

STANDARD (NON-EMERGENCY) RULE

Rule Regarding Commercial and Industrial Building Owners
Energy Use, Reporting and Implementation Requirements

1. This Rule incorporates the guidance, requirements, rules and regulations shown in Attachment A.
2. To the extent only of any conflict, this rule supersedes any conflicting rules or parts of rules.

The Adopting Authority establishes this rule to establish City of Boulder Universal Waste Rules/Regulations.

Legal Authority: Title 1, Chapter 4, and Chapter 10-7.7, B.R.C. 1981

Approved as to form and legality for adoption on 5-26-16 (date).

[Signature] (signature), (Assistant/Deputy) City Attorney.

Approved before publication by City Manager or delegate on May 31, 2016 (date).

Joe S. Beauzyam (signature), City Manager (title),

Adopting Authority.

Three copies of the rule filed with City Clerk on JUNE 1, 2016 (date).

Notice publication date (15-day comment period) in the Daily Camera:
June 3, 2016 (date).

Rule approved and adopted with/without change after considering public comment by City Manager or delegate on July 12, 2016 (date)

Joe S. Beauzyam (signature), City Manager (title),

Adopting Authority.

Adopted rule re-filed with City Clerk and effective on July 12, 2016 (date)

ATTACHMENT A

City Manager Rules for Building Performance Ordinance

I. Definitions

- A. "ASHRAE Energy Assessment Standard" means Procedures for Commercial Building Energy Audits as published by the American Society of Heating Refrigerating, and Air-conditioning Engineers Inc. (ASHRAE) in 2011, and as updated periodically. It is expected that ASHRAE will soon adopt Standard 211, Standard for Commercial Building Energy Audits to replace this resource. If that occurs, Standard 211 will serve as the new basis for requirements for energy assessments.
- B. "Base Building Systems" mean the systems or sub-systems of a building that use Energy and/or impact Energy consumption including but not limited to: Primary HVAC (heating, ventilation, air conditioning) systems; Conveying systems; Domestic hot water systems, and; Electrical and lighting systems. Base Building Systems shall not include equipment used for Industrial Processes.
- C. "City Manager" means, city manager or the city manager's delegee.
- D. "Cost Effective" means any investment or project with a predicted Payback Period of five years or less.
- E. "Current Facility Requirements" means the Owner's current operational needs and requirements for a building and systems including but not limited to space temperature and humidity set points, operating hours, ventilation, filtration and any integrated requirements such as controls, personnel training, warranty review, and service contract review.
- F. "Energy" means electricity, natural gas, steam, hot or chilled water, heating oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.
- G. "Energy Assessment" means a systematic evaluation to identify modifications and improvements to building equipment and systems which use Energy.
- H. "Energy Assessment Report" means a report prepared and certified by an Energy Assessor on the approved list on the Project Website, covering the scope provided by the City Manager.
- I. "Energy Performance Score" means the numeric rating generated by the ENERGY STAR Portfolio Manager tool or equivalent tool adopted by the City Manager that compares the Energy usage of the building to that of similar buildings.
- J. "ENERGY STAR" means the U.S. Environmental Protection Agency program related to improving Energy efficiency in buildings and products.

- K. "ENERGY STAR Portfolio Manager" means the Internet-based tool developed and maintained by the U.S. Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide.
- L. "Energy Use Intensity (EUI)" means the total kBtUs (1,000 British Thermal Units) used per square foot of floor area.
- M. "Industrial Processes" means any business related process supported by mechanical or electrical systems other than Base Building Systems.
- N. "Large Industrial Campus" means a facility in which three or more buildings, at least partially used for Manufacturing uses, are served by a central plant or single utility meter.
- O. "Manufacturing" means any building which has a primary use of assemblage, processing, and/or Manufacturing products from raw materials or fabricated parts OR one that has the majority of its Energy usage come from process loads.
- P. "Owner" means any person who is a commercial or industrial building Owner, or is an Owner's representative, such as a property manager, who has charge of, or controls any building or parts thereof.
- Q. "Partners for a Clean Environment" (PACE) is a joint program with the City and County of Boulder that provides free expert advisor services, financial incentives and a certification program to help businesses measure and gain recognition for their Energy, waste, water, and transportation achievements. EnergySmart is PACE's Energy service program.
- R. "Payback Period" means the length of time required to recover the capital cost (less rebates and incentives) of an investment through operational savings.
- S. "Project Website" means www.BoulderBuildingPerformance.com, the website maintained by the City Manager for the implementation of these requirements.
- T. "Rating and Reporting Tool" means the U.S. Environmental Protection Agency's Internet-based tool, ENERGY STAR Portfolio Manager, and any additional tool adopted by the City Manager for this purpose.
- U. "Retrocommissioning" means identifying and correcting building system issues to achieve optimal building performance, in a manner specified by the City Manager.
- V. "Retrocommissioning Measure" means a corrective action or facility improvement identified during the investigation or evaluation phase of Retrocommissioning.
- W. "Retrocommissioning Report" means a report prepared and certified by a Retrocommissioning Professional on the approved list on the Project Website, covering the scope provided by the City Manager.
- X. "Site Energy" means the amount of Energy consumed by a building as reflected in utility bills or other documentation of actual Energy use.

