San José Energy and Water Building Performance Ordinance

Frequently Asked Questions

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Frequently Asked Questions

Do I need to comply, and what basic steps must I take to comply?

Owners of privately-owned nonresidential and multifamily buildings located in San José, CA that are twenty thousand (20,000) square feet or more are required to comply with the Building Performance Ordinance. Each year, the City derives a list of buildings meeting these criteria from the Santa Clara County Tax Assessor to assemble our Covered Buildings List. If your building meets the compliance criteria and/or is listed on our Covered Buildings List (most up to date version found on the BPO website), you are required to comply. An agent or third party may submit compliance documents on your behalf.

To be in compliance, you must do two things by the annual **May 1st** reporting deadline:

1. Submit your annual benchmarking report using ENERGY STAR Portfolio Manager ® with 12 months of complete energy and water use data for the prior calendar year;
2. Pay the $150 reporting fee invoice (Note: invoices are usually mailed out in early April of each reporting year, and you have 30 days to remit payment)

Starting in 2023, buildings covered by the Building Performance Ordinance will also be required to demonstrate either satisfactory building efficiency OR improvement measures. See the Beyond Benchmarking Webpage for details and more information.

Some buildings may be exempt for the reporting year due to various reasons related to use, occupancy, or financial distress. These buildings' owners may apply for a one-year exemption from reporting and fee payment requirements. Please see the Exemption Questions section for more details.

How do I benchmark my building?

Detailed step-by-step instructions are outlined in the Benchmarking Checklist found on our website. You can search for your property in the Covered Buildings List (most up to date version found on the BPO website) or our Building Lookup Tool and identify your building's unique San José Building ID, which you will need to submit the report.

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 ENERGY STAR Portfolio Manager® (Portfolio Manager), you can submit the report to the City by clicking on the custom Reporting Link, found on our BPO website. Then, follow the prompts within Portfolio Manager to submit your report. The reporting link will change annually and will be updated at the beginning of March of each reporting year.

Please remember to run the "Data Quality Checker" in Portfolio Manager before you submit the report. Doing so will allow Portfolio Manager to catch any potential errors that may be flagged when we receive your report.

The day after submitting in Portfolio Manager, you will receive a confirmation email from the City of San José once your benchmarking report has been received, or if it has errors. If you are unsure whether your report was successfully submitted or not, please email our team at benchmarking@sanjoseca.gov.

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. When you go to submit your report, you may add additional emails to receive confirmation emails. Additionally, a City staff member (*benchmarking@sanjoseca.gov*) will follow up to confirm compliance, the next day. If errors are identified, you will be asked to make corrections and resubmit your report.

Can I be granted a reporting extension?

Buildings may be granted a reporting extension of 60 days (July 1) or 180 days (Nov 1). If you would like to request an extension, please fill out the extension form found on our website under "Benchmarking Exemption and Extension Forms". To be approved, the extension form must be filled out completely prior to the reporting deadline and signed with a current year signature. A separate extension request is required for each covered building.

Please note: **extensions only apply to benchmarking reports.** Regardless of extension approval, all reporting fees must still be submitted by the deadline listed on the invoice to avoid incurring penalties.

Can I be granted a reporting exemption?

Exemptions may be granted for several reasons, which are listed on the exemption request form. If you believe your building qualifies for an exemption, please fill out the exemption form, including required supporting documentation, found on our website under "Benchmarking Exemption and Extension Forms".

A separate exemption form is required for each building covered by the ordinance. Exemption requests must be submitted annually by April 1st and are **valid for one reporting year only**.

Please note: buildings in which tenants are the utility account holders are still required to comply. This is not an eligible exemption. Please refer to Can I complete a benchmarking report if my tenants pay their own electric and/or water bills?

I can't find my building on the Covered Buildings List, does this mean I don't have to report?

It depends - if your building meets the compliance criteria, then it must comply. Please send an email to benchmarking@sanjoseca.gov with the following information:

- Building address (or addresses, if under multiple addresses)

- Current mailing address
- Assessor Parcel Number (if available)
- Building square footage
- Building use (e.g., office, industrial, multi-family, self-storage, etc.; if multiple uses, please indicate what the most prevalent use types are)
- Meter configuration (i.e., does the building share water, electricity, or natural gas meters with other buildings?

