



EBEWE Audits & Retro-Commissioning FAQs



EXISTING BUILDINGS ENERGY & WATER EFFICIENCY PROGRAM

Last Updated 03/08/2024



To ensure you are using the current version of this document, please check the “A/RCx FAQs” tile at: ladbs.org/ebewe/audits-retro-commissioning

Introduction

The Existing Buildings Energy and Water Efficiency (EBEWE) Program was established by Los Angeles Municipal Code (LAMC) Division 97, Article 1, Chapter IX, Ordinance No. 184674 (effective 11/22/2017). The Program is referred to in these FAQs as the EBEWE Ordinance and is under the purview of the Los Angeles Department of Building and Safety referred to as “LADBS”. The requirements of the EBEWE program are basically divided into two Phases: I. Benchmarking requirements and II. Audits and Retro-Commissioning (A/RCx) requirements. These FAQs are related to A/RCx (Phase II) while FAQs related to Benchmarking (Phase I) are available at: ladbs.org/ebewe/ebewe-benchmarking-process-and-information.

Los Angeles Building Code (LABC) vs LAMC American Legal Publishing-Online Library

The Los Angeles Municipal Code (LAMC) uses the format “91.97.XXX” and, for the EBEWE Program, the terminology “Chapter 91” and “Division 97” are used throughout the document. These references can be found using the American Legal Publishing-Online Library, but are not found in the Los Angeles Building Code (LABC). The word “Division” in the past was used both in the LAMC and LABC, but many years ago the LABC began using the word “Chapter” and instead of “Division.” So, the appropriate LABC reference is “Chapter 97 of the Los Angeles Building Code,” as the words “Los Angeles Building Code” imply “Chapter 91 of the Los Angeles Municipal code.”

Questions may be submitted to ladbs.ARCx@lacity.org

Please begin your subject line with “EBEWE A/RCx Question”. You will receive a response and, if your question is considered to be commonly asked, it will most likely be added to these FAQs.

1. *How are the deadlines for the Compliance Year 2021 and beyond affected by the suspension of deadlines due to the COVID pandemic?*

The tolling of deadlines due to the COVID pandemic was in effect from March 21, 2020 through February 28, 2023. While the deadlines for **A/RCx Compliance Years 2021 (for Building IDs ending in 0 or 1) and 2022 (for Building IDs ending in 2 or 3)** were effectively suspended during this period, the LADBS Registration Website remained accessible for voluntary compliance.

Following the rescission of the tolling of deadlines effective February 28, 2023, Notices to Comply were reissued to building owners who had not yet complied with the above Compliance Years. Most of the Reissued Notices to Comply for A/RCx indicated a Reissued Compliance Due Date of September 7, 2023. Some indicated a Reissued Compliance Due Date of October 7, 2023. See FAQ #1 under the Benchmarking FAQs for more information regarding Reissued Notices to Comply for Benchmarking.

Building owners that had not yet complied with the above Compliance Years, if eligible for an exemption, were able to choose to request exemptions based on their Original Compliance Due Date **OR** Reissued Compliance Due Date. Please refer to “**ARCx Energy and Water Exemption Matrix**” and “**ARCx Exemption Timeline Option**”

documents posted in the “A/RCx User Instruction Guide” tile at ladbs.org/ebewe/audits-retro-commissioning for more details.

The tolling of deadlines did not affect the designation of A/RCx Compliance Years and all future Compliance Due Dates are according to the schedule of compliance in Section 9708.2 of the LAMC as follows:

- The next A/RCx compliance due date for Building IDs ending in 0 or 1 is still December 1, 2026.
- The next A/RCx compliance due date for Building IDs ending in 2 or 3 is still December 1, 2027.
- The rest of the A/RCx compliance due dates were not tolled will proceed detailed in table 9708.2.

2. *If my building has an Assessor Identification Number (AIN) ending in zero or one and I choose the option to comply by December 1, 2021 instead of complying based on the last digit of my LADBS Building ID, when will my next compliance date be due?*

This question is covered under Exception 1 of Section 91.9708.2.1 which states in part, “...All subsequent reports or requests for exemptions must be done in accordance to Table 9708.2, which is based on the last digit of the LADBS Building ID.”

For reference purposes, the following information has been provided:

- LAMC Section 91.9708.2 with text responsive to this question highlighted in yellow.
- Examples of using Exception 1 to establish the initial and subsequent compliance dates.

LAMC SECTION 91.9708.2

91.9708.2. Schedule for Audits and Retro-Commissioning Report Compliance or Exemption. Compliance with Section 91.9706 shall be due once every five years as provided in Table 9708.2 based on the last digit of the Los Angeles Department of Building and Safety Building Identification Number (LADBS Building ID) assigned by LADBS to each building subject to this division under Section 91.9703. Reports or requests for exemption must be received by LADBS by the compliance due date, but not earlier than 90 calendar days prior to the compliance due date.

