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NATIONAL LAW REVIEW

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## California Commercial Building Owners Required to Submit Energy Use Disclosures by June 1, 2018

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Friday, June 15, 2018

AB 802, California's energy use disclosure law, requires owners of commercial buildings containing more than 50,000 square feet to report their energy performance by June 1, 2018. Building owners who have missed the June 1, 2018, reporting deadline are urged to report as soon as possible. The California Energy Commission (CEC) has the authority to issue fines for noncompliance, after allowing a **period of 30 days** to correct a violation.

### Assembly Bill 802 (AB 802)

AB 802 replaced the State's prior energy use disclosure law, AB 1103, which had required building owners to make disclosures regarding a building's energy use at the time of a sale, lease, or finance. ([View our previous alert.](#))

Unlike AB 1103, energy use disclosures are no longer tied to transactions under AB 802. Instead, AB 802 directs the CEC to create an annual, statewide building energy use benchmarking and public disclosure program for **(1) all commercial buildings containing over 50,000 square feet gross building area, and (2) all multifamily complexes with 17 or more tenant units that are direct billed for energy.**

AB 802 requires annual energy consumption reports from each building. Building owners must authorize their utility provider to record and upload their building's energy data to [EPA's Portfolio Manager](#), a free reporting tool provided by the United States EPA that allows building owners to compare their building's energy efficiency with similar buildings.

### Compliance Requirements

Owners of buildings in California that have a gross floor area of 50,000 square feet or greater are required to benchmark their energy performance annually, and report the results to the CEC per the following schedule:

- For disclosable buildings with no residential utility accounts, reporting is due by **June 1, 2018**, and annually thereafter.
- For disclosable buildings with 17 or more residential utility accounts, reporting is due by **June 1, 2019**, and annually thereafter.

AB 802 also requires that energy utilities provide building-level energy use data to building owners, owners' agents, and operators upon request for buildings with no residential utility accounts and for buildings with five or more utility accounts. The CEC will publicly disclose some of the reported information beginning in 2019 for buildings with no residential utility accounts, and 2020 for buildings with residential utility accounts.

### Implications for Owners of Buildings in Cities with Existing Programs

The cities of San Francisco, Berkeley, and Los Angeles already have local benchmarking and public disclosure programs whose requirements exceed those of the state program. Per the state regulations, a local jurisdiction may request that the CEC provide an exemption from the state reporting requirement for buildings located in the local jurisdiction. If the exemption is approved, the owners of buildings in that jurisdiction may report to the local

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jurisdiction only, and will not be required to report to the CEC.

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**Source URL:** <https://www.natlawreview.com/article/california-commercial-building-owners-required-to-submit-energy-use-disclosures-june>