We will review your building data and respond back to your email. We get our data from the Santa Clara County Tax Assessor and sometimes building addresses are listed under a different address, depending on the address assigned to the parcel. Your building may be on our Covered Buildings List under a different, neighboring address.

Exemption Questions

I was already approved for an exemption last year. Do I need to apply again this year?

Yes, our ordinance requires annual exemption submittal. You can **submit the same information you submitted last year but you must update, sign, and date a current-year form with the current-year owner or owner's designee signature**.

Do I need to pay the invoice if my exemption was approved?

It depends – if you submitted your exemption request before the April 1st deadline then, no. But if you submitted your exemption request after the April 1st deadline then you still need to pay the invoice. If your exemption request is denied altogether, you will still have to pay the invoice.

Are buildings zoned as Heavy or Light Industrial exempt from reporting? What about Industrial Park?

Buildings with Heavy or Light Industrial zoning are eligible for a permanent exemption from the ordinance. Annual exemption requests would not be necessary. You can verify your zoning by visiting this map.

Buildings that are not zoned as Heavy or Light Industrial (such as Industrial Park), but in which more than half of the gross floor area is used for scientific experiments requiring controlled environments, or for manufacturing or industrial purposes, are also eligible for an exemption. In these cases, **please submit exemption requests with documentation of the building usage and square footage breakdowns**.

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

If the building was vacant due to renovations, demolition, or lacks a Certificate of Occupancy, that property may be exempt from reporting for the corresponding reporting year only.

For new ownership situations, click here to jump to "I am the new owner of a covered building and took over the property prior to the annual reporting date, do I qualify for an exemption?".

If you believe your building is exempt due to a listed occupancy reason, please fill out the exemption form, including required documentation, found under "Benchmarking Exemption and Extension Forms" on our webpage.

My building is a church, non-profit, etc., can I be exempt from reporting and paying the fee?

No, if you received our notice to comply and your building is listed on our Covered Buildings List, then you must comply and submit your benchmarking report and payment. You may qualify for an exemption only if you meet one of the criteria listed on our exemption form, which can be found under "Benchmarking Exemption and Extension Forms" on our website. You may also check out the exemption section of the Building Performance Ordinance and see if your building falls under any of the qualified circumstances.

I am the new owner of a covered building and took over the property prior to the annual reporting date, do I qualify for an exemption?

No, you do not qualify for an exemption based solely on the ownership transfer. **The owner at the time of the open reporting period (March 1st – May 1st) is responsible for reporting, and the previous owner is responsible for providing data to the new owner at the time of sale or upon request.** To quote the ordinance: "The Owner shall maintain records related to Benchmarking, Audits and Retro-Commissioning, and Efficiency Improvement Measures including, but not limited to, the energy and water bills and reports or forms received from tenants and/or utilities. Such records shall be preserved for a period of five (5) years. When the Property is sold, copies of the records shall be given to the new Owner." (Section 17.85.500: Record Maintenance.) The transfer of data is a private matter between the old and new building owners – the City is not involved in this process.

We suggest you set up an account with PG&E's Building Benchmarking Portal, which transfers whole building, aggregate data directly into your Portfolio Manager account. By signing up, you should be able to receive data retroactive to January of the previous calendar year, regardless of who the owner was at the time (for example, if we are in April 2021, PG&E will supply data back through January 2020.) *However*, if the previous owner has already created an account in PG&E's Benchmarking Portal and mapped the meters at your property in their system, you will not be able to link your property's meters to your Portfolio Manager account. If this is the case, we suggest you contact the previous owner and PG&E's benchmarking helpdesk to resolve the issue, so that they can un-map the meters for you.

Please review the following links for more information on PG&E's Benchmarking Portal:

- PG&E Building Benchmarking Portal
- Portal instruction guide: How to create an account, add your building, and link to Portfolio Manager
- Portal data authorization form: To be shared and filled out by tenants of a property. *Only applicable if you own/manage a commercial building with less than 3 tenants or a multifamily building with less than 5 tenants and need to obtain their authorization for data release. For more details, visit PG&E Benchmarking*
- PG&E Benchmarking Assistance: benchmarking@pge.com

Benchmarking Questions

Do I have to manually enter my energy and water use data? Is there an easier and faster way to do this?

