

City and County of Denver

# **Energize Denver Benchmarking and Energy Performance Requirements**

Buildings 5,000 – 24,999 Square Feet

Technical Guidance

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Nothing in this Guidance shall supersede any City and County of Denver ordinance or regulation.  
[Denver Revised Municipal Code, Chapter 10, Article XIV.](#)

If a change to the Technical Guidance would affect a compliance pathway, CASR shall substantially follow the notification and public hearing procedures of Section 2-94 of the D.R.M.C. to allow public comment and input on the proposed changes. Changes to the Technical Guidance would be adopted when the document is posted on CASR's website.

## Contents

Acronyms .....	4
Definitions .....	5
<b>1 Introduction .....</b>	<b>8</b>
1.1 Rules and Regulations Update as of April 1, 2025 .....	9
<b>2 Prescriptive Requirements – Buildings 5,000–24,999 SQ. FT. ....</b>	<b>9</b>
2.1 General .....	9
2.2 Applicability.....	9
2.3 Compliance Schedule .....	10
2.4 Demolition .....	10
2.5 Data Use/Confidentiality .....	11
<b>3 Compliance Pathways.....</b>	<b>11</b>
3.1 Lighting.....	11
3.1.1 Buildings that Require Upgrades to Lighting.....	11
3.1.2 Buildings Already in Compliance with LED Lighting Requirements .....	13
3.1.3 Lighting Verification for Multi-tenant Buildings .....	14
3.1.4 Disposal of Used Lighting Fixtures and Bulbs .....	14
3.2 Renewable Power Generation .....	15
3.2.1 Demonstration of Compliance .....	15
3.2.2 Verification for Multi-Tenant Buildings.....	18
3.2.3 Renewable Contract Confidentiality.....	18
<b>4 Alternate Compliance Options .....</b>	<b>19</b>
4.1 Deadline for Application Submission.....	19
4.2 Energy Audit Minimum Requirements .....	19
4.3 Timeline Extension .....	20
4.3.1 Application Details .....	21
4.3.2 Timeline Extension Notice .....	22
4.4 Residential Condominium Building ACO.....	22
4.4.1 Application Details .....	22
4.4.2 Residential Condominium Building ACO Notice Letter .....	23
4.4.3 Demonstration of Compliance .....	23
4.5 15% Energy Use Reduction ACO .....	23
4.5.1 Application Details .....	24
4.5.2 15% Energy Use Reduction Notice Letter.....	24
4.5.3 Demonstration of Compliance .....	24
<b>5 Disclosure Before and Upon Sale .....</b>	<b>24</b>
<b>6 Penalties and Enforcement .....</b>	<b>25</b>
6.1 Penalties.....	25
6.1.1 Penalty Assessment.....	25
6.1.2 Penalty Schedule.....	26
6.1.3 Enforcement.....	26
6.2 Other Possible Penalties.....	27
6.2.1 Compliance Audit Process.....	27
<b>7 Appeals .....</b>	<b>28</b>
7.1 Performance Requirement Decision Appeal .....	29
7.2 Request for Review of a Notice or Order .....	29
7.2.1 Initiating an Appeal .....	29
7.2.2 Representation.....	30
7.2.3 Responsibilities of the Director and/or Hearing Officer .....	30
7.2.4 The Hearing .....	30

7.2.5	Recommended Appeal Decision .....	33
7.2.6	Petition for Director Review of Recommended Appeal Decision .....	33
7.2.7	Final Decision; Compliance .....	33
Appendix A – Sample Exemption Application for Building Demolition .....		35
Appendix B – Lighting Audit Template .....		36
Appendix C – Signed Attestation from Lighting Specialist .....		37
Appendix D – Lighting Verification Template .....		38
Appendix E – Sample ESPM Statement of Energy Performance .....		39
Appendix F – Annual Site Energy Usage Spreadsheet .....		40
Appendix G – Statement of On-Site Renewable Energy Performance .....		41
Appendix H – Compliance Plan Template .....		42
Appendix I – Sample Application for Timeline Extension .....		43
Appendix J – Sample Application for Residential Condo. Building ACO .....		44
Appendix K – Sample Application for 15% Energy Use Reduction ACO .....		45

## Acronyms

ACO – alternate compliance option  
ANSI – American National Standards institute  
ASHRAE – American Society of Heating, Refrigerating, and Air-Conditioning Engineers  
ACCA – Air-Conditioning Contractors of America  
CASR – Office of Climate Action, Sustainability, and Resiliency  
CCD – City and County of Denver  
CPD – Community Planning and Development  
DOE – United States Department of Energy  
EEM – energy efficiency measure  
EPA – United States Environmental Protection Agency  
ESCO – energy services company  
ESPM – ENERGY STAR Portfolio Manager  
EUI – energy use intensity  
GFA – gross floor area  
HOA – homeowner association  
kBtu – thousand British thermal units  
kWh – kilowatt hours  
LED – lighting emitting diode  
LPD – lighting power density  
NAILD – National Association of Innovative Lighting Distributors  
LSII – Lighting Specialist II  
REC – Renewable Energy Credit

## Definitions

**Administrative Citation:** a citation for a violation of the Code, the rules and regulations adopted by the Director and promulgated by the Manager, or noncompliance with an Order issued by the Manager by which a civil penalty for the violation or noncompliance is assessed.

**Annual Site Energy Use:** the total energy consumed by the building in one year measured in kBtu, including all equipment and fixtures attached to the building energy meters.

**Benchmarking:** measuring a Covered Building's energy performance using the ENERGY STAR Portfolio Manager tool or other similar platforms as CASR may designate.

**Benchmarking Submission:** the data submitted each year via the ENERGY STAR Portfolio Manager tool, or other similar platforms as CASR may designate, using a template and submission link to be distributed and publicized by CASR. All information expressly denoted as mandatory by either ENERGY STAR Portfolio Manager or CASR shall be included in the submission.

**Capitalization Rate:** any rate used to convert income into value.

**Commercial and multifamily buildings:** every building or structure that is regulated by the Denver Building and Fire code and that is not a detached one- or two-family dwelling or townhouse not more than three stories above grade plane height with a separate means of egress, and their accessory structures are not more than three stories above grade plane in height as defined in Section [A] 101.2 Scope section of the 2021 International Building Code.

**Common Space:** the entire common interest development except the separate interests therein. Common space includes any part of a building or complex that is not owned by one specific resident. Common space includes (but are not limited to): entrances, exits, doorways, stairwells, common terraces, basements, rooftops, parking areas, elevators and elevator lobbies, gardens, common storage spaces, waste disposal areas, central service installations, and any other portions of land or property with purpose for common use.

**Covered Building:** any commercial or multifamily individual building in the City and County of Denver except a building for which a demolition permit for the entire building has been issued and for which demolition work has commenced on or before the building's prescribed compliance deadline, or a building that had received their Certificate of Occupancy or Temporary Certificate of Occupancy on or before November 22, 2021.

**Debt-service coverage ratio (DSCR):** a metric calculated by dividing net operating income by debt service value, including principal and interest.

**Decision:** any CASR approval or denial of an Owner's application for a target adjustment, timeline adjustment, renewable credit submission, or alternate compliance option.

**ENERGY STAR Portfolio Manager:** the online tool created by the US Environmental Protection Agency used to measure and track a building's energy use, water consumption, and greenhouse gas emissions. For purposes of this rule "ENERGY STAR Portfolio Manager" may also mean another platform as CASR may designate.

**Equity Priority or Under-resourced building:** These buildings serve and/or house climate-vulnerable communities with less access to resources. These communities may face more barriers adapting to a changing climate. They include multifamily affordable housing, affordable apartments, and income-qualified condominiums where most residents earn below 80% of the area median income. They also include nonprofit-owned buildings providing essential services like housing, healthcare, and food assistance, as well as limited-revenue commercial buildings. Additionally, buildings in areas with high energy burden, elevated asthma rates, low-income residents, and other social equity indicators.

**Existing Building Performance:** the energy efficiency and renewable energy of a Covered Building measured by site Energy Use Intensity (EUI), or EUI adjusted for renewable energy using data reported via the ENERGY STAR Portfolio Manager tool or other platforms as CASR may designate.

**Final Decision:** for an appeal of a Decision, Notice, or Order means the Director's decision arrived at after review of the Recommended Decision or its decision after hearing the matter or review of written briefs in the first instance or a Recommended Decision for which Director review is not timely filed.

**Financial Solvency Concerns:** a vacancy rate for the Covered Building that reduces the New Operating Income so that the DSCR is less than 1.5; non-renewal of a tenant, costs to renew a tenant, or costs of finding a replacement tenant would reduce the DSCR to less than 1.5; or loan maturities, interest rate resets, capitalization rate movements, and insurance rate changes that reduce the DSCR to less than 1.5. This definition also includes if the Covered Building does not currently meet the definition of Qualifying Financial Distress and the requirements of D.R.M.C § 10-404, but Owner can demonstrate that the required upgrades would cause the Covered Building to go into qualifying financial distress.

**Green Power:** Green Power is a generic term for renewable energy sources and specific clean energy technologies that emit fewer GHG emissions compared to other energy sources that supply the electric grid. Building owners and managers may use green power directly from an on-site renewable system or purchase green power from the local utility or independent green power supplier.

**Gross Floor Area (GFA):** the total building square footage, measured between the outside surface of the principal exterior fixed walls of a building. GFA should include lobbies, tenant areas, common areas, meeting rooms, break rooms, atriums (base level only), restrooms, elevator shafts, stairwells, mechanical equipment areas, basements, storage rooms. GFA should not include exterior spaces, balconies, patios, exterior loading docks, driveways, covered walkways, outdoor play courts, parking, or crawl spaces.

**Hearing Officer:** the person the Director delegates pursuant to the Code to conduct a hearing or review a case that has been submitted for determination based on written argument and written statement of facts.

**High Performance Existing Buildings Program:** the administrative program implemented by CASR requiring the Benchmarking, reporting, and Existing Building Performance in commercial and multifamily buildings that are located within the City and County of Denver.

**Lighting Load:** the energy used to power electric lights in a building's interior, exterior, and parking areas as measured in kilowatt hours. The calculation of lighting load shall include all lighting that is connected to the building's electrical meter(s).

Lighting Power Density (LPD): the lighting power in watts per square foot.

Net Operating Income (NOI): the actual or anticipated net income that remains after all operating expenses are deducted from effective gross income, but before mortgage debt service and book depreciation are deducted; may be calculated before or after deducting replacement reserves. Note: This definition mirrors the convention used in corporate finance and business valuation for EBITDA (earnings before interest, taxes, depreciation, and amortization).

Notice or Order: any notice or order, civil penalty assessment, or administrative citation issued pursuant to the Director's authority under the Code.

Off-site green power or renewables: green power purchases from the local utility or independent suppliers.

On-site green power or renewables: electric generation systems located at the property that produce Green Power.

Overall Capitalization Rate: an income rate for a total real property interest that reflects the relationship between a single year's net operating income expectancy and the total property price or value; used to convert net operating income into an indication of overall property value.

Owner: the person or entity having a legal or equitable interest in real property and its fixtures and appurtenances, which shall explicitly include but not be limited to a homeowner's association.

Recommended Appeal Decision: a Hearing Officer's findings of fact, conclusions of law, and the decision he or she recommends to the Director following a hearing or review of written briefs.

