

San José Energy and Water Building Performance Ordinance

Frequently Asked Questions

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Most Frequently Asked Questions

What is the San José Energy and Water Building Performance Ordinance?

Adopted on December 11, 2018, the Energy and Water Building Performance Ordinance (BPO) requires commercial and multifamily buildings that are 20,000 square feet in size and larger to track annual whole building energy and water consumption data using the U.S. Environmental Protection Agency (EPA) platform ENERGY STAR Portfolio Manager® (Portfolio Manager) and to share the previous calendar year's data with the City on May 1 on an annual basis.

The City will publish a subset of summary data to support market transparency and recognize high performing buildings across San José.

On a five-year cycle, if building owners can demonstrate that their buildings meet key performance standards through the yearly benchmarking process, they can submit a Performance Verification Report. If a building is not able to meet these standards, the owner can perform an audit, retuning or targeted efficiency upgrades to improve performance.

How do I benchmark my building?

Detailed steps are outlined in the [Benchmarking Checklist](#). These steps include creating a property in Portfolio Manager, gathering and inputting monthly energy and water data from the previous calendar year, identifying your San José Building ID Number(s), confirming the data entered is complete and accurate, and sending the report to the City of San José. Please note that you need to create only ONE Portfolio Manager account, through which you can benchmark ALL of your properties.

How do I comply if I am having issues getting the energy and/or water data from my tenants?

We understand tenants may be unresponsive or unwilling to release energy/water data. In these cases, we will accept a benchmarking report without the tenant data. Please include a short explanation in the Property Notes section of your Portfolio Manager account explaining the steps you took to obtain the tenant data and the reason(s) you were unsuccessful. Providing this information will decrease the time needed to approve your submission.

Can I be granted a reporting extension?

Buildings may be granted a reporting extension of up to 60 days. An additional extension up to 180 days may be granted upon demonstration of a substantial hardship. If you would like to request an extension, please fill out the form available for download at www.sjenvironment.org/benchmarking.

Can I be granted a reporting exemption?

Exemptions may be granted for several reasons (financial hardship, vacancy, etc.), which are listed on the exemption/extension request form. If you believe your building meets the requirements to qualify for an exemption, please fill out the form found on www.sjenvironment.org/benchmarking and submit to benchmarking@sanjoseca.gov.

Can I complete a benchmarking report if my tenants pay their own electric and/or water bills?

Energy:

In many cases, building owners can access aggregated whole building energy data without tenant permission, using the [Pacific Gas & Electric \(PG&E\) Building Benchmarking Portal](#). This portal will help create a link between Portfolio Manager and PG&E, so that usage data is automatically uploaded on a regular basis. For instructions on how to use the Building Benchmarking Portal, please [review PG&E's Building Benchmarking Portal Instructions](#).

Water:

To request water usage data for the reporting year, contact your water utility directly. When contacting your water utility, remember to have your account information on hand. Please note that water usage data cannot be automatically uploaded to Portfolio Manager. Users must either upload a spreadsheet of usage data or manually enter it.

San Jose Water Company:

www.sjwater.com
customer.service@sjwater.com
408-279-7900

San Jose Municipal Water

www.sjenvironment.org/muniwater
408-535-3500

Great Oaks Water Company

www.greatoakswater.com
customerservice@greatoakswater.com
408-227-9540

Do I qualify for an exemption if part of my property is/was vacant?

If the covered property had average physical occupancy of less than 50 percent throughout the calendar year for which benchmarking is required, that property is exempt from reporting for that year only.

How do I submit my benchmarking report to the City of San José?

After completing your building profile and inputting your site energy and water usage in Portfolio Manager, you can generate a report for the year benchmarked in the platform and share the report with the City of San José's account, SanJoseBuildingBenchmarking. You will receive a confirmation email from the City of San José once your benchmarking report has been approved.

How do I know if I have successfully submitted my report and have complied with the ordinance?

