

Comparison of U.S. Commercial Building Energy Benchmarking and Transparency Policies

August 2023



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

Government	Year Enacted	Policy Impact				Policy Schedule		Additional Elements		Status Updates
		City/County/State	# of Bldgs	Sq. Ft. in millions	Covered Bldgs List Available	Types of Real Estate and Sizes (Sq. Ft.)	Reporting to Gov't	Transparency	Water Tracking	Enforcement
CA	2015	18,310	3.3 billion	No	Comm ≥ 50,000 MF ≥ 50,000 and 17 or more residential utility accounts	June 1, Annual	After June 1, Annual	Y	The Commission has the authority to institute civil fines of up to \$2,000 for non-compliance, after allowing a 30-day period to correct a violation.	Yes
CO	2021	8,830	1.23 billion	Yes	MF, Comm, & Public/Gov't ≥ 50,000	Dec 1, 2022 and June 1 annually thereafter	Annual, Date TBD Time of sale or lease	N	\$500 for first violation \$2000 for each subsequent violation	No
MA	2022	-	-	-	MF, Comm, & Public/Gov't ≥ 20,000	June 30, Annual	October 31	Y	Maximum of \$150 per day of non-compliance.	-
MN	2023	-	-	-	MF, Comm, & Public/Gov't ≥ 50,000	June 1, Annual	December 1, Annual	N	\$1,000; may adjust with inflation	-
NJ	2018	13,000	1.3 billion	Yes	MF & Comm ≥ 25,000	Annual	-	Y	Compliance with benchmarking considered prerequisite for participation in any of the NJ Board of Public Utility programs, as well as utility energy efficiency programs.	-
WA	2009	4,600	247	No	Comm & Public/Gov't ≥ 10,000	July 1, Annual	Annual	N	The building owner will be assessed the maximum penalty of five thousand dollars plus a daily amount equal to \$1.00 per square foot of gross floor area per year not to exceed a value greater than eighteen months of accrued penalty. Penalties are assessed for each compliance period. For applicants that submit a noncompliance mitigation plan and who submit documentation demonstrating completion, daily penalties will be assessed from the scheduled compliance date to the date of approval of compliance or conditional compliance. The penalty will be assessed at an amount not to exceed 30% of five thousand dollars plus a daily amount equal to \$0.20 per square foot of gross floor area per year.	Yes

