

STANDARD (NON-EMERGENCY) REGULATION/RULE

10-7.7.A.18

Rule Regarding Commercial and Industrial Building Owners Energy Use, Reporting
and Implementation Requirements

BRC Section that is the subject of this Rule: Title 10, Chapter 10-7.7, B.R.C. 1981

1. This Rule incorporates the guidance, requirements, rules and regulations shown in **Attachment A**.
2. To the extent only of any conflict, this Rule supersedes any conflicting Rules or parts of Rules including, without limitation, Rule 10-7.7.A(16).

City Manager Rules for Building Performance Ordinance¹

I. Definitions

The following terms used in these rules have the following meanings unless the context clearly indicates otherwise:

“ASHRAE Energy Assessment Standard” means Standard 211, the Standard for Commercial Building Energy Audits, as published by the American Society of Heating, Refrigerating, and Air-conditioning Engineers Inc. (ASHRAE) in 2018 found on the Internet at:

<https://www.ashrae.org/technical-resources/bookstore/standards-180-and-211>, as the same may be updated from time to time.

“Base building systems” mean the systems or sub-systems of a building that use energy and/or impact energy consumption including but not limited to: primary HVAC (heating, ventilation, air conditioning) systems; conveying systems; domestic hot water systems; and electrical and lighting systems. Base building systems shall not include equipment used for industrial processes.

“City manager” means the city manager of the City of Boulder, Colorado or the manager’s authorized representative.

“Cost effective” means any investment or project with a predicted payback period of five years or less.

“Current facility requirements” means the owner’s current operational needs and requirements for a building and systems including but not limited to space temperature and humidity set points, operating hours, ventilation, filtration and any integrated requirements such as controls, personnel training, warranty review, and service contract review.

“Energy” means electricity, natural gas, steam, hot or chilled water, heating oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

“Energy assessment” means a comprehensive review of energy usage and emissions conducted in a manner established by the city manager. In these rules, an energy assessment is a systematic evaluation to identify modifications and improvements to building equipment and systems which use energy.

“Energy assessment report” means a report that meets the requirements of the rules, found in Section III, Energy Assessment Requirements and Process, and is prepared and certified by a

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professional energy assessor. A list of approved professional energy assessors can be found on the project website at: <https://bouldercolorado.gov/sustainability/service-providers>.

“Energy performance score” means the numeric rating generated by the ENERGY STAR Portfolio Manager tool or equivalent tool adopted by the city manager that compares the energy usage of the building to that of similar buildings.

“ENERGY STAR” means the U.S. Environmental Protection Agency program related to improving energy efficiency in buildings and products.

“ENERGY STAR Portfolio Manager” means the Internet-based tool developed and maintained by the U.S. Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

“Energy Use Intensity (EUI)” means the total kBtUs (1,000 British Thermal Units) used per square foot of floor area.

“Industrial processes” means any business-related process supported by mechanical or electrical systems other than base building systems.

“Large industrial campus” means a facility in which three or more buildings, at least partially used for manufacturing uses, are served by a central plant or single utility meter.

“Manufacturing” means any building that has a primary use of assemblage, processing, and/or manufacturing products from raw materials or fabricated parts OR one that has the majority of its energy usage come from process loads.

“Owner” means a person, as defined by the Boulder Revised Code 1981, who alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, executor, or trustee) has legal or equitable title to a commercial or industrial building or the owner’s authorized representative, such as a property manager, who has charge of or controls any building or parts thereof.

“[Partners for a Clean Environment](#)” (PACE) is a joint program between the city and Boulder County that provides free expert advisor services, financial incentives and a certification program to help businesses measure and gain recognition for their energy, waste, water, and transportation achievements. EnergySmart is PACE’s energy service program.

“Payback period” means the length of time required to recover the capital cost (less rebates and incentives) of an investment through operational savings.

“Project website” means www.BoulderBuildingPerformance.com, the website maintained by the city manager for the implementation of these requirements.