TABLE 9708.2

Last digit of LADBS Building ID	Initial compliance due date	Subsequent compliance due dates
0 or 1	December 1, 2021	Every five years thereafter
2 or 3	December 1, 2022	Every five years thereafter
4 or 5	December 1, 2023	Every five years thereafter
6 or 7	December 1, 2024	Every five years thereafter
8 or 9	December 1, 2025	Every five years thereafter

91.9708.2.1. Timing of Audit and Retro-Commissioning or Exemption. Except as otherwise provided in Subsection 91.9708.3, the audits and retro-commissioning activities shall be completed no earlier than five years prior to a building’s reporting compliance due date.

EXCEPTION: Buildings with an AIN (Assessor Identification Number) ending in 0 or 1 which had an initial compliance due date of December 1, 2021 may choose one of the following options for submitting the initial report:

1. Submit the Audit and Retro-Commissioning report or request an exemption by December 1, 2021. All subsequent reports or requests for exemptions must be done in accordance to Table 9708.2, which is based on the last digit of the LADBS Building ID.
2. Submit the initial Audit and Retro-Commissioning report or request an exemption based on the last digit of the LADBS Building ID in accordance with table 9708.2.

If the December 1, 2021 deadline is not met for buildings covered under this exception, then the compliance due dates for the initial and subsequent Audit and Retro-Commissioning reports or requests for exemptions shall be based on the last digit of the LADBS Building ID in accordance with Table 9708.2.

EXAMPLES OF USING EXCEPTION 1 TO ESTABLISH THE INITIAL AND SUBSEQUENT COMPLIANCE DATES

AIN 1	LADBS Building ID (LADBS BID)	Initial Compliance Due Date Based on AIN	Optional Compliance Due Date Based on AIN	Subsequent Compliance Dates Must be Based on LADBS Building ID
1	8	12/1/2021	12/1/2021	12/1/2025 and then every 5 years thereafter
1	3	12/1/2021	12/1/2021	12/1/2022 and then every 5 years thereafter
4	1	12/1/2023	Option not applicable	An AIN ending in anything other than 0 or 1 must comply based on the last digit of the LADBS BID.

3. What does the EBEWE Audits & Retro Commissioning (A/RCx) submission and compliance process consist of? (Ex. filing forms, online registration?)

LADBS’ has an online A/RCx Website (ladbs.org/ebewe/audits-retro-commissioning) containing links to the following subjects: What's New & Alerts, A/RCx User Instruction Guides, Start or Complete the A/RCx Compliance process, A/RCx FAQs, Building Compliance Status (Check your Building), Request Time Extension, Find your Building ID, Energy and Water Efficiency Related Information and Programs.

The compliance process includes registering your building, paying registration fees (\$183 plus a \$10.98 Development surcharge) unless you are requesting exemptions for both Energy and Water*, completing all the relevant informational screens and declarations, and uploading and submitting a Declaration of Completion or Exemption signed in wet ink by a California Licensed Professional.

**Note: If you are requesting exemptions for both Energy and Water, you may register your building and complete the online requests for both exemptions prior to paying a fee. If either request for exemption (Energy or Water) is denied, you will need to submit a Declaration of Completion for the request for exemption that was denied and pay a registration fee for the building.*

4. How does the estimated Energy and Water usage for buildings with a shared energy/water meter affect how they comply with Phase II?

- Energy and Water A/RCx:**
The Ordinance does not require the use of ENERGY STAR Portfolio Manager (ESPM) to complete Energy A/RCx or Water A/RCx, so estimating Energy and Water usage for Phase I (Benchmarking) should not affect Phase II (A/RCx) compliance. See also FAQ # 15.
- Energy and Water A/RCx Exemptions:**
If the Energy usage was estimated for benchmarking, ESPM will not assign an Energy Star Certification. Therefore, the building cannot take advantage of the Energy A/RCx exemptions that rely on an Energy Star Certification.

Estimating water usage for benchmarking has no effect on A/RCx Water exemptions since none of the conditions currently rely on the results of the benchmark data.

Please note that the Energy and Water percent reduction calculation must use actual usage and does not require the use of ESPM.

5. Under what conditions would a leased space or an entire building that is fully-leased by a single lessee be exempt from performing both an Energy and Water Audit & Retro-Commissioning (A/RCx) or one of them (Energy or Water)?