Renewable Energy: useful electrical, thermal, or mechanical energy converted directly or indirectly from resources of continuous energy flow or that are perpetually replenished and whose utilization is sustainable indefinitely and can be measured in kWh. The term includes, if it can be measured in kWh provided, sunlight, the wind, geothermal energy, hydrodynamic forces, and organic matter available on a renewable basis such as forest residues, agricultural crops and wastes, wood and wood wastes, animal wastes, livestock operation residue, aquatic plants, and municipal wastes.

Residential Condominium: a common interest community in which portions of the real estate are designated for separate dwelling unit ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Qualifying Financial Distress: any of the following: (1) the building is the subject of a qualified tax lien sale or public auction due to property tax arrearages; (2) the building is controlled by a court appointed receiver; or (3) the building has been acquired by a deed in lieu of foreclosure.

Tenant: a person or entity having a legal or equitable interest in the possession, occupancy, or the benefits of real property and its fixtures and appurtenances under a lease or similar legal instrument.

# 1 Introduction

The City and County of Denver (CCD) has committed to eliminating greenhouse gas emissions by 2040. To reach this goal, the Energize Denver Building Performance Policy, approved by Denver City Council in 2021, sets prescriptive requirements for buildings 5,000-24,999 square feet to reduce energy use from lighting or switch to renewable energy sources. Improving energy efficiency in Denver’s buildings is one of the most impact efforts underway to create cleaner air and city pollution in our city as these buildings are the largest source of carbon pollution in Denver. This policy expects to remove 11.8 million tons of cumulative emission reductions from the built environment to help the City and County of Denver achieve its 2040 climate action goal.

DENVER HAS COMMITTED TO ELIMINATING GREENHOUSE GAS EMISSIONS BY 2040. FOR BUILDINGS AND HOMES, THIS MEANS THE GOALS ARE:

- ALL NEW BUILDINGS AND HOMES “NET ZERO ENERGY” BY 2030
- ALL EXISTING BUILDINGS AND HOMES “NET ZERO ENERGY” BY 2040

Denver is one of the first cities in the United States to adopt a building performance policy which is expected to provide long-term cost savings for buildings and keep Denver’s economy competitive for decades to come. One of the city’s priorities is that compliance with Energize Denver should be manageable and achievable for building owners and facility managers. The city is committed to supporting efforts to improve each building’s performance and reduce its energy use to meet the Energize Denver targets. This will take time, planning and funding. The city’s goal is to work alongside Denver’s building owners, property managers, and service providers to make reducing energy use practical, more affordable, and better aligned with each unique building. The boxes below outline the three sections of the Energize Denver Ordinance, implemented by both CASR and Community Planning and Development (CPD).

This guidance manual covers policies and procedures for the performance requirements for buildings 5,000 – 24,999 square feet in gross floor area.

Benchmarking	Performance	Electrification
<ul style="list-style-type: none"> <li>• IMPLEMENTED BY CASR</li> <li>• BUILDINGS 25K SQ.FT. OR LARGER MUST SUBMIT ENERGY BENCHMARKING DATA THROUGH ENERGY STAR PORTFOLIO MANAGER ON AN ANNUAL BASIS</li> </ul>	<ul style="list-style-type: none"> <li>• IMPLEMENTED BY CASR</li> <li>• 2030 ENERGY EFFICIENCY REQUIREMENTS FOR BUILDINGS 25K SQ.FT. OR LARGER</li> <li>• PRESCRIPTIVE LIGHTING OR SOLAR REQUIREMENTS FOR BUILDINGS 5,000-24,999 SQ.FT.</li> <li>• FOCUSED ON IMPROVING ENERGY EFFICIENCY IN EXISTING BUILDINGS</li> </ul>	<ul style="list-style-type: none"> <li>• EDUCATION AND INCENTIVES FROM CASR</li> <li>• BUILDING CODE UPDATES AND PERMITTING IMPLEMENTED BY CPD</li> <li>• BUILDING CODE TO BE UPDATED SO THAT ALL COMMERCIAL AND MULTIFAMILY BUILDINGS MUST PARTIALLY ELECTRIFY SPACE AND WATER HEAT EQUIPMENT UPON SYSTEM REPLACEMENT, WHEN COST EFFECTIVE</li> </ul>



## 1.1 Rules and Regulations Update as of April 1, 2025

For buildings 5,000-24,999 sq. ft in gross floor area, several updates were made to the rules and regulations to make compliance more manageable and achievable for building owners, facility managers, and service providers.

- Self-verification is now permissible for building owners that are already in compliance with the LED lighting requirements and do not need to make lighting upgrades.
- The process for timeline extensions was simplified.
- Where one year of energy tracking is required for renewable energy or the 15% Energy Use Reduction option, a simplified process is available.
- Building owners who are approved to do energy efficiency upgrades in place of LED lighting or renewables are no longer required to perform 12 months of energy benchmarking after the completion of upgrades.

## 2 Prescriptive Requirements – Buildings 5,000–24,999 SQ. FT.

### 2.1 General

Owners of Covered buildings with a gross floor area between 5,000 and 24,999 square feet must meet energy performance requirements by their respective deadline (see section 2.4 for compliance deadlines based upon gross floor area). Covered building owners must complete one of the following prescriptive requirements:

- (1) certify that a minimum of 90% of the building's total lighting load is provided by light emitting diode (LED) lights, or that all lighting meets 2019 Denver Building and Fire Code for lighting power density, OR
- (2) utilize on- or off-site renewable power generation to meet a minimum of 20% of the building's annual site energy use.

### 2.2 Applicability

For purposes of performance requirements, this means any Covered Building in the City and County of Denver with a gross floor area between 5,000 and 24,999 square feet. The performance requirements are applicable to all existing buildings that had received their Certificate of Occupancy or Temporary Certificate of Occupancy on or before November 22, 2021. Commercial or multifamily buildings are defined by the applicable scope of the current Denver Building & Fire Code and include commercial, multifamily, institutional, municipal, manufacturing, agricultural, and industrial buildings.

Gross floor area (GFA) means the total building square footage, measured between the outside surface of the principal exterior fixed walls of a building. GFA should include lobbies, tenant areas, common areas, meeting rooms, break rooms, atriums (base level only), restrooms, elevator shafts, stairwells, mechanical equipment areas, basements, storage rooms. GFA should not include exterior spaces, balconies, patios, exterior loading docks, driveways, covered walkways, outdoor play courts, parking, or crawl spaces. This definition aligns with the definition of GFA in the Environmental Protection Agency's (EPA) ENERGY STAR Portfolio Manager.

CCD does not have jurisdiction over state-owned, federal-owned, or foreign consulate buildings. Applicability is based on the building ownership, not the tenants, so if a state or federal entity is a tenant in a privately-owned building, the performance requirements would apply to the entire

building. In ground lease situations, the entity that builds the structure is the owner of the building, so performance requirements would also apply.

In the case of residential and commercial condominium buildings with shared ownership, the performance requirements apply to the entire building. While individual owners in these buildings may own units less than the 5,000 square feet threshold, the performance requirements apply to the building as a whole, including both individual and common spaces.

Multi-tenant buildings (e.g., a commercial building that rents spaces to multiple tenants) should only provide one (1) compliance submission per building. This is true to condominiums and any other multi-tenant building. If tenants in a multi-tenant building choose to pursue compliance individually, the building owner(s) shall aggregate compliance documentation before submitting it for verification:

- For buildings choosing the LED Lighting Compliance Pathway: combine individual lighting audits into a single audit for the entire building, certified by a lighting professional holding one of the certifications listed in Section 3.1. The final lighting audit must include any shared exterior and/or parking area lighting.
- For buildings choosing the Renewable Energy Pathway: the Energy Star Statement of Energy Performance must include the combined energy usage of all units and shared spaces in the building. If off-site renewable energy subscriptions are utilized, individual subscriptions must be combined to determine the total kilowatt-hours provided by renewable energy.

## 2.3 Compliance Schedule

Owners of Covered Buildings will be required to comply by the following schedule:

- December 31, 2025: buildings with gross floor area of 15,001-24,999 square feet
- December 31, 2026: buildings with gross floor area of 10,001-15,000 square feet
- December 31, 2027: buildings with gross floor area of 5,000-10,000 square feet

## 2.4 Demolition

For the performance requirements, the building owner may request an exemption due to demolition of a building (not an interior space). An exemption should be requested if the demolition will be commenced on or before the building's compliance deadline.

Scenarios in which a demolition exemption would be approved are:

- A building for which a demolition permit for the entire building has been issued and for which demolition work has commenced on or before the deadline to implement the performance requirements.
- A building for which a demolition permit for a portion of the building has been issued in which the remaining building will be less than 5,000 sq. ft., which would remove the building from the performance requirements.

Application for a demolition exemption includes the submission of an online form (example in Appendix A) with attachments that prove the pending or completed demolition, with a submission deadline of June 1 of the year of the building's compliance deadline. Supporting documentation shall include:

- Valid, unexpired approved or submitted Total Demolition Application
- Stamped drawings that clearly show extent of demolition that will render building incapable of supporting any occupancy or use

## 2.5 Data Use/Confidentiality

The Energize Denver program information is publicly available on the Benchmarking Map and Open data catalog. No personally identifiable information is included in these data sets. CASR publishes basic building information and compliance status annually for all buildings reporting that year, including but not limited to the following fields:

- Building ID
- Property name
- Building Address
- Property type
- Gross Floor Area
- Building Neighborhood
- Compliance Status

## 3 Compliance Pathways

Covered building owners must complete one of the pathways, either upgrading lighting or using renewable power generation, to be compliant with the Energize Denver requirements. The lighting pathway is discussed in Section 3.1 and the renewable power generation pathway is discussed in Section 3.2. CASR also offers several alternate compliance options (ACO) covered in Section 4 for specific buildings or situations.

### 3.1 Lighting

The lighting pathway requires that the building owner certify that a minimum of 90% of the building's total lighting load is provided by LED lights, or that all lighting meets 2019 Denver Building and Fire Code for lighting power density.

For buildings which were constructed or completely remodeled on or after August 1, 2020 (the date the 2019 Denver Building and Fire Code became active), the building owner can submit the final construction permit approved and recorded by CCD's Office of Community Planning and Development (CPD).

For all other buildings, there are two pathways available to demonstrate compliance with the LED lighting requirements:

- For building owners who require upgrades to their current lighting to comply with the LED lighting requirements, please refer to Section 3.1.1. This section provides an overview of how your lighting contractor can provide accompanying documentation to demonstrate compliance.
- For building owners who are already compliant with the LED lighting requirements and only require certification to confirm this, please refer to Section 3.1.2. This section provides an overview of the documentation required to certify your current LED lighting.

#### 3.1.1 Buildings that Require Upgrades to Lighting

Building owners must provide documentation from a third-party Lighting Professional verifying that a minimum of 90% of the building's total lighting load has been upgraded and is now provided by LED lights. To complete this paperwork, lighting professionals must meet a minimum of one (1) of the following requirements:

- Certified Lighting Consultant through the American Lighting Association

- Lighting Certification from the National Council on Qualifications for the Lighting Professions
- National Association of Innovative Lighting Distributors (NAILD) Lighting Specialist II (LSII) designation
- Certified Energy Manager (CEM)
- Certified Lighting Efficiency Professional (CLEP)
- Licensed Electrical Contractor registered with the State of Colorado
- Service Providers for Xcel Energy's Multi-Family Building Efficiency Program
- Service Providers for any of Xcel Energy's Business Energy Assessment Programs
- California Advanced Lighting Controls Training Program (CALCTP)

Submission of compliance documentation includes filling out an online form and uploading attachments that prove the status of the building's lighting. Documentation includes:

1. A completed lighting audit, using the Lighting Audit Template (Appendix B), completed by a lighting professional (or the licensed electrical contractor performing the installation, if they performed the work) verifying a minimum of 90% of the lighting load is provided by LED lights. The completed Microsoft Excel Lighting Audit Template must be submitted; a scanned version or PDF is not acceptable.
2. A complete signed Letter of Attestation for LED Lighting Compliance from a Lighting Professional service provider (as shown in Appendix C), verifying that the building complies with the requirements.

