

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](#), 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 mailed out between March and April of each reporting year)

Starting in 2023, buildings covered by the Building Performance Ordinance will also be required to demonstrate either satisfactory building efficiency OR improvement standards. See [Beyond Benchmarking Questions](#) for details and the new compliance schedule.

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 [Compliance Checklist](#). You can search for your property in the [Covered Buildings List](#) 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 URL" link, found on our [website](#) under the Resources section. This 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.

You will receive a confirmation email from the City of San José once your benchmarking report has been approved. Further instructions on how to do so can be found in our [Compliance Checklist](#) (refer to Step 6).

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 (Step 6 of the [Compliance Checklist](#)), you may add additional emails to receive confirmation emails. After the reporting deadline, 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.

Can I be granted a reporting extension?

Buildings may be granted a reporting extension of 60 or 120 days. If you would like to request an extension, please fill out the extension form found on sjenvironment.org/benchmarking under “Exemption and Extension Forms”. Extension forms must be filled out completely prior to the reporting deadline and signed with a current year signature to be approved.

A separate extension request is required for each covered building. If you are requesting extensions for 5 or more buildings with the same owner, you may submit one form with a spreadsheet attachment listing out all building addresses and unique San José Building IDs for the list of buildings for which you are requesting extensions.

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 sjenvironment.org/benchmarking under “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?* on page 3.

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

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- 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. It is possible your building is on our [Covered Buildings List](#) under a different, neighboring address.

COVID-19 Questions

My building was vacant due to COVID-19, can I be exempt from reporting?

No, vacancies due to COVID-19 are not eligible for exemptions unless the building also experienced a minimum 30-day lapse in utility service during the reporting year, renovations, demolition, or other eligible exemption reason(s). If your building experienced changes in occupancy due to COVID, you will need to update your Property Use Details in Portfolio Manager (see next question for details.)

For more information on qualifying exemption circumstances related to vacancies, [click here to jump to "Do I qualify for an exemption if part of my property is/was vacant?"](#).

How do I account for building use changes due to COVID-19?

The EPA has released a [COVID-19 Guidance document](#) for benchmarking and certification. All buildings should update the following property use details in their Portfolio Manager accounts to reflect changes in operations due to COVID-19:

1. Weekly Operating Hours (*K-12 schools: Update entry for "Weekend Operations (yes/no)"*)
2. Number of Workers on Main Shift (*Hospitals: Update value for "Number of Full-Time Equivalent Workers"*)

Only these specific use details should be updated to account for changes due to COVID-19; all other inputs, such as "Number of Computers," etc. should only be updated if the changes were **NOT** due to the impacts of COVID-19.

Are there any changes to the ordinance due to the COVID-19 pandemic that I should be aware of?

Yes. The initial deadline for Beyond Benchmarking requirements has been extended by two years from May 1, 2021 to May 1 2023. [Click here to jump to the "Beyond Benchmarking" section for more information.](#)

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?


No – once your exemption request has been approved, you do not have to pay the invoice.

If you received an invoice and are still waiting for your exemption request to be approved, please hold off on paying the invoice for now. Your invoice will be cancelled once your request has been processed and approved by BPO staff. If your request is denied, you will still have to pay the invoice. If you already paid the invoice and your exemption was later approved, please notify us by email that you require a refund at benchmarking@sanjoseac.gov, and include a copy of your paid invoice confirmation and/or receipt in your request.

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 reporting exemption. You can verify your zoning by visiting <https://sjpermits.org/permits/>, clicking "Search for permit, property or zoning info" and searching by address or assessor's parcel number.

Permit and Property Information



You can search for the following information:

- Zoning designation
- Permit history
- Plan review status
- Property information
- Proposed projects

Buildings with Industrial Park zoning are *not* eligible for a reporting exemption. However, buildings which are not zoned as Heavy or Light Industrial, 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 is lacking a Certificate of Occupancy, that property may be exempt from reporting for the corresponding reporting year only. Vacancy due to change of tenants, change of ownership, or COVID-19 are not eligible for exemptions unless the building also experienced a minimum 30-day lapse in utility service during the reporting year. Portfolio Manager has made special accommodations to account for occupancy changes due to COVID-19 ([click here to jump to the "COVID-19" section](#)).

