



Legislation Details (With Text)

**File #:** CB 118630    **Version:** 1    **Name:** CB 118630  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 2/29/2016

**Final Action:** 3/10/2016    **Ord. No.** Ord 125000

**Title:** AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.125, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget; all by a 3/4 vote of the City Council.

**Sponsors:** Kshama Sawant

**Indexes:**

**Attachments:** 1. Summary and Fiscal Note, 2. Director's Report, 3. Exec Submitted Bill, 4. Exec Submitted Summary, 5. Building Energy Presentation, 6. Signed Ord 125000

Date	Ver.	Action By	Action	Result
3/10/2016	1	City Clerk	attested by City Clerk	
3/10/2016	1	Mayor	returned	
3/10/2016	1	Mayor	Signed	
3/3/2016	1	City Clerk	submitted for Mayor's signature	
2/29/2016	1	City Council	passed	Pass
2/25/2016	1	Energy and Environment Committee	pass	Pass
2/22/2016	1	City Council	referred	
2/18/2016	1	Council President's Office	sent for review	
2/4/2016	1	Council President's Office	sent for review	
2/2/2016	1	City Clerk	sent for review	
2/2/2016	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.125, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget; all by a 3/4 vote of the City Council.

WHEREAS, The City of Seattle (City) has a goal to become a carbon neutral city by 2050 and adopted a strategy for achieving this goal through Resolution 31447, adopting the 2013 Seattle Climate Action Plan; and

WHEREAS, the 2013 Seattle Climate Action Plan includes an action to make information from the energy benchmarking reports publicly accessible; and

WHEREAS, cities with full transparency of energy benchmarking reports and additional regulations have attained higher rates of energy use reduction; and

WHEREAS, as part of its 2013 Seattle Climate Action Plan, the City set a 2050 goal for reducing emissions from all commercial and residential buildings from 2008 levels by 45 percent and 63 percent, respectively; and

WHEREAS, emissions tracking from 2008 to 2012 through a citywide greenhouse gas inventory shows the City is not currently on track in per-year energy reductions to meet these targets; and

WHEREAS, RCW 19.27A.170 requires disclosure of nonpublic nonresidential benchmarking data and ratings for buildings greater than 10,000 square feet to a prospective buyer, lessee, or lender for the most recent continuously occupied 12-month period; and

WHEREAS, the City will publicly post annual building energy benchmarking reports and, where available, an energy performance rating; and

WHEREAS, it is appropriate to make technical and procedural corrections to Chapter 22.920; NOW,

THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 22.920.060 of the Seattle Municipal Code, last amended by Ordinance 123993, is amended as follows:

**22.920.060 Maintaining energy utility records**

Utilities providing energy service to a nonresidential or multi-family benchmark building shall maintain energy

consumption data for each building for at least the most-recent ((~~twelve~~)) 24 months in a format capable of being uploaded to the United States Environmental Protection Agency's Energy Star Portfolio Manager.

On and after June 1, 2010, upon written or secure electronic authorization by an authorized representative of the building owner, the utility providing energy service to the building shall upload the utility consumption data for the accounts specified by an authorized representative of the building owner to the United States Environmental Protection Agency's Energy Star Portfolio Manager, in a form that does not disclose personally-identifying information. Utility companies have 30 days from receipt of such written or secure electronic authorization to upload information to Energy Star Portfolio Manager.

Section 2. Section 22.920.125 of the Seattle Municipal Code, enacted by Ordinance 123993, is amended as follows:

### **22.920.125 Response to Notice of Violations**

A. A person must respond to a notice of violation in one of the following ways:

1. Pay the amount of the penalty specified in the notice of violation, in which case the record shall show a finding that the person cited committed the violation; or

2. Request in writing an administrative review in accordance with Section 22.920.130 and provide a mailing address to which a benchmarking and reporting program violation challenge form may be sent.

B. A response to a notice of violation must be received by the ((~~Department of Finance and Administrative Services~~)) Office of Sustainability and Environment no later than 30 days after the date the notice of violation is mailed or otherwise served. When the last day of the administrative appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

Section 3. Subsection 22.920.170.G of the Seattle Municipal Code, which section was last amended by Ordinance 123993, is amended as follows:

**22.920.170 Contested hearings**

\* \* \*

G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any judicial review must be commenced ~~((in Seattle Municipal Court with review of any Municipal Court decision being subject to review under the Civil Rules for Courts of Limited Jurisdiction))~~ by applying for a writ of review in the King County Superior Court within 14 days from the date of the decision in accordance with the procedure set forth in chapter 7.16 RCW, other applicable law, and court rules.

Section 4. This ordinance authorizes and directs the Office of Sustainability and Environment to amend the Implementation of Energy Performance Benchmarking Director’s rule to make individual building energy benchmarking reports and, where available, an energy performance rating publicly available.

Section 5. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 6. In order to pay for necessary costs and expenses incurred or to be incurred, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time of making the 2016 budget, appropriations for the following items in the 2016 budget are increased from the funds shown, as follows:

Item	Fund	Department	Budget Control Level	Amount
6.1	General Subfund (00100)	Office of Sustainability and Environment	Office of Sustainability and Environment (X1000)	\$ 95,000
Total				\$ 95,000

Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if

not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2016, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)