Building owners are required to retain the invoice(s) for any lighting upgrades for a period of two (2) years after the submission of compliance documentation. CASR may conduct on-site audits of buildings and/or request submission of invoices for additional verification of compliance.

#### *3.1.1.1 Lighting Audit Requirements*

The Lighting Audit Template (Appendix B) must include information on all lighting fixtures present in the interior, exterior, and parking areas of the building. Kilowatt-hour savings for each fixture are automatically calculated within the spreadsheet, as is the percentage of the total lighting load provided by LED lights. The Lighting Audit Template may be submitted by the building owner, building manager, or the lighting professional who performs the work.

The audit template is divided into two sections:

- Table 1 is an audit of all existing fixtures connected to the building's electrical meter(s). This demonstrates the percentage of the building's total lighting load that is currently provided by LED lights.
- Table 2 lists the recommended lighting retrofits to the building and demonstrates the percentage of the building's total lighting load that would be provided by LED lights with these recommended retrofits in place. This will demonstrate the retrofits necessary to bring the building into compliance with the LED lighting requirements.

The audit must include a description of all interior, exterior, and parking-area lighting fixtures that are connected to the building's electrical meter. The following information is required for each fixture:

- Fixture type (e.g., LED wall pack, high-pressure sodium lamp, metal halide lamp, etc.)
- Total watts of each fixture
- Quantity of each fixture type
- Hours of operation of each fixture (annually)
- Presence of occupancy sensor (turns off or dims lights when no motion)
- Presence of photosensor (turns off or dims light fixture during daylight)

- Presence of automatic time switch (lights turn on/off or dim according to a preset schedule or timer)

Based upon these inputs, the lighting audit template automatically calculates the following outputs:

- Estimated annual energy consumption of each fixture (kilowatt-hours)
- Estimated annual energy costs for each fixture (dollars)
- Total kilowatt hours consumed by lighting in the building
- Total kilowatt hours provided by LED lighting in the building

Multifamily buildings (residential apartments and condominiums) with more than five residential units require the lighting audit to physically assess a minimum of one unit for each type of floor plan that is present within the building, in addition to all common spaces. Auditors then extrapolate the results to the remainder of the residential units. Lighting audits of residential units in multifamily buildings shall include all attached lighting fixtures, but may exclude any unattached, freestanding lamps (plug-in style).

### 3.1.2 Buildings Already in Compliance with LED Lighting Requirements

Buildings which are already in compliance with the lighting requirement (i.e., do not require additional upgrades and only require proof of compliance) may provide documentation from a lighting professional verifying that a minimum of 90% of the lighting load is provided by LED lights. The Lighting Verification Template in Appendix D may be completed by the building owner, a designated associate of the building owner (e.g., handyman or facility manager), or a lighting professional. If a lighting professional completes the template, they must have one of the following qualifications:

- Certified Lighting Consultant through the American Lighting Association
- Lighting Certification from the National Council on Qualifications for the Lighting Professions
- National Association of Innovative Lighting Distributors (NAILD) Lighting Specialist II (LSII) designation
- Certified Energy Manager (CEM)
- Certified Lighting Efficiency Professional (CLEP)
- Service Providers for Xcel Energy's Multi-Family Building Efficiency Program
- Service Providers for any of Xcel Energy's Business Energy Assessment Programs
- Licensed Master Electrician registered with the State of Colorado
- Licensed Electrical Contractor registered with the State of Colorado
- California Advanced Lighting Controls Training Program (CALCTP)

Submission of compliance documentation includes completion of an online form and uploading attachments that document the status of the building's lighting. Documentation includes:

- A complete signed lighting audit, using the Lighting Verification Template (Appendix D), completed by the building owner, a designated associate of the building owner (e.g., handyman or facility manager), or a Lighting Professional verifying a minimum of 90% of the lighting load is provided by LED lights. The completed Microsoft Excel Lighting Audit Template must be submitted; a scanned version or PDF is not acceptable.
- A signed Letter of Attestation of Lighting Compliance (Appendix C) from the building owner or lighting professional that completed the Lighting Verification Template, verifying that the building complies with the requirements.

Buildings that receive a lighting audit through one of Xcel Energy's commercial or multifamily energy audit programs (e.g., Business Energy Solutions, Multifamily Building Efficiency, etc.) may submit the

Xcel Energy lighting audit table from their energy audit if the auditor determines that the lighting load requirement has been met. This lighting audit table may be submitted in lieu of the Lighting Verification Template, and still must be accompanied by the Letter of Attestation for Lighting Compliance completed and signed by the Xcel Energy representative who performed the audit.

CASR may conduct on-site audits of buildings and/or request submission of invoices for additional verification of compliance.

#### 3.1.2.1 Lighting Verification Requirements

The Lighting Verification Template (Appendix D) must include a description of all interior, exterior, and parking-area lighting fixtures that are connected to the building's electrical meter. This audit does not require a description of the lamp's wattage, nor annual running hours, but instead only requires a walk-through of the entire building to determine if lighting fixtures are LED or non-LED.

The following information is required for each fixture:

- Location type – this is a short description of the building location containing the fixtures. No standardized terminology is required here, but the description should be brief and clear (e.g., entryway, hallway, office, parking garage, exterior patio space, etc.)
- Fixture type – select the appropriate fixture type from the drop-down menu. This should be done for each type of fixture per location/space
- Quantity of each fixture type

Based upon these inputs, the lighting audit template automatically calculates the proportion of fixtures that are non-LED. The template automatically calculates the compliance status as 'Yes' or 'No.' If the proportion of LED light fixtures is greater than or equal to 97% (equivalent to 90% of the lighting load), then the building is in compliance with the requirements. If the proportion of LED light fixtures is less than 97%, the building is not in compliance with the requirements and is responsible for converting a sufficient proportion of non-LED lighting to LED lighting in order to meet the requirements.

Multifamily buildings (residential apartments and condominiums) with more than five residential units require the lighting audit to physically assess a minimum of one unit for each type of floor plan that is present within the building, in addition to all common spaces. Auditors then extrapolate the results to the remainder of the residential units. Lighting audits of residential units in multifamily buildings shall include all attached lighting fixtures, but may exclude any unattached, freestanding lamps (plug-in style).

#### 3.1.3 Lighting Verification for Multi-tenant Buildings

Multi-tenant buildings (e.g., a commercial building that rents spaces to multiple tenants) should only provide one (1) compliance submission per building. This is true to condominiums and any other multi-tenant building. If tenants in a multi-tenant building choose to pursue compliance individually, the building owner(s) shall aggregate compliance documentation before submitting it for verification. Individual lighting audits shall be combined into a single audit for the entire building, certified by a lighting professional holding one of the certifications listed in Section 3.1. The final lighting audit must include any shared exterior and/or parking area lighting.

#### 3.1.4 Disposal of Used Lighting Fixtures and Bulbs

Many commonly used lamps, such as fluorescent, high-pressure sodium, mercury vapor, and metal halide, contain small amounts of mercury and other hazardous metals. Mercury has a devastating effect on humans and wildlife, especially fish and fish-eating animals. The Environmental Protection



Agency has classified mercury-containing lights as a “Universal Waste” that are considered a type of hazardous waste. According to federal law, businesses must dispose of Universal Wastes properly. Proper disposal of mercury-containing lamps involves recycling them at a permitted facility.

The easiest way to recycle your fluorescent lamps is discussing the disposal of the old lighting with your vendor before you purchase new lamps so they are reclaimed when they switch out your lights. Another option is to store your old lamps and have them collected by a certified recycler. You can also purchase a postage-paid shipping box from a vendor who will properly recycle your used lamps; you simply seal the box when it is filled with expired lamps and ship it back to the vendor. Please consult CASR’s Energize Denver Hub web site for a list of service providers in the Denver metro area.

### 3.2 Renewable Power Generation

The renewable power generation pathway requires that the building owner certify that their building uses on- or off-site renewable power generation to meet a minimum of 20% of the building’s annual site energy use. CASR encourages the use of renewable energy where capacity is being added to the grid and contributing to Denver’s climate goals. At this time, the renewable credit applies only to solar and wind generation but could be expanded to other renewables in the future.

Compliance with the renewable power generation requirement can be demonstrated through any of these three ownership options:

- On-site renewable energy generation where the renewable system is tied directly to the building
- Off-site renewables installed on off-site property owned by the Covered Building Owner. Off-site renewables could also be renewable generation from one of the owner’s buildings that is overproducing and has excess generation that could be applied to another building in their portfolio (the building owner must own both buildings). E.g., a solar array on one building may produce sufficient solar power to cover 20% of that building’s annual site energy usage, as well as excess solar power that could be applied to meet another building’s renewable power generation requirements.
- Off-site renewables owned by a third party where the renewable power generation is a subscription, lease, or purchase of a share in either a voluntary renewable energy program offered by Xcel Energy or a community solar project for which a dedicated renewable energy resource located in Public Service Company of Colorado territory is built for that customer program, and which has dedicated customer capacity or energy to fulfill that customer’s subscription. The term of purchase must be at least five (5) years. Month-to-month subscriptions (i.e., Xcel Energy Windsource) do not meet the criteria for compliance. Existing subscriptions can be retroactively credited from November 22, 2021.

#### 3.2.1 Demonstration of Compliance

Submission of compliance documentation includes completion of an online form and attachments proving the portion of building energy use the renewables cover and evidence of ownership or subscriptions. Documentation includes:

1. Annual site energy use
2. Ownership documentation to verify of ownership of, or subscription to, renewable energy
3. Power generation documentation to verify the total kWh of renewable energy generated

Table 1 combines all of the detail from Sections 3.2.1.1, 3.2.1.2, and 3.2.1.3 and gives examples of Denver-specific renewable energy options and their possible documentation for submission. CASR may conduct on-site audits of buildings or request copies of contracts or generation reports to verify compliance.

