

COMMUNICATIONS MATERIALS: COMPLIANCE TEMPLATES

Across the country, an ever-growing number of cities, counties, and states are passing building performance policies that require property owners to gather, share and, in some cases, take action on building energy and water use. Passing the legislation is the first step. Garnering robust compliance is the next critical step. Clear and timely communications materials that tell stakeholders affected by legislation how and when they must comply with a policy are the essential tools to achieve high compliance rates.

This template toolkit provides backbone documents for four key city-issued compliance communications:

NOTIFICATION TO COMPLY

This notice informs affected building owners and tenants that they are obligated to comply with the city's building performance ordinance. It describes actions needed to comply and the deadline by which they should be performed.

COMPLIANCE CHECKLIST

This document guides building owners and managers who are responsible for complying with a city benchmarking ordinance through the entire benchmarking process, from collecting the data through reporting it to the city.

EXEMPTION AND EXTENSION FORMS

Building owners and managers use these forms to request an exemption or extension during the benchmarking process.

SAMPLE VIOLATION NOTIFICATIONS

Cities send these notices to building owners or building managers to alert them that they are not in compliance with the city's benchmarking ordinance.

These templates synthesize the **most productive** takeaways from in-the-field experience of the 20 City Energy Project cities, as well as other leading cities who are implementing mandatory benchmarking policies across the U.S. However, they are **not exhaustive** and are meant to be **further customized** by individual cities in their outreach efforts to best connect with affected local stakeholders.

TEMPLATE: NOTIFICATION TO COMPLY

A notification to comply is a formal notice sent by the city that informs building owners and managers that they are obliged to comply with a city benchmarking ordinance. The notification must include a list of actions needed to comply and the deadline for performing them. In the first year of compliance cities tend

to send out notices six months before the compliance date. This is repeated again a month before compliance date, with digital reminders issued in between. As the building community gets used to compliance, these notices may taper off to one per year being issued a month or so before the compliance date.

RECOMMENDED BASELINE COMPONENTS	SAMPLE TEXT <i>*From Atlanta's notification to comply</i>
BASIC BUILDING INFORMATION	
<ul style="list-style-type: none"> • Building address • Building benchmarking ID 	<i>*To be completed by the city</i>
CITY BENCHMARKING ORDINANCE BACKGROUND INFORMATION	
<p>DEFINE THE ORDINANCE A general description should cover:</p> <ul style="list-style-type: none"> • Name of the ordinance • Objective of the ordinance • Requirements for covered buildings 	<p>EXAMPLE: <i>Per Section 8-2222 of the Land Development Code, Part III of the Atlanta City Code, you are required to submit energy and water benchmarking data for the building located at (INSERT BUILDING ADDRESS). Data can be submitted at www.atlantabuildingefficiency.com</i></p>
ACTIONS NEEDED TO COMPLY	
<p>LIST BASELINE ACTIONS NEEDED TO COMPLY</p> <ul style="list-style-type: none"> • Instructions about data submission • Instructions about where to get the compliance checklist or a guide that takes building owners and managers through the benchmarking process 	<p>EXAMPLE: <i>WHAT ACTION MUST I TAKE TO ACHIEVE COMPLIANCE?</i></p> <ul style="list-style-type: none"> • <i>You must take action for your building to be in compliance no later than October 31, 2016.</i> • <i>Submit data using your Atlanta Building ID.</i> <p><i>Information on compliance and the training event can be found at www.atlantabuildingefficiency.com</i></p>

DEADLINE TO COMPLY

CLEAR DEADLINES

Deadlines are necessary when sending out the notification to comply.

EXAMPLE:

DEADLINE: October 31, 2019

BENCHMARKING SUPPORT AND RESOURCES

If available, city government should provide links and attach resources to help building owners and managers to comply. Resources should include:

- Compliance checklist
- Benchmarking user's guide
- Link to ordinance's website
- Link to ENERGY STAR Portfolio Manager
- Information about in-person trainings

EXAMPLE:

[ATLANTA BENCHMARKING – ADDITIONAL RESOURCES](#)

Extensive building support and training opportunities are available through the City and its partners. For information about free offerings, including a Compliance Checklist, Benchmarking Guide, FAQs, and to sign up for our free training sessions please visit: www.atlantabuildingefficiency.com.

CONTACT INFORMATION

Include contact information for further questions, including any contact information for a help desk, if available.