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 “Exemption and Extension Forms” sjenvironment.org/benchmarking.

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 “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 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

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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](#): Login & Registration page.
- [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 in 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 meter).
2. Register for PG&E's Building Benchmarking Portal services, which transfers whole building, aggregate data directly into your ENERGY STAR Portfolio Manager account.

More information on PG&E's benchmarking services can be found on [PG&E's Benchmarking site](#), which also includes [instructions](#) on how to set up the connection between your Portfolio Manager and PG&E accounts.

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 into Portfolio Manager on a regular basis. If your building has on or over 5 active accounts, you will not need to obtain authorization from your tenants to obtain the whole building aggregate data.

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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 our Tenant Data Authorization Request template to request data from your tenants on behalf of the City.

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, & 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 building has less than 3 active utility accounts, none of which are residential;
- If 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 how to obtain authorization from your tenants (if applicable), please review [PG&E’s Building Benchmarking Portal Instructions](#). 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.

If you tried unsuccessfully to obtain data from your tenants, 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. You must also forward our benchmarking team all email correspondences that show attempts to obtain said missing data. Please note that following these steps may not always result in your property being marked into compliance; this is why it is critical that you work with your tenants to obtain whole building data.

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 the California, including the California Energy Commission, and the 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 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, 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 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 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)

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- 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 in our [Covered Buildings List](#), which can also be found on our website: sjenvironment.org/benchmarking. 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 an ENERGY STAR score or Water score, Portfolio Manager requires at least 12 months of aggregate energy consumption data (for all fuel types used in the building) or aggregate water consumption data, respectively. If your building had a minimum 30-day lapse in utility service during the reporting year, 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 (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 noted in the “Property Notes” section of your Portfolio Manager report, 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 Jose Water Company:

www.sjwater.com
customer.service@sjwater.com

408-279-7900

San José Municipal Water

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 all utilities 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.

If you are unable to get this information broken out, please denote that information in the Property Notes section.

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

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

You can still submit your 2019 calendar year data that was required for the 2020 reporting year by all covered buildings 20,000 square feet and larger. Submit your report using the following ENERGY STAR Portfolio Manager® 2020 Reporting Link:

<https://portfoliomanager.energystar.gov/pm/reports/dataRequest/accept/c4f2464b-94c9-44b3-97fa-e1359723cbd5>

The 2019 reporting link is closed. If your building is over 50,000 square feet and you would like to submit data for the 2018 calendar year, please contact us at benchmarking@sanjoseca.gov, and include your San José Building ID and Covered Building Address in your request.

Data Error Questions

I've linked my PG&E account to my ENERGY STAR Portfolio Manager®, but it's saying I have missing gaps of data. What do I do?

Unfortunately, this is a common issue with PG&E's portal. To fix this problem, PG&E instructs users to unlink their Portfolio Manager account with PG&E and then re-link the account. The steps below will instruct you on how to do so:

- Under your energy meter in your Portfolio Manager account, delete all meter entries succeeding the missing months of data
- Unlink and then re-link the PG&E account
- The data should re-upload in its entirety within 24 hours
- For more detailed instructions, refer to pages 22-23 on PG&E's link here: https://www.pge.com/pge_global/common/pdfs/save-energy-money/analyze-your-usage/energy-performance-benchmarking/Building-Benchmarking-Portal-Guidance-and-Instructions.pdf

Once you complete these steps your issue should be fixed! However, if you're still having trouble or run into any issues, please email PG&E's helpdesk at benchmarking@pge.com for help.