Y. “Source Energy” means all the Energy used in delivering Energy to a building, including power generation and transmission and distribution losses, to perform a specific function, such as but not limited to space conditioning, lighting, or water heating.

II. Rating and Reporting Requirements and Process (B.R.C. 10-7.7-2)

By December 1st of the year preceding the first rating and reporting requirement set forth in B.R.C. 10-7.7-2, the building Owner (or designated representative) must go to the Project Website to claim their building by assigning a point of contact (for each building) for this program and verifying that the building information is correct.

Building Owners, subject to B.R.C. 10-7.7-2 shall annually input, into the Rating and Reporting Tool, data which accurately reflects the total Energy consumed by each of their buildings, along with all other descriptive information required by the Rating and Reporting Tool, for the previous calendar year and report this information to the City of Boulder in accordance with procedures specified on the Project Website. Submittals will be subject to a quality control review and will be rejected if data input errors are found. In that case, building Owners will have 30 days to correct the errors and resubmit the data into the Rating and Reporting Tool.

A. Information Reported to City

The information reported to the city, and publically disclosed after a two-year grace period, may include, but need not be limited to:

1. Property address;
2. Primary use type;
3. Floor area;
4. Site Energy Use Intensity (EUI);
5. Source EUI;
6. Annual Energy consumption;
7. Annual greenhouse gas emissions;
8. The Energy Performance Score that compares the Energy use of the building to that of similar buildings, where available; and
9. Compliance or noncompliance with the Building Performance Ordinance (Ordinance 8071).

B. Options for Demonstrating Compliance

Manufacturing buildings that are not part of a Large Industrial Campus (*see* Section Large Industrial Campus Requirements) have the option of complying with this requirement via two

alternative methods. Owners can track their Energy use through either of the following tools, and email a summary of this information to the City Manager:

1. The ENERGY STAR Energy Tracking Tool, developed and maintained by the U.S. Environmental Protection Agency (available for any type of Manufacturing facility); or
2. For specific types of Manufacturing plants and buildings, the U.S. Environmental Protection Agency has developed and maintains an Excel-based ENERGY STAR Energy Performance Indicators tool. This tool tracks annualized Energy use, cost, greenhouse gas emissions, and a sector-specific Energy Performance Score on a scale of 1 to 100.

III. Energy Assessments Requirements and Process (B.R.C 107.7-3)

The Energy Assessment must meet or exceed the following requirements per the ASHRAE Energy Assessment Standard:

1. Buildings < 50,000 square feet (sf): ASHRAE Level I assessment (the free Energy Assessments offered by the city's Partners for a Clean Environment program meet these requirements); and
2. Buildings ≥ 50,000 sf: ASHRAE Level II¹ assessment.

For Manufacturing buildings or Large Industrial Campuses, an electrical utility's process efficiency assessments and studies can meet this requirement, if the scope is approved by the City Manager. The assessment must cover everything in the required scope for Energy Assessments below:

A. Required Scope for Energy Assessments

1. Any service provider bidding on a Level II Energy Assessment shall conduct a preliminary site which shall cover the following:
 - a. The preliminary site visit will scope and price the Energy Assessment and should include an evaluation of the costs and benefits of implementing the Retrocommissioning requirements in the Building Performance Ordinance;
 - b. If the service provider does not recommend implementing the Retrocommissioning requirements, the service provider should explain the basis for failing to recommend implementation of Retrocommissioning. Such explanation must be submitted to the City Manager when requesting any applicable exemption; and
 - c. If the service provider does recommend implementing the Retrocommissioning requirements, the service provider should provide the building Owner with a cost estimate for the Energy Assessment with and without Retrocommissioning.