“Rating and reporting tool” means the U.S. Environmental Protection Agency’s Internet-based tool, ENERGY STAR Portfolio Manager and any additional tool adopted by the city manager for this purpose.

“Retrocommissioning” means identifying and correcting building system issues to achieve optimal building performance, in a manner specified by the city manager.

“Retrocommissioning measure” means a corrective action or facility improvement identified during the investigation or evaluation phase of retrocommissioning.

“Retrocommissioning report” means a report prepared and certified by a retrocommissioning professional on the approved list on the project website, covering the scope provided by the city manager.

“Site energy” means the amount of energy consumed by a building as reflected in utility bills or other documentation of actual energy use.

“Source energy” means all the energy used in delivering energy to a building, including power generation and transmission and distribution losses, to perform a specific function, such as but not limited to space conditioning, lighting, or water heating.

II. Rating and Reporting Requirements and Process (Section 10-7.7-2, B.R.C. 1981)

A. *Information Submittal.* Owners subject to Section 10-7.7-2, B.R.C. 1981, shall annually input into the rating and reporting tool data that accurately reflects the total energy consumed by each of their buildings, along with all other descriptive information required by the rating and reporting tool, for the previous calendar year and report this information to the city in accordance with procedures found on the project website. Submittals will be subject to a quality control review and will be rejected if data input errors are found. If errors are found, Owners will have 30 days to correct the errors and resubmit the data into the rating and reporting tool.

B. *Information Reported to City.* The following information shall be reported to the city (information with an asterisk will be kept confidential for two years before being publicly disclosed):

1. Property address;*
2. Primary use type;*
3. Floor area;*
4. Site Energy Use Intensity (Site EUI);*
5. Source Energy Use Intensity (Source EUI);*
6. Annual energy consumption;*
7. Annual greenhouse gas emissions;*
8. The energy performance score, where available;* and
9. Status of compliance with the requirements of Chapter 10-7.7, Commercial and Industrial Energy Efficiency, B.R.C. 1981.

C. *Alternative Methods of Compliance for Buildings with Manufacturing Uses.*

Buildings that house manufacturing uses and are not part of a large industrial campus have the option of complying with the requirements of Section 10-7.7-2 via two alternative methods. Owners may track their energy use through either of the following tools and email a summary of this information to the city manager:

1. The ENERGY STAR [Energy Tracking Tool](#), developed and maintained by the U.S. Environmental Protection Agency (available for any type of Manufacturing facility); or
2. For specific types of Manufacturing plants and buildings, the U.S. Environmental Protection Agency has developed and maintains an Excel-based ENERGY STAR [Energy Performance Indicators tool](#). This tool tracks annualized energy use, cost, greenhouse gas emissions, and a sector-specific energy performance score on a scale of 1 to 100.

III. Energy Assessment Requirements and Process (Section 107.7-3, B.R.C. 1981)

A. *Required Qualifications for Professional Energy Assessors.* Energy assessments must be performed by a city manager-qualified professional energy assessor. To become a qualified professional energy assessor, an energy assessor must complete the online verification and approval process described on the project website and shall be at least one of the following:

1. A registered design professional (either a professional engineer or registered architect), with at least three years professional experience performing energy assessments of equivalent scope on similar types of buildings;
2. A contractor approved by the local utility to perform energy assessments of equivalent scope on similar types of buildings as part of the utility's energy efficiency programs;
3. A Certified Energy Manager or Certified Energy Auditor, certified by the Association of Energy Engineers, with at least three years professional experience performing energy assessments of equivalent scope on similar types of buildings; or
4. A Building Energy Assessment Professional certified by ASHRAE, with at least three years professional experience performing energy assessments of equivalent scope on similar types of buildings.

Energy assessors with other, comparable credentials may be qualified based on city manager's review of those credentials.

Upon completion of the online verification and approval process, the energy assessor will be listed on the project website as an approved list of qualified professional energy assessors.

