

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2024

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW  
SUSPENDING ENFORCEMENT OF ALL CITY OF MOUNTAIN VIEW LOCAL LAWS AND  
REGULATIONS IMPOSING ALL-ELECTRIC REQUIREMENTS FOR NEW CONSTRUCTION OR  
OTHERWISE PROHIBITING USE OR INSTALLATION OF GAS APPLIANCES, INCLUDING, BUT NOT  
LIMITED TO, CITY OF MOUNTAIN VIEW CODE SECTIONS 8.20.8, 8.20.9, 8.20.10, 8.20.12 AND  
8.20.14

WHEREAS, on November 12, 2019, City Council adopted Ordinance No. 17.19 which, among other things, established the City's first all-electric requirements for new construction; and

WHEREAS, subject to a few exceptions, Mountain View Code sections 8.20.8, 8.20.9, 8.20.10, 8.20.12 and 8.20.14, enacted by and through Ordinance No. 17.19, impose all-electric requirements on new construction (as that term is defined by Mountain View Code section 8.10.20) of single-family residences, duplexes, multi-family residences, hotels, motels, and other non-residential buildings, and expressly prohibits certain natural gas appliances in said structures; and

WHEREAS, since the enactment of Mountain View Code sections 8.20.8, 8.20.9, 8.20.10, 8.20.12 and 8.20.14, the United States Court of Appeals for the Ninth Circuit concluded in *California Restaurant Association v. City of Berkeley*, 89 F.4<sup>th</sup> 1094 (9<sup>th</sup> Cir. 2024) that the Energy Policy and Conservation Act (42 U.S.C § 6297(c)), expressly preempts State and local regulations, including building codes, concerning the energy use of covered natural gas appliances and stated that the Energy Policy and Conservation Act preemption applies to regulations addressing the appliances themselves and building codes that concern the use of natural gas; and

WHEREAS, because Mountain View Code sections 8.20.8, 8.20.9, 8.20.10, 8.20.12 and 8.20.14 expressly regulate the use of natural gas appliances covered by the Energy Policy and Conservation Act, City Council finds that suspending enforcement of these Code sections and any local regulations implementing these Code sections or otherwise prohibiting use or installation of gas appliances is necessary in light of the Ninth Circuit Court of Appeals decision in the *California Restaurant Association* case; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View hereby suspends enforcement of all City of Mountain local laws and regulations imposing all-electric requirements for new construction or otherwise prohibiting use or installation of gas appliances, including, but not limited to, City of Mountain View Code sections 8.20.8, 8.20.9, 8.20.10, 8.20.12 and 8.20.14; and be it

FURTHER RESOLVED: that this suspension shall apply to all applications for building permits or other development project entitlements including, without limitation, pending applications, new applications, requests for modification of pending applications, and requests for modification of previously issued permits or entitlements; and be it

FURTHER RESOLVED: that this Resolution shall become effective immediately upon adoption.

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