From:	EDC
To:	Freedman, Andrea
Subject:	FW: Opposition of Proposed Ordinance Mandating Building Energy Benchmarking
Date:	Wednesday, January 18, 2023 11:58:49 AM
Attachments:	image001.png

From: Ben Filkouski <ben.filkouski@madisoncommercialre.com>
Sent: Wednesday, January 18, 2023 10:35 AM
To: EDC <EDC@cityofmadison.com>
Subject: Opposition of Proposed Ordinance Mandating Building Energy Benchmarking

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Economic Development Committee members,

Thank you for everything that you do for our City. I am reaching out to urge the EDC to oppose the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280). This program should be voluntary.

If the program does remain mandatory, it should not require property owners to report proprietary information to the city government. The ordinance makes Madison city government the holder of the reported energy data which is not appropriate because once it is in the hands of the city, anyone through a public records request could obtain this information.

Building owners can look at their data and make improvements where necessary and where it makes sense from the economic side of things. Costly building improvements such as this will cause an increase in rents. For commercial office tenants, this could negatively impact our CBD and force tenants to find cheaper opportunities outside of the City of Madison. For Multi-family, this could negatively impact our already increasing rental rates which will negatively impact the workforce housing sector whom is already struggling to find affordable rents in the City of Madison.

In order for the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it, and provide information such as number of employees working in the building and number of laptops or other computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report.

Many commercial tenants will refuse to provide building owners with their energy bills or number of employees in the building or number of laptops or other computers or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building, in many cases, the number would be different every day, because so many employees continue to work from home on some days.

Smart Growth and other stakeholders have raised this issue with the Mayor's office staff

repeatedly, and the response we have received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. Smart Growth's members object to making up estimated numbers to input into the Energy Star tool to complete a report that is of no value because the numbers are just made up, and to be coerced into doing so by the threat of being fined for failing to report.

When building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs. A mandatory program is not necessary.

It is unlikely that the recommendations of the tune up specialist will produce much savings because building owners already are motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of their tenants.

Thank you for your consideration.

Thanks,
Ben

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