This type of exemption can only be applied if the building IS **NOT** included in the definition of a Base Building Systems as defined by [Section 91.9704. Definitions, Base Building Systems in the LAMC](#).

a. Conditions for approving exemptions for both Energy and Water A/RCx

A tenant space or an entire building that is fully-leased by a single lessee is exempt from the Audit and Retro-Commissioning requirements (A/RCx) as specified in Division 97 of the LAMC, if **ALL** of the following conditions are present:

1. The tenant is fully responsible for maintenance of the energy and water equipment, including HVAC serving their individual space or building.
2. The equipment does not serve areas outside of the tenant space or building (e.g., corridors, lobbies, restrooms, retail space, other tenant spaces, accessory buildings, etc.).
3. The tenant pays the energy (e.g., electrical, lighting systems, and gas systems) and water bills as specified in Section 91.9704 of the LAMC.

b. Conditions for approving an exemption for Energy or Water A/RCx, but not both.

A tenant space or an entire building that is fully-leased by a single lessee is exempt from the Audit and Retro-Commissioning requirements (A/RCx) as specified in Division 97 of the LAMC, if all of the conditions stated in “a” above are present for water or they are all present for energy (e.g., electrical and gas):

BE ADVISED:

- For exemptions for a tenant space, where multiple spaces exist in a building, the request for a Base Building Exemption will be denied if the Lease doesn't clearly show that the energy and/or water (as applicable to the requested exemption) equipment and systems/subsystems exclusively serve only the tenant space for which the exemption is being requested.
- For exemptions for a residential unit, the owner must provide proof that they own the equipment and systems/subsystems and they exclusively serve their unit. This information should be found in the Covenants, Conditions and Restrictions (CC&Rs) in the possession of the Home Owner's Association (HOA) and the Unit owner.
- The building owner must perform energy and water audits and retro-commissioning on all common areas outside of the tenant leased space and other non-exempt areas, including other vacant tenant spaces.
- Common areas of a building that are outside of the tenant space for which you are seeking an exemption cannot use any of the energy or water systems/subsystems that serve that tenant space. Common areas include, but are not limited to, corridors, lobbies, restrooms, retail space, other tenant spaces, and accessory buildings.
- Multi-Tenant Buildings must include a copy of the building floor plan which clearly identifies all tenant spaces byname/number and common areas.
- The Lease must cover the following dates: BBS Exemption Request date, Compliance Due Date and the 12-month period following the Compliance Due Date. For example, a BBS Exemption Request is submitted on 11/15/2023 for a Compliance Due Date of 12/1/2023. The lease term must at least cover the time of 11/15/2023 thru 11/30/2024. Month-to-month leases are not acceptable.

To request a Base Building Exemption, follow the instructions “**ARCx Request Base Building Exemption**” posted in the “**A/RCx User Instruction Guide**” tile at ladbs.org/ebewe/audits-retro-commissioning.

6. Regarding Phase II Water Exemption, “The building has reduced its water use intensity by at least 20% when compared to the five years prior to the building’s compliance due date”:

a. ESPM’s Progress & Goals Report, only shows ‘All Water Use’. Are we responsible for calculating the Indoor Water Use Intensity from this or do we use the ‘All Water Use’ number as the 20% comparison?

The EBEWE Ordinance reads:

“A California licensed engineer or architect certifies that the building has reduced its water use intensity by at least 20% when compared to the five years preceding the building’s due date for compliance.”

There is no requirement to use Energy Star Portfolio Manager (ESPM) in the Ordinance for Water Audits and Retro Commissioning (A/RCx). The Water A/RCx, or the request for an exemption from it, can only be done by a California licensed professional engineer or architect. That professional may have other ways to establish the water usage in absence of a benchmark or using ESPM. For example, the professional may trace back the types and numbers of fixtures in a given year and compare them with the fixtures installed at the time of compliance, and corroborate their conclusions with a comparison of water bills.

b. Does 20% reduction in water use intensity include both indoor and outdoor use?

If the water reduction is due to some changes in the building, like installation of water conserving fixtures, comparing the inside water use only is appropriate.

If the water reduction is due to water saving measures taken to the outside, like the reduction of sod, use of drought resistant plants, installation of drip irrigation systems, decommissioning of ornamental fountains etc., it is appropriate to use the total volume of water (indoor and outdoor use) to calculate the 20% comparison. However, it is not acceptable to compare only the outside water usage because buildings are subject to the requirements of the EBEWE Ordinance due to the size of the building and not the lot size.

7. What is the acceptable method or formula of calculating the percent reduction to qualify for Energy and Water A/RCx exemptions described in Sections 91.9706.1.3.4 (Energy) and 91.9706.2.3.1 (Water). Do building owners need to demonstrate a cumulative reduction of energy and water over a 5-year period or just a simple percent reduction from the 1st year to the 5th year?