### 3.2.1.1 Annual Site Energy Use Documentation

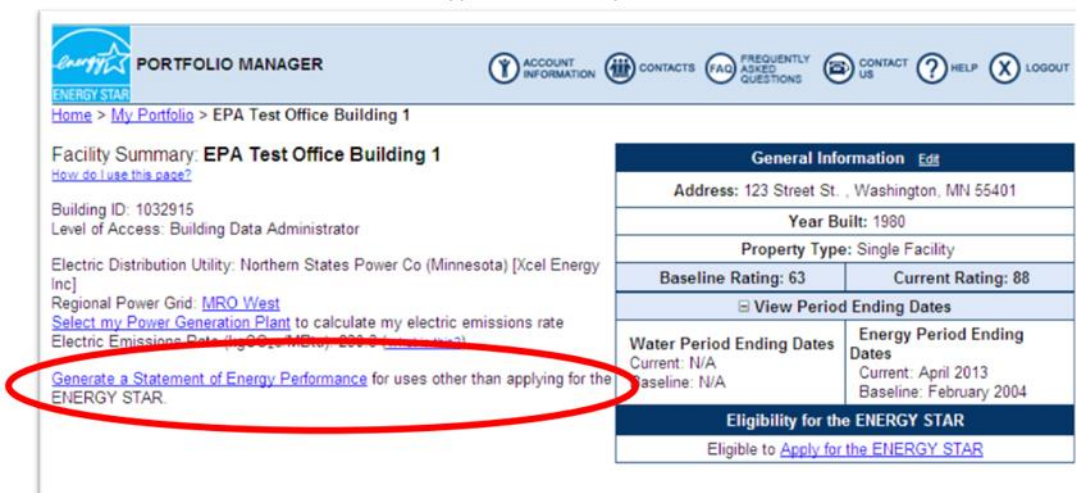
To demonstrate that at least 20% of the building's annual site energy use is covered by renewable power generation, one of the submissions must demonstrate the total energy the building uses over a 12-month period. Annual site energy use is defined as the total energy consumed by the building in one year measured in kBtu, including all equipment and fixtures attached to the building's energy meters. This includes both electricity and gas use. The Covered Building Owner may choose any 12-month calendar year from 2022 onwards to serve as the baseline year.

Annual site energy use is proven by one of two methods.

#### 3.2.1.1.1 Method 1 – Energy Star Portfolio Manager Statement of Energy Performance

Annual site energy use can be proven by entering basic building information and 12 months of utility bills into Energy Star Portfolio Manager (ESPM) and generating a report called the Statement of Energy Performance. An example of this document is provided in Appendix E. To generate a Statement of Energy Performance for uses other than applying for the ENERGY STAR, follow the steps below:

1. Login to your account at <https://www.energystar.gov/buildings/benchmark>
2. In the My Portfolio view, click the name of the building for which you would like to create a Statement of Energy Performance (SEP). This action will take you to the Facility Summary view.
3. In the Facility Summary view, click "Generate a Statement of Energy Performance for uses other than applying for the ENERGY STAR" link towards the upper left corner of your screen.



**PORTFOLIO MANAGER**

Home > My Portfolio > EPA Test Office Building 1

**Facility Summary: EPA Test Office Building 1**

Building ID: 1032915  
Level of Access: Building Data Administrator

Electric Distribution Utility: Northern States Power Co (Minnesota) [Xcel Energy Inc]  
Regional Power Grid: [MRO West](#)  
[Select my Power Generation Plant](#) to calculate my electric emissions rate  
Electric Emissions Rate: [0.021 MWh/kWh \(2004\)](#)

[Generate a Statement of Energy Performance](#) for uses other than applying for the ENERGY STAR.

General Information	
Address: 123 Street St., Washington, MN 55401	
Year Built: 1980	
Property Type: Single Facility	
Baseline Rating: 63	Current Rating: 88
<a href="#">View Period Ending Dates</a>	
Water Period Ending Dates Current: N/A Baseline: N/A	Energy Period Ending Dates Current: April 2013 Baseline: February 2004
Eligibility for the ENERGY STAR	
Eligible to <a href="#">Apply for the ENERGY STAR</a>	

4. Follow the instructions to:
  - a. Select a period ending date (to specify the 12-month period for the SEP),
  - b. Select contacts for the statement (optional), and
  - c. Select "Statement of Energy Performance" under Reporting Options.
5. Save the generated PDF Statement of Energy Performance for your records

Please note that the Statement of Energy Performance does **not** require a signature and stamp of a verifying professional (as is stated on the generated document) – this document may be completed and submitted by the building owner, and this signature part may be left blank.

For additional support on benchmarking energy usage with Energy Star Portfolio Manager, please visit CASR's *Benchmarking Help* web site: <https://www.denvergov.org/Government/Agencies->



[Departments-Offices/Agencies-Departments-Offices-Directories/Climate-Action-Sustainability-Resiliency/High-Performance-Buildings-and-Homes/Energize-Denver-Hub/Buildings-25000-sq-ft-or-Larger/Benchmarking-Requirements#section-2.](#)

#### 3.2.1.1.2 Method 2 – Completion of Annual Site Energy Usage Spreadsheet

Annual site energy use can be proven by entering basic building information and 12 months of utility bills into the Annual Site Energy Usage Spreadsheet using the spreadsheet template available on the Energize Denver website. A snapshot of the spreadsheet can be found in Appendix F.

To complete this spreadsheet, input both the electrical usage (kilowatt-hours or kWh) and gas usage (therms) into the appropriate columns for all 12 months of the chosen 12-month calendar year (any calendar year from 2022 onwards). The spreadsheet will convert the electric and gas usage into kilobritish thermal units (kBtu) and auto-calculate the total annual site energy usage for the building in kBtu. Select 'Renewable Energy' for the compliance path and the spreadsheet will calculate the 20% requirement that must be provided through renewable energy generation.

#### 3.2.1.2 Ownership Documentation

To demonstrate what type of installation and ownership the building owner is using for the renewable power generation requirement, the following list outlines the type of documentation required for submission:

- On-site installation: owner must provide proof that the renewable energy system is installed, most likely in the form of an invoice, installation contract from the developer, or other means of documentation
- Off-site installation: owner must provide proof of interconnection, usually the interconnection agreement and permission to operate notification
- Off-site owned by third party: owners must provide evidence of a subscription, lease, or purchase of a share in either a voluntary renewable energy program offered by Xcel Energy or a community project for which a dedicated renewable energy resource located in Public Service Company of Colorado territory is built for that customer program, and which has dedicated customer capacity or energy to fulfill that customer's subscription. The term of purchase must be at least five (5) years.

#### 3.2.1.3 Power Generation Documentation

To demonstrate the annual kWh of renewable energy utilized by the covered building, documentation must demonstrate either the quantity of kWh generated or purchased on an annual basis, or if a new installation, the total kW capacity of the panels and an estimate of annual kWh production from the installer. The types of documentation include:

- On-site and off-site installations: installer invoice or installation contract detailing estimated kWh generated annually or verification of the total kW capacity of the system with a signed Statement of On-Site Renewable Energy Performance (Appendix G), OR 12 months of self-generated reports from the system's monitoring software that shows the actual kWh generated by the system in that 12-month period
- Off-site owned by third party: evidence of a subscription, lease, or purchase of a share in either a voluntary renewable energy program offered by Xcel Energy or a community solar project, explicitly stating the kWh of renewable energy purchased annually, OR 12 months of Xcel Energy bills or reports that explicitly state the kWh of renewable energy credited to the building owner's energy bill.

TABLE 1: EXAMPLES OF OWNERSHIP AND POWER GENERATION DOCUMENTATION FOR RENEWABLE ENERGY

Scenario	Possible Program	Ownership Documentation	Power Generation Documentation
Solar/Wind power generated capacity on-site	Net Metering, Solar*Rewards	Interconnection agreement, Permission to Operate notification	Installer invoice or installation contract detailing estimated kWh generated annually, signed Statement of On-Site Renewable Energy Performance (Appendix G), OR self-generated report detailing kWh generated over 12 months
Solar/Wind power generated capacity off-site	Off-site solar or wind	Interconnection agreement, Permission to Operate notification, or proof of ownership of panels	Installer invoice or installation contract detailing estimated kWh generated annually, signed Statement of On-Site Renewable Energy Performance (Appendix G), off-site renewable capacity contract, or self-generated report detailing kWh generated over 12 months
Multifamily building where tenants purchased solar through Community Solar Garden subscription	Community Solar Gardens, Solar*Rewards Community	Building owner would have to collect and submit occupants' contracts listing kWhs individually subscribed	Building owner would have to collect monthly invoices from occupants to prove total kWhs of energy generated
Renewable*Connect long-term contract (5 year minimum)	Renewable*Connect	Subscription contract	Subscription contract explicitly stating annual kWh of renewable energy purchased, OR 12 months of Xcel Energy bills or reports that explicitly state the kWh of renewable energy purchased

### 3.2.2 Verification for Multi-Tenant Buildings

Multi-tenant buildings (e.g., a commercial building that rents spaces to multiple tenants) should only provide one (1) compliance submission per building. This is true to condominiums and any other multi-tenant building. If tenants in a multi-tenant building choose to pursue compliance individually, the building owner(s) shall aggregate compliance documentation before submitting it for verification. The Energy Star Statement of Energy Performance or Annual Site Energy Usage Spreadsheet must include the combined energy usage of all units and shared spaces in the building. If off-site renewable energy subscriptions are utilized, individual subscriptions must be combined to determine the total kilowatt-hours provided by renewable energy.

### 3.2.3 Renewable Contract Confidentiality

If an Owner can demonstrate that the building's renewable energy sources are a confidential business practice that includes trade secrets, privileged, or confidential commercial information, the Owner can submit a request for the renewable generation submission to be kept confidential and not subject to Colorado Open Records Act requests or included in open data disclosures. The owner can do that by using the Energize Denver Confidentiality Request on the Energize Denver Hub.

## 4 Alternate Compliance Options

The owner of a covered building may apply for an alternate compliance option (ACO) either to extend the deadline for the building, or to ask to complete a different project in place of the lighting or renewable energy requirements. CASR will review the application, and subject to CASR’s discretion, approve the alternate compliance option. The section outlines the minimum requirements and process for requesting the following alternate compliance options:

- Timeline Extension(Section 4.3)
- Residential Condominium Building ACO (Section 4.4)
- 15% Energy Use Reduction ACO (Section 4.5)

### 4.1 Deadline for Application Submission

Deadlines for submitting an application for an ACO are dependent on the original compliance deadline for the building, as outlined in Table 2. ACO reviews may take some time and multiple conversations between CASR and the building owner to come to an agreement, so CASR encourages building owners to not wait until the deadline to submit their application.

TABLE 2: ALTERNATE COMPLIANCE APPLICATION DEADLINES

If the Building’s Compliance Deadline is...	The ACO Application Deadline is....
December 31, 2025	December 31, 2024
December 31, 2026	December 31, 2025
December 31, 2027	December 31, 2026

### 4.2 Energy Audit Minimum Requirements

CASR is using the Audit Template Tool provided by the Department of Energy (DOE) as a standardized method to collect energy audit information from building owners. If the ACO requires an energy audit, the audit report must be generated through the Audit Template Tool.