¹ ASHRAE Level II requirements related to comparing to Level I results are not required.

2. Level I and Level II Energy Assessments shall cover the following:
 - a. Building envelope and infiltration;
 - b. Plug loads;
 - c. Base Building Systems; and
 - d. Industrial Processes (if these processes are responsible for 25 percent or more of total Energy use).

B. Required Scope for Energy Assessment reports

An Energy Assessment Report shall include everything required by the ASHRAE Energy Assessment Standard, and the following:

1. Level I Energy Assessment report:
 - a. Summary of the need and opportunities for Retrocommissioning, including identification of operations and maintenance problems and needs. Provide justification if there is no anticipated benefit from the required Retrocommissioning scope;
 - b. Energy and energy cost savings estimate if EUI were to meet the criteria for ENERGY STAR certified (if applicable);
 - c. Statement of whether or not the building's lighting systems and controls meets each lighting requirement in the Building Performance Ordinance, including a statement of any situations where the requirements are impractical; and
 - d. Summary of applicable rebates.
2. Level II Energy Assessment report:
 - a. Summary of the need and opportunities for Retrocommissioning, including identification of operations and maintenance problems and needs. Provide justification if there is no anticipated benefit from the required Retrocommissioning scope;
 - b. Statement of whether or not the building's lighting systems and controls meets each lighting requirement in the Building Performance Ordinance, including a statement of any situations where the requirements are impractical;
 - c. Table of practical measures, with the following:
 - i. Capital costs;
 - ii. Applicable rebates and incentives;

- iii. Annual energy use and energy cost savings (including reduction in demand charges);
 - iv. Annual maintenance cost savings;
 - v. Payback Period;
 - vi. Recommended implementation timeline of each measure; and
 - vii. Recommended measurement and verification (M&V) method for each measure.
- d. A recommended package of measures that would allow the building to achieve ENERGY STAR certification, if applicable. For buildings that are not eligible to receive an Energy Performance Score, recommend a package of measures to reduce annual Energy costs by at least 25 percent; and
 - e. A summary of applicable rebates, incentives, and financing options offered at the federal, state and local levels.

C. Required Qualifications for Energy Assessors

The assessment must be performed by a qualified Energy Assessor who has been authorized by the City Manager to perform or directly supervise individuals performing Energy Assessments and to certify Energy Assessment Reports required by this ordinance. An Energy Assessor must complete the online verification and approval process described on the Project Website and shall meet at least one of the following qualifications:

1. A registered design professional (either a Professional Engineer or Registered Architect), with at least three years professional experience performing Energy Assessments of equivalent scope on similar types of buildings;
2. A contractor approved by the local utility to perform Energy Assessments of equivalent scope on similar types of buildings as part of the utility's Energy efficiency programs;
3. A Certified Energy Manager (CEM) or Certified Energy Auditor (CEA), certified by the Association of Energy Engineers (AEE), with at least three years professional experience performing Energy Assessments of equivalent scope on similar types of buildings;
4. A Building Energy Assessment Professional (BEAP) certified by ASHRAE, with at least three years professional experience performing Energy Assessments of equivalent scope on similar types of buildings; or
5. Other credentials based on review and approval of the City Manager.

Upon completion of the online verification and approval process, the Energy Assessor will be listed on an approved list of Energy Assessors on the Project Website.

*The relevant years of experience or approval by other entities must be consistent with the ASHRAE Level of audit that will be performed. For instance, a licensed Professional Engineer with three years of experience performing ASHRAE Level I audits would be qualified to perform the required Energy Assessment for only buildings smaller than 50,000 sf.

D. Procedures for Passing Costs through to Tenants

If an Owner chooses to pass the costs of the required Energy Assessments through to their tenants, those costs must be amortized over a 10-year period, rather than passed through in a bulk assessment in a single year.

E. Submitting Proof of Compliance to the City

A qualified Energy Assessor must submit materials and information to the city to verify that the Owner has complied with these requirements. The Project Website contains guidance concerning required submissions.

IV. Lighting Requirements and Process (B.R.C. 10-7.7-4)

A. Requirements Within Five Years of First Report

In accordance with B.R.C., 10-7.7-4, within five years of the first reporting requirement, each Owner shall:

1. Replace or upgrade any interior or exterior lighting fixture that does not meet the lighting power allowances set forth in the most current version of the International Energy Conservation Code (IECC);
2. Comply with the most recent versions of the IECC requirements for automatic time switch control devices, occupancy sensors, and exterior lighting controls; and
3. Replace or upgrade internally illuminated exit signs that are not in compliance with the most current version of the IECC.