FOR ENERGY: Buildings may do one of the following:

1. Manually enter energy data for each meter that services the site. This can be done by manually entering each month of usage directly into ENERGY STAR Portfolio Manager® (Portfolio Manager), or by using Portfolio Manager's custom "single-meter spreadsheet" (you can find the template when you go into your energy meters).
2. Register for PG&E's Building Benchmarking Portal services, which transfers whole building aggregate data directly into your ENERGY STAR Portfolio Manager account.

FOR WATER: You must manually input water data. This can be done by manually entering each month of usage directly into Portfolio Manager, or by using Portfolio Manager's custom "single-meter spreadsheet" (you can find the template when you go into your water meters).

Click here to jump to "What utility data should I collect?" for water utility services contact information.

I lease my property to a tenant. Is it the tenant's responsibility to submit the benchmarking report and fee?

No. According to the ordinance, the property owner/manager is responsible for ensuring the submission of the benchmarking report and payment of the fee. Please work with your tenants to obtain energy and water use data for the reporting year. You may also come to a mutual agreement with the tenant and designate them or a third party as an agent to act on behalf of the owner. The transfer of data of is a private matter between the owner and the tenant(s) - the City is not involved in this process.

Please refer to the next two questions for more information on how to troubleshoot any tenant related issues.

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

If you own a multitenant building, such as a multifamily housing facility, you may be able to use Pacific Gas & Electric (PG&E) Building Benchmarking Portal to obtain whole building aggregate energy data. This portal will help create a link between Portfolio Manager and PG&E, so that utility usage data is automatically uploaded to Portfolio Manager on a regular basis. If your building has 5 or more active accounts, you **will not need to** obtain authorization from your tenants to obtain the whole building aggregate data.

If you are the owner of a triple net lease property with less than 3 active energy accounts, **you will need to** work with your tenant directly to obtain their energy and water use data. Please use PG&E's data authorization form.

Water utility companies do not offer this automated service. Please work directly with your tenant(s) to obtain monthly water use data for the 12 calendar months of the reporting year, and then manually upload it to Portfolio Manager. You do not need their billing data or information.

If you are struggling to obtain data directly from your tenants, please review our answer to "How do I comply if I am having issues getting the energy and/or water data from my tenants?" directly below.

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 and/or water data. To receive energy data from tenant accounts (in most cases without requiring authorizations from tenants – see above question), you may set up a link between your ENERGY STAR Portfolio Manager® (Portfolio Manager) account and the PG&E Benchmarking Portal.

In many cases, building owners can access aggregated whole building energy data without tenant permissions, using the Pacific Gas & Electric (PG&E) Building Benchmarking Portal. Signing up for PG&E's benchmarking portal allows the building's PG&E utility account(s) to connect directly with Portfolio Manager. Once the connection is established, whole building energy use data back to January of the previous calendar year is imported into your Portfolio Manager account and will continue to be added to your Portfolio Manager account on a regular basis, eliminating the need to manually enter your energy data into Portfolio Manager.

You may need to obtain permission from each individual tenant to gather their energy data through PG&E's portal if your property meets one of the two following criteria:

- If a building has less than 3 active utility accounts, none of which are residential;
- If a building has less than 5 active utility accounts, where at least one account is residential.

For instructions on how to use the Building Benchmarking Portal, including obtaining authorization from your tenants (if applicable), please review PG&E's Building Benchmarking Portal. For assistance with the

portal, you may also reach out to benchmarking@pge.com. For a video explanation, watch this webinar tutorial with relevant information starting at 24:00.

After multiple attempts, if you tried unsuccessfully to obtain energy or water data from your tenants, please reach out to our team with your situation at benchmarking@sanjoseca.gov.

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. Benchmarking programs all over California, including the California Energy Commission, and throughout the United States, use this same platform. 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 to 100 generated by Portfolio Manager for eligible building types - after all the required information has been entered. The score indicates your building's efficiency compared to other similar buildings in similar climate zones, with a score of 1 being the least efficient and a score of 100 being the most efficient.

On-site energy generation, such as solar panels, should not influence your score. To benchmark accurately, you must have access to the generation data associated with your solar panels.

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

More information about ENERGY STAR scores and certification options 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 property's Energy Use Intensity (EUI). EUI is calculated by dividing the total energy consumed at the building in one year by the total gross floor area of the building. This is also a valuable metric in measuring efficiency and can still be used to determine Performance, Audit, Retro-Commissioning, or Efficiency Improvement Measures.

