

# Comparison of U.S. Building Audit, Retuning, and Retrocommissioning Policies

August 2024



Note: Government abbreviated as "Gov't"; Multifamily abbreviated as "MF"; Commercial abbreviated as "Comm"

Government	Policy Details		Buildings Included	Requirements					Performance Exemptions	Policy Schedule	
City/County/State	Policy Name	Year Enacted	Types of Real Estate and Sizes (Sq. Ft.)	Energy Audit (ASHRAE Level I, II, III)	Water Audit	Retuning	Retrocommissioning	Enforcement	Description	Upcoming Compliance Date(s) + Applicable Bldgs	Length of Compliance Cycle (Years)
Atlanta GA	Commercial Building Energy Efficiency Ordinance (CBEEO)	2015	Comm ≥ 50,000 Public ≥ 25,000 MF ≥ 25,000	Audit must be comparable to an ASHRAE Level II audit.	Required	-	Currently optional	1. A written warning issued by the city for the first violation 2. If the summary audit report information is not reported within 90 days of the date the written warning is issued then \$1,000 fine, annual fine of \$1,000 for every year of non-compliance.	Property received ENERGY STAR certification for at least two of the three years prior to the report due date. The property's ENERGY STAR score or weather-normalized site EUI has improved by 15% or more within five years of the report due date. Bldg achieved LEED Existing Buildings: O&M for at least two of the three years prior to the due date.	Upcoming compliance dates correspond with the last digit of building IDs: e.g. December 31 2024 for Bldg IDs ending in '4.	10
Austin TX	The Energy Conservation Audit and Disclosure (ECAD) Ordinance	2008	MF ≥ 5 units, bldgs 10 years or older Homes 1-4 units, 10 years or older	After conducting an audit, multifamily owners whose energy use exceeds 150% of the average must implement improvements to reduce energy use by 20%.	-	-	-	Fine of up to \$2000 if criminal negligence is proved.	Bldg is less than 10 years of age. Bldg participated in Austin Electric Utility program or Austin Energy Free Weatherization Program within 10 years of the sale and performed appropriate efficiency measures, or the purchaser has agreed to do so within six months after the time of sale.	Time of Sale	10
Berkeley CA	Building Energy Saving Ordinance (BESO)	2018	Comm, MF, & Public ≥ 25,000 All Residential bldgs with 1-4 attached units	ASHRAE Level II for buildings ≥ 50,000 sq. ft., ASHRAE Level I for all others, including 2-4 unit houses. HES for single unit houses.	Required	-	-	Penalties begin at \$100 per violation, per day. Can be increased to \$200 and \$500.	High-performance bldgs under 25,000 sq. ft.	July 1, 2023: bldgs 50,000 sq. ft. and larger July 1, 2024: bldgs 25,000 to 49,999 sq. ft. Time of sale: Houses with 1-4 dwelling units and buildings ≤24,999 sq. ft.	5 years for bldgs 25,000 sq. ft. and larger Time of sale for houses with 1-4 dwelling units and buildings ≥ 25,000 sq. ft.

