

Energy Benchmarking Ordinances Engagement Toolkit



Introduction

Over the last several years, more than 20 major cities and two states have enacted energy benchmarking and disclosure ordinances, and a number of other cities are currently considering similar proposals. Benchmarking ordinances are becoming more commonplace as communities are responding to climate change issues. The goal of many of these cities is to improve energy efficiency and lower carbon emissions through the collection of utility data. These programs are often seen by local officials as an opportunity for local labor and business growth. As the burden of benchmarking and disclosure falls directly on building owners and managers, we should consider how to play an active role in the process of developing ordinances.

The Need for Collaborative Engagement with Local Officials and Stakeholders

Commercial building owners, property managers and BOMA local associations have an opportunity to play a critical role in the crafting and development of these proposed ordinances – often before they are even introduced – by engaging in constructive discussions with local government officials and decision-makers in their municipalities.

Outreach, engagement, and communication are key to creating benchmarking programs that can be successful and accomplish the goals of all stakeholders. BOMA local associations have an important role to play in helping local governments develop benchmarking ordinances that serve the industry's needs and take the impact on commercial real estate into account.

BOMA International is available to help BOMA local associations with this issue by providing guidance and highlighting best practices on how to engage local officials, city council members, and other significant stakeholders during this process.

What is Energy Benchmarking?

Energy benchmarking is the practice of evaluating the energy efficiency of a building over time and compared to similar buildings. Benchmarking is a useful and constructive way to increase knowledge about buildings' energy use, showing to building owners and property managers where they may have opportunities to save energy and money by making their buildings more energy efficient.

The objective of energy benchmarking is to enable commercial buildings to become more energy efficient and to help identify opportunities to cut waste. Improving a building's energy efficiency means reducing its energy consumption and its monthly energy expenses, thereby improving the building's financial bottom line. Across the U.S., buildings that benchmarked reduced their energy consumption by an average of 2.4% annually, which for a 500,000-square-foot office building could result in savings of \$120,000. In addition, the more a building's energy consumption is reduced, the less financial risk a building owner faces if energy prices rise significantly in the future.

What is BOMA International's Official Policy on Energy Benchmarking?

BOMA International, through its official policy, actively promotes benchmarking on a voluntary basis through EPA's ENERGY STAR Portfolio Manager. This tool can provide property professionals with an understanding of a building's energy use and highlight the necessary data to monitor performance and implement cost-effective improvements in buildings.

BOMA International's official policy position opposes mandates for energy benchmarking, disclosure, and labeling.

Concerns about Disclosure and Labeling

Mandatory public disclosure of a building's ENERGY STAR rating and energy usage data could unfairly disadvantage a property owner who has otherwise been proactive and responsible in terms of energy usage. A building may receive a lower score due to elements outside the control of the property owner, which may include tenant energy usage and a lack of whole building energy data.

The decision to support energy benchmarking ordinances with or without public disclosure is up to BOMA local associations; local association leadership should work with their members to determine what policy best fits their respective markets.

Approaching Local Decision-Makers on Energy Benchmarking

BOMA local associations should work to develop a transparent and collaborative approach with local decision-makers that can benefit your members.

Before an energy benchmarking ordinance is formally introduced in the city council:

1. Capitalize on the relationships that you have built and developed with other real estate advocacy groups and additional stakeholders. Determine if your interests align in response to a potential energy benchmarking ordinance.
2. Maintain an "open door" policy for new stakeholders who are interested in talking with your BOMA local association about a potential ordinance.
3. Continue to develop and strengthen relationships and alliances, with the possibility of building a coalition to pursue common goals and develop a common message. A larger and broader coalition that speaks with one voice can be a very effective lobbying entity. Come to an agreement on a division of labor, responsibilities, and who will handle which tasks.
4. Make the most of the relationships you have built with relevant city officials and key city council members. Possible options include:
 - a. Arrange appointments with them to let them know how an energy benchmarking ordinance would impact your members.
 - b. Invite key city officials (such as the director of sustainability) and city council members (council president, energy committee chair) to your BOMA local association's office for the association's monthly meeting or a meeting of the government affairs and/or energy and sustainability committee.
 - c. If an ordinance is proposed or imminent, consider hosting a special luncheon meeting to discuss the proposed ordinance. Invite other stakeholder representatives to this event as well.

