

AMENDED .
AN ORDINANCE ESTABLISHING BUILDING ENERGY REPORTING AND DISCLOSURE
REQUIREMENTS BY AMENDING THE CODE OF ORDINANCES

Whereas, the State of Massachusetts approved Chapter 8 of the Acts of 2021, an "Act creating a next- generation road map for Massachusetts climate policy", where the State must reach zero greenhouse gas emissions by 2050; and

Whereas, the City of Chelsea is in the process of developing and adopting a Zero Carbon Action Plan to create a roadmap to comply with expected provisions stemming from Chapter 8 of the Acts of 2021: and

Whereas, energy benchmarking gas emissions and operating costs reduction, improving indoor comfort, and reducing air pollution from the burning of fossil fuels; and

Whereas, major cities in the United States have adopted building energy reporting and disclosure requirements; and

Now, therefore be it Ordained, that the Code of Ordinances is hereby amended as follows:

Amendment 1

That Part II, Chapter 6-Building and Fire Prevention Regulation, Article II-Build ing and Related Codes, Section 6-34-Reserved be amended by adding the following new Section 6-34.

See 6-34-Energy Reporting and Disclosure.

- (a) Purpose. The intent of this subsection is to reduce the emissions of air pollutants, including greenhouse gases, from energy production, encourage efficient use of energy and water, and develop further investment in building a more sustainable built environment and economy by requiring the reporting and disclosure of annual energy use in all buildings in accordance with this section.
- (b) Definitions, When used in this section 6-34, unless a contrary intention clearly appears, the following terms shall have the following meaning:
 - (1) City means the City of Chelsea
 - (2) Days means consecutive calendar days
 - (3) Department means the Department of Housing and Community Development
 - (4) Energy means electricity, natural gas, fuel oil, steam, and any other sources of energy that the Department may designate.
 - (5) ENERGY STAR Portfolio Manager means the U.S. Environmental Protection Agency's online tool for reporting and managing building energy data, used to create a U.S. EPA Energy Star Performing Rating:
 - (6) Emissions or greenhouse gas emissions means the emission of greenhouse gases, measured in units of carbon dioxide equivalent (CO₂e) associated with the generation and transmission of energy used by a building.
 - (7) Gross floor area or area means the total number of square feet measured between the principal exterior surfaces of enclosing fixed walls.

- (8) ISD means the Inspection Service Department
- (9) Owner means the owner of record, or designated agent, provided that the owner shall be deemed to include:
 - A the net lease in the case of a building subject to a net lease with the term of at least forty- nine years, inclusive of all renewal options:
 - B the association or organization of unit owners responsible for overall management in the case of a condominium;
 - C the board of directors in the case of a cooperative apartment corporation,
- (10) Tenant means any tenant, tenant-stockholder of a cooperative apartment corporation, and condominium unit owner
- (11) Covered Properties means as it appears on the records of the Chelsea Assessor's Office, a parcel with one (1) or more buildings that equals or exceeds square feet in gross floor area or dwelling unit thresholds presented in the following table. Buildings owned by the City of Chelsea or the Chelsea Housing Authority are considered covered properties regardless of gross floor area or dwelling unit count.

Non-residential Large NR-L Greater than or equal to 50,000 N/A June 30,2023

Medium NR-M Greater than or equal to 35,000 and less than 50,000 N/A June 30, 2024

Small NR-S Greater than or equal to 20,000 and less than 35,00 N/A June 30, 2024

Residential Large R-L Greater than or equal to 50,000 Greater than or equal to 50 June 30, 2024 Medium R-M Greater than or equal to 35,000 and less than 50,000 greater than or equal to 35 and less than 50 June 30,2024

Small R-S Greater than or equal to 20,000 and less than 35,000 Greater than or equal to 20 and less than 35. June 30, 2024

Municipal & Other Housing Authority MUN All properties N/A June 30,2023

City of Chelsea All properties N/A June 30, 2023

© Energy and water disclosure for City buildings. No later than June 30 of each year, the City shall publicly disclose the previous year's energy and water use of each City building. The Department shall coordinate