Portfolio Manager will send you a confirmation email once you have submitted your report. Within a few weeks of your submission, a City staff member will follow up to confirm compliance. If errors are identified, you will be asked to make corrections and resubmit your report.

General Questions

How is this different than AB 802?

Assembly Bill 802 (AB 802) directed the California Energy Commission (CEC) to create a statewide building energy use benchmarking and public disclosure program for buildings 50,000 square feet in size and larger. AB 802 covers both commercial and multifamily buildings but does not require water benchmarking or additional energy saving actions. Compliance with San José's BPO relieves building owners from reporting to the state. For more information, please visit the CEC's [website](#).

What are the long-term benefits of the ordinance?

The ordinance will benefit the San José community through the following:

- Reduced greenhouse gas (GHG) emissions
- Reduced long-term energy and water costs for building owners and tenants
- Improved building performance
- Improved overall public health
- Increased demand for jobs in sustainability and efficiency

Is this going to be a cost burden to building owners?

In the long-term, owners and managers will have the opportunity to save money from capital and operation costs as well as hedge against increasing utility costs. Costs that may be incurred generally are associated with identification and implementation of efficiency improvements.

What buildings must comply?

Commercial and multifamily buildings 20,000 square feet in size and larger are covered by the ordinance. The ordinance does not cover buildings zoned as heavy or light industrial; individually owned townhome or condominium buildings; or state, county or special district buildings.

What are the key deadlines for compliance with the ordinance?

Building owners must submit their benchmarking report on an annual basis to the City. The first reports are due by the following dates:

- By May 1, 2019, for commercial and multifamily buildings 50,000 square feet and above
- By May 1, 2020, for commercial and multifamily buildings 20,000 square feet and above

In 2021, buildings 50,000 sq. ft. and over; and in 2022, buildings 20,000 sq. ft. and over will have additional requirements every five years:

- Buildings must verify that they meet key performance standards through their annual benchmarking reports by submitting a Performance Verification Report.
- If a building is not able to meet the [energy or water standards](#), the owner must perform an audit, retuning or targeted efficiency upgrades to improve performance in that respective resource.

Proof of compliance with the additional requirements above must be submitted once every five years, [based on the last digit of the building tax assessor parcel number](#).

May 1 will remain the ongoing reporting deadline for all ordinance requirements.

What happens if I miss the compliance deadline?

If you miss the annual **May 1** deadline and have not been granted an extension or exemption, you may incur a monetary penalty for non-compliance:

- Buildings under 50,000 square feet may be fined \$25 for each day of noncompliance, up to \$2,500 per calendar year.
- Buildings 50,000 square feet and above may be fined \$50 for each day of noncompliance, up to \$5,000 per calendar year.

Benchmarking Questions

Who can benchmark my building?

Building owners are required to comply. However, an owner may assign a benchmarking lead, such as a property or facilities manager, or a third party.

What is ENERGY STAR Portfolio Manager?

ENERGY STAR Portfolio Manager is a free, online benchmarking tool developed by the EPA that allows you to track energy and water usage and monitor it over time. More information about this tool can be found on the ENERGY STAR [website](#).

What is the ENERGY STAR score?

An ENERGY STAR score is a value between 1 and 100 generated by Portfolio Manager for eligible buildings after all the required information has been entered. The score indicates your building's efficiency compared to other similar buildings in similar climate zones, 1 being the least efficient and 100 being the most.

On-site energy generation, such as solar panels, will not influence your score.

Buildings that receive a score of 75 or higher are eligible to apply for ENERGY STAR certification.

More information about ENERGY STAR score and certification can be found on the program's [website](#).

What if my property is not eligible for an ENERGY STAR score?

For properties that are not eligible for an ENERGY STAR Score, Portfolio Manager will instead generate the properties' Energy Use Intensity (EUI). EUI is calculated by dividing the total energy consumed in the building in one year by the total gross floor area of the building. This is a valuable metric in measuring efficiency.

What information do I need to benchmark my building?