5. Propose to relevant local officials that they hold public stakeholder dialogue meetings that would provide building owners, property managers and other stakeholders the opportunity to convey their thoughts and opinions on possible programs and policies that could be incorporated into an energy benchmarking ordinance.
6. Advocate for the local government to develop and maintain a benchmarking “help center” to answer questions and aid building owners and property managers in complying with the local ordinance.
7. Propose to relevant local officials that they engage all utilities serving buildings covered by a benchmarking ordinance in order to facilitate access to whole building energy data.
8. Throughout the process, ensure that members of your BOMA local association have opportunities to participate with local decision-makers, and always keep your members informed on the latest developments.

Additional Energy Benchmarking Policy Development Resources

The following two resources are intended to help BOMA Local Associations engage in energy benchmarking policy development:

Appendix A: Energy Benchmarking Policy Variables

This list will help you anticipate and prepare for the multiple variables that will likely be considered during the development of the energy benchmarking policy in order to help your local association’s stakeholder engagement process be successful for your members.

Appendix B: Summary of Municipal Energy Benchmarking Ordinances

This table summarizes the important points compiled from BOMA local associations of all of the municipal energy benchmarking ordinances that have been passed to date and signed into law.

Local Trainings on ENERGY STAR Portfolio Manager

BOMA local associations can offer training sessions to their members on how to use ENERGY STAR Portfolio Manager to measure and track a building’s energy consumption. The BOMA Energy Efficiency Program (BEEP) has a module dedicated to benchmarking in ENERGY STAR. This training can enable building owners and property managers to learn more about the benefits of energy efficiency, the benchmarking process and what is required to use the tool.

Please contact Catie Leard, Director of Education, at cleard@boma.org or (202) 326-6350 to learn more about BEEP. Training for ENERGY STAR is provided by US EPA’s ENERGY STAR. Please click on www.energystar.gov/buildings/training .

In addition, BOMA local associations can promote and publicize other city programs that offer assistance to building owners and/or create market demand for energy efficiency.

Who Can I Contact for More Information or Assistance?

BOMA Local Association Contacts

Please refer to Appendix B for BOMA local association contacts in cities that already have passed energy benchmarking ordinances. Some questions to ask these contacts:

- a) How did you engage with your city officials and create a dialogue on the impacts of energy benchmarking on your members?
- b) What were the provisions that ended up making the ordinance less onerous and more beneficial to members?
- c) If your BOMA local association was part of a coalition of local real estate associations and other stakeholders, did that work well?

BOMA International Energy & Environment Committee Leadership

The BOMA International Energy & Environment Committee leadership has extensive experience in dealing with the development of energy benchmarking ordinances around the country, both as building owners and property managers.

Eric Duchon, Chair
Global Head of Sustainability
LaSalle Investment Management
Phone: (312) 897-4018
E-mail: eric.duchon@lasalle.com

Sara Neff, Vice Chair
Senior Vice President, Sustainability
Kilroy Realty Corporation
Phone: (310) 481-8449
E-mail: sneff@kilroyrealty.com

City Energy Project

Reach out to local representatives of the City Energy Project (CEP), which is a national initiative to cut energy waste in large buildings. The CEP (www.cityenergyproject.org) may have a representative working in your municipality. This may be:

- a) the director of sustainability;
- b) a contact in the mayor's office;
- c) the director of the local department of energy or environment; or
- d) another relevant official working inside the local government.

Our national CEP contact, who can provide local CEP contact names and contact information, as well as other relevant information on benchmarking and the City Energy Project's goals, is:

Hilary Firestone
Senior Policy Advisor, City Energy Project
Natural Resources Defense Council
Phone: (310) 434-2318
E-Mail: hfirestone@nrdc.org

BOMA International Staff

Need help conducting research, developing testimony, or communicating with elected and appointed officials in your area about mandatory benchmarking and disclosure of energy performance data? The advocacy staff at BOMA International is ready to assist your BOMA local association to advance your position on an issue of great importance to your members. Please do not hesitate to reach out:

Ken Rosenfeld
Director, State and Local Affairs
BOMA International
Washington, D.C.
Phone: (202) 326-6364
E-Mail: krosenfeld@boma.org

John R. Bryant
Vice President, Advocacy, Codes & Standards
BOMA International
Washington, D.C.
Phone: (202) 326-6323
E-Mail: jbryant@boma.org

Appendix A - Energy Benchmarking Policy Variables

As you engage on the issue of energy benchmarking and interact with stakeholders, there are multiple variables that will likely be considered during the development of an energy benchmarking policy.