*The relevant years of experience or approval by other entities must be consistent with the ASHRAE Level of audit that will be performed. For instance, a licensed professional engineer

with three years of experience performing ASHRAE Level I audits would only be qualified to perform the required energy assessment for buildings smaller than 50,000 sf.

B. *Energy Assessment Standards.*

1. The required energy assessment must meet or exceed the following ASHRAE Energy Assessment Standards:
 - a. Buildings < 50,000 square feet (sf): ASHRAE Level I assessment; and
 - b. Buildings \geq 50,000 sf: ASHRAE Level II² assessment.
2. In addition to the areas included in the ASHRAE Level I and Level II Energy Assessment Standards, the energy assessment must include an assessment of the following:
 - a. Building envelope and infiltration;
 - b. Plug loads;
 - c. Base building systems; and
 - d. Industrial processes (if these processes are responsible for 25 percent or more of total energy use).

The required scope for energy assessments are described in the next paragraph.

C. *Requirements for Energy Assessments*

1. A qualified professional energy assessor bidding on an ASHRAE Level II assessment shall conduct a preliminary site energy assessment that includes the scope and price of the energy assessment and an evaluation of the costs and benefits of implementing any recommended retrocommissioning measures.
2. If the qualified professional energy assessor does not recommend implementing any retrocommissioning measures, the qualified professional energy assessor should explain the basis for not recommending implementation of retrocommissioning measures. This explanation must be submitted to the city manager by the owner when requesting any exemption.
3. If the qualified professional energy assessor does recommend implementing the retrocommissioning measures, the qualified professional energy assessor should provide the owner with a cost estimate for the energy assessment with and without retrocommissioning.

² ASHRAE Level II requirements related to comparing to Level I results are not required.

D. *Requirements for Energy Assessment Reports.* An energy assessment report shall include everything required by the ASHRAE Energy Assessment Standard, and the following:

1. ASHRAE Level I Assessment:

- a. Summary of the need and opportunities for retrocommissioning, including identification of operations and maintenance problems and needs. Provide justification if there is no anticipated benefit from the required Retrocommissioning scope;
- b. Statement of whether or not the building's lighting systems and controls meets each lighting requirement in Section 10-7.7-4, "Required Lighting Upgrades," B.R.C. 1981, including a statement of any situations where the requirements are impractical; and
- c. Summary of applicable rebates.

2. ASHRAE Level II Assessment:

- a. Summary of the need and opportunities for retrocommissioning, including identification of operations and maintenance problems and needs. Provide justification if there is no anticipated benefit from the required retrocommissioning scope;
- b. Statement of whether or not the building's lighting systems and controls meets each lighting requirement in Section 10-7.7-4, "Required Lighting Upgrades," B.R.C. 1981, including a statement of any situations where the requirements are impractical;
- c. Table of practical measures, with the following:
 - i. Capital costs;
 - ii. Applicable rebates and incentives;
 - iii. Annual energy use and energy cost savings (including reduction in demand charges);
 - iv. Annual maintenance cost savings;
 - v. Payback period;
 - vi. Recommended implementation timeline of each measure; and
 - vii. Recommended measurement and verification (M&V) method for each measure; and
- d. A summary of applicable rebates, incentives, and financing options offered at the federal, state and local levels.

3. For buildings that house manufacturing uses, the process efficiency assessments and studies performed by the building’s electric utility can meet this requirement.

E. *Recovery of the Cost of Energy Assessments from Tenants.* If an owner chooses to pass the costs of the required energy assessments through to its tenants, those costs must be amortized over a 10-year period, rather than passed through in a bulk assessment in a single year.

F. *Submitting Proof of Compliance to the City.* A qualified professional energy assessor must submit materials and information to the city to verify that the owner has complied with these requirements. The project website contains guidance concerning the process for making submissions.