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

This is because temporary and default 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. 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](#)

Name	Property Use Type	Gross Floor Area	Action
▼ Building Use	Office	50,000 ft ²	I want to...
	Value	Current As Of	Temporary Value?
★ Gross Floor Area	50000 ft ²	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	

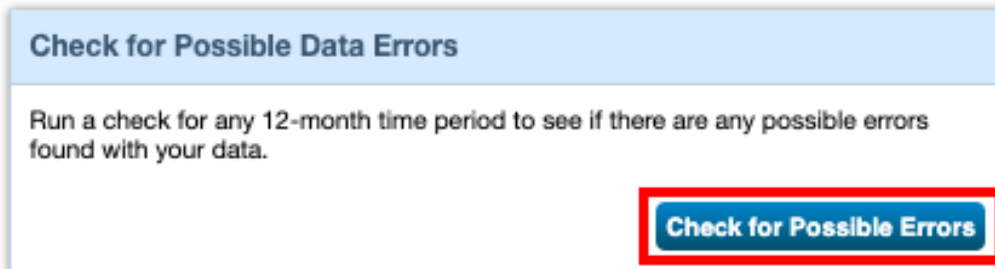
4. On the next page, ensure that all the **Temporary Value?** or **Default Value** checkboxes are not selected. Verify all information for accuracy and correct values as needed.
5. Click **Save Corrections**.

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 the appropriate link 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 you signed up for paperless billing with [Claim my Building](#), 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 sjenvironment.org/benchmarking under "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? What if I already paid it?

No ([click here for more information to this question in the "Exemption Questions" section](#)). If you already paid your invoice, your payment will be refunded to you by our Revenue Management team. Please email benchmarking@sanjoseca.gov so we can make a note in our records, and include a copy of your paid invoice confirmation and/or receipt.

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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 between March and 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 will be available on our website starting in 2022. See [“How does the Beyond Benchmarking deadline extension affect me?”](#) below for the updated compliance schedule.

If a building can demonstrate that it meets key performance standards through yearly benchmarking, it may submit a Performance Verification Report. If a building is not able to meet these standards, it can perform an energy audit, retuning, or targeted efficiency upgrade to improve performance. More information on these requirements can be found in the [ordinance municipal code](#).

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.**

Starting in 2023, building owners will be required to demonstrate either building efficiency or improvement in annual cohorts specified by the ordinance ([San José Code of Ordinances, Chapter 17.85.400](#)). If an owner can demonstrate that a covered building meets key performance standards through yearly benchmarking, the owner can then submit a Performance Verification Report. If a building is not able to meet these standards, the owner can perform an energy audit, retuning, or targeted efficiency upgrade to improve performance. Information regarding these additional requirements will be available on the BPO website starting in 2022.

How does the Beyond Benchmarking deadline extension affect me?

The extended deadline (now May 1, 2023) effectively pushes the initial compliance deadline for Beyond Benchmarking requirements back by two years for all covered buildings, and will allow BPO reporters to have an equitable opportunity to submit accurate benchmarking data in response to changes in availability and quality of data due to Stay-At-Home State/County-mandated orders caused by COVID-19. This extension will allow reporters to have their first three years of benchmarking data that determines their initial Beyond Benchmarking requirements to be of known quality and comparable to typical years, and/or to help establish “new normal” building operations during and after the

pandemic. **This extension does not affect the annual May 1st BPO reporting deadline and is only specific to the Beyond Benchmarking part of the ordinance.**

We are currently working on developing resources and a list of service providers to share with building owners. If you fit into the first cohort of buildings (as described above), you are welcome to get into early compliance by performing an audit or retrocommissioning on your building if it does not meet efficiency standards. For specific details on efficiency standards and the updated compliance schedule, please review the [San José Code of Ordinances, Chapter 17.85.410 - 17.85.510](#).