Presented under each policy variable question below is a description of the variable followed by the most common potential options for the ordinance language. Your Local Association can align its stance to a potential option in order to best engage with your local regulatory agency and to achieve successful outcomes for your members. This list is by no means all-encompassing, and there will likely be additional layers of detail to be considered for each variable.

Who is responsible for reporting?

As energy benchmarking ordinances are developed, there is often a debate whether the building owner is solely responsible to report whole-building information or only the energy information within that owner's operational control. In some ordinances, where an owner does not have access to a portion of the building's energy data, that owner is responsible for engaging the tenant to obtain said data (and in a minority of cases, the owner is responsible to obtain or purchase whole-building data from the utility). In other ordinances, tenants who control utility meters are required to provide the data to the building owner for compliance.

OPTION 1: The responsibility of disclosure falls on the owner of the *building*, regardless of who pays the utility bills.

OPTION 2: The responsibility of disclosure falls on the owner of the *meter* (i.e., the tenant who directly pays the utility), regardless of who owns the building or how many tenants there are.

What types of buildings are covered?

The majority of energy ordinances are intended to cover commercial office properties, while a minority of ordinances cover additional property types.

OPTION 1: Government and private commercial office properties are covered by the policy, but no other property types.

OPTION 2: In addition to the above, one or more of the following property types are included: industrial, religious institutions, and multifamily residential. (For multifamily residential, many ordinances create a minimum threshold for the number of units, i.e., three.)

What size buildings are covered?

The size of buildings that are required to report will likely depend in part on the typical size of buildings in the jurisdiction. One method of determining appropriate building size thresholds is to determine the proportion of total floor area that should be covered by the policy. For example, a large city with a policy that extends to buildings over 50,000 square feet could

impact up to 50% of the total built area, while a smaller city with relatively few large buildings may elect to extend the benchmarking requirement to include buildings over 20,000 or even 10,000 square feet in order to impact a larger percentage of the building stock. (The building size threshold is often set at a lower number for government-owned properties.)

OPTION 1: Buildings over 50,000 square feet must disclose.

OPTION 2: Buildings over 30,000 square feet must disclose.

OPTION 3: Buildings over 10,000 square feet must disclose.

Is water included?

Many ordinances include both energy and water consumption, while others only require energy consumption. In some ordinances, water is only required if the data can be automatically uploaded from the local water utility. In others, it is the responsibility of the building and/or meter owner.

OPTION 1: The disclosing party reports 12 months of energy usage.

OPTION 2: The disclosing party reports 12 months of energy *and water* usage.

Will the program be implemented in phases?

In most ordinances, as an initial phase, governments begin benchmarking their own buildings in order to demonstrate leadership as well as develop the necessary infrastructure and processes to administer the ordinance. Working with the jurisdiction's own data improves staff familiarity and understanding of the requirements and challenges associated with benchmarking programs.

Following the establishment of benchmarking for government buildings, reporting requirements for different property types and buildings sizes can be implemented in phases if desired. In many ordinances, smaller buildings are phased in later (i.e., buildings over 50,000 square feet in the first year; buildings over 30,000 in the third year) to provide adequate time to develop support services needed to accommodate the increased capacity.

Typically, commercial and industrial buildings are phased in first, as they have fewer challenges than multi-unit residential buildings with multiple meters and owners/tenants.

What are the initial reporting deadlines?

Reporting deadlines generally fall between April 1 and June 1 of the following year in which an ordinance is enacted. For example, the deadline to report full calendar-year 2016 data might be April 1, 2017. April 1 is commonly considered the earliest possible deadline at which building owners could reasonably be assumed to have the 12 months of data available for the prior calendar year.

What exemptions are allowed?

Exemptions are a necessary component of energy benchmarking ordinances to ensure that owners of buildings are not unnecessarily burdened with benchmarking when it is not feasible. Typically, an exemption form is required to be submitted to the local jurisdiction explaining the owner's hardship, with typical reasons for exemption including:

- Ownership change in the reporting year;
- Building under possession of receiver or foreclosure;
- The building did not have a Certificate of Occupancy or Temporary Certificate of Occupancy;
- The building underwent renovation or significant construction activity during the reporting year;
- The building was vacant (or less than a threshold of occupancy, often 50%);
- The demolition permit for the entire building has been issued and demolition work has commenced on or before the date the benchmarking report is due for that calendar year;
- The building did not receive energy or water services for the entire year required to be benchmarked.