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Ann Arbor MI	2021	300	37	Yes	MF & Comm ≥ 20,000 Public/Gov't ≥ 10,000	June 1, Annual	Annual	Y	Failure to report or carries a maximum fine of \$500 for the first offense, and a maximum fine of \$1000 for each additional offense, plus the costs of prosecution. Knowingly reporting false information carries a maximum fine of \$500.	No
Aspen CO	2022	390	6	Yes	All Public/Gov't Comm ≥ 10,000 MF ≥ 15,000	June 1, Annual	January 30	Y	\$100 first offence, \$200 second, court appearance and court set fines thereafter.	Yes
Atlanta GA	2015	2,900	402	Yes	Comm & MF ≥ 25,000 Public/Gov't ≥ 10,000	June 1, Annual	December 31, Annual	Y	Failure to report will be noticed with a written warning (first violation); if not reported in the ensuing 30 days, a fine of \$1000 is imposed. Each year of non-compliance is considered a separate violation.	Yes
Austin TX	2008	2,800	113	No	Comm ≥ 10,000 MF ≥ 5 units Public/Gov't ≥ 10,000 All Single Family	June 1, Annual	Time of transaction	N	Non-compliance carries a fine up to \$500. Acting with criminal negligence carries a fine up to \$2,000.	Yes
Berkeley CA	2015	600	23	Yes	Comm ≥ 15,000 MF ≥ 5 units or 15,000 Public/Gov't ≥ 15,000 All Single Family	June 1, Annual July 1, Annual	No publication date	Y	The instances of noncompliance will result in a fine of \$100 for each violation, and an additional fine of up to \$25 for each day that the violation continues, up to a maximum of \$1,000 per violation. If sale occurs, fines are still attributed to owner they were levied against.	Yes
Bloomington MN	2021	296	196	No	MF, Comm & Public/Gov't ≥ 75,000	June 1, Annual	Aug 30, Annual	N	Starting in year 2, failure to report after a written notice will be enforced with a civil penalty.	Yes
Boston MA	2014	1,600	250	Yes	Comm ≥ 35,000 MF ≥ 35,000/35 units All Public/Gov't	May 15, Annual	Oct 1, Annual	Y	Failure to report benchmarking within 30 days of notice shall be subject to: <ul style="list-style-type: none"> A fine of \$300 a day for non-residential buildings ≥ 35,000 sq. ft. or a parcel of buildings ≥ 100,000 sq. ft. and for residential buildings ≥ 35 units or 35,000 sq. ft. a fine of \$150 a day for non-residential buildings ≥ 20,000 sq. ft. but < 35,000 sq. ft. and residential buildings with ≥ 15 units or 35,000 sq. ft. In the case the information is found to be inaccurate, the owner shall be subject to a fine between \$1000 to \$5000. City buildings are exempt from penalties.	Yes
Boulder CO	2015	475	26	Yes	Comm ≥ 20,000 Public/Gov't ≥ 5,000	June 1, Annual	June 1, the following year	Y	Non-compliance results in a civil penalty of \$0.0025 per square foot per day, not to exceed \$1,000 per day.	Yes
Brisbane CA	2019	109	7	Yes	MF & Comm ≥ 10,000 Public/Gov't ≥ 2,000	May 15, Annual	May 15, Annual	Y	TBD	Yes

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Cambridge MA	2014	1,100	78	Yes	Comm ≥ 350,000 MF ≥ 35 units All Public/Gov't	May 1, Annual	Sept 1, Annual	Y	First violations will result in a written warning, and any subsequent violations carry a fine of up to \$300.	Yes
Chelsea MA	2022	300	24	-	Comm & residential ≥ 20,000 All Public/Gov't	June 30, Annual	First report will be issued no later than December 31, 2023	Y	Failure to report benchmarking requirements will result in a fine of \$50 for the first offense, \$150 for the second offense, \$300 for the third offense, as enforced by building inspectors.	-
Chicago IL	2013	3,500	900	Yes	Comm & MF, Public/Gov't ≥ 50,000	June 1, Annual	After June 1, Annual	N	A violation may be subject to a fine of up to \$100 for the first violation and an additional fine up to \$25 for each day the violation continues.	Yes
Chula Vista CA	2021	272	11	No	Comm & MF ≥ 50,000 Public/Gov't ≥ 20,000	March 20th for buildings 20,000-50,000 sq. Ft. and May 20th for buildings at least 50,000 sq. ft.	Time of transaction	N	Building performance standards requirements begin in 2023 for bldgs ≥ 50,000 sq. ft. and 2026 for bldgs ≥ 20,000 sq. ft.	Yes
Columbus OH	2020	2,166	268	No	Commercial ≥ 50,000 MF ≥ 100,000 Public/Gov't ≥ 25,000	June 1, 2021, Annual June 1, 2022, Annual	After June 1, Annual	Y	After 60 days of failing to report benchmarking information after the deadline, the building owner will be required to pay fees in compliance with the City's Combined Development Related Fee Schedule.	Yes
Denver CO	2017	3,000	360	Yes	Comm & MF ≥ 25,000 Public/Gov't ≥ 25,000	June 1, Annual	No publication date	N	\$2,000 per year benchmarking data is not submitted, data errors aren't fixed, or reporting inaccurate information.	Yes
Des Moines IA	2019	840	-	Yes	Comm & Public/Gov't ≥ 25,000	June 1, Annual	After June 1, Annual	Y	Late submissions (more than 30 days) will be charged a \$50 late fee. Failure to remediate non-compliance within 30 days will result in a \$300 violation fee. Subsequent violations will be charged a \$500 fee.	Yes
Edina MN	2019	270	29	Yes	Comm & MF ≥ 50,000 Public/Gov't All	June 1, Annual	After June 1, Annual	N	Energy assessment every five years for commercial and multifamily bldgs 50,000 sq. ft. or larger.	Yes
Evanston IL	2016	557	45.6	Yes	Comm & MF ≥ 20,000 Public/Gov't ≥ 10,000	June 30, Annual	No publication date	Y	\$100 per month of non-compliance 20 days after written notice of violation.	Yes
Fort Collins CO	2018	2,250	47	Yes	Comm & MF ≥ 5,000 Public/Gov't ≥ 20,000	June 1, Annual	Annual	Y	Failure to report will result in a notice of need to comply 30 days within the deadline. If failure to report continues, a notice of violation will be issued with a fine of \$3,000 for each year of non-compliance.	Yes

