

San José Building Performance Ordinance

Quick Reference Guide

Energy & Water Building Performance Ordinance (BPO)

What Is San José BPO?

San José's Building Performance Ordinance (BPO) requires owners of nonresidential and multifamily buildings **20,000 square feet and larger** to annually **benchmark energy and water use** via ENERGY STAR Portfolio Manager and meet building performance standards on a **rolling five-year cycle** or perform improvements. The BPO is administered by the City of San José and supports the *Climate Smart San José* initiative

Covered Buildings

- ☀ Nonresidential & multifamily, 20,000+ sq ft
- ☀ Buildings sharing a common meter are combined
- ☀ Adopted Dec. 11, 2018 (Chapter 17.85)

Exempt Buildings

- ☀ Exclusively industrial zoned (HI, LI, IP) >50% GFA
- ☀ Buildings under 20,000 sq ft
- ☀ Unoccupied / approved for demolition
- ☀ Financial distress (case-by-case)
- ☀ Single-family, duplexes, four-plexes

Compliance Pathways (Beyond Benchmarking)

Performance Pathway

- ☀ Building meets Key Performance Standards
- ☀ for at least 2 of 3 years before deadline:
- ☀ ENERGY STAR Score \geq 75
- ☀ OR 15-point score improvement from baseline
- ☀ OR EUI 25% below mean for property type
- ☀ OR 15% EUI reduction from baseline
- ☀ Same criteria apply separately for water (WUI)
- ☀ Verified by CA-Licensed Professional
- ☀ Submit Performance Verification Report

Improvement Pathway

- ☀ Building does not meet performance standards
- ☀ Must complete one action per unmet standard:
- ☀ ASHRAE Level II Energy Audit
- ☀ Separate actions required for energy & water
- ☀ All work by CA-Licensed Professional
- ☀ Submit Improvement Pathway Form & reports

What You Need to Do & When

When	Requirement
Annual	Annual Benchmarking (Due May 1): Track whole-building energy and water use in ENERGY STAR Portfolio Manager and submit it to the city. \$150 annual reporting fee per building. Extensions are available for up to 180 days if requested by May 1.
Every 5 Years	Beyond Benchmarking: Demonstrate satisfactory efficiency (Performance Pathway) or complete improvement actions (Improvement Pathway). Due dates phased by building GFA and last digit of Assessor's Parcel Number (APN). Repeats every 5 years.
2023	First Beyond Benchmarking Cohort: Buildings 50,000+ sq ft with APN ending in 0 or 1 due May 1, 2023.
2024–2028	Phased Rollout — Remaining buildings 20,000–49,999 sq ft phased in by APN. Check the City's compliance schedule for your building's specific deadline.

Penalties for Non-Compliance

Violation Type	Penalty
Buildings under 50,000 sq ft	Up to \$25/day of noncompliance (max \$2,500/year)
Buildings 50,000+ sq ft	Up to \$50/day of noncompliance (max \$5,000/year)

Each day of non-compliance is considered a separate violation (§17.85.550).

How Insight Energy Consulting Helps

You Provide	Insight Handles
<ul style="list-style-type: none"> ⚙ Building address & San José Building ID ⚙ Utility account access ⚙ Building access for on-site work ⚙ Equipment documentation <i>(if Available)</i> ⚙ Signature on submittals 	<ul style="list-style-type: none"> ⚙ Portfolio Manager setup & annual data entry ⚙ Pathway evaluation & optimal route selection ⚙ ASHRAE Level II energy audits ⚙ Retro-Commissioning (RCx) ⚙ CA-Licensed Professional verification & sign-off ⚙ City portal submissions & deadline tracking ⚙ 5-year compliance cycle management

Insight Energy Consulting

Your nationwide one-stop Partner for Energy, Emissions, and Building Performance Standards

Request Your Compliance Plan Now

Insight Energy Consulting handles the entire process: Benchmarking, Pathway Evaluation, Energy & Water Audits, and Submission for San Jose BPO.

Focus on running your building — we'll handle San Jose BPO compliance

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