

Los Angeles Department of Building and Safety

**\*\*MODIFIED\*\* AUDITS & RETRO-COMMISSIONING (A/RCX) EXEMPTION MATRIX - Last Revised 09/06/2023**

This matrix, created by the Los Angeles Department of Building and Safety (LADBS), provides the section reference within Division 97 of the Los Angeles Municipal Code (LAMC) and Exemption Verbiage from the code section for which each exemption applies. Only one exemption can be submitted for each type of request and the Required Proof must be supplied at the time the exemption is requested. Selecting an exemption related to 91.9706.1.3.5 (Energy) and 91.9706.2.3.2 (Water) requires that the sub-items also be submitted as instructed at the time the exemption is requested.

**\*\* For Compliance Year (CY) 2021 and 2022, building owners that received a Reissued (dated 3/7/2023) or Corrected Reissued (dated 4/7/2023) Notice to Comply can either use their original Compliance Due Date OR their Reissued Compliance Due Date to address all energy and/or water exemptions.** The original A/RCx Exemption Matrix was modified to show the Exemption criteria dates/date ranges based on the following: 1) Original Due Dates for both CY 2021 and 2022, 2) Reissued Due Dates for both CY 2021 and 2022, and 3) the Normal Due Dates for CY 2023. The Reissued Due Dates were provided in the Notices to Comply that were reissued to buildings that had not yet complied with A/RCx after the COVID-19 Pandemic Emergency Order was terminated on 2/28/2023.

Please see "Exemption Timeline Options for Reissued and Corrected Reissued Notices to Comply" posted in the "A/RCx User Instruction Guide" tile at [www.ladbs.org/ebewe/audits-retro-commissioning](http://www.ladbs.org/ebewe/audits-retro-commissioning)

*Please be aware that a California licensed engineer or architect must personally attest, under penalty of perjury, by way of signing in wet ink a declaration generated by LADBS' A/RCx system, that the exemptions submitted are specified in Division 97 of the LAMC, factual, and applicable to the building for which the exemption is requested.*

**Notes:**

1. "Licensed professional's signature attesting to this exemption." in the Required Proof column means that the exemption requires a Yes or No response in the A/RCx online system, the requestor has selected "Yes" and will attest in a signed declaration that the reason for exemption is factual.
2. The phrase "during the five-year compliance cycle being reported" refers to the five years prior to the compliance due date for the building. Compliance due dates are established by Section 91.9708 of the LAMC and are always December 1st of the Compliance Year. The Compliance Year is based on the LADBS Building ID which is printed on every Notice to Comply and is the same building ID used for Benchmarking. Refer to Table in 91.9708.2 of the LAMC for a schedule of all original/normal compliance due dates. For Reissued Notices to Comply, use the Reissued Compliance Due Date specified in that notice and shown in the table below.
3. Required Proofs for a permit number and permit finalized date include a reference to the relevant LAMC code section and cycles when a permit was required for the measure performed. Relevant code cycles are as follows: "2014" covers years 2014 to 2016; "2017" covers years 2017 to 2019; and "2020" covers years 2020 to 2022.
4. Although the compliance due date is included in the Exemption Date Ranges below, it is the building owner's responsibility to make sure to submit their Requests for Exemptions with enough lead time to address any issues/corrections so that the Exemption Request will be approved on or before the Compliance Due Date.