Energy audits must follow ANSI/ASHRAE/ACCA Standard 211-2018 and have the following minimum requirements:

- Energy auditor must have one of the following:
  - Professional Engineer (licensed in the United States)
  - Certified Energy Auditor (Association of Energy Engineers)
  - Certified Energy Manager (Association of Energy Engineers)
  - Building Energy Assessment Professional (ASHRAE)
  - High-Performance Building Design Professional (ASHRAE)
  - Multifamily Building Analyst (Building Performance Institute)
- Energy Auditor must be a third-party individual or company and not be employed by the organization that owns or operates the building.
- Energy audit must be a minimum of an ASHRAE Level 1, or an energy audit provided through one of CASR’s Equity Priority Building (EPB) programs. All energy audits provided through one of Xcel Energy’s Business Energy Assessment (BEA) or Multi-Family Efficiency programs also meet the ASRAE Level 1 requirement.
- Energy audit must be submitted through the online Denver [Audit Template tool following these instructions.](#)
  - Existing Equipment – Audit template tool will require inventory of all equipment
  - Solutions – list all energy efficiency measures needed to reach a minimum of a 15% estimated reduction in annual energy use

- Baseline identification: Total annual site energy use of the building for one previous calendar year, using ESPM's Statement of Energy Performance or another mechanism allowed by CASR. Any calendar year from 2022 onwards may be used as the baseline.
- Timeframe of Audit
  - Audits completed since November 22, 2021 will be accepted.
  - If the building owner wishes to use an audit completed between January 1, 2018 and November 21, 2021, the building energy use information and associated savings calculations must be updated to accurately reflect a more recent calendar year's baseline at the time the plan is submitted to CASR.
- Investment analysis minimum requirements:
  - Individual measure cost and site kWh savings, including savings to investment ratio (SIR) and return on investment (ROI) calculations
  - Total project cost and site kWh savings, including total SIR and ROI

### 4.3 Timeline Extension

The building owner may apply to adjust the compliance timeline for a variety of reasons that could make achieving the specified deadline difficult. Possible reasons for submitting a timeline extension request include, but are not limited to:

- Planning for major renovation
- Landmark Preservation Commission review process means the work won't be done in time for a compliance deadline
- Qualifying Financial distress – A building that is presently experiencing qualifying financial distress, as defined by any of the following: (1) the building is the subject of a qualified tax lien sale or public auction due to property tax arrearages; (2) the building is controlled by a court appointed receiver; or (3) the building has been acquired by a deed in lieu of foreclosure.
- Financial Solvency - the building meets the definition of Financial Solvency Concerns or does not currently meet the definition of qualifying financial distress and the requirements of D.R.M.C § 10-404, but Owner can demonstrate that the required upgrades would cause the Covered Building to go into qualifying financial distress. Other issues that create financial solvency concerns will be considered on a case-by-case basis.
- Change of building ownership where the new building owner will have difficulty in complying on time (for example, new owner purchases the building in 2025 and previous building owner did not make progress towards a 2025 compliance deadline).
- Restrictions based on lease agreement(s) with current building tenant(s)
- Buildings with manufacturing, agricultural or other activities that would require interruption to production to implement compliance measures
- Delays in obtaining an interconnection agreement from Xcel Energy for on-site renewable energy systems that have been installed
- Multiple buildings with different compliance deadlines are part of a single Energy Performance Contract through an Energy Services Company (ESCO)
- Vacancy Rate – the current vacancy rate in the building is creating a financial solvency/distress situation, the vacancy rate for the previous 12 months exceeded 20% in square footage or income received from that space, or a single non-renewing tenant controls 30% or more of the available space. Other vacancy scenarios that cause financial solvency issues will be considered.
- Equity Priority Buildings may qualify for additional reasons not listed, such as financing cycles for qualified affordable housing buildings, limited access to capital due to restrictions on the financing of the building, etc. that would be considered on a case-by-case basis.

- Other reasons that will be considered by CASR on a case-by-case basis

Natural or man-made disasters that affect the building's ability to meet its specified compliance deadline (such as fire, tornado, flood, etc.) could qualify for a timeline extension but could have a simpler application process than outlined below. If a building has experienced a situation that may qualify, the building owner should schedule a discussion with a CASR representative before starting the application process.

#### 4.3.1 Application Details

An online application form is available for the Time Extension. The form will ask questions about the reason(s) a timeline extension is required, details on justification for the delay, and any relevant supporting documentation. The building owner must present a plan and timeline for attaining compliance through the Compliance Plan (Appendix H). The compliance plan will result in a timeline extension notice that outlines exactly what will be done in the building and when it will be done, which becomes the legally binding compliance plan. For each reason listed, supporting documentation should be attached to the application (suggestions listed in Table 3).

The application for a timeline extension requires:

- Online application form (sample shown in Appendix I)
- Compliance Plan (Word or PDF) document (template provided in Appendix H)
- Documentation that would support the timeline change request as suggested in Table 3

TABLE 3: SUGGESTED DOCUMENTATION

Circumstance	Documentation
Planning for major renovation	Details from architect/engineer on how the major renovation will meet the LED lighting or renewable energy requirement. Energy audit, energy modeling, construction or design documents, scopes of work could also be submitted.
Change of building ownership	Proof of sale of building and narrative explaining the new building owner's inability to comply on time.
Restrictions based on lease agreement(s) with current building tenant	Copy of lease agreement that details restrictions to implementing compliance measures by the current compliance deadline.
Landmark Preservation Commission review process means the work won't be done in time for deadline	A detailed description of the unique limitations placed on the building and a letter from the Landmark Preservation Commission endorsing the delay and restrictions placed on the building.
Financial distress	Paperwork that proves the status of any of the 3 reasons stated.
Financing timelines for affordable housing	Proof of affordable housing status: copy of covenant or other formal restriction, financial ledger or rent roll with unit-by unit summary table, cooperative agreement or other documentation demonstrating membership sale prices are limited to low/moderate income residents. Description of the funding strategy that will be pursued to implement interim and final energy efficiency measures (EEMs) and/or retrofits to meet the savings target. Description should provide an estimate of the projected funding sources (property operating income, reserves, private

	financing, public financing, etc.) needed and the estimated costs to be incurred to meet the requirements.
Buildings with industrial, agricultural or other activities that would require an interruption in production	Proof of activities carried out at building and reasons that compliance measures cannot be carried out by the current compliance deadline.
Multiple buildings with different compliance deadlines are part of a single Energy Performance Contract through an ESCO	Copy of Energy Performance Contract and reasons that the contract does not allow all buildings to meet their respective compliance deadlines.
Delays in obtaining an interconnection agreement from Xcel Energy for on-site renewable energy systems that have been installed	Proof of installation of on-site renewable energy generations systems and a copy of application for Xcel Energy interconnection agreement.

#### 4.3.2 Timeline Extension Notice

After CASR has completed its review of the submission, it will use the agreed-upon retrofit plan to create a Timeline Extension Notice that will state the new performance timeline for the building. The Notice will include:

- details of the retrofit plan
- agreed-upon timeline
- reporting requirements
- penalties that would be assessed if the plan is not completed as agreed (usually a higher level than regular compliance because extra time has been approved – see Penalties Section

#### 4.4 Residential Condominium Building ACO

Residential condominium homeowner associations (HOAs), boards, or a group of condominium owners may apply to perform specific energy efficiency measures in all common spaces in the building. This includes all common/shared interior and exterior spaces, including but not limited to parking areas, exterior lighting, common/shared spaces inside the building, emergency lighting, exit signs, mechanical rooms, shared outdoor/patio spaces, etc. In this ACO, no actions would be required for individual condominium units.

The required energy efficiency measures in common spaces are:

1. 100% of the lighting load of common spaces provided by LED lights
2. Occupancy sensors (with or without step-dimming) installed on all lighting in common spaces as allowed by the CCD's Building and Fire Code
3. 100% of annual electricity usage for common spaces provided by on- or off-site renewables, determined either by 100% coverage of a utility meter if common spaces are on a separate meter, or square footage of that common space compared to the whole building square footage (example: if common space is 10% of the building square footage, renewable power generation must cover 10% of the aggregated whole building annual electricity usage. Use of on- or off-site renewables shall follow the requirements as outlined in Section 3.2.

##### 4.4.1 Application Details

The submission for the Residential Condominium Building ACO requires:

- Online application form (sample shown in Appendix J)



- A completed lighting audit as per the requirements describe in Section 3.1. The audit must detail estimated annual energy savings from the installation of LED lighting and occupancy sensors.
- A copy of the relevant certification of the energy auditor that completed the audit
- A compliance plan that articulates the common spaces covered under this option, what energy efficiency measures will be installed, when the improvements will be made, an estimate of what percent of the building square footage is common space, and what form of renewable power generation will be installed/purchased to cover the renewable requirement.
- Total annual electricity usage for the baseline year, reported using ESPM's Statement of Energy Performance (an example of which is provided in Appendix E) or the Annual Site Energy Usage Spreadsheet (Appendix F).
- Other supporting documentation that would help CASR make a determination

#### 4.4.2 Residential Condominium Building ACO Notice Letter

After CASR has completed its review of the submission, it will use the agreed-upon retrofit plan to create a Residential Condominium Option Notice Letter that will state the new performance requirement(s) for the building. The Notice Letter will include:

- Compliance deadline
- Details of the retrofit plan
- Details of the required compliance documentation to be submitted via online form

#### 4.4.3 Demonstration of Compliance

Demonstration of compliance for this ACO includes documentation from a certified, third-party lighting professional (following the lighting audit template provided in Appendix B) verifying that:

- a minimum of 100% of the lighting load of the building's common spaces, as measured in kilowatt-hours, is provided by LED lights, and
- occupancy sensors (with or without step-dimming) have been installed on all lighting in common spaces as allowed by the CCD's Building & Fire Code.

Renewable Power Generation documentation submitted should follow the instructions in Section 3.2, *with the exception that the calculation of annual site energy usage (using either the ESPM Statement of Energy Performance or the Annual Site Energy Usage Spreadsheet only requires electricity usage and not gas usage.*

CASR may conduct on-site audits of buildings or request copies of contracts or generation reports to verify compliance.

#### 4.5 15% Energy Use Reduction ACO

This alternate compliance option is for building owners that would like to implement another energy efficiency upgrade(s) to their building (other than LED lighting or renewable energy options) that would result in a minimum of a 15% reduction in annual site energy use of the building. This can include any capital improvement that results in an estimated minimum of a 15% reduction in annual energy use (annual energy use is the total energy use of all fuel types) but cannot be an operational improvement which would require ongoing energy benchmarking to confirm, nor can it be an improvement which involves the installation of fossil fuel-powered space and water heating equipment (though dual-fuel systems are allowable, e.g. an electrified HVAC system with a natural gas powered backup). This ACO requires an energy audit (as per Section 4.2) to identify potential energy efficiency upgrades and estimated energy use reductions. These requests will be considered on a case-by-case basis.

#### 4.5.1 Application Details

The application for the 15% Energy Use Reduction ACO requires:

1. Online application (sample shown in Appendix K)
2. An energy audit that meets minimum requirements in Section 4.2 specifically highlighting the estimated energy savings from potential energy efficiency upgrades. Estimated energy savings may use the total annual site energy use for any calendar year from 2022 onwards as a baseline for calculations.
3. Total annual site energy use for the baseline year, reported using either ESPM's Statement of Energy Performance (an example of which is provided in Appendix E) or the Annual Site Energy Usage Spreadsheet (Annex F).
4. A compliance plan (Appendix H) articulating which improvements will be made in the building, when such improvements will be made, and how those improvements will result in the building reaching a minimum 15% reduction in annual energy use.
5. A copy of the relevant certification of the energy auditor that completed the audit
6. Other supporting documentation that would help CASR make a determination

CASR will review the application to make a decision on allowing an alternate energy efficiency measure. CASR may schedule a meeting with the building owner to discuss opportunities presented within the energy audit in reference to the 15% reduction goal to make a final determination.

#### 4.5.2 15% Energy Use Reduction Notice Letter

After CASR has completed its review of the submission, it will use the agreed-upon retrofit plan to create a 15% Energy Use Reduction Option Notice Letter that will state the new performance requirement(s) for the building. The Notice Letter will include:

- Compliance deadline
- Details of the compliance plan
- Details of the required compliance documentation to be submitted via online form

#### 4.5.3 Demonstration of Compliance

Demonstration of compliance for this ACO will include at a minimum:

- Copy of original invoice which confirms purchase and installation of all improvements articulated in the retrofit plan
- Copy of any relevant building permits required for installation of approved energy efficiency upgrades from the CPD

## 5 Disclosure Before and Upon Sale

When the building is listed for sale, including any listings, notices, advertisements of sale, term sheets, and contracts of sale, the current owner is required to disclose the building's compliance status with the performance requirements to a prospective buyer prior to the sale of the Covered Building.

