

US City Benchmarking & Disclosure Policy Review
as of 10/15/2012

#	Jurisdiction	Legislation	En-acted	Scope	Reporting (Benchmarking) Deadlines	Notes on Timing	Covered Buildings (est.)	Disclosure Vehicle					Com-pliance	Enforce-ment	Performance Improvement Measures	Primary Policy Approach				Legislative Strategy
								Report to Gov't	Public Website	Mand. Upon Transaction	Tenant (on-request)	Notes on Disclosure				Mayoral Lead	Council Lead	Task Force	Other	
1	Austin	Energy Conservation Audit & Disclosure (ECAD) Ordinance	Nov-08	-All public bldgs -Commercial >10Kft2 -No residential	Jun-12: Commercial >75Kft2 Jun-13: Commercial >30Kft2 Jun-14: Commercial >10Kft2		2,800 covered buildings, 113M SF	X		Buyers				\$500 per offense	Mandatory audits prior to sale for multifamily with <5 units Mandatory audit for 10 year+ old buildings, mandatory retrofits for "high energy use buildings"			X		Very broad legislation; most groundwork engaged realtors - single family audits were the centerpiece; multifamily retrofits & commercial disclosure were almost an afterthought Austin Energy Efficiency Retrofit Task Force with input from local realtors and other parties. Austin energy is the implementing body; advocacy came from utility wanting to avoid additional capacity
2	Washington DC	Clean and Affordable Energy Act of 2008	Jul-08	-Public >10Kft2 -Commercial >50Kft2 -Residential >50kft2	Jul-10: Public Jul-11: Private >200kft2 Apr-12: Private >150kft2 Apr-13: Private >100kft2 Apr-14: Private >50kft2	Initial private deadlines missed; 150K+ sf buildings to submit in 10/2012 ; multiple deadlines were unnecessary / caused confusion	1,900 covered buildings, 420M SF	X	X					Left to rulemaking			X			Moved very quickly; Councilwoman Cheh - worked with IMT to craft legislation; very little public debate or resistance; passed unanimously Lack of up-front engagement resulted in implementation delays; need for extensive engagement after passage
3	New York	LL 84 - PlaNYC "Greener Greater Buildings"	Dec-09	-Public >10Kft2 -Commercial >50Kft2 -Residential >50kft2	2011: Public >10Kft2 May-11: Commercial >50Kft2 May-13: Residential > 50Kft2	First commercial disclosure to city was not publicly reported - "grace period" Initial deadline 5/11 pushed to 8/11)	26,000 covered buildings (16K prop.), 2,500M SF	X	X				75% (first deadline)	"Lesser violation" fines left to rule making / implementation	Local energy code (LL 85); ASHRAE level II audit & retrocommissioning every 10 yrs (LL 87); lighting in the non-residential space be upgraded to meet code and large commercial tenants be provided with sub-meters by 2025 (LL 88).	X			Multi-stakeholder engagement	Extensive, multi-year ground game, including 100s of interviews with real estate owners, brokers, managers, tenants Mayor's office led with 2009 Earth Day announcement (jobs focus: 17M over implementation period) Strong advocacy from Related Companies (Charlotte Matthews)
4	Philadelphia	Bill NO. 120428-A	Jun-12	-No public -Commercial >50Kft2 -No residential	Jun-13: Commercial >50Kft2			X	X	Buyers, Lessees				\$300 for initial noncompliance (30 days), plus \$100 / day after 30 days			X		NGO advocacy	Introduced by Councilmembers Blondell Reynolds-Brown (chair Committee on Environment); focus on environment (rather than jobs & economic development) Coalition for an Energy Efficient Philadelphia (PR tool, visible support, reassurance) Testimony by Govt, buildings, nonprofits, PECO, experts
5	San Francisco	Existing Commercial Buildings Energy Performance Ord.	Feb-11	-Public >10Kft2 -Commercial >50Kft2 -No residential	Oct-11: Public + Private >50Kft2 Apr-12: Public + Private >25Kft2 Apr-13: Public + Private >10Kft2	Public disclosure begins in 2012	2,700 covered buildings, 205M SF	X	X	Buyers, Lessees, Lenders	X	Private buildings 10K-25Kft2 not publically disclosed	44% (1st deadline)	\$100/day (50Kft2+) or \$50/day (less than 50Kft2) for max 25 days	ASHRAE level I or II audits every 5 years			X		Task force: Mayor's task force on existing commercial buildings; recommended auditing and benchmarking, Public support from BOMA leaders Focus on environment over jobs
6	Seattle	CB 116731	Jan-10	-Public >10Kft2 -Commercial >10Kft2 -Residential >5 units	Jul-10: Public >10Kft2 Apr-11: Private >50Kft2 Apr-12: Private >10Kft2	Initial deadline 4/11 pushed to 10/11; 4/12 deadline pushed to 10/12 Ongoing compliance issues; revising legislation scope	9,000 covered buildings, 281M SF	X		Buyers, Lessees, Lenders	X	Lack of public disclosure / website viewed as contributing to low compliance	31% (1st deadline)	\$150 1st citation, \$100 per day for up to 10 days if noncompliance persists for 15+days, \$500 per day beyond initial 10 days until compliance achieved				X		Mayor Nichols' task force recommended benchmarking & disclosure; public disclosure fell off early - settled for disclosure on request) Driven primarily by City Council (mayor was supportive; jobs not a prime driver) Passed unanimously, same meeting as city budget