

## OAKLAND CITY COUNCIL

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

**INTRODUCED BY COUNCILMEMBER CHARLENE WANG**

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**RESOLUTION IN SUPPORT OF THE BAY AREA AIR DISTRICT'S  
TIMELY IMPLEMENTATION OF RULES 9-4 AND 9-6 THAT  
ESTABLISH ZERO-EMISSION BUILDING APPLIANCE STANDARDS,  
WITH APPROPRIATE FLEXIBILITY TO ENSURE EQUITY AND  
BUSINESS DEVELOPMENT**

**WHEREAS**, the combustion of natural gas (gas) in building equipment like furnaces and water heaters generates a range of air pollutants linked to poor health outcomes, including nitrogen oxides (NOx), fine particle pollution (PM2.5), formaldehyde, carbon monoxide, and benzene, which contribute to breathing problems, asthma attacks, cardiovascular issues, dementia, and premature death; and

**WHEREAS**, gas-powered furnaces and water heaters are major contributors to smog-forming NOx pollution and PM2.5 in the Bay Area, causing up to 85 premature deaths and 15,000 asthma attacks per year, and costing the region \$890 million annually in health-related costs from air pollution exposure; and

**WHEREAS**, Black, indigenous, and people-of-color (BIPOC) and low-income households are disproportionately exposed to health-harming pollution from gas combustion in homes and businesses, both nationally and in Oakland; and

**WHEREAS**, the City of Oakland has adopted greenhouse gas emissions reductions targets, relative to 2005 levels, of 83 percent by 2050 and 56 percent by 2030; and

**WHEREAS**, Oakland's 2018 CURB analysis indicated that the City would not achieve its greenhouse gas reduction targets without eliminating natural gas combustion in buildings; and

**WHEREAS**, in October 2018 the Oakland City Council adopted Resolution 87397 C.M.S. endorsing the declaration of a climate emergency and requesting regional collaboration on an immediate just transition and emergency mobilization effort to restore a safe climate;

**WHEREAS**, the Oakland City Council unanimously adopted the Equitable Climate Action Plan (ECAP) in July 2020, a comprehensive plan responsive to the City's 2018 Climate Emergency and Just Transition Resolution and the adopted 2030 GHG emissions reduction target, which includes targets for eliminating natural gas in new construction by 2023,

developing a plan by 2022 to ensure that all existing buildings in the city are all-electric by 2040, and requiring all major retrofits of City facilities to be all-electric effective immediately; and

**WHEREAS**, in July 2020, alongside adoption of the 2030 ECAP, Oakland City Council also adopted a carbon neutrality target of 2045, the attainment of which will require all buildings in the City to be fully electric; and

**WHEREAS**, the Bay Area faces an ongoing air quality crisis – with nearly 30 consecutive years failing to achieve national ambient air quality standards for ozone and 15 straight years of nonattainment with fine particulate matter standards – and further reductions of particulate matter and ozone pollution through the implementation of all feasible measures are needed for attainment and maintenance of these health-protective standards; and

**WHEREAS**, gas-burning building equipment in the region’s homes and businesses emits more NOx pollution than all the Bay Area’s passenger cars combined, making it one of the top sources of pollution in the region; and

**WHEREAS**, the Bay Area Air District’s (Air District’s) Board of Directors adopted amendments to Rule 9-4 (Nitrogen Oxides from Fan Type Residential Central Furnaces) and Rule 9-6 (Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters) without any ‘no’ votes in March of 2023, establishing future zero-NOx standards for water heaters and furnaces, standards that will accelerate the transition to zero-polluting and all-electric heating equipment in the region as residents' old equipment reaches end of life; and

**WHEREAS**, as part of its 2023 amendments, the Air District committed to convene an Implementation Working Group to provide Air District staff with insights on the technical readiness of the market and equitable transition to compliant appliances, so as to not unduly burden any income class or professional group; and

**WHEREAS**, switching from gas-powered space and water heating to efficient, all-electric, zero-emission appliances like electric heat pumps reduces smog-forming pollution, enhances climate resilience, and improves household resilience by introducing reliable cooling and improved air filtration to homes without air conditioning; and

**WHEREAS**, the Air District's zero-NOx furnace and water heater rules are expected to substantially accelerate Oakland’s progress toward achieving its ECAP goals of equitable electrification; and

**WHEREAS**, commonsense flexibility measures to ensure that the Bay Area Air District’s Rules 9-4 and 9-6 will be implemented equitably, without harming frontline communities or exacerbating housing displacement, can be incorporated into the Air District’s regulations without limiting the spirit or intent of Rules 9-4 and 9-6; and

**WHEREAS**, in October 2025, the Air District released the Implementation Working Group’s concept paper for potential amendments to Rule 9-6 (Nitrogen Oxides from Natural Gas-Fired Water Heaters) to achieve a successful and equitable implementation of the zero-emission rules to residential water heating in 2027; and

**WHEREAS**, the concept paper states Air District staff’s intent to recommend that the Board of Directors amend Rule 9-6 and introduce targeted flexibility provisions to address affordability and implementation challenges for existing homes and building, including through the creation of a separate category for small-capacity units with a delayed zero NOx compliance date of 2031 and limited certified exemptions to allow post-2027 installations of NOx-emitting units for specified reasons that include high-cost electrical or space constraints, hydronic heating use, high-heat business demands, low-income status, and emergency replacement;

**WHEREAS**, Air District staff is currently considering public input on the concepts for potential amendment to Rule 9-6 and anticipate releasing draft amendment language for Air District consideration in early 2026; now therefore be it

**RESOLVED:** That the City of Oakland recommends the inclusion of specific commonsense flexibility measures to support equity and administrative ease in the implementation of Rule 9-6, as proposed in the October 2025 Air District concepts paper, including allowances for low-income property owners and buildings with technical barriers to compliance for a specified period of time, and a simplified verification process for contractors; and be it

**FURTHER RESOLVED:** That the City of Oakland finds that adoption of Rules 9-4 and 9-6 aligns with California’s commitment to achieving zero-emission space and water heating standards statewide by 2030, Oakland’s ECAP, and Oakland’s 2045 carbon neutrality targets; and be it

**FURTHER RESOLVED:** That the City of Oakland supports the timely implementation of the Bay Area Air District’s Rules 9-4 and 9-6 to accelerate the transition to zero-emission water heaters and furnaces, with amendments to ensure flexibility for residents who have particular difficulty with compliance, prioritizing equity and simplicity.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST:

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

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