When a building changes ownership, the previous Owner must transfer any information pertaining to the building's progress made towards satisfying its performance requirements. Information to transfer to the new building owner should include (if applicable):

- any energy use data or energy audits completed on the building
- any information, plans, or reports submitted to CASR for compliance



- compliance status of the building
- any approved alternate compliance pathways
- any penalties assessed

To facilitate transparency and simplify transactions, CASR will provide a compliance status letter within 10 days of the request that contains information that CASR has on file on the building's compliance with the Energize Denver performance requirements. This letter will satisfy compliance with the disclosure requirements. To request the compliance status letter, submit the Energize Denver Compliance Status Request form.

The building's alternate compliance plan and outstanding penalties (if applicable) remain with the building in the transfer of the property. The new owner will have an opportunity to request a timeline extension to give them time to either update the compliance plan or decide to implement it as written. Once the building's compliance plan is validated by the new owner, outstanding penalties may be waived.

## 6 Penalties and Enforcement

### 6.1 Penalties

CASR prefers that building owners invest in their buildings to reach compliance requirements instead of paying penalties to the city and is committed to supporting building owners with their efforts and exploring the flexibility that alternate compliance options can afford. As recommended by the Task Force, CASR will "focus its efforts on doing everything it can to support those out of compliance in quickly putting a plan in place and implementing upgrades as soon as possible, rather than simply fining those who missed their compliance target." CASR is structuring the penalties to be slightly higher than the average cost of compliance to assist project and facility managers with getting approvals on projects with good returns from energy savings.

For the performance requirements, a penalty shall be assessed if the building does not comply with the Building Performance Requirements as outlined in Section 3 based on full non-compliance, or partial compliance with either the lighting or renewable requirements.

#### 6.1.1 Penalty Assessment

For buildings that do not submit any compliance documentation, the gross floor area (GFA) of the covered building, as recorded by CCD's Office of the Assessor, will be multiplied by the penalty level in Table 4 to calculate the penalty amount:

$$(\text{GFA}) * (\text{Penalty Level}) = \$ \text{penalty amount}$$

For buildings in partial compliance with the LED lighting requirements, the percent of LED lighting not in compliance will be converted to a corresponding square footage equivalent to multiply by the penalty level in Table 4 to calculate the penalty amount:

$$(\text{GFA not in compliance}) * (\text{penalty level}) = \$ \text{penalty amount}$$

For buildings in partial compliance with the renewable energy requirements, the kBtu of the annual site energy use not covered by renewable power generation will be multiplied by the penalty level in Table 4 to calculate the penalty amount:

(kBtu not covered by renewables) \* (penalty level) = \$ penalty amount

For buildings that have an approved alternate compliance option, penalties would be assessed according to the ACO agreement.

### 6.1.2 Penalty Schedule

Energize Denver’s Task Force recommended that “fines should be somewhat more than the cost of compliance and should be heftier for buildings with an alternate compliance timeline. The compliance obligation and status of the building must be tied to the building with disclosure requirements, an attachment to the deed or a development agreement that attaches to the parcel.” The Energize Denver Ordinance enables CASR to assess a civil penalty of “up to \$0.70 for each required kBtu reduction per year that the owner’s covered building fails to achieve in that year.” Based on an analysis of cost of compliance for the prescriptive requirements for buildings 5,000 – 24,999 square feet, CASR will assess a penalty of \$0.33/kBtu not achieved, or an equivalent \$1.60 per square foot of the building.

TABLE 4: MINIMUM PENALTY SCHEDULE

Type	Penalty Level	Assessment Period
Failure to correct errors, withholding, providing inaccurate information, or nondisclosure upon sale	\$2,000	At time of failure
Penalty for no action taken	\$1.60/square foot of the covered building	One time, levied in the calendar year following the compliance deadline
Penalty for partial LED lighting compliance	\$1.60/square foot not in compliance	One time, levied in the calendar year following the compliance deadline
Penalty for partial renewable energy compliance	\$0.33/kBtu not achieved	One time, levied in the calendar year following the compliance deadline
Failure to complete requirements as agreed in Alternate Compliance notice	As outlined in notice	As outlined in notice

### 6.1.3 Enforcement

Building owners will be subject to a civil penalty, in accordance with Table 4, if the requirements have not been achieved or compliance has not been verified. The following is an outline of the steps for penalty assessments, as shown in Figure 1 below:

1. **Warning Notice:** Once the performance evaluation has been completed for a covered building, CASR will send a warning notice. The building owner will have ninety (90) days from the date of the warning notice to submit an application for a timeline extension.
2. **Notice of Violation:** Once the compliance evaluation has been completed for a covered building (after the compliance deadline), CASR will issue a notice of violation. The building owner will have thirty (30) days to file an appeal of the notice of violation. Please see Section 7 for information on the appeals process.
3. **Civil Penalty – Administrative Citation:** If the building owner has not filed an appeal, an administrative citation is issued. The building owner has one hundred eighty (180) days to pay the penalty with the manager of finance.
4. **Property Lien:** If a building owner fails to pay the required amount within one hundred eighty (180) days of the administrative citation date, the civil penalty will be considered a debt to the city until paid in full. The debt is a perpetual lien on the property, and is superior and

prior to all other liens, regardless of their dates of recordation, except for liens for general taxes and prior special assessments, until the civil penalty owed, delinquent interest, and recording fees have been paid in full.

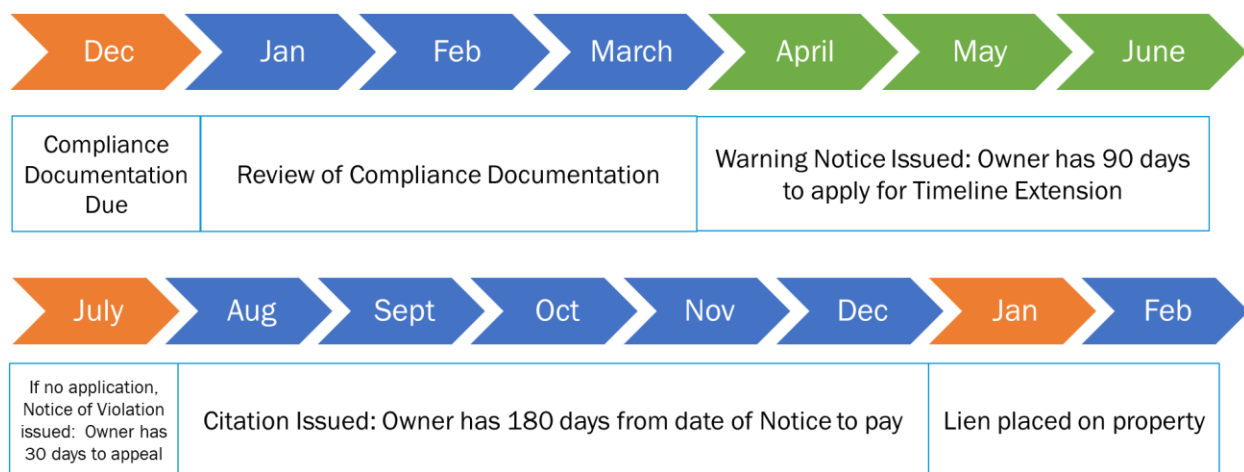


FIGURE 1: PERFORMANCE REQUIREMENTS ENFORCEMENT TIMELINE

## 6.2 Other Possible Penalties

A \$2,000 penalty may be assessed if: there are inaccuracies in data the Owner has submitted to CASR; the inaccurate data or deliberate withholding of information resulted in erroneous lighting load calculations, annual site energy usage calculations and/or renewable energy power generation calculations; or the building's current compliance status is not disclosed to a potential buyer.

CASR reserves the right to audit compliance submissions and inspect buildings to confirm accurate compliance reporting. A violation of inaccurate compliance reporting includes but is not limited to: inaccurate lighting audit or lighting verification data; inaccurate annual site energy usage calculations; inaccurate reporting of renewable power generation; or the lighting professional signing off on a lighting audit or lighting verification form not having a required credential or certification.

### 6.2.1 Compliance Audit Process

CASR reserves the right to audit compliance submissions and inspect buildings to confirm accurate compliance reporting. Buildings may be selected at random or due to errors or inconsistencies in compliance documentation mentioned previously in Section 6.2.

If a building is selected for an audit, the following steps will occur:

1. The building owner and any service providers or other persons named on the compliance documentation will be sent an email with the date and time of the in-person audit of the building. The email will detail the expected duration of the audit as well as what to expect during the audit.
2. The building owner (or their designated representative) must confirm their availability to be present for the in-person audit. If the building owner or their designated representative cannot be present at the building at the proposed date and time of the in-person audit, they must contact the Help Desk at 844-536-4528 or [energizesmallbuildings@denvergov.org](mailto:energizesmallbuildings@denvergov.org) to reschedule the audit. The audit should be rescheduled prior to the building's compliance date to avoid potential penalties.

3. The in-person audit process will vary depending upon the compliance pathway chosen by the building owner:
  - a. For buildings that submitted compliance documentation to meet the LED lighting requirement, CASR shall perform a lighting audit of the building to confirm that the building complies with the LED lighting requirement.
  - b. For buildings that submitted compliance documentation to meet the renewable energy requirement, CASR shall perform an audit of the renewable energy power generation equipment (e.g., solar panels) to confirm the estimated annual kilowatt-hour power generation and confirm that all energy meters were included in annual site energy usage calculations.
  - c. For buildings that submitted compliance documentation to meet the 15% Energy Use Reduction ACO, CASR shall perform an audit to confirm that all energy meters were included in annual site energy usage calculations and to confirm that all reported energy efficiency upgrades have been installed.
  - d. For buildings that submitted compliance documentation to meet the Residential Condominium ACO, CASR shall perform an audit that covers both points (a) and (b) above.
4. Upon completion of the audit, the building owner will receive notification of the building's compliance status.
  - a. If the audit confirms the accuracy of the compliance documentation submitted by the building owner, the building will be confirmed to be in compliance with the Energize Denver requirements and no further action is needed on the part of the building owner.
  - b. If the audit finds inaccuracies in the compliance documentation submitted by the building owner that demonstrates that the building does not comply with the building performance requirements, the following will occur:
    - i. If the building is less than 90 days from its compliance deadline or the compliance deadline has passed, the building owner will be issued a warning that requires the building to complete the additional lighting upgrades required to comply and submit the revised compliance documentation within 90 days of the date the warning was issued. In this case, the building owner cannot perform self-verification of LED lighting compliance and the updated compliance documentation must be completed by a lighting professional that holds one of the certifications listed in Section 3.1.1.
    - ii. If the building is 90 or more days from its compliance deadline, the building owner will be issued a warning that requires the building to complete the additional lighting upgrades required to comply and submit the revised compliance documentation by the building's compliance deadline. In this case, the building owner cannot perform self-verification of LED lighting compliance and the updated compliance documentation must be completed by a lighting professional that holds one of the certifications listed in Section 3.1.1.
    - iii. Building owners that receive a warning as outlined in points (i) and (ii) above may apply for a Timeline Extension ACO if the required work to meet the requirements cannot be completed by their designated deadline.