A licensed professional is required to derive the reduction in Energy and Water because they have the knowledge and expertise to consider factors that may influence the consumption of each from year to year. The following provides examples of influences:

- **Energy:** Weather normalized source energy use intensity (EUI) expresses a building’s weather normalized source energy use as a function of its size or other characteristics. Weather normalized source energy is calculated as the source energy your building would have used under average conditions (also referred to as climate normal). The weather in a given year may be much hotter or colder than your building’s normal climate; weather normalized energy accounts for this difference. Weather normalized EUI is expressed as weather normalized source energy per square foot per year. It’s calculated by dividing the total weather normalized source energy consumed by the building in one year (measured in kBtu or GJ) by the total gross floor area of the building (measured in square feet or square meters).

- **Water:** Water Use Intensity (WUI) refers to the rate at which water is used in a given area. It is an indicator of how much water a building requires during its occupation. There are a lot of parameters that get into how to determine the water use intensity. If one year the business was working 5 days a week and each business day had 200 employees, while another year the business was working 7 days a week with 250 employees per business day, and it also went from office to office and restaurant, one would expect a different water consumption: That is when the Water Use Intensity comes into play and a licensed engineer or architect needs to certify it.
- Portfolio Manager is able to calculate Weather Normalized Source EUI and WUI; however, using Portfolio Manager for calculating percent reduction is not a requirement. See below links for more information regarding Energy Star metrics:
 - [Energy Star - Energy Use Intensity \(link\)](#)
 - [Energy Star – Weather Normalized Energy \(link\)](#)
 - [Energy Star – Difference Between Source Energy and Site Energy \(link\)](#)

Notes for Calculating Percent Reduction:

- Percent Reduction formula:

$$\frac{BL - CP}{BL} \times 100\% = \text{Reduction \%}$$

- **Baseline (BL)** is the Weather Normalized Source EUI or WUI for the 12-month period that **starts five years prior the compliance due date**. For Building IDs using the reissued compliance due date (9/7/2023 or 10/7/2023) and using Portfolio Manager for calculation, we will accept the data used for the baseline year starts on the 1st day of the month instead of the 7th.
- **Comparison (CP)** is the Weather Normalized Source EUI or WUI for a 12-month period that **ends within, but not more than 90 days prior the compliance due date**. This comparison period must not exceed the compliance due date.
- We will not accept requests for exemption any earlier than 90 days prior to the compliance due date. For example, if your compliance due date is 12/01/2023, we will not accept your percent reduction exemption requests prior to 09/01/2023.
- Regarding late submittals of Energy and Water A/RCx Exemption requests under sections 91.9706.1.3.4 and 91.9706.2.3.1. In order to preserve the integrity of the exemption process, A/RCx exemption requests related to sections 91.9706.1.3.4 and 91.9706.2.3.1 submitted 30 days or more after the compliance due date will be subjected to further review. The Licensed Professional will be notified, via an email sent to the email address that was provided on the online Licensed Professional screen, to forward proof of their calculation, including the comparison dates used, before the exemption will be considered for approval. **Please note that all approvals given to requests for exemption submitted after the compliance due date are considered as late compliance.**

Examples of Selecting the Baseline and Comparison Period in Portfolio Manager

Note: all examples shown below, as of the date of this FAQ, are considered late submittals.

Last Digit of BID	OPTION 1: Based on Original Compliance Due Date			OPTION 2: Based on Reissued Compliance Due Date		
	Original Compliance Due Date	Baseline (Period 1) <i>Can only be as shown</i>	Comparison (Period 2)- <i>Choose 1 of 3 periods</i>	Reissued Compliance Due Date	Baseline (Period 1)- <i>Can only be as shown</i>	Comparison (Period 2)- <i>Choose 1 of 3 periods</i>
4 or 5	12/1/2023	Nov 2019 (12/01/18-11/30/19)	Sep 2023 (10/01/22-09/30/23)	N/A	N/A	N/A
			Oct 2023 (11/01/22-10/31/23)			
			Nov 2023 (12/01/22-11/30/23)			
2 or 3	12/1/2022	Nov 2018 (12/01/17-11/30/18)	Sep 2022 (10/01/21-09/30/22)	10/7/2023	Sep 2019 (10/01/18-09/30/19)	July 2023 (08/01/22-07/31/23)
			Oct 2022 (11/01/21-10/31/22)			Aug 2023 (09/01/22-08/31/23)
			Nov 2022 (12/01/21-11/30/22)			Sep 2023 (10/01/22-09/30/23)
1 or 2	12/1/2021	Nov 2017 (12/01/16-11/30/17)	Sep 2021 (10/01/20-09/30/21)	9/7/2023	Aug 2019 (09/01/18-08/31/19)	Jun 2023 (07/01/22-06/30/23)
			Oct 2021 (11/01/20-10/31/21)			Jul 2023 (08/01/22-07/31/23)
			Nov 2021 (12/01/20-11/30/21)			Aug 2023 (09/01/22-08/31/23)