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Honolulu HI	2022	429	170	Yes	MF & Comm ≥ 25,000 Public/Gov't ≥ 10,000	June 30, Annual	October 30, Annual	Y	Fine up to \$1000 for failure to comply within the first 60 days of mailing of the notice of violation. An additional \$100 per day for each day the initial or updated benchmarking information is not reported to the department, with civil fines not to exceed a total of \$5,000 per facility per reporting year.	Yes
Indianapolis IN	2021	2,000	290	Yes	Comm & MF ≥ 100,000 (for 2023) ≥ 50,000 (for 2024) Public/Gov't ≥ 25,000	June 1, Annual	Annual in 2026	Y	-	No
Kansas City MO	2015	~1,500	~400	No	Comm & MF ≥ 50,000 Public/Gov't ≥ 10,000	May 1, Annual	Sept 1, Annual	Y	In the case of failure to report benchmarking, a written notice will be issued. If benchmarking information is not reported within 60 days of the written notice will be a violation and will result in a fine no less than \$50 but not more than \$500. For continued violation, each additional day will be considered a separate offense. Fines would not exceed \$2,000 annually.	Yes
Lexington MA	2022	-	-	-	Comm, MF, & Public/Gov't ≥ 50,000 Public/Gov't ≥ 10,000	May 15, Annual	October 1, Annual	Y	\$300 per violation	-
Los Angeles CA	2016	1,908, or 1,400	900	No	Comm & MF ≥ 20,000 Public/Gov't ≥ 7,500	June 1, Annual	After June 1, Annual	Y	Failure to comply will result in a non-compliance fee of \$202.	Yes
Madison WI	2023	-	-	-	Comm ≥ 25,000	-	-	N	\$1,000 per 90 days of non-compliance.	-
Miami FL	2021	2000	-	No	Comm & MF and Public/Gov't All covered properties ≥ 200,000 (for June 2023) ≥ 100,000 (for Oct 2023) ≥ 50,000 (for 2024) ≥ 20,000 (for 2025)	June 30, 2023, Annual	Dec 1, 2023, Annual	Y	Failure to report benchmarking or reporting inaccurate benchmarking may result in a fine of \$250 per day for a first time offense or \$500 per day for a repeat violation.	Yes
Minneapolis MN	2013	695	115	Yes	Comm & MF ≥ 50,000 Public/Gov't ≥ 25,000	June 1, Annual	Aug 31, Annual	Y	Information on penalties for non-compliance differ based on which source it comes from. The below are the penalties outlined in the municipal code. Failure to benchmark shall result in a warning notice. Failure to comply within 45 days of written notice may be considered good cause for the denial, suspension, revocation, or refusal to issue a rental license, certificate of commercial building registration, or business license.	Yes

