

NOT YET APPROVED

Resolution No. \_\_\_\_\_

Resolution of the Council of the City of Palo Alto  
Establishing a Temporary Moratorium on Enforcement of Palo Alto Municipal Code  
Sections 16.14.090, 16.14.110 and 16.14.300 (Requiring Full Electrification for New and  
Substantially Remodeled Residential and Commercial Buildings)

R E C I T A L S

A. On November 14, 2022, the Palo Alto City Council adopted an ordinance amending Title 16 of the Palo Alto Municipal Code, Chapter 14, by adding Sections 16.14.090, 16.14.110 and 16.14.300 (the “Electrification Requirements”) to support progress towards the City’s 80-by-30 carbon reduction goal by promoting electrification of new residential and commercial construction and substantial remodels.

B. The Electrification Requirements prohibit installation of combustion equipment or plumbing for combustion equipment in new residential and non-residential buildings, in substantial remodels of residential and non-residential buildings, and with respect to new outdoor appliances and equipment such as grills, firepits, swimming pool heaters, and similar equipment. The Electrification Requirements also require use of heat pump water heaters for all existing structures replacing or adding a water heater. The Electrification Requirements became effective January 1, 2023.

C. In the case of *California Restaurant Association v. City of Berkeley*, 89 F.4th 1094 (9th Cir. 2024), the United States Court of Appeals for the Ninth Circuit held that the state and local governments may not prohibit installation of gas piping in new construction because such regulations are preempted by the Energy Policy and Conservation Act (EPCA), 42 U.S. Code sect. 6201 *et. seq.*

D. The Palo Alto Council finds that suspending enforcement of the Electrification Requirements is appropriate at this time, pending potential further developments including, but not limited to, final resolution of *California Restaurant Association v. City of Berkeley* litigation or amendments to the EPCA and any rules promulgated thereunder.

NOW, THEREFORE, the Council of the City of Palo Alto does hereby RESOLVE as follows:

SECTION 1. Enforcement of Palo Alto Municipal Code Sections 16.14.090, 16.14.110 and 16.14.300 is suspended. This moratorium on enforcement is effective immediately on adoption of this Resolution and shall remain in place until repealed by Council or December 31, 2024, whichever is sooner. This moratorium on enforcement shall apply to all applications for building permits or other development project entitlements including, without limitation, currently-pending applications, new applications filed after adoption of this Resolution, requests for

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modification of pending applications, and applications for modification of previously-issued permits or entitlements.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

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City Clerk

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Mayor

APPROVED AS TO FORM:

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City Manager or Designee

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City Attorney

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Director of Planning and Development  
Services