

# San José Energy and Water Building Performance Ordinance

## Frequently Asked Questions

### General

#### 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 20,000 square feet (sq. ft.) and over 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 this data with the City yearly on May 1.

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 a building can demonstrate that it meets key performance standards through that yearly benchmarking, they can submit a Performance Verification Report. If a building is not able to meet these standards, they can perform an audit, retuning, or targeted efficiency upgrades to improve performance.

#### How is this different than AB 802?

Assembly Bill 802 (AB 802) directed the California Energy Commission (CEC) to create a state-wide building energy use benchmarking and public disclosure program for buildings 50,000 sq. ft. and over. 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. Exemption from the BPO does not necessarily guarantee exemption from CA AB 802, though. 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 sq. ft. and larger are covered by the ordinance. The ordinance does not cover industrial buildings; 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, and the first reports are due by the following dates:

- By May 1, 2019 for commercial and multifamily buildings 50,000 sq. ft. and over
- By May 1, 2020 for commercial and multifamily buildings 20,000 sq. ft. and over

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](#), they must perform an audit, retuning, or targeted efficiently 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 your building tax assessor parcel number](#).

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

## Can I be granted an exemption?

Exemptions may be granted for several reasons (financial hardship, vacancy, etc.) which can be found 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 [sanjoseca.gov/benchmarking](http://sanjoseca.gov/benchmarking) and submit to [benchmarking@sanjoseca.gov](mailto:benchmarking@sanjoseca.gov).

## Can I be granted an extension?

Buildings may be granted an extension of time 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 [sanjoseca.gov/benchmarking](http://sanjoseca.gov/benchmarking).

## 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 sq. ft. may be fined \$25.00 for each day of noncompliance, up to \$2,500.00 per calendar year.
- Buildings 50,000 sq. ft. and over may be fined \$50.00 for each day of noncompliance, up to \$5,000.00 per calendar year.

## Benchmarking Questions

### How do I benchmark my building?

Detailed steps are outlined in the [Benchmarking Checklist](#).

### 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 who 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 their [website](#).

## 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 prior to the reporting window on a spreadsheet available for download at [sanjoseca.gov/benchmarking](http://sanjoseca.gov/benchmarking). If your ID changes in the future, you will be notified prior to the reporting deadline.

## What utility data should I collect?

To provide an ENERGY STAR score, Portfolio Manager requires at least 12 months of both aggregate energy consumption data, including all fuel types use in the building; and aggregate water consumption data. 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.

## How do I get my usage data from utilities?

Energy:

To obtain aggregated whole-building data for the reporting year, create an account and register a building on the [Pacific Gas & Electric \(PG&E\) Building Benchmarking Portal](#). This portal will help to 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](#).

Please note that you are not required to use PG&E's Building Benchmarking Portal to comply. Alternately, you may upload a spreadsheet of usage data or manually enter data on a reoccurring basis without the Portal. PG&E's Building Benchmarking Portal will provide one full calendar year of historical data automatically. If you choose not to use PG&E's Building Benchmarking Portal, you will have to obtain that year's historical data by other means.

**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 info 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:**

[sjwater.com](http://sjwater.com)

[customer.service@sjwater.com](mailto:customer.service@sjwater.com)

408-279-7900

**San Jose Municipal Water**

[sanjoseca.gov/muniwater](http://sanjoseca.gov/muniwater)

408-535-3500

**Great Oaks Water Company**

[greateakswater.com](http://greateakswater.com)

[customerservice@greateakswater.com](mailto:customerservice@greateakswater.com)

408-227-9540

**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 buildings 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 this does 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.

### Why is my site EUI outside of the typical bounds?

Double check that all the property and energy use data is complete and accurate. Being outside of 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.

### 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.

## 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 building's 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: [energystar.gov/portfoliomanager](http://energystar.gov/portfoliomanager)

For questions regarding energy benchmarking, please visit: [pge.com/benchmarking](http://pge.com/benchmarking)

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

For general BPO questions, access to technical assistance and trainings, please visit [sanjoseca.gov/benchmarking](http://sanjoseca.gov/benchmarking), email [benchmarking@sanjoseca.gov](mailto:benchmarking@sanjoseca.gov), or call 408-975-2540.