

**California Energy Commission Again Postpones
Enforcement of the Energy Use Disclosure Program to January 1, 2014**

On August 14, 2013, the California Energy Commission (CEC) issued a notice suspending the enforcement of a law that requires owners of nonresidential buildings to disclose to prospective buyers, tenants and lenders information about the energy use data of their buildings. The disclosure requirements were scheduled to go into effect on September 1, 2013 and have been pushed back to January 1, 2014.

Assembly Bill 1103, which is codified as Section 25402.10 in the California Public Resources Code, requires owners of non-residential buildings to disclose to prospective buyers, tenants and lenders the energy use data and ratings for the most recent year, as measured by the Environmental Protection Agency (EPA)'s ENERGY STAR Portfolio Manager. A sample of one of the four documents that will need to be disclosed once the law goes into effect is pictured above. This is the same ENERGY STAR program that certifies appliances as meeting certain energy efficient criteria. Products, homes, commercial buildings and industrial plants that meet the program's requirements are eligible to receive the ubiquitous blue ENERGY STAR label.

A recap of the new law's requirements can be found on my new blog here – <http://lo-mc.com/blog/> which is part of my new revamped website - <http://lo-mc.com>.

Portfolio Manager is an online tool that can be used to track and measure energy and water consumption in addition to greenhouse gas emissions. It can be used to manage the energy and water use of any building. Technical issues associated with the ability of several utilities to upload energy use data to the Portfolio Manager program prompted the CEC to delay enforcement. This is the second postponement by the CEC in the implementation of AB 1103. July 1, 2013 was the initial date by which nonresidential building owners of buildings, with a total gross floor area of over 50,000 square feet, were required to comply with the new law.

As it currently stands, nonresidential buildings with a total gross area greater than 10,000 square feet will now have to comply with the new regulations on or after January 1, 2014. Additionally, building owners whose buildings have gross square footage equal to or greater than 5,000 square feet will have to make energy disclosures to potential buyers, tenants and lenders on or after July 1, 2014.

Building owners do not have to make the statutory disclosures to tenants who are leasing less than the entire building or to lenders providing financing secured by less than the entire building. These dates may change depending on whether technical issues associated with Program Manager continue to persist.

If you have any questions or comments, I would be delighted to hear from you.

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