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Montgomery County MD	2014	2,100	253	Yes	Comm & MF ≥ 25,000 All Public/Gov't	June 1, Annual	Oct 1, Annual	N	Failure to report is considered a Class A Violation. Class A civil violations are penalized with a \$500 fine for the initial offense, and additional \$750 fines for repeat offenses.	Yes
New York City NY	2009	15,614 33,417	2,800	Yes	Comm & MF ≥ 25,000 All Public/Gov't	May 1, Annual	Sept 1, Annual	Y	Failure to comply with benchmarking may result in a Notice of Violation by the Department; failure to submit by the May 1 deadline results in a penalty of \$500. Continued failure to report by the next quarterly deadline may result in additional violation penalties of \$500 per violation, up to \$2,000 a year. If a correction of a violation occurs within 60 days of notice, no civil penalty shall be imposed.	Yes
Oak Park IL	2023	-	-	-	Comm, MF, & Public/Gov't ≥ 10,000	December 31	2024 (no month date given)	Y	Fine between \$20 and \$750 per day. Each day of non-compliance counts as a separate offence.	-
Orlando FL	2016	826	126	Yes	Comm & MF ≥ 50,000 Public/Gov't ≥ 10,000	May 1, Annual	Sept 1, 2019	N	TBD	Yes
Philadelphia PA	2013	2,900	390	No	Comm, MF ≥ 50,000 Public/Gov't ≥ 10,000	Jun 30, Annual	After June 30, Annual	Y	Failure to report shall be subject to a fine of three hundred dollars \$300 during the first 30 days following the compliance date. Each day that the failure to comply following the initial 30 days shall constitute a separate violation, subject to a fine of \$100 per day.	Yes
Pittsburgh PA	2016	861	164	Yes	Comm ≥ 50,000 All Public/Gov't	June 1, Annual	After June 1, Annual	Y	Covered buildings that do not comply with benchmarking requirements will be publicly listed as being non-compliant on the city website.	Yes
Portland ME	2016	284	-	Yes	Comm ≥ 20,000 MF ≥ 50 units Public/Gov't ≥ 5,000	May 1, Annual	Sept 1, 2019	Y	Failure to comply shall result in a written warning on first violation, and any subsequent or ongoing violations will be subject to a fine of \$20 per day.	Yes
Portland OR	2015	1,024	87	No	Comm ≥ 20,000 Public/Gov't ≥ 20,000	Apr 22, Annual	Oct 1, Annual	N	Failure to report benchmarking requirements or reporting inaccurate information shall be subject to a written notice on first violation, and a civil penalty of up to \$500 per 90 day period during which the violation continues.	Yes
Reno NV	2019	125	19	Yes	Comm & MF ≥ 30,000 Public/Gov't ≥ 10,000	April 1, Annual	No publication date	Y	Failure to report, or submitting incomplete or inaccurate information will result in a written notice. Failure to correct within 30 days of written notice may result in notice of violation and penalty of up to \$100. Failure to correct within 30 days of first violation may result in a second violation and penalty of \$250. Failure to correct within 30 days of second violation may result in a fine of up to \$500.	Yes