Example Calculations:

2021 A/RCx 15% Weather Normalized Source EUI Reduction Exemption Calculation

Compliance Due Date	Using Portfolio Manager?	Baseline Year	Comparison Year	Overall Comparison Period
9/7/2023	No	9/7/2018-9/6/2019	7/8/2022-7/7/2023	4 Years and 10 months

$$\frac{73 \frac{kBtu}{ft^2} (\text{Baseline } WNSEUI) - 60 \frac{kBtu}{ft^2} (\text{Comparison } WNSEUI)}{73 \frac{kBtu}{ft^2} (\text{Baseline } WNSEUI)} \times 100\% = \mathbf{17.8\% \text{ Reduction}}$$

2023 A/RCx 20% WUI Reduction Exemption Calculation

Compliance Due Date	Using Portfolio Manager?	Baseline Year	Comparison Year	Overall Comparison Period
12/1/2023	Yes	12/1/2018-11/30/2019	10/1/2022-9/30/2023	4 Years and 10 months

$$\frac{87 \frac{kBtu}{ft^2} (\text{Baseline } WUI) - 73 \frac{kBtu}{ft^2} (\text{Comparison } WUI)}{87 \frac{kBtu}{ft^2} (\text{Baseline } WUI)} \times 100\% = \mathbf{16.1\% \text{ Reduction}}$$

8. Do I need to implement the recommendations proposed in the Audit and Retro-Commissioning report?

Building owners are not mandated by the Los Angeles Municipal Code to implement the recommendations specified in the A/RCx report.

Retro-commissioning is a tool to make the owner aware of what could be done to improve the efficiency of their building. One of the requirements in ASHRAE Guideline 0.2 Commissioning Process for Existing Systems and Assemblies is to give the owner a detailed list of recommendations showing how much each recommendation would cost, the savings that it could achieve and the time needed to recover the investment. Once building owners are aware of the choices, costs and benefits, they can make informed decisions on what to implement. Recommendations can range from those that require little or no expense (e.g., changing the thermostat schedule and controlling which lights are on and for what duration) to more complex ones that require some investment over time (e.g., changing/adding equipment or making building alterations).

9. How do I request an extension of time to comply with the A/RCx requirements of LAMC Division 97?

To request an extension of time, follow the instructions and link to a Request for Modification form found under the “Request Time Extension” tile at ladbs.org/ebewe/audits-retro-commissioning.

Please be aware that requests for time extensions will not be accepted any sooner than 6 months prior to the compliance due date for your building.

Please note that an Extension of Time does not change the time requirements of exemption conditions (e.g. Energy Star Certification must still be issued on or before the compliance due date).

10. My Building ID was exempt from Benchmarking 2020 per Section 91.9703 Scope because it was being used for movie production. Will it also be exempt from complying with 2021 Audits and Retro-Commissioning requirements of EBEWE?

Receiving a Benchmark exemption per Section 91.9703 does **not** mean that the building will also be exempt from Audits and Retro-Commissioning (A/RCx). A building that is deemed not in scope as stated in Section 91.9703, is exempt from all requirements of LAMC Division 97 (Benchmarking and A/RCx) for the time the building meets the criteria for deeming it not in scope.

For example, a building whose A/RCx Compliance Year is 2021 may be exempt from 2021 A/RCx requirements if the building continue to be primarily used for movie production during the compliance year – 2021. However, if the movie production ceased by the end of 2020 then the building, even though exempted from Benchmarking 2020, will need to comply with the 2021 A/RCx requirements.

Other exceptions that fall under Section 91.9703 are: City owned buildings that are less than 15,000 square feet, residential hotels and buildings leased to federal entities.

11. Division 97 of the LAMC states that the Audits and Retro-Commissioning must be done under the direct supervision of a California licensed engineer or architect. Are there specific types of licenses that apply?

Yes, and in addition to the license, the licensed engineer or architect that is supervising the A/RCx process must have education, knowledge, training or expertise in energy and water conservation type of work. The valid license types for the Architect or Engineer that is attesting to the A/RCx process for Energy and Water that were performed or requesting an exemption from doing them are as follows:

Type	Description	Type	Description	Type	Description
A	Architect	E	Electrical Engineer	S	Structural Engineer
C	Civil Engineer	M	Mechanical Engineer		

12. What are the A/RCx requirements and where do I find them? How will we know what building systems we need to focus on and the level of detail that LADBS requires to be considered in compliance?

