by Governor Newsom on June 30, 2025¹², requires that local governments must allow for mixed-fuel construction. For these reasons, staff is not recommending a new reach code for new buildings.

Existing Non-Residential and Large Multi-Family Buildings – As reported to the CSC on March 10, 2025¹³, staff is exploring the possible adoption of a Building Performance Standard (BPS), which would require larger multi-family and commercial buildings to limit emissions of greenhouse gases. The California Energy Commission will soon release a Building Energy Performance Strategy Report that is expected to be a roadmap for a

¹¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7648208&GUID=4FA3826C-061D-4A52-962C-F6CFC48B3508&Options=&Search=>

¹² <https://www.dgs.ca.gov/-/media/Divisions/BSC/06-News/Information-Bulletins/2025/BSC-Bulletin-25-03-AB130-FINAL.pdf>

¹³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7254297&GUID=4734E28B-2790-4549-9E3E-6B0EDAF80F28&Options=&Search=>

statewide BPS. A BPS can be an effective way to address large users of fossil gas and directly contribute to achieving the City's long-term GHG emissions reduction goals. A BPS would require improvements and electrification based on annual reporting, so a reach code that would be triggered by a building permit would not be necessary.

Existing Single-Family Residential Buildings – On September 8, 2025¹⁴, staff presented a report to the CSC with three types of reach code ordinances that cities and counties are adopting that require some level of electrification and energy efficiency when certain renovations are made to existing homes. While generally cost-effective over the long term (20 to 30 years), certain electrification or efficiency improvements are not cost effective for newer homes that were built to higher standards. In most cases, the electrification or efficiency requirements increase the upfront costs of a renovation and this increased cost to homeowners is a concern expressed by the CSC.

An ordinance for existing homes would have different requirements depending on the age of the home and on the value or scope of the renovation. The model ordinances available that address existing homes are complex and would likely result in many questions from homeowners and contractors – both in our Permit Center during the plan review process and in the field during inspections. Hayward' Building Division staff does not have the resources to absorb this additional workload.

Staff recommends taking more time to gather data, including costs to homeowners and impacts on staff resources, from cities that adopt reach codes for existing homes. At the time of this writing, the only city in Alameda County to adopt a reach code for the 2025 California Building Standards Code is the City of Oakland. Staff will continue to monitor ordinance adoptions by other cities and will report to the CSC in 2026.

ECONOMIC IMPACT

The Reach Code requirements for EV charging infrastructure do increase the cost of construction; however, future residents or employees can benefit from the cost savings of operating an EV compared to a gasoline vehicle. For a detailed discussion of the economic impacts, please refer to the December 17, 2024, City Council report.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to *Champion Climate Resilience & Environmental Justice*, and specifically relates to implementation of the following Project under that heading:

Reduce Greenhouse Gases and Dependency on Fossil Fuels:

Project CP1: Implement Year 1 Programs from the adopted GHG Roadmap
(Climate Action Plan).

¹⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=7648208&GUID=4FA3826C-061D-4A52-962C-F6CFC48B3508&Options=&Search=>

SUSTAINABILITY FEATURES

Transportation-related emissions make up 56% of Hayward's total greenhouse gas emissions. Providing the infrastructure needed for a transition to electric vehicles is necessary to meet the City's long term GHG reduction goals, which include:

- 55% below 2005 levels by 2030
- work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045

ENVIRONMENTAL REVIEW

Adoption of the revised Reach Code is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA"), because it has no potential for resulting in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis effect on the environment. The Ordinance is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment.

PUBLIC CONTACT

No public contact was made regarding the re-adoption of the EV Charging Reach Code.

NEXT STEPS

If the City Council approves the attached resolution, a second reading of the ordinance will be scheduled for a subsequent meeting. If the ordinance is adopted, it will be filed with the California Building Standards Commission.

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Recommended by: Alex Ameri, Director of Public Works
Sara Buizer, Development Services Director

Approved by:



Jayanti Addleman, Interim City Manager