What information is made public?

One of the most sensitive issues related to energy benchmarking ordinances is how much information is made publically available. While ordinances in larger municipalities (i.e., Chicago, New York City, San Francisco) generally release all information submitted, many municipalities only release compliance data or no information at all.

OPTION 1: Building energy consumption, along with contact information for the reporting party, is published one year after each building first completes and reports its initial results, which provides time to correct errors.

OPTION 2: Building energy consumption is not disclosed publicly, but a list of buildings not in compliance is published, along with contact information for those buildings.

OPTION 3: No building-specific information is disclosed publicly; all data is held at the city level and only aggregated data is released.

How is the information reported?

The U.S. EPA's ENERGY STAR Portfolio Manager tool is the commonly accepted method of reporting disclosure. BOMA is a strong supporter of voluntary benchmarking in Portfolio Manager.

OPTION 1: Information is required to be reported annually in ENERGY STAR Portfolio Manager through a customized form. This form is typically accessed through a link provided by the local jurisdiction.

OPTION 2: Information is shared only once in ENERGY STAR Portfolio Manager via sharing the building with the City in the platform, whereby the annual disclosure is automatic in perpetuity thereafter.

Are there auditing or retro-commissioning requirements?

In addition to benchmarking, many ordinances also require covered buildings to perform energy audits and/or retro-commissioning. As these initiatives are both time and cost intensive, they are only required on a periodic basis, for example every five or ten years.

Additionally, when these initiatives are required by the ordinance, there is an additional set of exemptions for compliance. These exemptions are typically based on demonstration of superior building energy performance. Exemptions from the audit and/or retro-commissioning requirements include:

- ENERGY STAR certified in the last 2 years;
- LEED for Existing Buildings certified in the last 2 years;
- Some ordinances require specific credits related to audits/retro-commissioning to be achieved with the LEED exemption;
- Reduced Energy Use Intensity by a specified amount (i.e., 10-15% or more) over the past 24 months.

OPTION 1: There is no auditing or retro-commissioning requirement for buildings.

OPTION 2: Buildings must go through an audit and/or retro-commissioning process at a pre-determined interval of years after the ordinance goes into effect. Possible mandates include:

2a. ASHRAE Level II audits are required every # years

2b. ASHRAE Level II audits **or** retro-commissioning are required every # years

2c. All buildings must go through an audit and retro-commissioning process every # years

Is there training available?

An important aspect of energy benchmarking ordinances is enabling awareness and education of the ordinance itself, as well as the specific benchmarking practices (and audits/retro-commissioning as applicable). Many ordinances ensure that funding is allocated for these purposes and may engage local non-profit organizations, such as the local green building chapter.

OPTION 1: No funding for training and support on benchmarking is made available.

OPTION 2: Funding to provide relevant training and support is specified through the ordinance.