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 on main shift (excluding security or custodial staff)
- Weekly operating hours (hours that your building is occupied by workers on main shift)
- San José Building ID number
- 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 San José Building ID?

The City will post San José Building IDs annually on our Covered Buildings List, which can also be found on our website. You can also use our Building Lookup Tool. If you cannot find your ID on the list, please click here to jump to "I can't find my building on the Covered Buildings List, does this mean I don't have to report?".

What utility data should I collect?

To provide energy and water performance metrics, Portfolio Manager requires at least 12 months of aggregate energy consumption data (for all fuel types used in the building) and aggregate water consumption data. If your building had a minimum 30-day lapse in utility service during the reporting year, you may be eligible for an exemption for that reporting year. For compliance, you will need to report a full calendar year of usage data (January – December), **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 cannot be obtained for valid reasons communicated to our team, reports with usage gaps will not be accepted.

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. If you are NOT the account holder for your building's water utility, the account holder must authorize you and/or your benchmarking consultant in order to request and obtain usage data. Contact information for the three water retailers servicing San José can be found below:

San José Water Company:
www.sjwater.com
customer.service@sjwater.com
408-279-7900

San José Municipal Water
http://www.sjenvironment.orgs/muniwater
408-535-3500

Great Oaks Water Company
www.greatoakswater.com
customerservice@greatoakswater.com
408-227-9540

If you are not the account holder for the utility in the building, please click here to jump to "Can I complete a benchmarking report if my tenants pay their own electric and/or water bills?".

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. PG&E does not provide this information, but it can be obtained from your solar provider or solar monitoring software.

For more information, please see ENERGY STAR Portfolio Manager's technical documents on how to account for solar benchmarking.

Can I submit my energy and water data report to the City for previous reporting years (e.g., 2019, 2020)?

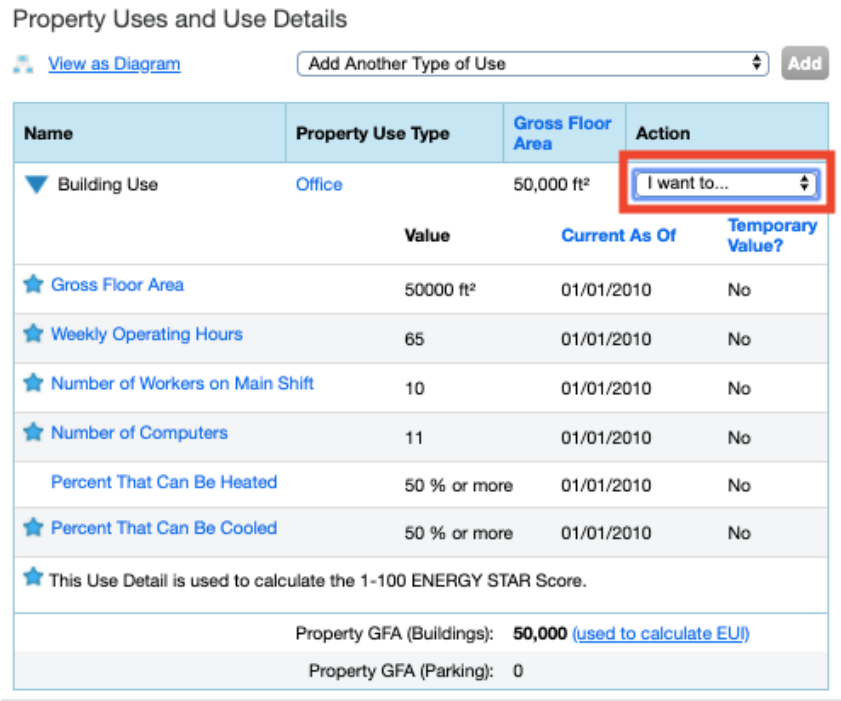
Yes, please visit the "Need to Comply for Previous Years" section on our website. This section holds all previous reporting links from 2019 onward.

Data Error Questions

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

This is because temporary/default/estimated values do not provide accurate information about a building. To fix temporary or default values:

1. Log into Portfolio Manager.
2. Select the property that has the temporary values to be corrected.
3. Click on the **Details** tab.
4. In the **Property Uses and Use Details** section, select **I want to…** dropdown menu for each property use**,** and click **Correct Mistakes**.



