

ENERGY DISCLOSURE REQUIREMENT DELAYED (TEMPORARILY)

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In 2007, Governor Schwarzenegger signed a bill requiring California building owners and operators to disclose the energy consumption of commercial buildings beginning January 1, 2010. A new law recently signed by the Governor temporarily delays that requirement.

The law came about as the result of AB 1103, signed by the Governor in September 2007, as part of his climate change initiatives. The bill required that, effective January 1, 2009, all electric and gas utilities begin to maintain records of the energy consumption data on all non residential buildings. The bill obligated each utility operating in California to upload that energy consumption data to the United States Environmental Protection Agency's Energy Star Portfolio Manager web site.

The law further requires "owners and operators" of commercial buildings, beginning on January 1, 2010, to disclose that energy consumption data for the prior 12 months to:

- a) "Prospective buyers" of non-residential buildings;
- b) Tenants who are leasing an entire building; and
- c) Lenders who are financing an entire building.

This year's amendment to the law, AB 531, makes no substantive changes to the law other than to delay the implementation date of the disclosures by building owners and operators to a date which will be determined by the California Energy Resources Conservation and Development Commission (ERCDC). At this time, we do not know when this requirement will occur, but it is safe to assume that it will be within the next 12 months.

In anticipation of the new law, we continue to recommend that building owners and operators take the following steps:

- Set up an account on the Portfolio Manager web site.
- For each non-residential building that you own or operate, set up an individual profile for that building.

We will let you know when the ERCEC makes a decision on the date that the disclosure requirements will take effect.

The two web sites related to this article can be found at:

Energy Star Performance Portfolio Manager

California Energy Commission