The updated Beyond Benchmarking Schedule is as follows:

Properties ≥ 50,000 square feet

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

Properties 20,000 square feet—49,999 square feet

<i>Last digit of APN</i>	<i>First compliance due date</i>	<i>Subsequent compliance due dates</i>
0	May 1, 2024	Every five years thereafter
1	May 1, 2024	Every five years thereafter
2	May 1, 2025	Every five years thereafter
3	May 1, 2025	Every five years thereafter
4	May 1, 2026	Every five years thereafter

5	May 1, 2026	Every five years thereafter
6	May 1, 2027	Every five years thereafter
7	May 1, 2027	Every five years thereafter
8	May 1, 2028	Every five years thereafter
9	May 1, 2028	Every five 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: If your building can show that it meets key performance standards, all you will need to do is fill out a Performance Verification Report and have your data verified by a third party service provider. Examples of Key Performance Standards are:
 - Having an ENERGY STAR score on or above 75
 - Showing a 15 or more point improvement from your building’s baseline ENERGY STAR score
 - Showing more than a 15% decrease in the building’s Site Energy Use Intensity (EUI)
- Improvement Pathway: If your building does NOT meet Key Performance Standards, it will need to comply with the "Improvement Pathway." These buildings will need to complete one of the following:
 - Energy and/or Water Audit, in tune with an ASHRAE Level II Audit;
 - Retrocommissioning, AKA retuning; or
 - Adopting Efficiency Improvement Measures (only applicable to buildings without a central HVAC system)

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?

While resources such as the Performance Verification Report & guidance documents are being developed, you can learn more about the requirements for this piece of the ordinance by reviewing the [San José Code of Ordinances, Chapter 17.85.410 - 17.85.510](#).

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 reporting 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 Verification Report. If a building is not able to meet these standards, the owner may perform an audit or retuning of their building to improve performance; a third compliance option for owners of buildings without central Heating, Ventilation, and Air-Conditioning (HVAC) systems is to perform targeted efficiency upgrades. Note: the deadline for these requirements, known as Beyond Benchmarking requirements, has been extended. For more information, [click here to jump to the "Beyond Benchmarking" section](#).

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

*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.

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,

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- Public schools,
- State/county/special district buildings, and
- Exclusively Industrial-zoned buildings (see [“Are buildings zoned as Heavy or Light Industrial exempt from reporting?”](#) for more information)

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:

- 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

Beginning in 2023, buildings will be subject to additional requirements in rolling, five year cycles:

- Owners must verify that their building meets key performance standards through annual benchmarking reports by submitting a Performance Verification Report.
- If a building is not able to meet these standards, the owner can perform an audit or retuning to improve performance; a third compliance option for owners of buildings without central HVAC systems is to perform targeted efficiency upgrades.

This process will roll out and cohorts have been established based on building size and Assessor Parcel Number (APN).

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. For a compliance schedule of Performance, Audit, Retro-Commissioning, or Efficiency Improvement Measures, please refer to section 17.85.520 of the [ordinance](#).

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.

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. We are currently working on publishing a report from our [Building Performance Leaders](#) program that showcases actual cost savings that San José building owners have achieved. Once published, the report will be available to view on our website and will be linked here.

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 way more energy than is needed.

The Environmental Protection Agency (EPA) estimates that on average, 30% of energy used in commercial buildings is wasted due to the aforementioned issues ([EPA, 2011](#)). Energy/water benchmarking, audits and retuning identify these issues 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 retuning, 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?

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](#).

Why is the information made public?

The information is made public so that consumers can compare their building's performance to other similar buildings, enabling building owners to make more informed decisions and to take the necessary

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and cost-saving steps to improve their buildings' efficiency. Certain data types are also required to be publicly disclosed under AB 802 and by the [ordinance](#). The City does not sell or use this information for marketing or any other non-compliance purposes.

Frequently Used Resources

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

[How-to-Comply Guide](#) (detailed step-by-step instructions on how to comply)

[Covered Buildings List](#)

[ENERGY STAR Portfolio Manager® Login Page](#)

[PG&E Portal Guide](#)

[PG&E Data Authorization Online Form for Tenants](#)

[“About the Ordinance” flyer](#)

[Energy and Water Building Performance Ordinance](#)

Additional Assistance

For questions regarding ENERGY STAR Portfolio Manager,

- Visit: www.energystar.gov/portfoliomanager
- 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 sjenvironment.org/benchmarking, email benchmarking@sanjoseca.gov, or call 408-975-2540.