EXAMPLE:

QUESTIONS? Call Atlanta Building Efficiency Help Center at 404-604-3665.

OPTIONAL ADDITIONAL COMPONENTS

ADDITIONAL INFORMATION THAT MAY BE BENEFICIAL

- Information about fines and other potential penalties that may be incurred by non-compliance. This should include detail on any fines and the deadlines by which they would be issued.
- Information about exemptions and how to contact the city if the recipient believes there's an error in the building stock.

SAMPLE TEXT

*From Atlanta's notification to comply

EXAMPLE:

The deadline for compliance this year is October 31, 2013. Failure to comply will result in a \$300 fine for the first month. After 30 days, an additional fine of \$100 will be levied for each day the property is out of compliance with the regulation. In all future years, the reporting annual deadline will be June 30.



CITY EXAMPLE

ATLANTA: NOTIFICATION TO COMPLY

[VIEW NOTIFICATION >](#)

TEMPLATE: COMPLIANCE CHECKLIST

A **compliance checklist** guides building owners and managers who are responsible for complying with a city ordinance through the entire benchmarking process, from collecting the data through reporting it to the city.

It is a helpful tool for a city to create and disseminate to ensure accurate compliance and is most useful when distributed as a companion piece to the Notification to Comply.

RECOMMENDED BASELINE COMPONENTS	SAMPLE TEXT <i>*From the District of Columbia's compliance checklist</i>
GENERAL INFORMATION ABOUT THE BENCHMARKING ORDINANCE	
<p>Introduce the benchmarking ordinance and include general information about the local policy, including:</p> <ul style="list-style-type: none"> Name of the ordinance Ordinance's objective Requirements for covered buildings Link to the ordinance's website Reporting deadline. Instructions to apply for an extension Instructions to apply for an exemption 	<p>EXAMPLE: <i>The Clean and Affordable Energy Act of 2008 established that all private buildings over 50,000 gross square feet within the District of Columbia, including multifamily residences, must measure and disclose their energy and water consumption to the District Department of the Energy and the Environment (DOEE). The annual reporting deadline is April 1st of each year. Beginning with the second year of reported data, DOEE will publish summary results for each building on its website.</i></p>
ADDITIONAL RESOURCES	
<p>Include attached materials or links to additional resources to support managers and owners in completing each of the steps in the checklist. This additional information can include:</p> <ul style="list-style-type: none"> Training resources Link to Portfolio Manager website and data collection worksheet Link to ordinance's website with steps to determine building compliance, FAQ document, and full ordinance 	<p>EXAMPLE: <i>Need Help Benchmarking? DOEE maintains a Benchmarking Help Center to provide technical assistance by phone at 202-671-3300 or 202-525-7036, and by e-mail at info.benchmark@dc.gov.</i></p> <p><i>Go to www.doe.dc.gov/energybenchmarking for training resources and the latest DOEE data collection worksheet and tenant and utility data request forms. Find Portfolio Manager training at www.energystar.gov/benchmark.</i></p>
CONTACT INFORMATION	
<p>Provide contact information for further questions, including any contact information for a help desk, if available.</p>	<p>EXAMPLE:</p> <ul style="list-style-type: none"> <i>E-mail: info.benchmark@dc.gov Call: 202-671-3300 Twitter: @BenchmarkDC</i>

TEMPLATE: COMPLIANCE CHECKLIST

SECTION 1: GETTING STARTED

THIS SECTION SHOULD HELP A BUILDING OWNER OR MANAGER GET STARTED, AND PREPARE HIM OR HER TO COMPLETE THE TASKS NEEDED TO BEGIN THE BENCHMARKING PROCESS

Determine building compliance.
*Checklist includes instructions for owners and managers to determine building compliance.
A flowchart can be useful to help understand compliance.*

Appoint a benchmarking administrator.

Review relevant documents and information about the ordinance.
Checklist includes links to information and relevant document.

SECTION 2: DATA COLLECTION

THIS SECTION SHOULD INCLUDE STEPS RELATED TO DATA COLLECTION, AND COULD INCLUDE:

Gather and consolidate data.
Checklist includes information for building owners and managers to request data from the utilities.

Create an ENERGY STAR Portfolio Manager account.
Checklist includes link for owners or managers to create the account.

Add property to account or set up property profile in Portfolio Manager.

Add Building ID.
Checklist includes instructions to get the Building ID.

Enter building specifications gross floor area, space attributes, occupancy, operating hours, and plug loads.