Property Uses and Use Details

View as Diagram | Add Another Type of Use | Add

Name	Property Use Type	Gross Floor Area	Action
Building Use	Office	50,000 ft²	I want to...

	Value	Current As Of	Temporary Value?
Gross Floor Area	50000 ft²	01/01/2010	No
Weekly Operating Hours	65	01/01/2010	No
Number of Workers on Main Shift	10	01/01/2010	No
Number of Computers	11	01/01/2010	No
Percent That Can Be Heated	50 % or more	01/01/2010	No
Percent That Can Be Cooled	50 % or more	01/01/2010	No

This Use Detail is used to calculate the 1-100 ENERGY STAR Score.

Property GFA (Buildings): **50,000** (used to calculate EUI)

Property GFA (Parking): 0

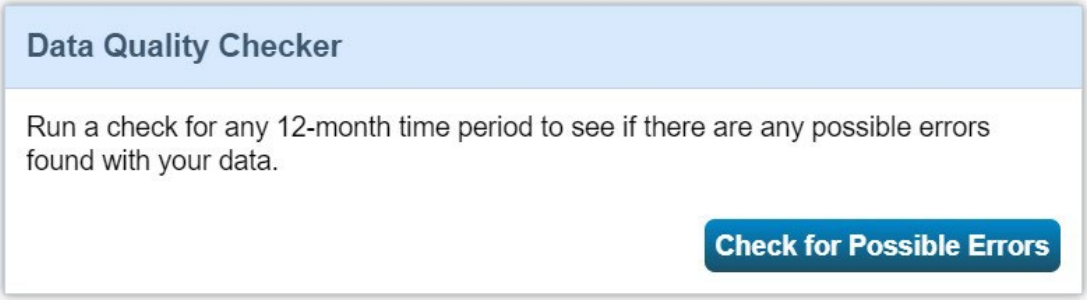
5. On the next page, ensure that all the **Temporary Value** or **Default Value** checkboxes are not selected. Verify all information for accuracy and correct values as needed.
6. Click **Save Corrections**.

Once you have made these corrections, please resubmit the benchmarking report. For assistance on how to submit the report to the city, click here to jump to "How do I submit my benchmarking report to the City of San José?".

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:

1. Log into Portfolio Manager.
2. Select the property that you wish to run the Data Quality Checker for.
3. Click on the **Summary** tab.
4. Click **Check for Possible Errors**.



5. Select the reporting year that you wish to check errors for (Dec. 31 of previous calendar year) and click **Run Checker**.
6. Errors will be listed on the next page; correct them as needed.

Why is my site EUI outside the typical bounds?

A site EUI outside the typical bounds could be due to an incorrectly entered value (e.g., energy consumption entered in the wrong unit, decimals were misplaced, or square footage has a typo). 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.

Fee & Invoice Questions

Why is there an annual reporting fee?

The annual reporting fee funds the administration of the BPO, including staff time to provide technical assistance, the cost of mailing notices, etc. This fee is adjusted yearly to account for the cost of the program over time.*

*The reporting fee was set at $150 in 2021 and may be adjusted annually according to Council Resolution of Citywide Fees & Charges. For more information, visit the Budget Office.

How do I pay the reporting fee?

You can pay the reporting fee through one of the following methods:

1. **Online: Preferred method of payment.** Go to www.csjfinance.org and select **Pay Invoices for City Services and Fees** under the **Make a Payment** section.
2. **By Phone**: 408-535-7055 Credit or Debit Cards accepted.
3. **By Mail:** 200 E Santa Clara St., 13th Floor, San Jose, CA 95113. Make check payable to: *City of San José*
4. **In Person at City Hall:** City Hall 200 E. Santa Clara Street, Tower, 1st Floor, Cashier's Window.

Additional information on how to submit payment can be found on your invoice.

You can view a sample invoice here for reference. (Note: This sample invoice is not an official invoice and cannot be used for billing purposes. You will receive an official invoice in the mail, or by email if requested, containing a unique identifying invoice number. The invoice number will not be the same as your San José Building ID and will change annually. That invoice number is required for bill payment.

What if I can't pay the reporting fee?