IV. Lighting Requirements and Process (Section 10-7.7-4, B.R.C. 1981)

A. *Requirements Within Five Years of First Report.* In accordance with Section 10-7.7-4, “Required Lighting Upgrades,” B.R.C. 1981, within five years of the first reporting requirement, each owner shall:

1. Replace or upgrade any interior lighting fixtures as necessary to meet lighting power allowances for interior lighting established in the 2017 City of Boulder Energy Conservation Code;
2. Replace or upgrade an exterior lighting fixtures as necessary to meet lighting power allowances for exterior lighting established in the 2012 International Energy Conservation Code;
3. Comply with requirements for automatic time switch control devices, occupancy sensors, and exterior lighting controls as necessary to meet the 2017 City of Boulder Energy Conservation Code.

B. *Compliance.* Owners, or a representative of the Owner, shall demonstrate compliance as follows:

1. Interior Lighting Power: Calculate the building’s maximum lighting power using either the Building Areas Method or Space-by-Space Method and compare to the maximum allowable levels identified in the 2017 City of Boulder Energy Conservation Code.
2. Exterior Lighting Power: Calculate the building’s maximum exterior lighting power and compare to the maximum allowable level identified in the applicable table (Table C405.6.2(2)) in the 2012 International Energy Conservation Code. The total exterior lighting power for all exterior building lighting is the sum of the base site allowance plus the individual allowances for areas that are to be illuminated for the applicable lighting zone.³

³ Zone descriptions found in 2012 International Energy Conservation Code Table C405.5.2(1).

3. All buildings subject to B.R.C. 10-7.7-4 must also demonstrate compliance with B.R.C. 9-9-16, Outdoor Lighting.

C. *Recovery of the Cost of Lighting Upgrades from Tenants.* If an owner chooses to pass the costs of the required lighting upgrades through to its tenants, those costs must be amortized over the length of the predicted payback period (as determined by the lighting contractor), rather than passed through in a bulk assessment in a single year.

D. *Submitting Proof of Compliance to the City.* The owner must submit materials and information to the city to verify that the owner has complied with these requirements. The project website contains guidance concerning the process for making submissions.

V. Retrocommissioning Requirements and Process (Section 10-7.7-5, B.R.C. 1981)

A. *Scope of Retrocommissioning.*

1. If the retrocommissioning is conducted through a local energy utility program, the scope for that will satisfy the requirements of the ordinance, as long as it addresses both electricity and natural gas consuming equipment and controls.
2. If the retrocommissioning is conducted outside of a local energy utility program, the scope of the retrocommissioning (RCx) shall include the activities below. A monitoring-based commissioning approach may be used to investigate and evaluate building systems as part of the retrocommissioning process.

Activity	Bldgs ≥ 50,000 sf	Bldgs < 50,000 sf	Activity Description
Develop a RCx Plan	✓		Develop a plan that outlines the activities, roles and responsibilities, schedule and documentation requirements of the RCx process.
Review and Optimize Equipment Scheduling (existing controls)	✓	✓	Any time of day schedules that are programmed in a building management system (BMS), programmable thermostat or time clock system shall be reviewed and, if necessary, corrected to ensure that they reflect the current facility requirements.
Review BMS Sequence of Operations	✓	✓	The current BMS sequence of operations shall be reviewed to ensure that they are appropriate for the current facility requirements.
Review BMS Temperature, Pressure and Airflow Setpoints	✓	✓	The current BMS setpoints shall be reviewed to ensure that they reflect the sequence of operations and current facility requirements. If needed, adjust the setpoints to meet the current facility requirements.