B. Compliance

Owners, or a representative of the Owner, shall demonstrate compliance as follows:

1. Interior Lighting Power

- i. Calculate the building's maximum lighting power using either the Building Areas Method or Space-by-Space Method and compare to the maximum allowable levels identified in the most recent IECC requirements.

2. Exterior Lighting Power

- i. Calculate the building's maximum exterior lighting power and compare to the maximum allowable level identified in the applicable table (Table

405.6.2(2)) in the IECC requirements. The total exterior lighting power for all exterior building lighting is the sum of the base site allowance plus the individual allowances for areas that are to be illuminated for the applicable lighting zone.²

C. Procedures for Passing Costs through to Tenants

If an Owner chooses to pass the costs of the required lighting upgrades through to their tenants, those costs must be amortized over the length of the predicted payback period (as determined by the lighting contractor), rather than passed through in a bulk assessment in a single year.

D. Submitting Proof of Compliance to the City

The Owner, or a representative on their behalf, must submit materials and information to the city to verify that the Owner has complied with these requirements. The Project Website contains guidance concerning the required submissions.

V. **Retrocommissioning Requirements and Process (B.R.C. 10-7.7-5)**

A. Scope of Retrocommissioning

If the Retrocommissioning is conducted through a local energy utility program, the scope for that will satisfy the requirements of the ordinance, as long as it addresses both electricity and natural gas consuming equipment and controls.

If the Retrocommissioning is conducted outside of a local energy utility program, the scope of the Retrocommissioning (RCx) shall include the activities below. A monitoring-based commissioning approach may be used to investigate and evaluate building systems as part of the Retrocommissioning process.

Activity	Bldgs ≥ 50,000 sf	Bldgs < 50,000 sf	Activity Description
Develop a RCx Plan	✓		Develop a plan that outlines the activities, roles and responsibilities, schedule and documentation requirements of the RCx process.
Review and Optimize Equipment Scheduling (existing controls)	✓	✓	Any time of day schedules that are programmed in a building management system (BMS), programmable thermostat or time clock system shall be reviewed and, if necessary, corrected to ensure they reflect the current facility requirements.
Review BMS Sequence of Operations	✓	✓	The current BMS sequence of operations shall be reviewed to ensure they are appropriate for the current facility requirements.

² From IECC 2015 Table C405.5.2(1): Areas predominantly consisting of residential zoning, neighborhood business districts, light industrial with limited nighttime use and residential mixed use areas.

Activity	Bldgs ≥ 50,000 sf	Bldgs < 50,000 sf	Activity Description
Review BMS Temperature, Pressure and Airflow Setpoints	✓	✓	The current BMS setpoints shall be reviewed to ensure they reflect the sequence of operations and current facility requirements. If needed, adjust the setpoints to meet the current facility requirements.
Test BMS Automatic Reset Functionality	✓	✓	Any automatic reset function that is currently programmed in the building management system shall be tested to confirm proper operation per the sequence of operations. An automatic reset function may include but is not limited to supply air temperature reset, static pressure reset, and chilled water supply temperature reset.
Pre-functional Checks on all major equipment	✓		Visually check all equipment identified in the RCx plan as ones to be functionally tested to ensure proper equipment and component assemblies are in proper condition and sensors are properly calibrated.
Comprehensive Functional Testing on all major base building equipment	✓		Perform functional testing on all major Base Building Systems to verify the sequence of operations and proper component functionality to include but not be limited to damper and valve actuation, motor modulation, on/off commands, lighting occupancy sensors and controls, etc.
Boiler Combustion Testing	✓		A combustion efficiency test shall be conducted for each boiler serving a Base Building System.
Review Economizer Functionality	✓	✓	If economizer functionality exists and is included in the sequence of operations, perform functional testing to verify proper operation during economizer conditions including proper damper controls. If economizer is not functioning properly, adjust sequence of operations and setpoints, adjust and or/replace damper linkage and actuator motors for proper operation and current facility requirements.
Sensor Calibration Checks (All Critical Sensors)	✓		Each critical sensor that is part of an HVAC control sequence shall be tested to ensure proper calibration. For each sensor that is out of calibration, recalibrate or replace the sensor.
Sensor Calibration Checks (OAT & RAT Only)		✓	All outside air temperature (OAT) sensors and return air temperature (RAT) sensors that are part of an HVAC control sequence shall be tested to ensure proper calibration. For each sensor that is out of calibration, recalibrate or replace the sensor.
Check Coils for Cleanliness	✓	✓	Visually inspect hot water, chilled water, steam and DX coils for cleanliness. If coils are visually loaded, clean all coils as appropriate.