If you can demonstrate financial hardship with supporting documentation, you may be eligible for an exemption from benchmarking reporting and paying the reporting fee. Please fill out the exemption form, including required documentation, found on our webpage under "Benchmarking Exemptions and Extensions". If you cannot provide supporting evidence of financial hardship, your organization will be responsible for paying the $150 fee for each of their covered buildings.

Do I need to pay the invoice if my exemption was approved?

It depends – if you submitted your exemption request before the April 1st deadline then, no. But if you submitted your exemption request after the April 1st deadline then you still need to pay the invoice. If your exemption request is denied altogether, you will still have to pay the invoice.

Can I get an electronic copy of the invoice emailed to me?

Yes. Please send a request to benchmarking@sanjoseca.gov and include your property address and San José Building ID. Please note that invoices will be mailed out to all building owners and managers around early April of each year. Invoices paid after the listed due date may incur penalties. The invoice will include instructions on how to submit your payment.

I've submitted my payment. Can you confirm if you've received it?

Please call our Revenue Management team at (408) 535-7055 and have your invoice number available.

Beyond Benchmarking Questions

What is Beyond Benchmarking?

Starting in 2023, buildings covered by the Building Performance Ordinance will be required to demonstrate either satisfactory building efficiency OR improvement standards. This part of the ordinance will occur on a rolling 5-year basis, with building performance or improvement checks being required every 5 years and will be phased in with multiple cohorts of covered buildings. The first cohort will include buildings over 50,000 square feet and with assessor parcel numbers ending in either 0 or 1. Specific Beyond Benchmarking compliance requirements will be sent to applicable buildings beginning March 1, 2023. More information is available on our Beyond Benchmarking webpage. See the Beyond Benchmarking Schedule below for Beyond Benchmarking due dates.

If a building can demonstrate that it meets key performance standards through yearly benchmarking, it may submit a Performance Pathway Form. If a building is not able to meet these standards, it can perform an energy audit, retro-commissioning, or efficiency improvement measures to improve performance. More information on these requirements can be found on the Beyond Benchmarking webpage.

The ordinance and website said the Beyond Benchmarking requirements were due May 1, 2021, but I haven't received any notices about it. Do I still have to do anything for this?

On March 30, 2021, City Council consented to extend the onset of Beyond Benchmarking requirements from the original target date of May 1, 2021, to May 1, 2023. The City recognizes the impacts of COVID-19 on normal building use patterns, and this extension ensures a reliable baseline for building efficiency or improvement measures**. All buildings must still submit benchmarking reports and submission fees annually.**

The Beyond Benchmarking Schedule is as follows:

PROPERTIES ≥ 50,000 SQUARE FEET

Last digit of APN	First compliance due date	Subsequent compliance due dates
0	May 1, 2023	Every 5 years thereafter
1	May 1, 2023	Every 5 years thereafter
2	May 1, 2024	Every 5 years thereafter
3	May 1, 2024	Every 5 years thereafter
4	May 1, 2025	Every 5 years thereafter
5	May 1, 2025	Every 5 years thereafter
6	May 1, 2026	Every 5 years thereafter
7	May 1, 2026	Every 5 years thereafter
8	May 1, 2027	Every 5 years thereafter
9	May 1, 2027	Every 5 years thereafter

PROPERTIES 20,000 SQUARE FEET - 49,999 SQUARE FEET

Last digit of APN	First compliance due date	Subsequent compliance due dates
0	May 1, 2024	Every 5 years thereafter
1	May 1, 2024	Every 5 years thereafter
2	May 1, 2025	Every 5 years thereafter
3	May 1, 2025	Every 5 years thereafter
4	May 1, 2026	Every 5 years thereafter
5	May 1, 2026	Every 5 years thereafter
6	May 1, 2027	Every 5 years thereafter
7	May 1, 2027	Every 5 years thereafter
8	May 1, 2028	Every 5 years thereafter

How do I fulfill Beyond Benchmarking requirements?

To fulfill Beyond Benchmarking requirements, your building will be required to follow one of the following two pathways, for both water AND energy:

- Performance Pathway or Improvement Pathway.

You will need to do one of the above for both water and energy. For example, if your building meets key energy performance standards but NOT key water performance standards, it will need to complete the Performance Pathway for energy and Improvement Pathway for water.

Where can I find more information about Beyond Benchmarking?

The Beyond Benchmarking webpage has all the resources needed to meet requirements and answer questions. You may also contact our team with questions.