Enter energy and water-use data into the Portfolio Manager account.

Add any contextual information about your building's energy performance that you wish to be included in disclosures.

SECTION 3: SUBMIT DATA TO CITY

THIS SECTION INCLUDES ALL THE STEPS NEEDED TO SUCCESSFULLY REPORT DATA TO THE CITY.

	Conduct quality checks.
	Generate and submit report. <i>Checklist includes the link to submit report.</i>
	Maintain records of relevant files.

OPTIONAL ADDITIONAL COMPONENTS

MORE INFORMATION ON TAKING ACTION

In this section, the city could include actions it recommends for further engagement, but that are not part of the compliance process, such as:

- Compare data with previous years (for those buildings that have multiple years of reported data)
- Participate in benchmarking and operational improvement trainings
- Design and implement efficiency measures to decrease energy and water use
- Participate in recognition efforts

SAMPLE TEXT

*From District of Columbia's compliance checklist

EXAMPLE:

Track Progress

Compare your score to previous years to track your progress. Maintain all benchmark documents related to your properties for at least three years after the submission date.

Take Action

Work with DOEE and the DCSEU to access a multitude of resources to help maximize energy efficiency and save money. Visit www.dcseu.com for more information.

CITY EXAMPLES



CHICAGO: COMPLIANCE CHECKLIST

[VIEW CHECKLIST >](#)

SALT LAKE CITY: COMPLIANCE CHECKLIST

[VIEW CHECKLIST >](#)

TEMPLATE: EXEMPTION AND EXTENSION FORMS

Exemption and Extension Forms are used by building owners and managers to request an exemption or extension during the benchmarking process. It benefits a city to create a standard form for each need to expedite processing. Some cities opt to have two separated forms, one for each type of request, while others have just one.

The form can be prefaced with general information about the benchmarking ordinance, and cities may choose to request additional supporting evidence to justify the exemption or extension.

RECOMMENDED BASELINE COMPONENTS	SAMPLE TEXT <i>*From St. Louis' extension form</i>
GENERAL DESCRIPTION	
<p>Include a general description about the benchmarking ordinance and form's objective.</p> <ul style="list-style-type: none"> • Ordinance's name • Ordinance's objective • Ordinance's requirements • Form's purpose 	<p>EXAMPLE: <i>Properties wishing to claim an exemption from or an extension to the requirements of the Building Energy Awareness Ordinance of the City of St. Louis must fill out the following form and attach supporting evidence to demonstrate a property's eligibility for said exemptions or extensions.</i></p>
CONTACT INFORMATION	
<p>The form should request contact information that could be needed while the request is processed, including:</p> <ul style="list-style-type: none"> • Property owner contact information • Benchmarking lead or primary contact information • Data collection worksheet • Link to ordinance's website • Steps to determine building compliance • Link to FAQ document • Link to full ordinance 	<p>EXAMPLE: <i>Building Property Owner: Property Manager/Benchmarking Point of Contact: Phone: Email:</i></p>

BUILDING INFORMATION

The form should request central information about the building covered by the ordinance for which an extension or exemption are needed, including:

- Building ID *Include information for owners and managers to request the Building ID
- Building address
- Building name

EXAMPLE:

Unique Building ID Number:

Property Address:

REASONS FOR EXEMPTIONS OR EXTENSIONS

The form should require the requestor to note the reason for which she is requesting an exemption or extension, by choosing from a set list of options. A city can also opt to leave responses to this question open-ended.

EXAMPLE:

Please check all conditions that apply on page 2 of the form, and provide additional details below to indicate and detail which exemption/extension the building qualifies for:

Benchmarking exemptions:

General:

- *Building is under the minimum 50,000 square feet size threshold for gross floor*
- *A demolition permit was issued during the prior calendar year, provided that demolition work has commenced, and energy related system have been significantly compromised, etc.*

Financial Hardship:

- *Building had arrears of property taxes or water or refuse charges that resulted in the property's inclusion, within the prior two (2) years, on the city's annual tax lien sale list.*
- *Building had a court appointed receiver in control of the assets due to financial distress.*

REQUESTED DATES

The form needs to include information about dates, especially if it is used to request an extension. It must include:

- The original compliance date
- A new, assigned date (for extension requests only) OR an open question for requestor to establish new date

EXAMPLE:

Property is applying for:

- *Exemption from benchmarking requirements*
- *Thirty (30) day extension for benchmarking requirements*

SIGNATURE

The form should require a signature to formalize the exemption or exception request and verify the information is true.