A licensed professional (i.e., California licensed engineer or architect) must review all of the A/RCx requirements of Division 97 of the LAMC in effect during the Compliance Year of your building to determine what must be done to comply with the Energy and Water requirements. This includes conducting Audits and Retro-Commissioning for Energy and Water (done separately) or requesting a code-based exemption from doing an A/RCx for Energy and/or Water.

Visit our website: ladbs.org/ebewe to navigate to the Ordinances, User Instruction Guides, Exemption Matrix, FAQs, Extension of Time Instructions and more. The following sections are responsive to your questions, but please read all of Division 97 to determine what is relevant to your specific building.

- What must be included in the A/RCx process – See sections 91.9706.1.1 and 91.9706.2.1.
- What must the A/RCx Reports contain – See sections 91.9706.1.2 and 91.9706.2.2. Actual reports are not submitted to LADBS, rather proof is submitted by way of a signed declaration that the Energy A/RCx and Water A/RCx were done as specified in Division 97 of the LAMC.
- A/RCx Record Maintenance – See section 91.9707.
- A/RCx Exemption conditions – See sections 91.9706.1.3 and 91.9706.2.3.

13. Will we be required to have proof of permitting in order for the exemption conditions to be granted?

Yes, certain exemption conditions require an Issued Permit number and Permit Finaled Date. Additionally, LADBS’ inspector must verify that the permitted work was completed within the required time period stated in the exemption. For the full list of code-based exemption conditions and the corresponding required proof, see the “ARCX Energy and Water Exemption Matrix” provided under the “A/RCx User Instruction Guides” tile posted at ladbs.org/ebewe/audits-retro-commissioning.

14. We installed measures without any permit what can I submit instead?

There isn’t a substitute for an exemption that requires a permit as proof. However, permits can be obtained from LADBS retro-actively, but you must go through the normal process of completing an application for a permit, pay fees, and follow the other requirements for the permit(s) you are seeking. Further, an LADBS inspector must verify that the permitted work was completed within the time period stated in the exemption.

15. *We have multiple buildings that need to comply with A/RCx on different years. Is it possible to make them all due the same year?*

We cannot alter the compliance due dates established in Table 9708.2 of the LAMC, but you can have the licensed professional (i.e., California licensed engineer or architect) perform the Energy A/RCx and Water A/RCx on all the buildings at the same time. Please be advised that you must meet the following requirements to avoid any submission/compliance issues:

- As per section 91.9708.2.1, Timing of Audit and Retro-Commissioning, except as otherwise provided in subsection 91.9708.3, the audits and retro-commissioning shall be completed **no earlier than five years prior to a building's compliance due date**. This means a building with an A/RCx compliance due date of 12/01/2026 cannot use the findings, related documentation and completed A/RCx reports initiated and completed before 12/01/2021.
- If new requirements are added to or existing requirements are revised in Division 97 or the standards defined in sections 91.9706.1.1 and 91.9706.2.1 during the time the A/RCx was completed and the compliance due date, those additions and revisions must be included in the A/RCx process and report, even if it means redoing the A/RCx and/or report to accommodate the changes.
- Energy A/RCx and Water A/RCx must be done for each building required to comply.
- Separate A/RCx reports (one Energy and one Water) must be created for each building required to comply.
- Buildings required to comply must be registered and fees paid (if applicable) no earlier than August 1st of the building's compliance due date.
- Declarations of Completion for an Energy A/RCx and Water A/RCx are submitted no earlier than 90 days prior to the building's compliance due date.

16. *ENERGY STAR Certification*

The issuance of an ENERGY STAR (ES) Certification is solely under the purview of the Federal Environmental Protection Agency (EPA) and LADBS does not have any control over that process. Please consult the links below for directions on obtaining and using an Energy Star Certification.

- EPA general website for information on their processes and programs: energystar.gov.
- ES Certification Process: energystar.gov/buildings/building_recognition/building_certification/how_apply
Note, this link mentions that an ES Score of 75 or higher to qualify. In order to receive an ES Score, the building needs to be benchmarked in ES Portfolio Manager.
- ENERGY STAR Certification Timetables: [How long does it take for application review and approval](#)
Note, the **EPA's deadline for requesting an ES Certification is not the same as the LADBS' A/RCx deadline**. The ES Certification application must be submitted with enough lead time for the EPA to process it (e.g., check information submitted, make a site visit, etc.), issue the Certificate, and for you to submit your request for an energy exemption in LADBS' A/RCx online system **on or before** the building's Compliance Due Date (December 1st of the Compliance Year).
- U.S. ENERGY STAR Licensed Professional's Guide: energystar.gov/buildings/tools-and-resources/energy-star-guide-licensed-professionals
Note, this guide informs the user how to determine the type of filing for a building, including the following:
 - Building that must file as a Campus: Hotel, K-12 School, Hospital, Senior Care Community, and Multifamily Housing.
 - Buildings that must file as a Single Building: Bank Branch, Courthouse, Data Center, Financial Office, Worship Facility, Office, Retail Store, Supermarket, and Warehouse.
- Other EPA websites
 - How to Guides: energystar.gov/buildings/training/how_to_guides
 - Customer support energystar.my.site.com/PortfolioManager/s/contactsupport