Activity	Bldgs ≥ 50,000 sf	Bldgs < 50,000 sf	Activity Description
Boiler/Furnace Tune-Up	✓	✓	Perform a tune-up on any boilers or furnaces serving Base Building Systems.
Review & Adjust Domestic Hot Water Temperatures	✓	✓	Review current domestic hot water temperature setpoints and compare to current facility requirements. If needed, adjust the setpoints to meet the current facility requirements.
Check Air Filters	✓	✓	All air filters shall be checked to verify that the pressure drop across the filters are within the manufacturer's recommended limits.
Install Programmable Thermostats if no controls exist	✓	✓	If there is no central building Energy management system, and no programmable thermostats, install programmable thermostats in every regularly occupied thermal zone.

B. Required Implementation of Measures

The ordinance requires that within two years from the Retrocommissioning deadline, the Owner shall implement any Retrocommissioning Measure identified in the report with a predicted Payback Period of two years or less.

C. Required Scope for a Retrocommissioning Report

If the Retrocommissioning is conducted through a local energy utility program, the report produced for that will satisfy the requirements of the ordinance.

If the Retrocommissioning is conducted outside of a local energy utility program, then the Retrocommissioning Report shall include the following:

1. Summary of building use (with square footage breakdown) and typical operation;
2. Summary of building systems including mechanical, electrical and controls systems;
3. Summary of the results for each completed activity required in the Retrocommissioning scope; and
4. Table of recommended Retrocommissioning Measures that clearly indicates those measures that must be implemented per the ordinance requirements. The table should include the following, for each measure:
 - a. Capital costs;
 - b. Applicable rebates and incentives;
 - c. Annual energy savings (including reduction in demand charges);

- d. Annual maintenance savings;
- e. Payback Period (note that any measure with a Payback Period of two years or less, must be implemented within two years); and
- f. Recommended implementation timeline of each measure.

D. Required Qualifications for Retrocommissioning Professionals

The Retrocommissioning must be performed by a qualified Retrocommissioning Professional who has been authorized by the City Manager to perform or directly supervise individuals performing Retrocommissioning and to certify Retrocommissioning Reports required by this ordinance. A Retrocommissioning Professional must complete the online verification and approval process described on the Project Website and shall meet one or more of the following qualifications:

1. A contractor approved by the local utility to perform Retrocommissioning of equivalent scope on similar types of buildings as part of the utility's Energy efficiency programs;
2. Licensed Professional Engineer with three or more years of proven commissioning or Retrocommissioning experience with similar buildings; or
3. Hold relevant certification(s) with Associated Air Balance Council, National Environmental Balancing Bureau, Association of Energy Engineers, Building Commissioning Association, University of Wisconsin or the American Society of Heating, Refrigeration, and Air-Conditioning Engineers as a commissioning authority with three or more years of proven commissioning or Retrocommissioning experience with similar buildings; or
4. An individual or firm with five or more years of proven commissioning or Retrocommissioning experience with similar buildings; or
5. Other credentials based on review and approval of the City Manager.

Upon completion of the online verification and approval process, the Retrocommissioning Professional will be listed on an approved list of Retrocommissioning Professionals on the Project Website.

E. Procedures for Passing Costs through to Tenants

If an Owner chooses to pass the costs of the required Retrocommissioning through to their tenants, those costs must be amortized over a 10-year period (for the study), rather than passed through in a bulk assessment in a single year. If the Owner chooses to pass the costs of the required Retrocommissioning measure implementation through to their tenants, those costs must be amortized over the length of the predicted payback period (as determined by the Retrocommissioning Professional), rather than passed through in a bulk assessment in a single year.

F. Submitting Proof of Compliance to the City

A qualified Retrocommissioning Professional must submit materials and information to the city to verify that the Owner has complied with these requirements. The Project Website contains guidance concerning the required submissions.