EXEMPTION TYPE & CODE SECTION	EXEMPTION VERBIAGE FROM THE A/RX REQUEST FOR EXEMPTION SCREEN	REQUIRED PROOF	Exemption Dates based on Original Compliance Year		Exemption Dates based on Reissued Notices to Comply		Exemption Dates based on Normal Compliance Year 2023
		COMPLIANCE YEAR--->	2021	2022	2021 and 2022		2023
		COMPLIANCE DUE DATE--->	12/1/2021	12/1/2022	09/07/2023	10/07/2023	12/01/2023
<b>ENERGY EXEMPTIONS</b>							
<b>91.9706.1.3.1</b>	The building has received ENERGY STAR® Certification from the EPA for the year of the building's compliance due date in <u>Section 91.9708</u> .	The Certification must be issued on or before the Compliance Due Date shown in the header row for each CY of this matrix.	2021	2022	2023	2023	2023
<b>91.9706.1.3.2</b>	The building has received ENERGY STAR® Certification from the EPA for <u>two of the three years preceding the building's compliance due date in Section 91.9708</u> .	Using Compliance Year due date of 12/1/2021 as an example, Certifications that were issued in 2 of the following years: 2018, 2019 or 2020.	2018, 2019, or 2020	2019, 2020, or 2021	2020, 2021, or 2022	2020, 2021, or 2022	2020, 2021, or 2022
<b>91.9706.1.3.3</b>	The building was not eligible to receive an ENERGY STAR® score, but I, a California licensed engineer or architect, certify that the energy performance of the building was at least 25% better than the median energy performance of similar buildings by comparing against the national source energy data provided in the Commercial Buildings Energy Consumption Survey (CBECS) conducted by the U.S. Energy Information Administration or other relevant national data set as approved by the Department effective at the time of reporting.	Licensed professional's signature attesting to this exemption.	2021	2022	2023	2023	2023
<b>91.9706.1.3.4</b>	I, a California licensed engineer or architect, certify that the building has reduced its weather normalized source energy use intensity as calculated by the benchmarking tool by 15%, when <u>compared to five years preceding the building's compliance due date in Section 91.9708</u> .	Licensed professional's signature attesting to this exemption.  Refer to FAQ #7 posted at <a href="http://www.ladbs.org/ebewe/audits-retro-commissioning">www.ladbs.org/ebewe/audits-retro-commissioning</a> for details on calculating this percent reduction.	Data used in Licensed Professional's 5-year calculation must not be older than 12/1/2016	Data used in Licensed Professional's 5-year calculation must not be older than 12/1/2017	Data used in Licensed Professional's 5-year calculation must not be older than 9/7/2018	Data used in Licensed Professional's 5-year calculation must not be older than 10/7/2018	Data used in Licensed Professional's 5-year calculation must not be older than 12/1/2018

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			COMPLIANCE YEAR--->	2021	2022	2021 and 2022		2023
			COMPLIANCE DUE DATE--->	12/1/2021	12/1/2022	09/07/2023	10/07/2023	12/01/2023
<b>91.9706.1.3.5</b>	A building which does not have a central cooling system and where four of the six measures provided in Subsections (a) through (f) of Section 91.9706.1.3 of the LAMC have been installed within five years of the due date in Section 91,9708 of the LAMC. I, a California licensed engineer or architect certified that the measures were done as indicated below and provided a report to the building owner detailing the measures performed:							
<b>(a)</b>	Common area and exterior lighting. Common area (lighting outside of tenant spaces) and exterior lighting fixtures have been installed in accordance with the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time <u>during the five-year compliance cycle being reported.</u>	Electrical permit number and permit finalized date. Reference: Section 93.0202 of the LA City Electrical Code, effective in the 2014, 2017, and 2020 code cycles. For nonresidential projects (including apartment buildings), plan check for Title 24 (Part 6) energy code is required per LA City Electrical code sections 93.0206(b)(7) & (10).	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>Note:</b> To claim this exemption, the inspection signoff date must have occurred during the 5- year period prior the Compliance Due Date specified in Table 9708.2 of the LAMC.								
<b>(b)</b>	Pipe insulation. All exposed pipes that are used to convey heat or hot water have been insulated in accordance with the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time <u>during the five-year compliance cycle being reported.</u>	Licensed professional's signature attesting to this exemption.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>(c)</b>	Cool roof. A cool roof has been installed in accordance with the Los Angeles Green Building Code and the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time <u>during the five-year compliance cycle being reported.</u>	Building permit number and permit finalized date. <b>Reference:</b> Section 99.04.106.5 of the LA Green Building Codes, effective in the 2014, 2017, and 2020 code cycles.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>Note:</b> To claim this exemption, the inspection signoff date must have occurred during the 5- year period prior the Compliance Due Date specified in Table 9708.2 of the LAMC.								