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Boulder CO	Boulder Building Performance Ordinance No. 8071	2015	Comm & MF ≥ 20,000 if built on or before 2014 Public/Gov't ≥ 10,000	ASHRAE Level I for bldgs ≤ 50,000 sq. ft. ASHRAE Level II for bldgs ≥ 50,000 sq. ft.	-	Option for bldgs < 50,000 sq. ft. to participate in Xcel Energy Building Tune-Up Program or meet the RCx scope outlined by the City Manager.	Owners must implement measures with paybacks of two years or less.	\$0.0025 per square foot per day, not to exceed \$1,000 per day.	ENERGY STAR-certified buildings LEED. O&M certification. Demonstrated pattern of significant and consistent efficiency or emissions improvements. Equivalent assessment conducted within 10 years and implemented the recommended energy conservation measures.	<p><b>Retro-commissioning deadlines:</b> June 1, 2025: Existing buildings ≥ 20,000 and 30,000 sq. ft.</p> <p><b>RCx Measure Implementation deadlines:</b> May 1, 2024: City buildings ≥ 10,000 sq. ft. June 1, 2024: Existing buildings ≥ 50,000 sq. ft. and new buildings (building permit issued after Jan 31, 2014) ≥ 10,000 sq. ft. Dec 31, 2025: Existing buildings ≥ 30,000 and ≤ 50,000 sq. ft. June 1, 2027: Existing buildings ≥ 20,000 and ≤ 30,000 sq. ft.</p> <p><b>Lighting Upgrade Deadlines:</b> June 1, 2025: Existing buildings ≥ 20,000 and ≤ 30,000 sq. ft.</p>	10
Edina MN	Efficient Building Benchmarking Ordinance	2019	Comm & MF ≥ 25,000 Public/Gov't ≥ 25,000	An energy-saving assessment as stringent or comparable to ASHRAE Level I.	-	-	-	Removal of business license after failing to comply with written warning notice.	Qualifying green building certification issued within the past 3 years, such as ENERGY STAR, LEED Silver, Minnesota B3. Beginning in 2025, properties showing evidence of 20% weather-normalized energy use intensity reduction over five years, with an initial baseline year of 2019.	June 1, 2024: bldgs 25,000 to 49,999 sq. ft.	5
Los Angeles CA	Existing Buildings Energy and Water Efficiency (EBEWE) Program (Ordinance No. 184674)	2017	Comm & MF ≥ 20,000 Public/Gov't ≥ 15,000	ASHRAE Level II	Required	-	Required	\$202, with fee level accruing interest with continued non-compliance.	<p>ENERGY STAR certification for the year of the building's compliance due date, or for two of the three years preceding the due date</p> <p>CA-licensed engineer or architect certifies that the energy performance is at least 25% better than the median energy performance of similar buildings, compared to CBECS</p> <p>CA-licensed engineer or architect certifies that the building has reduced its weather normalized source EUI by 15% compared to five years prior</p> <p>The bldg is new and has been occupied for less than five years from its first due date</p>	<p>Upcoming compliance dates are linked to last digit of Bldg IDs.</p> <p>December 1, 2023: LADBS ID "4" or "5"</p> <p>December 1, 2024: LADBS ID "6" or "7"</p> <p>December 1, 2025: LADBS ID "8" or "9"</p>	5

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Madison WI	Building Energy Savings Program	2023	Comm ≥ 50,000	-	-	Required	-	<p>For buildings ≥ 100,000 square feet: \$3,000 for 180 days out of compliance, \$10,000 for 365 days out of compliance.</p> <p>For buildings between 50,000 and 99,999 square feet: \$2,000 for 180 days out of compliance, \$8,000 for 365 days out of compliance.</p> <p>Intentionally falsified data \$3,000 for first violation, \$5,000 for each subsequent violation.</p> <p>\$20 - \$100 fine per day of violation, each day counts as a separate offense.</p>	Building has a certified ENERGY STAR Score of ≥ 75 in the year preceding the tune-up date, received a LEED Gold rating, and other criteria as determined by the City.	Oct 31, 2025: Buildings ≥100,000 sq. ft. Oct 31, 2026: Buildings between 50,000 and 99,999 sq. ft.	4
New York City NY	Local Law 87: Energy Audits and Retro-commissioning	2009	Comm & MF ≥ 50,000 Public/Gov't ≥ 50,000	ASHRAE Level II	-	-	Required	Penalties are \$3,000 for the first year of non-submittal and \$5,000 for each additional year; these are cumulative.	<p><b>Exceptions to audit:</b></p> <ul style="list-style-type: none"> <li>ENERGY STAR label for at least two or three of the years preceding report filing</li> <li>No ENERGY STAR available and a registered design professional verifies that the bldg's energy performance is 25 points better than the average for its bldg type over a two-year period within three years prior to the report due date, per LEED for existing bldgs or a similar system</li> <li>Simple bldgs with six out of seven energy efficient features certified by a professional</li> </ul> <p><b>Exceptions to audit and retrocommissioning:</b></p> <ul style="list-style-type: none"> <li>LEED for existing bldg certification</li> </ul>	Upcoming compliance dates correspond with tax block: e.g. Dec 31 2023 for tax blocks ending in '3.	10  Early compliance is allowed, but only within four years prior to the compliance date
Orlando FL	Building Energy & Water Efficiency Strategy	2016	Comm & MF ≥ 50,000 and ENERGY STAR Score below 50 Public/Gov't ≥ 10,000 and ENERGY STAR Score below 50	Either energy audit or retrocommissioning	-	-	Either energy audit or retrocommissioning	Properties that fail to comply will be notified by the city and publicly listed as non-compliant.	Buildings with an ENERGY STAR Score over 50.	May 1, 2025 all eligible properties	5