- (d) Energy reporting and covered properties. No later than June 30 of each year, other than 2022, building owners of covered properties shall accurately report to the Department the previous calendar year's energy use of each building and other building characteristics necessary to evaluate absolute and relative energy use intensity. Energy use data shall not include its associated costs. Building owners shall report this information by using the Energy Star Portfolio Manager or such alternative as the Department may designate. The City will access water data for covered properties from its internal database to be publicly available.
- (e) Direct upload. Building owners may authorize an energy utility or other third party to report building specific data on their behalf to the Department. Such authorization shall not remove the obligation of building owners to comply with reporting requirements.
- (f) Obligation to request and report information. Where a unit or other space is occupied by a non-residential tenant and such unit or space is separately metered by a utility company, the owner of such building may request from such tenant information relating to such non-residential tenant's

separately metered energy, use of space, and operating hours, and other information required for Portfolio Manager reporting, for the previous calendar year, and such non-residential tenant shall report such information to such owner. The Department may designate and make available a form to be used to request and report obligation to report energy and use to building owners.

- (1) Such owner may request information related to such tenant's metered energy use and other related information for the previous calendar year no earlier than January 1 and no later than January 31 of any year in which the owner is required to report such information.
 - (2) Upon receiving such request, a tenant shall report information relating to the tenants separately metered energy use for the previous calendar year no later than February.
 - (3) If a tenant vacates a unit or other space before the end of the calendar year without reporting metered energy use, such owner may immediately request such information for any period of occupancy relevant to such owner's obligation to report and the tenant shall respond within 30 days.
 - (4) Failure of any tenant to report the information required in this subsection does not relieve such owner of the obligation to report pursuant to this article.
 - (5) Where an owner of a residential building is unable to obtain complete energy use due to the failure of any residential tenant to report the information required by this subsection, the owner shall use values or formulas established by the Department to estimate whole building energy use.
- (g) Preservation of document. Owners reporting energy use shall maintain such records and for such time as the Department shall determine are necessary as set forth in regulations of the Department, and shall make such records available for inspection and audit by the Department upon request.
- (h) Disclosure. The Department shall make energy and water use information for covered properties available to the public on the City of Chelsea website no later than October 1 of every year, except for 2023 in which it shall make such information available to the public no later than December 1, 2023. Such disclosure shall include, at a minimum, building identification energy intensity, greenhouse gas emissions per square foot. Energy Star rating, where available, and water consumption per square foot.

Before any such disclosure, the Department shall subject all data to a quality-assurance/quality-control process. Notwithstanding the foregoing, the Department may choose to disclose more limited information in the first year of required reporting for each class of buildings.

- (1) At least (30) days prior to disclosure, the Department shall provide building owners an opportunity to review the accuracy of information to be disclosed.
- (2) The Department shall invite building owners to submit contextual information related to energy use as it shall determine.
- (3) Notwithstanding the foregoing, in the first year of required reporting by non-City buildings, the Department shall disclose only information related to reporting compliance by individual buildings and shall not disclose individual energy and water use data. It may report summary statistical data in energy and water use of buildings.
- (4) The Department shall also, from time to time, publicly report on implementation of, compliance with, and overall results from this ordinance; however, the first such shall be issued no later than December 31, 2023.
 - (i) Enforcement and penalties. The Department shall promulgate the enforcement method for non-

compliance of covered properties. All fines and penalties under this subsection will be issued by ISD and enforced pursuant to noncriminal procedures under M.G.L. c.

40, s.21D. No individual condominium owner shall be subject to a fine for the failure of a condominium association to comply with this Section 6-34.

- (j) Power to suspend. The Department may suspend all or part of the requirements of this subsection upon a written finding that a significant obstacle interferes with their implementation, and may lift such suspension upon a written finding that the obstacle has been removed. The Department shall suspend the requirements of this subsection as necessary to ensure that at least ninety (90) days passes between the promulgation of regulations and any reporting deadline.
- (k) Applicability. If any provisions of this subsection imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, by-law, order, or policy, then the provision of this subsection control.
- (l) Severability. If any provision of this subsection is held invalid by a court of competent jurisdiction, then such provision should be considered separately and apart from the remaining provisions, which shall remain in full force and effect.
- (m) Implementation. The provisions of this subsection are effective immediately upon passage.
- (n) Notice. Notification or attempted notification concerning reporting and disclosure procedures will be provided to all property owners subject to the requirements of this section.

Amendment 2

That Part II Chapter 1-General Provisions, Section 1-8-General penalty; criminal and non-criminal disposition, Subsection © be amended by inserting the following in the table of noncriminal violations;

Building and energy reporting and disclosure, Chapter 6, Article II, Section 6-34 \$50.00 first offense Enforcing Personnel, \$150.00 second offense, Building inspectors, \$300.00 third offense Enforcing inspectors.