



Environmental Services

### San José Energy and Water Building Performance Ordinance Exemption Request Form

Building owners wishing to claim an exemption 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 as appropriate, and submit an electronic copy through our [exemption formsite](#). Upon receipt, you will be contacted within two weeks regarding the status of your request.

#### Contact and Building Information

Building/Property Owner: \_\_\_\_\_

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Unique Building ID\*: \_\_\_\_\_

\*Found online at [sjenvironment.org/benchmarking](http://sjenvironment.org/benchmarking)

Property Address:

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Property is applying for:

Exemption from benchmarking requirements (complete Section 2 and 3)

If you have questions or need assistance, please email [benchmarking@sanjoseca.gov](mailto: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](http://energy.ca.gov/benchmarking).

## Section 2: Reason(s) for benchmarking exemption:

Please select the most applicable option:

### 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.  
\*\*\*Qualifying zonings are:
- o HI (Heavy Industrial),
  - o LI (Light Industrial), or
  - o IP (Industrial Park), where over 50% of the gross floor area is used for exclusively industrial, manufacturing or research and design. Supporting documentation showing a floor plan with a breakdown of the uses must be included in the exemption request.
- 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

**Section 3: Reason(s) for benchmarking exemption:**

Please attach supporting evidence to demonstrate a building's eligibility for this exemption 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: \_\_\_\_\_