



The City of Buffalo Common Council

1413 City Hall
Buffalo, NY 14202

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Department: Common Council
Category: Resolution
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ADOPTED
AGENDA ITEM 21-486

Wingo, Sr., Nowakowski - Establishing an Energy Benchmarking Policy For Certain Municipal Buildings in the City of Buffalo

Whereas the New York State Energy Research and Development Authority (NYSERDA) sponsors a Clean Energy Communities program that offers The City of Buffalo opportunities to access additional grant funding to further implement clean energy actions by reducing energy consumption and greenhouse gas emissions;

Whereas The City of Buffalo recognized the contribution of greenhouse gas emissions to climate change, declaring a climate emergency in The City and committing to incorporating green energy alternatives in future projects;

Whereas buildings are the single largest user of energy in the State of New York and buildings account for seventy-seven percent of municipal energy consumption in The City of Buffalo as outlined in the Buffalo Energy Plan;

Whereas establishing a building energy benchmarking system for the collection, reporting, and sharing of building energy data allows municipal officials to understand the energy performance of municipal buildings and identify opportunities to decrease operational costs, make more cost-effective capital investment decisions, reward efficiency, and reduce environmental pollution; and

Whereas The City of Buffalo desires to adopt a policy and establish guidelines for City staff to formally track and conduct monthly building energy usage assessments using the Environmental Protection Agency (EPA) Portfolio Manager; Now, therefore be it

Resolved that The City of Buffalo Common Council-

Hereby adopts the following policies and procedures

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the City of Buffalo that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Department of Public Works, Parks and Streets.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel 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, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

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

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This Policy is applicable to all Covered Municipal Buildings as defined in Section 1.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than August 1, 2021, and no later than August 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

- (1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
 - (a) no later than November 1, 2021 and by November 1 of each year thereafter for Covered Municipal Buildings; and
- (2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
 - (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
 - (b) For each Covered Municipal Building individually:
 - (i) The status of compliance with the requirements of this Policy; and
 - (ii) The building address, primary use type, and gross floor area; and
 - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Common Council, including but not limited to, summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This Policy shall be effective immediately upon passage.

RESULT: ADOPTED