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Philadelphia PA	Building Energy Performance Policy	2020	Comm ≥ 50,000 Public/Gov't ≥ 50,000	-	-	Every owner of a covered building shall conduct a tune-up of such building's energy and water systems, consisting of an inspection component and a corrective action component	-	\$2,000, with additional fines of \$500 per day of non-compliance.	An owner may only apply for an exemption if they have been compliant with the City's benchmarking policy for the two consecutive years preceding its tune-up compliance date.  ENERGY STAR Certification  LEED Gold or Platinum for O&M, or Net-Zero Energy Certification from ILFI, utility retrocommissioning certification from PECO, RCx on 75% of building's square footage, ENERGY STAR certification for three years showing 15% weather-normalized EUI, CPACE certification, energy audit with extensive documentation and plans for EE, other scenarios which may be considered by the Office of Sustainability (low EUI, etc.)	Sept. 30, 2023 bldgs ≥ 70,000 < 100,000 sq. ft. Sept. 30, 2024 bldgs ≥ 50,000 < 70,000 sq. ft.	5
Reno NV	Energy and Water Efficiency Program, under ReEnergize Reno	2019	Comm & MF ≥30,000 and does not meet performance target  Public/Gov't ≥ 10,000 and does not meet performance target	Retuning or an energy and water audit are pathways to fulfill performance targets of the law.	Retuning or an energy and water audit are pathways to fulfill performance targets of the law.	Retuning or an energy and water audit are pathways to fulfill performance targets of the law.	-	Penalty of up to \$500.	<b>For energy and water audit:</b> <ul style="list-style-type: none"> <li>LEED Existing blgs (2009 or later)</li> <li>LEED O&amp;M for existing bldg (Version 4 or 4.1)</li> <li>Comparable rating system for existing bldgs</li> </ul>	2026: City bldgs 2028: Comm, MF, & Public/Gov't bldgs 2029: Comm, MF, & Public/Gov't bldgs 2032: Comm, MF, & Public/Gov't bldgs	7
Salt Lake City UT	Commercial Building Benchmarking and Market Transparency	2017	Comm and City-owned ≥ 22,000 sq. ft., eligible for a utility-sponsored retuning program, and have an ENERGY STAR score of 49 or below	-	-	Required retuning evaluations for bldgs that are eligible for participation in a utility-sponsored retuning incentive program, and that have an ENERGY STAR score of 49 and below. Implementation of retuning measures in addition to evaluations is encouraged but not required.	-	Penalty of up to \$1000.	Registered design professional certifies that the building has an ENERGY STAR score of 50 or above for the year prior to the first due-date or at least two of the three years preceding the due date	Upcoming compliance dates are linked to the last digit of bldg IDs. Reports to be submitted prior to Dec 31 of reporting year.  Last digit 2 and 3: 2022 for buildings ≥50,000 sq. ft. and 2023 for buildings 25,000 sq. ft. to 49,999 sq. ft.  Last digit 4 and 5: 2023 for buildings ≥50,000 sq. ft. and 2024 for buildings 25,000 sq. ft. to 49,999 sq. ft.  Last digit 6 and 7: 2024 for buildings ≥50,000 sq. ft. and 2025 for buildings 25,000 sq. ft. to 49,999 sq. ft.  Last digit 8 and 9: 2025 for buildings ≥50,000 sq. ft. and 2026 for buildings 25,000 sq. ft. to 49,999 sq. ft.	5