VI. Large Industrial Campus Requirements (B.R.C. 10-7.7-8)

A. How To Calculate the Percentages of Total Energy Savings

1. Calculate/measure the calendar year Energy savings* in electricity consumption = X1 kWh.
2. Calculate/measure the calendar year Energy savings* in fuel (oil & gas) consumption = Y1 MMBtu.
3. Get the total actual calendar year electricity consumption = X2 kWh.
4. Get the total actual calendar year fuel consumption = Y2 MMBtu.
5. Get the total actual calendar year Energy cost = A \$K.
6. Get the total actual calendar year electricity cost = B \$K.
7. Get the total actual calendar year fuel cost = C \$K.

The Energy savings as a percent of the total Energy (electricity and fuel) consumption for "xxxx" year is calculated by the following formula:

$$\{(B/A) * (X1)/X2 + (C/A) * (Y1/Y2)\} * 100 = \text{Percent Energy Conservation for the Year}$$

* The Energy savings from a project can be counted for 12 months. For example, a project saving 12,000 kWh annually (1,000 kWh/month) that is implemented on November 1, 2015 would have 2,000 kWh in 2015 and 10,000 kWh of "carryover" savings in 2016.

** This calculation can be annualized over 4 years to account for significant investments and savings that may have been made in prior years.

B. Energy Assessment Requirements

Owners of Large Industrial Campuses are required to conduct an Energy Assessment that covers at least 75 percent of the total Energy usage on the Large Industrial Campus. If the Large Industrial Campus does not have the monitoring systems necessary to identify the consumption source of 75 percent of the total Energy usage, the entire site must be included in the assessment.

The assessment must meet or exceed the requirements of a Level II assessment per the ASHRAE Energy Assessment Standard. An electrical utility's process efficiency assessments and studies can meet this requirement, if the scope is approved by the City Manager, and if the assessment

covers at least 75 percent of the total Energy usage. The assessment and report must cover everything required for the Level II assessments, described above in Section III.

C. Lighting Requirements and Process

Please refer to Section IV.

D. Submitting Proof of Compliance to the City

The Owner, or a representative of the Owner, must demonstrate to the City Manager, orally or in writing, that the Owner has complied with these requirements.

VII. Exemptions (B.R.C. 10-7.7-9)

An Owner can request an exemption as set forth in B.R.C. 10-7.7-9 through the form available on the Project Website. A building owner can apply for one of the exemptions to the efficiency requirements within three years of the compliance deadline for the requirements (e.g., if the deadline is June 1, 2019, an owner could apply as soon as June 1, 2016).

If an Owner applies for an exemption to the Energy Assessment requirements set forth in B.R.C. 10-7.7-3 because they conducted an equivalent Energy Assessment within 10 years of the first deadline for Energy Assessments, they must demonstrate to the City Manager that they implemented the Cost Effective actions that were recommended.

A. Maintaining an Exemption in Future Years

If an exemption is granted for having a current U.S. Environmental Protection Agency ENERGY STAR certification, or a current Leadership in Energy and Environmental Design (LEED) Building Operations and Maintenance certification from the U.S. Green Building Council, the Owner must maintain that exemption in the following ways.

If the exemption is granted for an ENERGY STAR certification:

1. The exemption will be valid as long as the ENERGY STAR score of the building is in the certified range (minimum of 75), as submitted through the rating and reporting requirement, with an actual re-certification required every 10 years.
2. If the building's score falls below the certified range (below 75), the owner will be required to get a free Level I energy assessment through the city's Partners for a Clean Environment (PACE) Program to help diagnose the cause of the increased energy use. The owner will then have one more rating and reporting cycle to improve their ENERGY STAR score above 75 – if they fail to do so, the exemption will no longer be valid, and the owner will have to comply with all future efficiency requirements.

If the exemption is granted for a LEED for Existing Buildings Operations and Maintenance certification:

1. The exemption will be valid as long as the LEED Certification is valid (re-certification is required every 5 years through LEED to stay current).
2. If the building loses its LEED certification, the exemption will no longer be valid, and the owner will have to comply with all future efficiency requirements.

If the exemption is granted for showing a significant pattern of continuous reductions in greenhouse gas emissions, or for one of the exemptions specific to Large Industrial Campuses:

1. The exemption will be valid for the first round of efficiency requirements following when the exemption is granted. For example, if this exemption is granted on June 1, 2016, the building owner would be exempt from the required Energy Assessment in 2019 and the required Retrocommissioning and Lighting Upgrades in 2021. The owner would be subject to the next round of requirements starting in 2029 when the next Energy Assessment would be required.