Activity	Bldgs ≥ 50,000 sf	Bldgs < 50,000 sf	Activity Description
Test BMS Automatic Reset Functionality	✓	✓	Any automatic reset function that is currently programmed in the building management system shall be tested to confirm proper operation per the sequence of operations. An automatic reset function may include but is not limited to supply air temperature reset, static pressure reset, and chilled water supply temperature reset.
Pre-functional Checks on all major equipment	✓		Visually check all equipment identified in the RCx plan as ones to be functionally tested to ensure proper equipment and component assemblies are in proper condition and sensors are properly calibrated.
Comprehensive Functional Testing on all major base building equipment	✓		Perform functional testing on all major base building systems to verify the sequence of operations and proper component functionality to include but not be limited to damper and valve actuation, motor modulation, on/off commands, lighting occupancy sensors and controls, etc.
Boiler Combustion Testing	✓		A combustion efficiency test shall be conducted for each boiler serving a base building system.
Review Economizer Functionality	✓	✓	If economizer functionality exists and is included in the sequence of operations, perform functional testing to verify proper operation during economizer conditions including proper damper controls. If economizer is not functioning properly, adjust sequence of operations and setpoints, adjust and or/replace damper linkage and actuator motors for proper operation and current facility requirements.
Sensor Calibration Checks (All Critical Sensors)	✓		Each critical sensor that is part of an HVAC control sequence shall be tested to ensure proper calibration. For each sensor that is out of calibration, recalibrate or replace the sensor.
Sensor Calibration Checks (OAT & RAT Only)		✓	All outside air temperature (OAT) sensors and return air temperature (RAT) sensors that are part of an HVAC control sequence shall be tested to ensure proper calibration. For each sensor that is out of calibration, recalibrate or replace the sensor.
Check Coils for Cleanliness	✓	✓	Visually inspect hot water, chilled water, steam and DX coils for cleanliness. If coils are visually loaded, clean all coils as appropriate.
Boiler/Furnace Tune-Up	✓	✓	Perform a tune-up on any boilers or furnaces serving base building systems.

Activity	Bldgs ≥ 50,000 sf	Bldgs < 50,000 sf	Activity Description
Review & Adjust Domestic Hot Water Temperatures	✓	✓	Review current domestic hot water temperature setpoints and compare to current facility requirements. If needed, adjust the setpoints to meet the current facility requirements.
Check Air Filters	✓	✓	All air filters shall be checked to verify that the pressure drop across the filters are within the manufacturer's recommended limits.
Install Programmable Thermostats if no controls exist	✓	✓	If there is no central building energy management system, and no programmable thermostats, install programmable thermostats in every regularly occupied thermal zone.

B. *Required Implementation of Measures.* Within two years of the retrocommissioning study deadline, the owner shall implement any retrocommissioning measure identified in the report with a predicted payback period of two years or less.

C. *Required Scope for a Retrocommissioning Report.*

1. If the retrocommissioning is conducted through a local energy utility program, the report produced for that will satisfy the requirements of the ordinance.
2. If the retrocommissioning is conducted outside of a local energy utility program, then the retrocommissioning report shall include the following:
 - a. Summary of building use (with square footage breakdown) and typical operation;
 - b. Summary of building systems including mechanical, electrical and controls systems;
 - c. Summary of the results for each completed activity required in the retrocommissioning scope; and
 - d. Table of recommended retrocommissioning measures that clearly indicates those measures that must be implemented per the ordinance requirements. The table should include the following, for each measure:
 - i. Capital costs;
 - ii. Applicable rebates and incentives;
 - iii. Annual energy savings (including reduction in demand charges);
 - iv. Annual maintenance savings;

- v. Payback period (note that any measure with a payback period of two years or less, must be implemented within two years); and
- vi. Recommended implementation timeline of each measure.

D. *Required Qualifications for Retrocommissioning Professionals.* The retrocommissioning must be performed by a city manager-qualified retrocommissioning professional. To become a city manager-qualified retrocommissioning professional, a retrocommissioning professional must complete the online verification and approval process described on the project website and shall be one or more of the following:

1. Contractor approved by the local utility to perform retrocommissioning of equivalent scope on similar types of buildings as part of the utility’s energy efficiency programs;
2. Licensed professional engineer with three or more years of proven commissioning or retrocommissioning experience with similar buildings; or
3. An individual holding the relevant certification(s) with Associated Air Balance Council, National Environmental Balancing Bureau, Association of Energy Engineers, Building Commissioning Association, University of Wisconsin or the American Society of Heating, Refrigeration, and Air-Conditioning Engineers as a commissioning authority with three or more years of proven commissioning or Retrocommissioning experience with similar buildings; or
4. An individual or firm with five or more years of proven commissioning or retrocommissioning experience with similar buildings.