## 7 Appeals

A building owner has the right to appeal a Decision or an Administrative Citation (a Notice or Order). There are several different appeals a building owner could file:

- an appeal of a performance requirement decision (denial of a timeline extension or alternate compliance option decision), or
- an appeal of a performance requirement administrative citation (notice of violation).

Both processes are outlined in this section. The more robust appeals process that involves preparing and holding a hearing with a hearing officer should be used for a building that has already gone through the processes in Section 7.1 or the building wants to appeal a notice of violation where a penalty has been assessed. CASR hopes to work with building owners through all of the flexibility options and processes before an appeals hearing is needed.

## 7.1 Performance Requirement Decision Appeal

The building owner has a right to appeal a performance requirement decision, which could include, but is not limited to, a denial of a timeline extension or alternate compliance option decision. The building representative should fill out the online Performance Requirements Decision Appeal form with the following information:

1. Petitioner's name, mailing address, telephone number, email address, relationship to building and company name
2. Denver Building ID (DBID) and complete address
3. Copy of the Decision they wish to appeal
4. Provide a detailed reason why the decision is factually or legally contrary to the ordinance or the city, or the policies or regulations of the office
5. Provide desired outcome or relief requested with specific details
6. Provide any supporting documentation

The application for appeal will be reviewed by city staff to determine if it is complete.

## 7.2 Request for Review of a Notice or Order

The building owner has a right to appeal a notice of violation or administrative citation or a performance requirement appeal decision. This section outlines the process that the building owner must follow.

### 7.2.1 Initiating an Appeal

An appeal is initiated by filing a Petition for Review of a Notice or Order. The Petition, together with a nonrefundable filing fee, must be filed within thirty (30) days from the date of service of the Notice or Order being appealed, or within a time period outlined in the Notice or Order. The filing fee for an appeal is \$25.00. Payments by check must be payable to the Manager of Finance. All documents to be filed with the Director must be submitted through the correct online form or mailed to Office of Climate Action, Sustainability, and Resiliency, Attn: Energize Denver team, 201 W. Colfax Avenue, Dept 704, Denver, CO 80202, or other address as directed on its website. Timely filing of the Petition and payment of the filing fee are jurisdictional prerequisites to an appeal.

#### 7.2.1.1 Petition for Review

All petitions, briefs, and other papers must be written or typed, and if any of these papers are illegible, the Manager may refuse to accept the filing. No particular form of petition is required, provided the petition includes:

1. Petitioner's name, mailing address, and telephone number.
2. If Petitioner has legal representation, the name, mailing address, and telephone number of that representative.
3. The Code provision(s) and, if any, the rule and regulation at issue; the dollar amount in controversy; and the time during which the matter at issue accrued or occurred.
4. A copy of the Notice or Order under appeal.

5. The reason(s) Petitioner believes the Notice or Order is factually or legally contrary to the ordinances of the city, or the policies and regulations of the department.
6. A statement of the relief requested (i.e., outcome desired).
7. If appropriate, any exhibits (including any drawings, floor plans, or pictures) supporting Petitioner's position.
8. The signature of the Petitioner or Petitioner's legal representative.

If a legible petition is timely filed with the filing fee and substantially includes the information listed in this section, the hearing clerk must accept the petition. If the petition is illegible or does not substantially comply, the hearing clerk may refuse to accept the filing, but must provide written notice to the petitioner describing the deficiency.

### 7.2.2 Representation

A natural person may represent himself or herself or be represented by an attorney admitted to practice in any of the United States. If the Petitioner is not a natural person or sole proprietor, it must be represented by an attorney admitted to practice in any of the United States unless the Director allows a shareholder, member, partner, board member, or officer to represent the business entity. In this case, the representative of the business entity must submit a properly executed power of attorney at or before the hearing.

### 7.2.3 Responsibilities of the Director and/or Hearing Officer

- Determination of Each Appeal - The Director and/or Hearing Officer will conduct a hearing on each accepted Petition, including those submitted for determination based on written argument and written statement of facts.
- Assignment of Hearing Officer - the Director, at their sole discretion, may delegate the conduct of the hearing or the review of a matter submitted for determination based on written argument and written statement of facts to a Hearing Officer.
- Duties and functions - the Hearing Office and/or Manager will perform the duties and functions necessary and incidental to determining the matter, hearing all evidence, examining all documents, ruling on evidentiary questions, and generally conducting a quasi-judicial proceeding in conformance with the Code, these Rules, and other applicable rules and regulations.
- Subpoenas. Upon request by any party, the Director and/or Hearing Officer may issue a subpoena. The party requesting the subpoena must serve it upon the person whose attendance is required and provide notice to all other parties and interested persons in accordance with Rule 45 of the Colorado Rules of Civil Procedure. All costs related to the subpoena, including witness and mileage fees, must be paid by the requesting party in accordance with Rule 45.

### 7.2.4 The Hearing

#### 7.2.4.1 Scheduling the Hearing Date

- Generally, hearings will be scheduled in the order petitions are filed but may be scheduled out of order as the hearing clerk finds appropriate. If requested, the hearing clerk may grant each party one rescheduling request. At the request of either party, the Director may grant continuances for good cause shown.
- No later than ten (10) days before the hearing, the hearing clerk must provide written notice of the date, time, and place of all hearings to the parties. Written notice must be sent to the Petitioner via first class mail at the address specified in the Petition and to the Manager of the appropriate division.



#### 7.2.4.2 Prehearing Activities

- **Ex Parte Communications.** All oral and written communications between any party with the Director or the Hearing Officer that are not on the record, concern the subject matter of the appeal, and are made without the other party present or copied on written correspondence are prohibited.
- **CASR Response.** CASR may file a response to the Petition and provide other information to the Hearing Officer that it believes will assist in deciding the matter. The response is due within 14 days of the Office's receipt of the Petition.
- **Petitioner's Appearance/Failure to Appear.** Any Petitioner who fails to appear at a scheduled hearing waives the right to a hearing and adjudication of issues related to the hearing, provided that notice of the hearing was mailed in the time and manner set forth in Rule 7.5(E)(v). Failure to appear at a hearing that is noticed in accordance with those requirements, may result in dismissal of the Petition and affirmation of the Notice or Order.
- **Prehearing Statement.** At the request of any member or upon a motion from a party, the Director may require the parties to file a prehearing statement. The purpose of a prehearing statement is to define the issues to be presented; identify the witnesses and exhibits to be presented, the time required for the hearing; and disclose generally the nature of the testimony to be presented to allow a fair hearing of the issues. The prehearing statement must be filed at least five (5) business days before the hearing date, or as otherwise ordered by the Hearing Officer. The prehearing statement must present the issues raised by the Petition, agreed and disputed facts, copies of exhibits not included with the Petition, names of witnesses with a brief statement summarizing their testimony, and if either party expects that more than 15 minutes will be needed to present their case, a request for a specific amount of time. Petitioner's exhibits must be numbered and the Office's exhibits must be lettered. If a prehearing statement is required and a party fails to list witnesses or to provide copies of exhibits to the prejudice of the other party or the Hearing Officer's consideration of the issues, the Hearing Officer may disallow testimony by unlisted witnesses and may refuse to admit unlisted exhibits into evidence, except for purposes of rebuttal.

#### 7.2.4.3 Burden of Proof

- **Notices of Violation by the Manager** are presumed to be correct. The Notice serves as prima facie evidence of the existence of the violation.
- The Petitioner has the burden of persuasion and must prove by a preponderance of the evidence (presented at the hearing or submitted by written brief and supporting material) that the Notice or Order is legally contrary to the applicable ordinances, rules, and regulations or that the facts presented do not show a violation of the applicable ordinance or rules and regulations.
- For procedural efficiency, the order of proceedings may be altered to require the Office to present its case in support of the Notice or Order first. The burden of persuasion, however, remains with the Petitioner to show the correctness of its position by a preponderance of the evidence.
- **Expert Witnesses.** A witness intending to give opinion testimony must first be qualified as an expert.
- **Recordings and Transcripts.** All hearings must be recorded or transcribed. A copy of the recording or transcript of a recording will be provided at the expense of the party who requests it.

#### 7.2.4.4 Hearing Order of Proceedings

- Docket call by the Hearing Officer.

- Administration of Oath: All oral testimony must be given under oath administered by the Hearing Officer in substantially the following form: "Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?" with a required affirmative response.
- Opening statement by a representative of the Office, unless waived or reserved until the opening of CASR's case
- Opening statement by Petitioner, unless waived
- Presentation of testimony and other evidence by Petitioner, allowing cross-examination by CASR (exhibits must be lettered for identification)
- Presentation of testimony and other evidence by CASR with cross-examination by Petitioner (exhibits must be numbered for identification)
- Rebuttal testimony and evidence, if any
- Sur-rebuttal testimony and evidence, if the Hearing Officer chooses
- Argument, if is desired by the Hearing Officer
- Closing argument by Petitioner summarizing the evidence, legal basis, and argument in support of its position. If the Petitioner chooses not to present a closing argument, none will be allowed by CASR.
- Closing argument by CASR summarizing the evidence, legal basis, and argument in support of its position.
- Instead of or in addition to argument, the Hearing Officer may request the submission of written briefs.

#### 7.2.4.5 *Presentation of Case at Hearing*

- Time Allowed. The Petitioner and the Department will each have fifteen minutes to present their respective cases (opening statement, presentation of evidence, rebuttal evidence, and closing statement) to the Hearing Officer unless one of the parties has requested more time to present its case. Cross-examination time is not included in the fifteen-minute time limit. A request for additional time must be made in the prehearing statement if one is required. Otherwise, the request must be made in writing at least seven days before the hearing. In determining whether and how much additional time to allow, the Hearing Officer will consider the complexity of the case, the needs of due process, and fairness to the Parties. This Rule is intended to afford a full and fair hearing of each Petition in an orderly and expeditious manner that will allow for prompt hearing of Petitions.
- Copies. Copies made by printers and by duplicating and facsimile machines may be admitted into evidence or substituted in evidence in place of original documents.
- Electronic Documents. An electronic document, a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature may be admitted into evidence or substituted in evidence in place of original documents.

#### 7.2.4.6 *Submission on Written Briefs*

A petitioner may choose to submit the case on written briefs, supporting data, affidavits, or stipulated facts rather than through oral testimony at a hearing. If the Petitioner chooses to submit a case on written briefs:

- He or she must provide written notice of this election to the Manager at least seven (7) days before the hearing;
- CASR is limited to submitting its position in writing.
- The Hearing Officer will establish a briefing schedule and provide written notice of it to the parties.



### 7.2.5 Recommended Appeal Decision

The Hearing Officer will make a written Recommended Appeal Decision, which must be sent to Petitioner by first class mail, postage prepaid and provided to CASR within 30 days of the date of the hearing.

Possible outcomes:

- If Petitioner did not carry its burden of persuasion, the Hearing Officer may: uphold the Notice or Order; uphold, suspend, or reduce the civil penalty; and require payment of any outstanding assessed civil penalties and costs by a specified date.
- If Petitioner carried its burden of persuasion, the Hearing Officer may dismiss the Notice or Order and overturn the assessment of civil penalties.

Unless a party timely requests the Director to review a Hearing Officer's Recommended Appeal Decision, the Recommended Appeal Decision becomes the Decision of the Director on the date it is served upon Petitioner by personal service, or if served via U.S. Postal Service, ten days after it is sent first class mail, postage prepaid.