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Rockville MD	2016	70	-	-	MF, Comm, & Public/Gov't ≥ 25,000	-	Oct 1, Annual	N	-	-
Salt Lake City UT	2017	1,211	124	No	Comm ≥ 25,000 Public/Gov't ≥ 3,000	May 1, Annual	No publication date	N	The Director may issue up to 3 written notices of noncompliance to the owner, allowing owner to cure such noncompliance within 90 days after each notice of violation. After the third written notice of violation, the Director may impose a fine of up to \$500.00 per violation thereafter not exceeding a total of \$1,000 annually.	No
San Diego CA	2019	2,210	-	Yes	Comm ≥ 50,000 MF ≥ 50,000 and 17+ residential utility accounts	June 1, Annual	After June 1, Annual	Y	Failure to comply may be prosecuted as a misdemeanor, subject to a fine not more than \$500 or imprisonment not exceeding 6 months, or both.	Yes
San Francisco CA	2011	2,560	308	Yes	Comm ≥ 10,000 Public/Gov't ≥ 10,000 MF ≥ 50,000	Apr 1, Annual	After Apr 1, Annual	Y	Failure to submit a report for 30 days after the deadline will result in a written warning. If no report is filed within 45 days of written violation, then: buildings ≥ 50,000 sq. ft. shall be fined up to \$100 a day for up to 25 days in a year. Buildings < 49,999 sq. ft. shall be fined up to \$50 per day for up to 25 days in a year. This does not apply to city-owned or municipal buildings.	Yes
San Jose CA	2018	2,500	250	Yes	Comm & MF ≥ 20,000 Public/Gov't ≥ 15,000	May 1, 2019	After May 1, Annual	Y	TBD	No
Seattle WA	2012	3,666	394	No	Comm & MF ≥ 20,000 Public/Gov't ≥ 20,000	Apr 1, Annual	After Apr 1, Annual	N	Failure to report results in penalties that accrue quarterly, starting 90 days (one quarter) after the reporting deadline for each year of required building energy data. Quarterly penalty amounts are based on building size: 50,000 SF or greater non-residential and multifamily buildings = \$1,000 per quarter Total annual penalty of \$4,000 per reporting year. 20,000 to 49,999 SF non-residential and multifamily buildings = \$500 per quarter Total annual penalty of \$2,000 per reporting year. Fine Schedule Notices of Violations with the above quarterly penalty amounts are issued on or after October 1st.	Yes
South Portland ME	2017	200	-	Yes	Comm & MF ≥ 20,000 Public/Gov't ≥ 5,000	May 1, Annual	Sept 1, Annual	Y	A delay in report submission greater than 30 days will be deemed a violation. 1) a written warning may be issued after the first violation; 2) if not reported within 30 days of the first violation, a fine of \$750 will be issued by the Sustainability Director; 3) if the violation continues, the Sustainability Director may then and every three months thereafter assess additional penalties of \$750. 4) Other violations shall be penalized with \$500 per violation for the first offence and \$1,000 per additional offence.	Yes

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St. Louis MO	2017	983	100	Yes	Comm & MF ≥ 50,000 Public/Gov't ≥ 50,000	May 1, Annual	December 1, Annual	Y	Failure to comply shall result in a written warning. If benchmarking is not reported within 60 days of the issuance of written warning, it will be considered an offense and punishable via fine of not less than \$50 but not more than \$200. Each day of violation is considered a separate offense. No cumulative fine should exceed \$1000 annually.	Yes
St. Louis Park MN	2019	225	25	Yes	Comm, MF, & Public/Gov't ≥ 25,000	June 1, Annual	Sept 1, Annual	Y	Violations constitute a misdemeanor offense. Misdemeanors carry a fine not more than \$1,000 or imprisonment for not more than 90 days, or both.	Yes
St. Paul MN	2020	691	89	Yes	Comm & MF ≥ 50,000 MF Public/Gov't ≥ 25,000	Full: June 1, Annual Partial: June Annual	Full: June 1, Annual Partial: June Annual	Y	Failure to comply may result in a written warning and notice that benchmarking must be completed within 30 days of violation. If not submitted within 30 days of violation, it shall be considered a petty misdemeanor, which carries a fine of \$200. Each additional day of failure to comply may be deemed a separate offense.	Yes
Takoma Park MD	2022	1,850	250	-	Comm, MF, & Public/Gov't ≥ 25,000	June 1, Annual	October 1, Annual	N	Class A civil violations are penalized with a \$500 fine for the initial offense, and additional \$750 fines for repeat offenses.	-
Washington DC	2008	2,900	403	Yes	Comm & MF ≥ 50,000 Public/Gov't ≥ 10,000	Apr 1, Annual	After Apr 1, Annual	Y	Failure to comply will result in a warning notice issued by the DOEE. Failure to provide updated data may lead to the issuance of a fun up to \$100 per day of non-compliance.	Yes