Retrocommissioning professionals with other, comparable credentials may be qualified based on the city manager’s review of those credentials.

Upon completion of the online verification and approval process, the retrocommissioning professional will be listed on an approved list of retrocommissioning professionals on the project website.

E. *Recovery of the Cost of Retrocommissioning from Tenants.* If an owner chooses to pass the costs of the *required* retrocommissioning study through to its tenants, those costs must be amortized over a 10-year period rather than passed through in a bulk assessment in a single year. If the owner chooses to pass the costs of the required retrocommissioning measure implementation through to its tenants, those costs must be amortized over the length of the predicted payback period (as determined by the retrocommissioning professional), rather than passed through in a bulk assessment in a single year.

F. *Submitting Proof of Compliance to the City.* A qualified retrocommissioning professional must submit materials and information to the city to verify that the owner has complied with these requirements. The project website contains guidance concerning the process for making submissions.

VI. Large Industrial Campus Requirements (Section 10-7.7-8, B.R.C. 1981)

A. *Calculating the Percentages of Total Energy Savings.* Total energy savings for a large industrial campus shall be calculated as follows:

1. Calculate/measure the calendar year energy savings⁴ in electricity consumption = X1 kWh.
2. Calculate/measure the calendar year energy savings in fuel (oil & gas) consumption = Y1 MMBtu.
3. Get the total actual calendar year electricity consumption = X2 kWh.
4. Get the total actual calendar year fuel consumption = Y2 MMBtu.
5. Get the total actual calendar year energy cost = A \$K.
6. Get the total actual calendar year electricity cost = B \$K.
7. Get the total actual calendar year fuel cost = C \$K.

The energy savings as a percent of the total energy (electricity and fuel) consumption for "xxxx" year is calculated by the following formula⁵:

$$\{(B/A) \times (X1/X2) + (C/A) \times (Y1/Y2)\} \times 100 = \text{Percent Energy Conservation for the Year}$$

B. *Energy Assessment Requirements.*

1. Owners of large industrial campuses are required to conduct an energy assessment that covers at least 75 percent of the total energy usage on the large industrial campus. If the large industrial campus does not have the monitoring systems necessary to identify the consumption source of 75 percent of the total energy usage, the entire site must be included in the assessment.
2. The assessment must meet or exceed the requirements of a Level II assessment per the ASHRAE Energy Assessment Standard. An electrical utility's process efficiency assessments and studies can meet this requirement, if the scope is approved by the city manager, and if the assessment covers at least 75 percent of the total energy usage. The assessment and report must cover everything required for the Level II assessments, described above in Section III.

⁴ The energy savings from a project can be counted for 12 months. For example, a project saving 12,000 kWh annually (1,000 kWh/month) that is implemented on November 1, 2015 would have 2,000 kWh in 2015 and 10,000 kWh of "carryover" savings in 2016.

⁵ This calculation can be annualized over 4 years to account for significant investments and savings that may have been made in prior years.

C. *Lighting Requirements and Process.* Please refer to Section IV.

D. *Submitting Proof of Compliance to the City.* The owner must demonstrate to the city manager, orally or in writing, that the owner has complied with these requirements.

VII. Exemptions (Sections 10-7.7-3, 10-7.7-4, 10-7.7-5, 10-7.7-9, B.R.C. 1981)

A. *Application.* An owner may request an exemption as set forth in Section 10-7.7-9, B.R.C. 1981, through the form available on the project website. An owner may apply for one of the exemptions to the efficiency requirements as soon as three years in advance of the compliance deadline for the requirements (e.g., if the deadline is June 1, 2019, an owner could apply as soon as June 1, 2016).