General 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 nonresidential and multifamily buildings that are 20,000 square feet and larger in size 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 share the previous calendar year's data with the City annually, by May 1st. The ordinance also requires building owners to pay a submission fee to the City annually, by the invoice deadline.*

On a five-year cycle, if building owners can demonstrate that their buildings meet key performance standards through the yearly benchmarking process, they may submit a Performance Pathway Form. If a

building is not able to meet these standards, the owner may perform an audit or retro-commissioning of their building to improve performance or undergo/prove efficiency improvement measures. Note: these requirements are known as Beyond Benchmarking. For more information, click here to jump to the "Beyond Benchmarking" section.

*The reporting fee was set at $150 in 2021 and may be adjusted annually according to Council Resolution of Citywide Fees & Charges. For more information, visit the Budget Office.

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. Properties that are subject to the San José BPO do not also have to comply with AB 802.

For more information, please visit the CEC's website.

Do I still need to report to the state for AB 802 if I reported to San José?

Compliance with San José's BPO relieves building owners from reporting to the state. For more information, please visit the CEC's website.

What buildings must comply? What buildings are exempt?

The ordinance requires all contiguous nonresidential and multifamily buildings 20,000 square feet and over to comply; this size threshold should include all common and tenant areas of a building.

Buildings that should not comply with this ordinance are as follows:

- Individually owned townhome/condominium buildings,
- Public schools,
- State/county/special district buildings, and
- Exclusively industrially zoned buildings (see "Are buildings zoned as Heavy or Light Industrial exempt from reporting?" for more information)
- Buildings less than 20,000 square feet

What are the key deadlines for compliance with the ordinance?

Building owners must submit their benchmarking report and submission fee* on an annual basis to the City. These are both due by the following date(s):

- By May 1st of every year beginning 2020, for commercial and multifamily buildings 20,000 square feet and over.

- By May 1st of every year beginning 2019, for commercial and multifamily buildings 50,000 square feet and over.
- *The submission fee is due about 1 month after invoices are sent out. Generally, they are due in early May.
- Check our website for important exemption and extension submittal deadlines.

Beginning in 2023, buildings will be subject to additional requirements on rolling, five-year cycles (Beyond Benchmarking):

- Owners must verify that their building meets key performance standards through annual benchmarking reports by submitting a Performance Pathway Form.
- If a building is not able to meet these standards, the owner can perform an audit or retro-commissioning to improve performance, or conduct/prove efficiency improvement measures.

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 and building square footage. Deadlines can be found on the Beyond Benchmarking Compliance Schedule above and on the Beyond Benchmarking webpage.

Unless otherwise noted, 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.
- **Please note:** We are currently not implementing noncompliance fines.

What are the long-term benefits of the ordinance?

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

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

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 a reduction in 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. Please reach out to BPO staff if you have financial concerns.

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. The general purpose of benchmarking is to enable companies and building owners to analyze their utility usage, compare their performance to similar building types, and identify areas for improvement. Many low performing buildings are suffering from improper commissioning and inefficient operations, and therefore use more energy/water than is needed.

Energy/water benchmarking, audits and retro-commissioning identify areas for improvement and have the potential to save lower performing buildings a lot of money in the long run; although initial costs may be incurred through audits or building retro-commissioning, payback periods of as low as a couple of months can be seen through resulting energy/water savings.

What will the City do with the data?

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. The City will provide status updates on the ordinance's progress and quantified contributions to our Climate Smart Goals. Lastly, BPO energy and water data and compliance data is made public through an interactive map and on the City's Open Data Portal. The data can be viewed on our webpage under the "Data Transparency" section.

Frequently Used Resources

Here is a list of our most helpful and frequently used resources. These links can also be found on our website: www.sanjoseca.gov/benchmarking.

Covered Buildings Lookup Tool

ENERGY STAR Portfolio Manager® Login Page

PG&E Benchmarking Portal

PG&E Data Authorization Online Form for Tenants

Beyond Benchmarking Webpage

Additional Assistance

For questions regarding ENERGY STAR Portfolio Manager,

- Visit Energy Star FAQs
- Contact: Portfolio Manager Helpdesk

For questions regarding your energy data or PG&E benchmarking services:

- Visit: www.pge.com/benchmarking
- Contact: benchmarking@pge.com

For questions regarding your water data, contact your water provider. See contact information by clicking here.

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