

AB 1103 DEADLINE DELAYED AGAIN BY CALIFORNIA ENERGY COMMISSION

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The California Energy Commission has advised the public that it anticipates releasing a second Notice of Postponement of Enforcement further suspending enforcement of the regulations promulgated under the Nonresidential Building Energy Use Disclosure Program until January 1, 2014. The new law that became effective July 1, 2013, generally requires that prior to the leasing, sale or finance of a commercial building with a gross floor area of at least 50,000 square feet, the landlord, seller or borrower is required to disclose certain energy use information. The same disclosure obligations will apply to buildings with a total gross floor area between 10,000 and 50,000 square feet beginning January 1, 2014, and for buildings between 5,000 and 10,000 square feet beginning July 1, 2014. More information about the new disclosure law can be found in our previous article [Important New Disclosure Laws Affecting Commercial Real Estate Transactions](#). Citing continued technical issues with the ENERGY STAR Portfolio Manager Website as well as other unresolved issues with implementation of the new disclosure law, the California Energy Commission has advised that it will likely further suspend enforcement of the Nonresidential Building Energy Use Disclosure regulations until January 1, 2014. However, the California Energy Commission still encourages the disclosures to be made “to the extent feasible.” We expect a formal announcement from the California Energy Commission sometime this week.

For more information, please see the [Frequently Asked Questions](#) published by the California Energy Commission, or contact Candy Harper or Heather Johnston, in our firm’s transactional real estate department.