B. An owner may apply for an exemption from all efficiency requirements set forth in B.R.C. 10-7.7-3, 10-7.7-4, and 10-7.7-5 if the building owner can demonstrate to the city manager a pattern of significant and consistent improvements in energy efficiency or greenhouse gas emissions through one of the following:

1. (For buildings ineligible for ENERGY STAR Certification only) Provide justification that the building's energy performance is better than at least 75 percent of similar buildings and provide the dataset used for administrative review. The dataset used to justify performance should include building site or source energy use intensity data of at least five similar buildings, normalized for climate, building use, and occupancy or a similar dataset that can be justified. This can include the Portfolio Manager comparison dataset; or
2. Using the first year of rating and reporting, as set forth in BRC 10-7.7-2, as the baseline year site or source energy use intensity (EUI), implement measures with a combined deemed savings that will achieve at least a 15% reduction in EUI from the base year EUI within five years of application. Applicants must provide those deemed savings calculations to the city with proof of installation of each measure; or
3. An alternative approach with supporting documentation showing a pattern of significant and consistent improvements.

D. *Maintaining an Exemption.* If an exemption is granted for having a current U.S. Environmental Protection Agency ENERGY STAR certification, or a current Leadership in Energy and Environmental Design (LEED) Building Operations and Maintenance certification from the U.S. Green Building Council, or for showing a significant pattern of continuous reductions in energy or greenhouse gas emissions, the Owner must maintain that exemption in the following ways.

1. If the exemption is granted for an ENERGY STAR certification:
 - a. The exemption will be valid as long as the ENERGY STAR score of the building is in the certified range (minimum of 75), as submitted through the rating and reporting requirement, with an actual re-certification required every 10 years.

- b. If the building's score falls below the certified range (below 75) at the time of annual rating and reporting, the owner will have one more rating and reporting cycle to improve their ENERGY STAR score above 75 – if they fail to do so, the exemption will no longer be valid, and the owner will have to comply with all future efficiency requirements.
2. If the exemption is granted for a LEED for Existing Buildings Operations and Maintenance certification:
 - a. The exemption will be valid as long as the LEED Certification is valid (re-certification is required every 5 years through LEED to stay current).
 - b. If the building loses its LEED certification, the exemption will no longer be valid, and the owner will have to comply with all future efficiency requirements.
 3. If the exemption is granted for showing a significant pattern of continuous reductions in energy or greenhouse gas emissions, the exemption will be valid provided the basis for the exemption is maintained as demonstrated through annual rating and reporting.

VIII. Extensions of Time (Sections 10-7.7-2, 10-7.7-4, 10-7.7-5, 10-7.7-8, B.R.C. 1981)

A. *Application.* An owner can request an extension of time to comply with Sections 10-7.7-2, 10-7.7-3, 10-7.7-4, 10-7.7-5, 10-7.7-8, B.R.C. 1981, by completing the form available on the project website. The city manager may grant reasonable extensions of time upon a showing of technical difficulties or financial hardship.

B. *Technical Difficulties.* Examples of technical difficulties for which the city manager may grant reasonable extensions of time for compliance include the following:

1. Data upload delayed due to tenant noncooperation
2. Staff changeover resulting in loss of access to reporting tool
3. A *force majeure* event, i.e., caused by a condition that was beyond the owner's reasonable control (for example, natural disaster, act of war or terrorism, riot, labor condition, governmental action and Internet disturbance)
4. Other unforeseen events beyond the owner's reasonable control.

C. *Financial Hardship.* Extension requests for financial hardship must include justification and supporting documentation for the constraint and an estimated timeline to comply with the requirement. During the extension of time for compliance granted by the city manager, the owner shall provide regular (as identified in the approval of the extension request) updates to the city and provide evidence that the owner is making progress toward compliance. Examples of financial hardship for which the city manager may grant reasonable extensions of time for compliance include the following:

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1. Budget planning constraints following loss of an exemption that results in a year or less to meet the next efficiency requirement.
2. Economic waste that can be avoided by a short delay. For example, an owner plans to do lighting upgrades upon the end of the current lease but the lease term concludes 6 months after the upgrade deadline.
3. Loss of expected funding
4. Bankruptcy