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San Francisco CA	Existing Buildings Energy Ordinance	2011	Comm ≥ 10,000 Public/Gov't ≥ 10,000	ASHRAE Level I for bldgs 10,000–49,999 sq. ft.  ASHRAE Level II for bldgs > 50,000 sq. ft.	-	-	Large facilities, bldgs with complex systems, and bldgs seeking LEED or ENERGY STAR certification are encouraged to undergo retrocommissioning. An RCx fulfills the audit requirement for these buildings.	For buildings ≥ 50,000 square feet, up to \$100.00 per day for a maximum of 25 days in one twelve-month period.  For buildings of 49,999 square feet or less, up to \$50.00 per day for a maximum of 25 days in one twelve-month period.	The bldg has received the ENERGY STAR certification in three of the past five years, or LEED for Existing Buildings certification in the past five years.	Apr 1, 2026: Non-residential bldgs ≥ 50,000 sq. ft.  Apr 1, 2027: Non-residential bldgs 25,000 to 49,999 sq. ft.  Apr 1, 2028: Non-residential bldgs 10,000 to 24,999 sq. ft.	5
San Jose CA	Energy and Water Building Performance Ordinance (EWB-PO)	2018	Comm & MF ≥ 20,000 and do not meet performance target  City-owned ≥ 15,000 sq. ft. and do not meet performance target	Owners must complete either an audit (energy and water), retrocommissioning, or efficiency improvement measures for bldgs that don't meet the energy and water exemption criteria.	Owners must complete either an audit (energy and water), retrocommissioning, or efficiency improvement measures for buildings that don't meet the energy and water exemption criteria.	-	Owners must complete either an audit (energy and water), retrocommissioning, or efficiency improvement measures for buildings that don't meet the energy and water exemption criteria.	Buildings under 50,000 square feet may be fined \$25 for each day of non-compliance, up to \$2,500 per calendar year.  Buildings ≥ 50,000 square feet may be fined \$50 for each day of noncompliance, up to \$5,000 per calendar year.	LEED O&M V4  ENREGY STAR score of 75 or greater  ENERGY STAR score improvement of 15 points or more relative to its performance in the baseline year  Weather normalized EUI that is 25% below calculated mean for that property type (local)  Reduced weather normalized EUI by at least 15% relative to its performance in the baseline year  In addition to the above energy standards, a property must also meet one of four listed water standards to not be required to take one of the three improvement pathway options	APN = Assessor's Parcel Number  For properties ≥ 50,000 sq. ft.  May 1, 2024: APNs ending in ""2"" and ""3""  May 1, 2025: APNs ending in ""4"" and ""5""  May 1, 2026: APNs ending in ""6"" and ""7""  May 1, 2027: APNs ending in ""8"" and ""9""  For properties 20,000 to 49,999 sq. ft.  May 1, 2024: APNs ending in ""0"" and ""1""  May 1, 2025: APNs ending in ""2"" and ""3""  May 1, 2026: APNs ending in ""4"" and ""5""  May 1, 2027: APNs ending in ""6"" and ""7""  May 1, 2028: APNs ending in ""8"" and ""9""	5

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Seattle WA	Building Tune-Ups, SMC 22.930	2016	Comm & City-owned ≥ 50,000	-	-	Building energy and water tune-ups include both mandatory and voluntary corrective actions for building owners to undertake.	-	<p>The penalties for failure to tune up a building and submit a report are the following:</p> <ul style="list-style-type: none"> <li>Buildings ≥ 200,000 sq. ft. : 180 days after due date: \$5,000. 360 days after due date: \$20,000</li> <li>Buildings ≥ 100,000 sq. ft.: 180 days after due date: \$2,500. 360 days after due date: \$10,000.</li> <li>Buildings ≥ 5,000 sq. ft.: 180 days after due date: \$2,000. 360 days after due date: \$8,000.</li> </ul> <p>In the case the director determines that a building owner has intentionally misrepresented the results of a tune-up in its report, the following penalties may apply:</p> <ul style="list-style-type: none"> <li>\$5,000 fine shall be imposed for the first violation</li> <li>\$10,000 fine shall be imposed for the second and any subsequent violations.</li> </ul>	<p>High ENERGY STAR score prior to the compliance date</p> <p>Shows evidence of active monitoring and continuous commissioning</p> <p>Within three years prior to the compliance date:</p> <ul style="list-style-type: none"> <li>Received a green building certification equivalent to a LEED O&amp;M V4 Gold Rating or a Net-Zero Energy Certification from ILFI</li> <li>Participated in and successfully completed an approved utility retrocommissioning incentive program</li> <li>Completed a full retro- or retrocommissioning procedure</li> <li>Demonstrate energy savings of at least 15%</li> <li>Undergone an energy audit no less stringent than the ASHRAE Level II standard and implemented all of the no-cost/low-cost energy efficiency measures, defined as providing a simple payback of three years or less</li> <li>Have participated in the Seattle City Light Energy Assistance Analysis program or equivalent and implemented the program defined cost-effective measures</li> </ul>	<p>Oct. 1, 2023: bldgs ≥ 200,000 sq. ft.</p> <p>Oct. 1, 2024: bldgs 100,000 to 199,999 sq. ft.</p> <p>Oct. 1, 2025: bldgs 70,000 to 99,999 sq. ft.</p>	5