



Environmental Services

San José Energy and Water Building Performance Ordinance Extension / Exemption Request Form

Building owners wishing to claim an exemption or an extension from the benchmarking requirements of the San José Energy and Water Building Performance Ordinance (BPO) must complete the following form, attach supporting evidence to demonstrate a property’s eligibility for exemption or extension as appropriate, and email an electronic copy to benchmarking@sanjoseca.gov. Upon receipt, you will be contacted within one week regarding the status of your request.

Contact and Building Information

Building/Property Owner: _____

Name: _____

Phone: _____

Email: _____

Unique Building ID*: _____

*Found online at sanjoseca.gov/benchmarking

Property Address:

Street: _____

City: _____ State: _____ Zip Code: _____

Reason(s) for benchmarking exemption or extension:

Property is applying for:

- Exemption from benchmarking requirements (complete Section 2)
- 60-day extension from benchmarking requirements (complete Section 3)
- 180-day extension from benchmarking requirements (complete Section 3)**

**based upon showing of substantial hardship

If you have questions or need assistance, please email benchmarking@sanjoseca.gov or call 408-975-2540.

Please note: Exemption from the BPO does not guarantee exemption from [CA AB 802](#). For more information, please visit: energy.ca.gov/benchmarking.

Section 2: Reason(s) for benchmarking exemption:

Please select all that apply.

General

- Building or campus*** is under 20,000 square feet
***campus is defined as two or more contiguous buildings owned and operated by the same party, behind one common utility meter and/or served by a common mechanical/electrical system (e.g. chilled water loop)
- Building is zoned as exclusively industrial
- Building is comprised of individually-owned townhomes or condominiums

Financial Distress

- Building had arrears of property taxes or water refuse charges that resulted in the property's inclusion, within the prior two years, on the City's annual tax lien sale list
- Building has a court appointed receiver in control of assets due to financial distress
- Building is owned by a financial institution through default by the borrower
- Building has been acquired by a deed in lieu of foreclosure
- Building has a senior mortgage subject to notice of default

Building Use/Occupancy

- The building did not receive energy or water services for at least 30 days during the calendar year required to be benchmarked
- The building did not have a Certificate of Occupancy or Temporary Certificate of Occupancy for any portion of the calendar year required to be benchmarked
- The entire building was not occupied, due to renovation for any portion of the calendar year required to be benchmarked
- A demolition permit for the entire building has been issued and demolition work has commenced on or before the date benchmarking compliance deadline
- The disclosure of the building energy or water use data would result in the release of proprietary information that can be characterized as a trade secret or would otherwise violate a customer's right to privacy under the California Constitution or other applicable law

Please attach any supporting evidence to demonstrate eligibility for the exemption(s) indicated on this form.

Section 3: Reason(s) for benchmarking extension:

Please attach any supporting evidence to demonstrate a building's eligibility for this extension request.

Sign below to verify the information you have provided is true and accurate. Misrepresenting any information in these documents may lead to a rejection of the request, a violation of City codes, and may result in a fine.

Signature: _____ Date: _____

**City Processing Form
(for internal use only)**

Approved: _____

Not Approved

Explanation: