

# Building Emissions Saving Ordinance (BESO)

## Large Building Exemptions and Deferrals Summary

This document contains a high-level summary of available exemptions and deferrals related to large building (25,000+ ft<sup>2</sup>) BESO requirements. Deferral and exemption applications must be submitted and approved by the City prior to building's due date. If you believe your building may qualify for additional deferrals or exemptions (i.e. financial hardship, low occupancy, scheduled demolition, etc.), please contact the BESO directly for more information. **Please refer to Section I.5. of the Administrative Regulations for exact details and submission requirements.**

### Energy Assessment Deferrals & Exemptions (Annual Benchmarking still required):

The following options defer submission of an energy assessment for that reporting cycle. Annual energy use benchmarking is still required.

- **High Performance Exemption (Section I.5.C):** Available to buildings that have recently completed a verified multi-measure energy upgrade (minimum 10% energy improvement or through a [verified incentive program](#)) or hold approved green building certifications. Building may be exempted from future reporting requirements.
- **Deferral for Long-Term Tenancy under Rent Control (Section I.5.E.3):** As defined in BMC Chapter 13.76. Deferral may apply to full reporting cycle.
- **Deferral for New Construction or Extensive Renovation (Section I.5.F):** A project qualifies as an "Extensive Renovation" if it includes replacement of all energy-related equipment and at least half of the building envelope. Available to recently constructed or extensively renovated buildings that provide sufficient permitted evidence. Defers assessment requirement for 10 years following project completion date. Planned demolitions may receive 2-year deferral.
- **Low Energy Use Deferral (Section I.5.G):** Available to large buildings with a verified or certified US EPA ENERGY STAR® Portfolio Manager Performance Score of 80 or greater. Building types not eligible for an ENERGY STAR Score can qualify for a Low Energy Use Deferral if the building's verified Site Energy Use Intensity (Site EUI) reported on the most recent benchmark is 25% below the National Median for their property type. A verified Score or low site EUI requires completion of the ENERGY STAR® Data Verification by a Professional Engineer or Registered Energy Assessor, excluding the Indoor Air Quality section.

### Benchmarking Deferrals & Exemptions (Energy Assessment still required):

The following options defer or exempt submission of energy benchmarking data for a calendar year. For buildings over 50,000 ft<sup>2</sup>, the City will report these deferrals and exemptions to the State to satisfy AB802 requirements. An energy assessment is still required.

- **Data Unavailable Deferral (Section I.5.H):** Energy benchmarking can be deferred if:
  - a. A building has less than five residential active utility accounts and the Building Owner can demonstrate that a tenant refused data authorization OR
  - b. A building occupant demonstrates to the Administrator that such disclosure may result in the release of proprietary information which can be characterized as a trade secret.

- **Exemption (Section I.2.3):** If more than half of your building or campus is dedicated to scientific experiments requiring controlled environments or for manufacturing or industrial purposes, it is exempt from benchmarking requirements.