Appendix B - Summary of Municipal Energy Benchmarking Ordinances

Municipality	Ordinance	Date Passed by City Council	Date for Initial Compliance	Commercial Size Threshold	Disclosure to Local Government	Disclosure to City Public Website	Disclosure at Time of Transaction	Disclosure to Current Tenants	Requirement for Utilities	Tracking of Water Usage	Further Requirements
ATLANTA	Atlanta Commercial Buildings Energy Ord.	April 2015	July 2015	25K SF+	YES	Energy Star Score of 50+				YES	ASHRAE Level II Audits Every 10 years
<p>What the Local BOMA Wanted: A voluntary and incentive-based program. Opposed the imposition of mandates. What the Local BOMA Achieved: Got ordinance to be less harmful than its original form. For instance, properties with an ENERGY STAR score below 50 will not be publicly disclosed. Local BOMA Contact: Gabriel Eckert, BOMA/Georgia, geckert@bomageorgia.org</p>											
AUSTIN	Energy Conservation Audit and Discl. Ord.	Nov. 2008	June 2011	10K SF+	YES		Buyers				
<p>What the Local BOMA Wanted: Partnered with the City of Austin in the development of its ECAD Ordinance. What the Local BOMA Achieved: No disclosure on public website, but requires commercial buildings to submit an energy benchmark rating to the City of Austin annually by June 1. Local BOMA Contact: Stephen Shepard, BOMA/Austin, stephen@bomaaustin.org</p>											
BERKELEY	Building Energy Saving Ord.	March 2015	October 2016	25K SF+	YES	YES	Buyers, Lessees	YES			Energy report every 5 years for large buildings, every 8 years for medium and small buildings
<p>What the Local BOMA Wanted: No position from BOMA Oakland – East Bay What the Local BOMA Achieved: No position from BOMA Oakland – East Bay Local BOMA Contact:</p>											
BOSTON	Boston Energy Reporting & Discl. Ord.	May 2013	May 2014	35K SF+	YES	YES				YES	Periodic Energy Assessments and/or Actions
<p>What the Local BOMA Wanted: Opposed ordinance, specifically to monitor and publicly report energy and water consumption in commercial buildings, imposing financial burdens on owners with no guarantee of energy savings. What the Local BOMA Achieved: The ordinance was passed and required commercial building owns to monitor and publicly report energy and water usage in commercial buildings. Local BOMA Contact: Patricia Baumer, BOMA/Boston, pbaumer@gbreb.com</p>											

Municipality	Ordinance	Date Passed by City Council	Date for Initial Compliance	Commercial Size Threshold	Disclosure to Local Government	Disclosure to City Public Website	Disclosure at Time of Transaction	Disclosure to Current Tenants	Requirement for Utilities	Tracking of Water Usage	Further Requirements
CAMBRIDGE, MA	Building Energy Use Discl. Ord.	July 2014	December 2014	25K SF+	YES	YES				YES	
<p>What the Local BOMA Wanted: No position from BOMA Boston What the Local BOMA Achieved: No position from BOMA Boston Local BOMA Contact: Patricia Baumer, BOMA/Boston, pbaumer@gbreb.com</p>											
CHICAGO	Building Energy Use Benchmarking Ord.	Sept. 2013	June 2014	50K SF+	YES	YES					
<p>What the Local BOMA Wanted: Prohibition of public disclosure in favor of transactional disclosure. What the Local BOMA Achieved: An ongoing dialogue with the City about what data to report and publish, and opportunities for buildings to “tell their stories” as a supplement to the data. Local BOMA Contact: Ron Tabaczynski, BOMA/Chicago, rtabaczynski@bomachicago.org</p>											
DENVER	Commercial Building Benchmark. and Transpar. Act	Dec. 2016	Sept. 2017	First Year: 50K SF+ Second Yr.: 25K SF+	YES	YES	NO	NO			
<p>What the Local BOMA Wanted: No prescriptive mandates, including, most especially retro-commissioning What the Local BOMA Achieved: No prescriptive mandates, including, retro-com-missioning Local BOMA Contact: Jeannie Bernard, BOMA/Denver, jeannieb@bomadenvr.org</p>											
DISTRICT OF COLUMBIA	Clean and Affordable Energy Act	July 2008	April 2013	50K SF+	YES	YES	YES	YES		YES	
<p>What the Local BOMA Wanted: Opposed mandating the disclosure of building operations and advocated for adopting measures and programs aimed at educating and incentivizing building owners to use and comply with the ENERGY STAR program. Also, supported the ability to discount certain amount of square footage (primarily used by building owners to exclude retail space) per applicable federal rules. What the Local BOMA Achieved: Initially, DDOE required that building owners include all spaces within the building, even if those spaces may be excluded from an application for ENERGY STAR certification. Due to BOMA Metro Washington’s advocacy and lessons learned from the reporting of 2012 data, stakeholder concerns, and new guidance from the EPA, DDOE later harmonized its guidance with EPA guidance. Spaces that meet the definition of one of the property use types eligible for an ENERGY STAR_score in Portfolio Manager (such as re-tail stores, bank branches, or data centers) cannot be excluded <i>under any circumstances</i>. If such a property use type is excluded from Portfolio Manager, the property cannot earn an accurate score. Local BOMA Contact: Nicole Whiteman, BOMA/Metro Wash., nwhiteman@aoba-metro.org</p>											