To begin benchmarking your building, you will need to collect the following:

- Year built
- Occupancy level
- Total gross floor area (including any parking areas that consume energy)
- Building's primary function
- Required property use details
- Number of workers
- Weekly operating hours
- Unique Building ID number (to be provided by the City)
- Energy and water consumption data

You can look up additional information needed to benchmark your building, based on use type, on the Portfolio Manager [website](#).

Where can I find my building ID?

The city will post building IDs before the reporting window opens on a spreadsheet available for download at www.sjenvironment.org/benchmarking. If your ID changes in the future, you will be notified before the reporting deadline.

What utility data should I collect?

To provide an ENERGY STAR score or Water score, Portfolio Manager requires at least 12 months of both aggregate energy consumption data, including all fuel types used in the building, or aggregate water consumption data, respectively. If you do not have access to a full year of data (e.g., as a result of tenant turnover), you may be eligible for an exemption for this reporting year. For compliance, you will need to report a full calendar year of usage data, not the last 12 months from the reporting deadline. Due to billing cycles, this may require you to enter one or two additional bills that include Jan. 1 or Dec. 31. Unless the data is not obtainable for other reasons, reports with usage gaps will not be accepted.

What if my property has solar generation?

Portfolio Manager can account for onsite solar generation. To accurately benchmark and account for onsite solar generation, you will need information showing how much energy the installation generates monthly, how much energy is exported off-site (if applicable), and how much additional energy is purchased from the grid.

If you are unable to get this information broken out, please provide a brief explanation of the omission in the Property Notes section.

For more information, please see ENERGY STAR Portfolio Manager's technical documents on how to account for [solar generation](#).

Will the BPO put low-performing buildings at a disadvantage?

No. Lower-performing buildings stand to gain the most from benchmarking their energy and water usage.

Why is the information made public?

The information is made public, so consumers can make more informed decisions and to encourage building owners to take the necessary and cost-saving steps to improve their buildings' water and energy efficiency.

Data Errors and Reporting Questions

Why are temporary values preventing my benchmarking report from being approved?

This is because temporary values do not provide accurate information about a building. To fix the temporary values:

1. Log into Portfolio Manager.
2. Determine which property use has the temporary values.
3. Select “I want to ... Correct Mistakes” from the drop-down menu.

Once you have unchecked the temporary value boxes, please resubmit the benchmarking report.

Why are default values preventing my benchmarking report from being approved?

Benchmarking reports with default values are not accepted, as they do not provide accurate information for your building. To change the default values:

1. Find where the default values have been inputted.
2. Uncheck the “Use a Default” box.
3. Enter the accurate data for your building.

Can I submit a report with errors?

Reports with errors will not be accepted. Please review all data before submission and run Portfolio Manager’s Data Quality Checker to ensure the submitted report is complete and accurate.

Why is my site EUI outside the typical bounds?

A site EUI outside the typical bounds could be due to an incorrectly entered value. Verify the information you have entered is correct, fix any errors, and resubmit the benchmarking report. If the information is correct, no further action is required. If your building is used for energy- and/or water-intensive activities, we recommend adding related information in the Property Notes section.

What will the City do with the data?

On an annual basis, the City will publish a subset of data collected from benchmarking reports.

Publishing building performance data will inform the market by educating prospective and current tenants as well as building owners of their buildings' performance. By collecting this data, the City and utilities will be able to better understand San José's building stock and design more informed energy- and water-efficiency programs. Additionally, the City will provide status updates on the ordinance's progress and quantified contributions to our [Climate Smart Goals](#).

Additional Assistance

For questions regarding ENERGY STAR Portfolio Manager: www.energystar.gov/portfoliomanager

For questions regarding energy benchmarking, please visit: www.pge.com/benchmarking

For questions regarding water benchmarking, please contact your water provider. Please see contact information on page 5 of this document.

For general BPO questions, access to technical assistance and trainings, please visit www.sjenvironment.org/benchmarking, email benchmarking@sanjoseca.gov, or call 408-975-2540.