CLARIFICATIONS OF ES CERTIFICATIONS RELATED SPECIFICALLY TO DIVISION 97 OF THE LAMC:

- a. Exemptions extracted from the “ARCX Energy and Water Exemption Matrix” related to ES Certifications:

ENERGY EXEMPTIONS BASED ON DIVISION 97 OF THE LAMC		
91.9706.1.3.1	The building has received ENERGY STAR® Certification from the EPA for the year of the building's compliance due date in Section 91.9708.	The Certification must've been issued during but not later than 12/1 of the Compliance Year for which the exemption is being requested.
91.9706.1.3.2	The building has received ENERGY STAR® Certification from the EPA for two of the three years preceding the building's compliance due date in Section 91.9708.	Using Compliance Year 2021 as an example, Certifications that were issued in 2 of the following years: 2018, 2019 or 2020.

The Exemption Matrix and instructions on how to request an exemption are posted in the “A/RCx User Instruction Guide” tile at ladbs.org/ebewe/audits-retro-commissioning.

- b. It is possible to obtain an ES Certification from the EPA for the same year as the A/RCx Compliance Year before the December 1st due date.

According to the EPA, the Certification Year is based on the year that the application is approved, regardless of the “Year Ending” date and it covers the 12-month period preceding the application date. For example, an application dated 8/1/2022 using data from 8/1/2021-7/31/2022 if approved, will be awarded a 2022 ES Certification. Please be aware that **only an ES Certification that has been granted on or before the Compliance Due Date will be accepted** for this exemption, an application for an ES Certification will not be accepted in lieu of the actual issued Certification.

- c. Using an ES Certification for ENERGY STAR eligible campus filings

All the buildings would be included in the same ES Certification (a property-level ENERGY STAR Certification); each building covered by the EBEWE Ordinance would have a different LADBS Building ID and, depending on the last digit of that ID, possibly a different A/RCx Compliance Due Date.

The building owner can use a property-level (campus) ES Certification for the one or more buildings listed on it that needs to report for the same Compliance Year. Since the ES Certification Year is relevant to the type of exemption being claimed (see the two types below), other buildings listed on the campus ES Certification that must report in later years may need to obtain a new property-level ES Certification to claim an energy exemption.

- 1) **The exemption for Section 91.9706.1.3.1 of the LAMC** only allows the buildings with the same Compliance Year listed on the property-level certificate to use this exemption. For example, if the Compliance due date was 12/1/2023, then only buildings listed on the property-level ES Certificate issued for 2023 on or before 12/1/2023 with a compliance due date of 12/1/2023 can qualify for this exemption.
- 2) **The exemption for Section 91.9706.1.3.2 of the LAMC** requires that you must obtain two property-level ES Certifications that were issued for two of the three years preceding the building’s compliance Year. For example, if the due date was 12/1/2023, you will need a property-level certificate that was issued for 2022, 2021, or 2020 and another one issued for a different year within those same three years (2022, 2021, or 2020).

17. What are the penalties if we don't comply?

SEC. 91.9712 of the EBEWE ordinance puts the non-compliance fee at \$202. This fee may be subject to Late fees, Collection fees and interest as defined in LAMC SEC. 98.0411.

“Pursuant to L.A.M.C. Section 98.0411 (c), if this invoice is NOT PAID within 30 days of the date of the invoice, an additional 250% late charge/collection fee will be imposed and assignment to a collection agency may be made. After 60 DAYS of NO PAYMENT, interest will accrue at the rate of 12% annually (compounded monthly or portion of a month) until this invoice and any additional charges that have accrued since this invoice was issued have been paid.”

Please note that payment of the non-compliance fee does not result in Compliance. The building will remain out of compliance with the City of Los Angeles and, as with any Los Angeles Municipal Code violation, will be subject to further legal action. Additionally, the status of each building (Complied or Not Complied) is posted publicly and, in the future, may be recorded on the property as an open violation.

18. Where can I find a list of California Licensed Architect and Engineer qualified to do A/RCx?

LADBS does not create or maintain a list of Licensed Professionals. However, Retrofit.LA (powered by LA Better Buildings Challenge) has prepared and posted a service provider directory on their website at: retrofit.la/arcx-service-providers/.

Please note that these service providers are not affiliated with LADBS nor does LADBS endorse any service providers.