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EVANSTON	Building Energy and Water Use Benchmarking Ord.	Dec. 2016	6/30/17 – 100K SF+; 6/30/18 – 50K SF+; 6/30/19 – 20K SF+	see previous column	YES	YES				YES	
<p>What the Local BOMA Wanted: Opposed building owner/manager being responsible for gathering tenants' energy and water usage info. The ordinance requires benchmarking info be "verified by a certified professional." We felt this to be a financially burdensome requirement and asked that it be dropped.</p> <p>What the Local BOMA Achieved: The ordinance passed on a 7-2 vote after a long debate. The City Council agreed to monitor and re-evaluate the ordinance at a future time and said that it was not their intention to create a burden for building owners/managers.</p> <p>Local BOMA Contacts: Michael Mulcrone, BOMA/Sub. Chicago, michaelm@BomaSuburbanChicago.com; John Lambrecht, BOMA/Sub. Chicago (member), johnlambrecht@triton.edu</p>											
KANSAS CITY	Energy Empowerment Ord.	June 2015	May 2016	50K SF+	YES	YES				YES	
<p>What the Local BOMA Wanted: Supported public incentives to encourage voluntary best energy management practices, but opposed mandatory measures that require public disclosure of proprietary operating data.</p> <p>What the Local BOMA Achieved: Was not successful in removing mandatory benchmarking and public disclosure requirements.</p> <p>Local BOMA Contacts: Cristalle Bozarth, BOMA/Kansas City, bae@bomakc.org; Tom Corso, BOMA/K.C. (member), tjcorso@mcrealtykc.com</p>											
LOS ANGELES	Existing Building En. and Water Eff. Ord.	Dec. 2016	July 2017	20,000 SF+	YES	YES	NO	NO		YES	ASHRAE Level II Audit, Retocomm. Guideline 0.2
<p>What the Local BOMA Wanted: Guidance & financial asst. from utility. More time for compliance for smaller buildings.</p> <p>What the Local BOMA Achieved: Achieved goals.</p> <p>Local BOMA Contact: Martha Cox-Nitikman, BOMA/Greater L.A., mcoxnitikman@bomagla.org</p>											
MINNEAPOLIS	Commercial Building Rating and Disc. Ord.	January 2013	May 2014	50K SF+	YES	YES				YES	
<p>What the Local BOMA Wanted: Initially opposed ordinance, but then agreed on some items: 1) Implementation and enforcement were delayed, and 2) Building scores were to be listed only by address and <u>not</u> name of building or in descending order of scores.</p> <p>What the Local BOMA Achieved: Ordinance was passed, but items above were achieved. Also, a more comprehensive rollout was urged by the local assoc. and agreed to by the City.</p> <p>Local BOMA Contact: Kevin Lewis, BOMA/Minneapolis, kl@bomampls.org</p>											

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NEW YORK CITY	Local Law 84 (additional language in LL 87 & LL 88)	Dec. 2009	August 2011	50K SF+ amended to add buildings from 25,000 sq ft to 50,000 sq ft,	YES	YES				YES	ASHRAE Level II Audits & RCx (LL87), lighting upgrades and submetering (LL 88)
<p>What the Local BOMA Wanted: Opposed public disclosure, as building values could be negatively impacted.</p> <p>What the Local BOMA Achieved: Was not successful in removing public disclosure requirement. Turned out to be less of an issue than originally thought, as there were virtually no problems among BOMA members on public disclosure.</p> <p>Local BOMA Contact: Daniel Avery, BOMA/New York, daniel@bomany.com</p>											
ORLANDO	Building Energy and Water Efficiency Strategy Ordinance	December 2016	May 2018	50K SF+	Yes	Complies, Publically Posted; If Exempt, listed as Exempt; Fails to Comply, listed as Not Participating	Owner to Provide to Buyer				
<p>What the Local BOMA Wanted: Retro commissioning and energy audits to be optional; Posting energy benchmarking scores to be optional; Creation of a subcommittee (advisory committee to include industry stakeholders, in particular real estate associations); No penalties (fines) for non-compliance, which started with a \$2,000 violation.</p> <p>What the Local BOMA Achieved: All of these components are contained in the final ordinance.</p> <p>Local BOMA Contact: Allyson Peters, BOMA/Orlando, boma@bomaorlando.org</p>											
PHILADELPHIA	Sec. 9-3402 of the Philadelphia Code	June 2012	October 2013	50K SF+	YES	YES	Buyers, Lessees			YES	
<p>What the Local BOMA Wanted: Supported benchmarking on a voluntary basis, but opposed public disclosure, as building values could be negatively impacted.</p> <p>What the Local BOMA Achieved: Was not successful in removing public disclosure requirement. Was successful in avoiding requirements for retro-commissioning and improving building performance.</p> <p>Local BOMA Contacts: Kristine Kiphorn, BOMA/Philadelphia, kkiphorn@bomaphila.com; Don Haas (member), Don.Haas@bdnreit.com; Rich McClure (member), rmclure@kennedywilson.com</p>											