EXAMPLE:

Sign below to verify the information related to this request is true and accurate. Misrepresenting any material fact in these documents may lead to a rejection of the request, a violation of City codes, and may result in a fine.

Signature:

Date:

OPTIONAL ADDITIONAL COMPONENTS

SUPPLEMENTARY INFORMATION THAT MAY BE USEFUL TO GATHER INCLUDES

- Supporting evidence
- Justification notes
- Professional certification to verify exemption

SAMPLE TEXT

*From St. Louis' extension form

EXAMPLE:

Please attach any support evidence to demonstrate a property's eligibility for claimed exemptions or extensions to this document*

CITY EXAMPLES

ATLANTA: EXTENSION FORM

[VIEW EXTENSION >](#)

SALT LAKE CITY: EXEMPTION FORM

[VIEW EXEMPTION >](#)

TEMPLATE: VIOLATION NOTIFICATIONS

Cities send **violation notifications** to building owners or building managers to notify them that they are not in compliance with the city’s benchmarking ordinance.

RECOMMENDED BASELINE COMPONENTS	SAMPLE TEXT <i>*From the District of Columbia’s compliance checklist</i>
BASIC BUILDING INFORMATION	
<ul style="list-style-type: none"> • Building address • Building benchmarking ID 	<i>*To be completed by the city</i>
GENERAL INFORMATION ABOUT THE LOCAL ORDINANCE	
<p>Include a brief description of the local ordinance so that owners and managers know the context of their violation. The description should include:</p> <ul style="list-style-type: none"> • a. Name of the ordinance • b. Ordinance’s objective and requirements • c. Reporting schedule 	<p>EXAMPLE: <i>The Atlanta Commercial Buildings Energy Efficiency Ordinance was passed on April 20th, 2015 and requires properties with large buildings to annually report their energy and water use for the previous calendar year to the City by June 1st.</i></p>
COMPLIANCE VIOLATION DETAILS	
<p>The form should clearly articulate the violation, noting the reporting deadline, to make clear the building is overdue.</p>	<p>EXAMPLE: <i>Our records indicate that you have not submitted an Energy and Water Benchmarking report for the Benchmarking Period of 2014 as required by Chapter 2 of Part 8 of the Land Development Code (City Ordinance 15-O-1101, which can be found at www.atlantabuildingefficiency.com. This information was required to be submitted by July 20, 2015.</i></p>

INFORMATION ABOUT PENALIZATIONS

Include information about fines for non-compliance. This information can include:

- New deadline by which the violation needs to be corrected
- Fine cost, noting progressive costs if they are applicable for continued non-compliance
- Instructions on how to pay fines
- Include the information about any other type of penalization for example including the building in a public list of non-compliant buildings

EXAMPLES:

In order to avoid an offense and possible fine of \$1000, you must submit a complete and accurate Energy and Water Benchmarking report to the Office of Sustainability by [Date]. Because some data may take time to collect, we suggest beginning as soon as possible.

Failure to report your data within 30 days from the date of this letter's mailing will place you in violation of the City Ordinance and you may be fined. Each year of non-compliance shall constitute a separate offense and upon conviction may be punishable by additional fines. This letter is a written warning of your legal obligation to comply and is not an official offense.

INSTRUCTIONS TO RESOLVE OR CHALLENGE THE VIOLATION

Include clear guidance on how those not in compliance with the ordinance requirements may resolve or challenge the violation(s).

GUIDANCE RESOURCES

If available, provide information on and links to available resources to help those in violation of the ordinance address their noncompliance.

EXAMPLES:

[Getting Help with Benchmarking](#)

Visit www.atlantabuildingefficiency.com for all key documents including the ordinance, fact sheets, data request and release forms, frequently asked questions, and training opportunities.

[Get Technical Support from the Atlanta Benchmarking Help Center](#)

Help Center: 404-604-3665

Ordinance-related questions?

*Contact the Office of Sustainability:
buildingefficiency@atlantaga.gov*

CONTACT INFORMATION

Provide information as to where someone can follow up with questions.

EXAMPLE:

If you have any questions, please email buildingefficiency@atlantaga.gov with 'Benchmarking Warning' in the subject line.



CITY EXAMPLE

ATLANTA: SAMPLE VIOLATION NOTIFICATION

[VIEW VIOLATION >](#)