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			COMPLIANCE YEAR-->	2021	2022	2021 and 2022		2023
			COMPLIANCE DUE DATE-->	12/1/2021	12/1/2022	09/07/2023	10/07/2023	12/01/2023
(d)	Demand response. The building owner has committed to participate in a utility sponsored demand response program.	Licensed professional's signature attesting to this exemption and the Demand Response Account Number.	factual as of the Licensed Professional's attestation date	factual as of the Licensed Professional's attestation date	factual as of the Licensed Professional's attestation date	factual as of the Licensed Professional's attestation date	factual as of the Licensed Professional's attestation date	
(e)	Solar thermal. A solar water heating system has been installed.	Plumbing permit number and permit finalized date. <b>Reference:</b> Section 94.502.1 of the LA Plumbing Code, effective in the 2014, 2017, and 2020 code cycles.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>Note:</b> To claim this exemption, the inspection signoff date must have occurred during the 5- year period prior the Compliance Due Date specified in Table 9708.2 of the LAMC.								
(f)	Domestic hot water. A new water heater has been installed in accordance with the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time <u>during the five-year compliance cycle being reported.</u>	Plumbing permit number and permit finalized date. <b>Reference:</b> Section 94.502.1 of the LA Plumbing Code, effective in the 2014, 2017, and 2020 code cycles.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>Note:</b> To claim this exemption, the inspection signoff date must have occurred during the 5- year period prior the Compliance Due Date specified in Table 9708.2 of the LAMC.								
91.9706.1.3.6	The building is <u>new</u> and has been occupied for less than five years from its first due date, based on its Temporary Certificate of Occupancy or Certificate of Occupancy.	Certificate or Temporary Certificate of Occupancy and issue date.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>WATER EXEMPTIONS</b>								
91.9706.2.3.1	I, a California licensed engineer or architect certify that the building has reduced its water use intensity by at least 20% when <u>compared to the five years preceding the building's due date for compliance.</u>	Licensed professional's signature attesting to this exemption.  Refer to FAQ #7 posted at <a href="http://www.ladbs.org/ebewe/audits-retro-commissioning">www.ladbs.org/ebewe/audits-retro-commissioning</a> for details on calculating this percent reduction.	Data used in Licensed Professional's 5-year calculation must not be older than 12/1/2016	Data used in Licensed Professional's 5-year calculation must not be older than 12/1/2017	Data used in Licensed Professional's 5-year calculation must not be older than 9/7/2018	Data used in Licensed Professional's 5-year calculation must not be older than 10/7/2018	Data used in Licensed Professional's 5-year calculation must not be older than 12/1/2018	

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		COMPLIANCE YEAR--->	2021	2022	2021 and 2022		2023	
		COMPLIANCE DUE DATE--->	12/1/2021	12/1/2022	09/07/2023	10/07/2023	12/01/2023	
<b>91.9706.2.3.2</b>	A building with a cooling system which does not operate by the consumption of water as part of the cooling process and where two of the three following measures were installed within five years of the due date in Section 91.9708 of the LAMC. I, a California licensed engineer or architect certify that the measures were done as indicated below and a report was provided to the owner detailing the measures performed:							
<b>(a)</b>	Low flow faucets and shower heads. All faucets and showerheads within the building have been replaced and meet the Los Angeles Municipal Code and the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time <u>during the five-year compliance cycle being reported.</u>	Licensed professional's signature attesting to this exemption.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>(b)</b>	Washing machines. Front loading clothes washing machines have been installed in all common laundry facilities.	Licensed professional's signature attesting to this exemption.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>(c)</b>	Water closets and urinals. All water closets and urinals within the building have been replaced and meet the Los Angeles Municipal Code and the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time <u>during the five-year compliance cycle being reported.</u>	Plumbing permit number and permit finalized date. <b>Reference:</b> Section 94.103.1 of the LA Plumbing Code, effective in the 2014, 2017, and 2020 code cycles.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>Note:</b> To claim this exemption, the inspection signoff date must have occurred during the 5- year period prior the Compliance Due Date specified in Table 9708.2 of the LAMC.								

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			COMPLIANCE YEAR--->	2021	2022	2021 and 2022		2023
			COMPLIANCE DUE DATE--->	12/1/2021	12/1/2022	09/07/2023	10/07/2023	12/01/2023
<b>91.9706.2.3.3</b>	I, a California licensed engineer or architect, certify that the building's water use conforms to the requirements of the Los Angeles Municipal Code and the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time <u>during the five-year compliance cycle being reported.</u>	Licensed professional's signature attesting to this exemption.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	
<b>91.9706.2.3.4</b>	The building is <u>new</u> and has been occupied for less than five years from its first due date, based on its Temporary Certificate of Occupancy or Certificate of Occupancy.	Certificate or Temporary Certificate of Occupancy permit number and issue date.	12/1/2016 thru 12/1/2021	12/1/2017 thru 12/1/2022	9/7/2018 thru 9/7/2023	10/7/2018 thru 10/7/2023	12/1/2018 thru 12/1/2023	