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PITTSBURGH	Article II: Sustain., Chapter 626: Building Benchmark.	October 2016	June 2018	50K SF+	YES	YES				YES	
<p>What the Local BOMA Wanted: BOMA Pittsburgh did NOT want: (1) low square footage thresholds: Fought hard to get them to raise bar to 50k SF & greater; punitive measures/penalties: City has zero way to enforce. Current recycling program is a mess, and it was suggested the City incorporate the NYC restaurant system (with the letters in the window, A, B, C); (3) another tech product!: Pushed hard to make EnergyStar Port Mgr be the metric & reporting tool.</p> <p>What the Local BOMA Achieved: BOMA Pittsburgh was successful in getting 50K SF of non-residential space and Energy Star Portfolio Mgr, into the ordinance; BOMA Pittsburgh worked for 2 years with the City, Allegheny County, and the Green Building Alliance to arrive at an ordinance based on consensus.</p> <p>Local BOMA Contact: Mike Embrescia, BOMA/Pittsburgh, exec@bomapgh.org</p>											
PORTLAND, OR	Energy Performance Reporting Policy	April 2015	April 2016	20K SF+	YES	YES			YES		
<p>What the Local BOMA Wanted: Opposed public disclosure, because it creates a competitive disadvantage which favors newer buildings over existing buildings.</p> <p>What the Local BOMA Achieved: Was not successful in removing public disclosure requirement.</p> <p>Local BOMA Contact: Susan Steward, BOMA/Oregon, susan@bomaoregon.org</p>											
ST. LOUIS	Building Energy Awareness Ordinance	January 2017	April 2018	50K SF+	YES	YES	YES			YES	
<p>What the Local BOMA Wanted: Did not want scores from individual properties disclosed. There was contradictory language, because Ordinance said energy score shall not be made public without owner's consent. But subsequent language says that the score shall be made available unless the owner is able to demonstrate to the satisfaction of the Building Commissioner that the release would divulge confidential information and require the owner to show source of law substantiating disclosure protection. Opposed 50K SF+ requirement. Proposed tiering the reporting requirement to larger properties. Wanted to clarify if Building Commissioner had the power to re-quire an owner to have a third party verify the accuracy of the owner's reporting and who was to pay for that.</p> <p>What the Local BOMA Achieved: The owner has the right to do his/her own accuracy verification, but the Ordinance never provided clarification if the Commissioner can require it.</p> <p>Local BOMA Contact: Larry Weintraub, BOMA/St. Louis, lweintraub@weintraubadv.com</p>											

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SAN FRANCISCO	Existing Commercial Buildings Energy Perf. Ordinance	February 2011	October 2011	10K SF+	YES	YES	Buyers, Lessees, Lenders	YES	YES		ASHRAE Level I or II Audits or RCx every 5 years
<p>What the Local BOMA Wanted: Partnered with the City of San Francisco to improve energy efficiency of existing commercial buildings. What the Local BOMA Achieved: Energy use has decreased by 7.9% and energy audits for over 800 buildings have identified \$60.6 million in opportunities for cost-effective energy efficiency investments. Local BOMA Contact: Ken Cleaveland, BOMA San Francisco, kenc@boma.com</p>											
SEATTLE	CB 116731	January 2010	October 2011	20K SF+	YES		Buyers, Lessees, Lenders	YES	YES		
<p>What the Local BOMA Wanted: Supported benchmarking on a voluntary basis, but opposed public disclosure, as building values could be negatively impacted. What the Local BOMA Achieved: Was not successful in removing public disclosure requirement. Local BOMA Contact: Rod Kauffman, BOMA Seattle, rkauffman@bomaseattle.org</p>											