19. How can our company be added to your list of service providers for A/RCx?

LADBS does not create or maintain a list of Licensed Professionals. The only list that we are aware of is the list that was created and is maintained by Retrofit.LA. Please contact them through their website at retrofit.la/benchmarking-assistance-navigator/ for further information.

20. The building will be demolished or has already been demolished. Am I still required to comply? What do I need to submit?

The building will not be required to comply if a demolition permit has been issued and the demolition work has started. Additionally, once the demolition permit has been finalized (signed off), the building will be removed from the compliance list. There are no forms required to request for the removal of a Building ID due to it being demolished; however, please include a copy of the demolition permit when you email us at ladbs.arcx@lacity.org.

21. The building is privately owned and less than 20,000 square feet, but I received a Notice to Comply with the EBEWE Ordinance. What should I do?

Contact us at ladbs.arcx@lacity.org, and we will look into why you received the notice. Please include documents that show the correct gross floor area (e.g. an LADBS-issued Certificate of Occupancy, County Tax Assessor record, Architect Appraisal).

22. What are the reporting requirements for healthcare facilities registered/licensed by the Department of Health Care Access and Information (HCAI), formerly the Office of Statewide Health Planning and Development (OSHPD)?

Review CAN 2-0 - OSHPD Jurisdiction posted at hcai.ca.gov/construction-finance/codes-and-regulations/#CANs and your facility’s information at hcai.ca.gov/facility-finder/ to see if your building is under the jurisdiction of OSHPD/HCAI. Send an email to ladbs.ebewe@lacity.org to **request an exemption** and include the following information:

- a. **Subject Line:** HCAI Exemption Request - LADBS Building ID: XXXXXXXX
- b. **Body:**
 - 1) LADBS Building ID: (as listed on the compliance notice)
 - 2) LADBS Building Address: (as listed on the compliance notice)
 - 3) Request Type: HCAI Exemption Request
 - 4) OSHPD/HCAI ID: XXXXXXXX
 - 5) HCAI Facility Name: Example Medical Center
 - 6) HCAI Building Number: BLD-XXXXX
 - 7) Additional Information: Explain your reason for exemption, and provide supporting information for your claim.

23. Where can I check a building’s A/RCx compliance status?

You can confirm a building’s A/RCx compliance status using the following websites:

- You can view the A/RCx compliance status of a building ID at ladbsservices2.lacity.org/EBEWEARCXCompliance (make sure to select the correct compliance year).
- You can view the detailed A/RCx compliance status of a building ID by logging into the account used to register the building ID at ladbsservices2.lacity.org/ebewe, selecting “Register for Audits and Retro-Commissioning” and using the “Search for Registered Buildings” filter.

24. How do I obtain historical natural gas usage data (e.g., from 2016 to 2021) to determine if I can pursue an exemption from the Energy A/RCx requirements? I enrolled in SoCalGas’ Web Service, but they only uploaded natural gas usage data from 2022 to 2023 in my ENERGY STAR Portfolio Manager (ESPM).

According to SoCalGas:

- The oldest data they can provide through Web Service is from January of the year prior the request date. This means if you enrolled in SoCalGas’ Web Service on 05/19/2023, the oldest data you can receive is from 01/01/2022.
- Customers can request for historical natural gas usage data (e.g., from 2016 to 2021 if requested in 2023) by completing the [Customer Information Standardized Request \(CISR form\)](#). Customers must complete all required fields and check boxes 1 and 2 (see image below). The completed form must then be emailed to scgbenchmarking@socalgas.com.

<p>I (Customer) authorize my Agent to act on my behalf to perform the following specific acts and functions (check all applicable boxes):</p> <p><input type="checkbox"/> 1. Request and receive billing records, billing history and all meter usage data used for bill calculation for all of my account(s), as specified herein, regarding utility services furnished by the Utility.¹</p> <p><input type="checkbox"/> 2. EPA Benchmarking (authorizes usage information to be uploaded to the EPA’s ENERGY STAR Portfolio Manager®).</p>
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NOTES:

- Historical usage data requests are processed from July to February based on the order in which they are received.
- Once your request has been processed, SoCalGas will email you the historical data in an Excel spreadsheet.
- If you have issues completing the process and/or receiving the data, please contact SoCalGas at scgbenchmarking@socalgas.com. LADBS does not have jurisdiction or control over this process.

To Upload the Historical Usage Data to Portfolio Manager

See Option 2 (Entering Utility Data Manually) or Option 3 (Using Spreadsheet Uploads) from the EPA's instructions posted at: energystar.gov/buildings/tools-and-resources/how-get-data-portfolio-manager.

For further assistance: energystar.my.site.com/PortfolioManager/s/contactsupport.