### 7.2.6 Petition for Director Review of Recommended Appeal Decision

Any party may file a Petition for Director Review of the Hearing Officer's Recommended Appeal Decision. The Petition must be filed with the Director within ten (10) days of mailing of the decision. For the purpose of this filing requirement, for a Petition sent via first class mail, postage prepaid, or via overnight delivery service, the date of filing will be the date postmarked or delivered to the City, respectively.

No particular form of Petition for Director Review of the Hearing Officer's Recommended Appeal Decision is required, provided that the following information is set forth in writing:

- The case number;
- A summary of the party's objections to the Hearing Officer's findings of fact, conclusions of law, and Recommended Appeal Decision;
- A statement of the relief requested;
- The name, address and telephone number of the party seeking Director review of the Recommended Appeal Decision, and the name, address, and telephone number of that party's legal representative, if any, authorized to present them in the matter; and,
- The signature of the party seeking Director review of the Recommended Appeal Decision or of that party's legal representative.

The Director is not bound by a Hearing Officer's Recommended Appeal Decision; the Director's review of Recommended Appeal Decisions, however, is limited to the administrative record established at the underlying hearing before the Hearing Officer.

The administrative record includes all filings and documents provided to the Hearing Officer before and during the hearing. If the matter was submitted for determination on written briefs, the administrative record includes the Recommended Appeal Decision, filings and documents submitted. An index of the administrative record will be provided to the parties at the time the record is provided to the Director. The administrative record should be provided to the Director at least seven days before the meeting at which it is scheduled for Director review.

### 7.2.7 Final Decision; Compliance

When the Director issues a decision either after hearing or determining an appeal in the first instance or after the Director reviews a Recommended Appeal Decision, its decision becomes the Final Decision that is subject to review under Rule 106(a)(4), C.R.C.P. If a Petition for Director review of a Recommended Appeal Decision is not filed within ten (10) days, the Recommended Appeal Decision becomes the Final Decision. All Final Decisions must be complied with. If a Final Decision includes a conditional waiver of any civil penalty, in whole or in part, and Petitioner does not fully comply with the conditions, the civil penalty is automatically reinstated in its entirety without further Director action.

## Appendix A – Sample Exemption Application for Building Demolition

The information below is a sample of the questions asked for the application for an exemption due to demolition. Please see the Energize Denver Hub website for the actual submission form.

### Section 1 – Personal Information

- First Name:
- Last Name:
- Phone Number:
- Email Address:
- Relationship to Building:
- Owner
- HOA
- Property/Facility Manager
- Building Engineer
- Energy Manager
- Third-Party Contractor
- Other
- Company Name:

### Section 2 – Building Information

- Denver Building ID:
- Building Address:
- Building Address 2:
- Building City:
- Building Zip Code:
- Building State:

### Section 3 – Supporting documentation

- Supporting documentation [file upload option] for documents such as total demolition application or stamped drawings

### Section 4 – Signatures and Contact Information

*I, the undersigned authorized representative of the building owner, affirm and attest to the accuracy, truthfulness, and completeness of the statements of material fact provided in this form.*

## Appendix B – Lighting Audit Template

The image below is a snapshot of the Lighting Audit Template spreadsheet for buildings that need to complete lighting upgrades to be compliant. Please see the Energize Denver Hub website for the downloadable template file.

Building Performance Ordinance Lighting Compliance Template												
Building ID:												
Building Address:												
Street												
City												
Zip Code												
Name of Person Completing Template:												
Email of Person Completing Template:												
Instructions:		1. List all locations in the building (interior, exterior & parking spaces attached to building's electrical meter(s)) 2. List all existing lighting fixtures, including lamp type, quantity, and wattage. For watts per fixture enter the luminaire wattage for installed lamp and ballast using manufacturer's data. 3. Input operational hours of lighting fixtures based upon average usage over a 1-year period 4. Choose Automatic Time Switch from the drop down menu 5. Choose Occupancy Sensor for the drop down menu 6. Choose Daylight Controls from the drop down menu 7. Input energy costs based upon applicable Xcel Energy electricity rates as per date of the audit 8. If building is multi-family and only a percentage of units are visited, multiple units can be combined on a single line if fixtures, quantity, watts and hours of operation are equal 9. If the Percentage of Lighting Load Provided by LEDs (cell K24) is greater than or equal to 90%, the building is in compliance and the Table 2 may be left blank.										
Table 1: Lighting Audit for Existing Lighting Fixtures												
Location Identifier	Location Type	Existing Fixture	Is Fixture LED? (Yes/No)	Occupancy Sensor	Photosensor	Automatic Time Switch	Quantity	Watts	Annual Hours of Operation (per fixture)	Annual Consumption (kWh)	cost/kWh	Annual Energy Cost
1	Interior	150 Watt HID	No				15	175	4368	11,466	\$0.12	\$1,375.92
Total Existing kWh Consumption:										11,466	\$0.12	\$1,375.92
Total Existing kWh provided by LEDs:										0		
Percentage of Lighting Load Provided by LEDs:										0%		
Table 2: Proposed Replacement Fixtures to Meet Compliance Requirements												
Location Identifier	Location Type	Replacement Fixture	Is Fixture LED? (Yes/No)	Occupancy Sensor	Photosensor	Automatic Time Switch	Quantity	Watts	Annual Hours of Operation (per fixture)	Annual Consumption (kWh)	cost/kWh	Annual Energy Cost
1	Interior	40 Watt LED High Bay	Yes				15	40	4368	2,621	\$0.12	\$314.50
Total Existing kWh Consumption:										2,621	\$0.12	\$314.50
Total Existing kWh provided by LEDs:										2,621		
Percentage of Lighting Load Provided by LEDs:										100%		
Total Estimated kWh saved from LEDs		8,845 kWh										

## Appendix C – Signed Attestation from Lighting Specialist

The information below is a snapshot of the template for the signed attestation document for the lighting requirements. Please see the Energize Denver Hub website for the downloadable template file.

### Letter of Attestation for LED Lighting Compliance

Date:

This note is to confirm that *[insert name of service provider completing lighting audit/verification template]* completed the lighting audit on *[insert date of audit]* for the following building:

- Building ID: *[insert Building ID]*
- Building Address: *[insert complete building address]*

Select the scenario that applies to you:

- ☐ *I am a building owner performing a self-verification*  
☐ *I am a lighting professional certifying compliance on behalf of a building owner*

I confirm that the above-referenced building (*please select the appropriate option*):

- ☐ Utilizes LED lighting for greater than or equal to 90% of the total lighting load  
☐ Utilizes LED lighting for less than 90% of the total lighting load

The lighting specialist completing this letter:

- ☐ Completed the lighting audit and completed lighting upgrades to the building  
☐ Completed the lighting audit only (i.e. lighting work was completed by another service provider)

I declare that the above statements are true and accurate to the best of my knowledge, information and belief.

Sincerely,

*Insert signature*

*[Insert name of Service Provider or Project Lead]*

The following section is only required for lighting professionals certifying compliance on behalf of a building owner:

Certification held by Lighting Specialist completing this letter\*:

- ☐ Certified Lighting Consultant through the American Lighting Association  
☐ Lighting Certification from the National Council on Qualifications for the Lighting Professions  
☐ National Association of Innovative Lighting Distributors (NAILD) Lighting Specialist II (LSII) designation  
☐ Electrical contractor licensed in the State of Colorado (only permissible if electrical contractor completed lighting upgrades to the building)


*\*Please upload a copy of your relevant lighting certification alongside this document.*

## Appendix D – Lighting Verification Template

The image below is a snapshot of the Lighting Verification Template spreadsheet for buildings that already meet the lighting requirements and only need to verify compliance. Please see the Energize Denver Hub website for the downloadable template file.

Building Performance Ordinance LED Lighting Verification Template					
Building ID:					
Building Address:					
City					
Zip Code					
Name of Person Completing Template:					
Email of Person Completing Template:					
Instructions:		<p>1. List all locations in the building (interior, exterior &amp; parking spaces attached to building's electrical meter(s))</p> <p>2. In the column titled Location Type, please provide a short description of the space type (e.g. hallway, open plan office space, entryway, etc.). No standardized terminology is required.</p> <p>3. List all existing lighting fixtures, including lamp type and quantity.</p> <p>3. If building is multi-family and only a percentage of units are visited, multiple units can be combined on a single line if fixtures, quantity, watts and hours of operation are equal. See Technical Guidance document for more details.</p> <p>4. If the lighting professional completing this form determines that a minimum of 90% of the building's lighting load is provided by LED lighting, they must complete the Lighting Attestation Form (Annex C) to accompany this spreadsheet.</p>			
Location Identifier	Location Type	Location Description	Existing Fixture Type	Is Fixture LED? (Yes/No)	Quantity
1	Exterior	parking area	LED	Yes	15
2	Interior	hallway	Fluorescent	No	10
<div> <div>Total number of fixtures in the building:</div> <div>25</div> </div> <div> <div>Total LED lighting fixtures in the building:</div> <div>15</div> </div> <div> <div>Percentage of fixtures that are LED</div> <div>60%</div> </div> <div> <div>Is a minimum of 90% of the building's lighting load provided by LEDs?</div> <div>No</div> </div>					

## Appendix E – Sample ESPM Statement of Energy Performance



**ENERGY STAR® Statement of Energy Performance**

**96**

**ENERGY STAR®**  
Score<sup>1</sup>

**Denver Office Building**

**Primary Property Type:** Office  
**Gross Floor Area (ft²):** 50,000  
**Built:** 1900

**For Year Ending:** July 31, 2022  
**Date Generated:** February 09, 2023

1. The ENERGY STAR score is a 1-100 assessment of a building's energy efficiency as compared with similar buildings nationwide, adjusting for climate and business activity.

Property & Contact Information			
<b>Property Address</b>	<b>Property Owner</b>	<b>Primary Contact</b>	
Denver Office Building 201 W. Colfax Ave., 7th fl Denver, Colorado 80111	_____ ( ) - _____	_____ ( ) - _____	
<b>Property ID:</b> 20652480			

Energy Consumption and Energy Use Intensity (EUI)			
<b>Site EUI</b>	<b>Annual Energy by Fuel</b>		<b>National Median Comparison</b>
26.2 kBtu/ft²	Electric - Grid (kBtu)	921,240 (70%)	National Median Site EUI (kBtu/ft²) 73.4
	Natural Gas (kBtu)	390,000 (30%)	National Median Source EUI (kBtu/ft²) 187.3
			% Diff from National Median Source EUI -64%
<b>Source EUI</b>			<b>Annual Emissions</b>
59.8 kBtu/ft²			Greenhouse Gas Emissions (Metric Tons CO2e/year) 182

**Signature & Stamp of Verifying Professional**

I \_\_\_\_\_ (Name) verify that the above information is true and correct to the best of my knowledge.

LP Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Licensed Professional**

\_\_\_\_\_  
( ) - \_\_\_\_\_

Professional Engineer or Registered  
Architect Stamp  
(if applicable)

## Appendix F – Annual Site Energy Usage Spreadsheet

The image below is a snapshot of the Annual Site Energy Usage spreadsheet to calculate annual site energy usage. Please see the Energize Denver Hub website for the downloadable template file.

Annual Site Energy Usage Spreadsheet LED Lighting Verification Template				
Building ID:				
Street:				
Building Address: City: Denver				
Zip Code:				
Name of Person Completing Template:				
Email of Person Completing Template:				
<p><b>Instructions:</b></p> <ol style="list-style-type: none"> <li>1. You will need 12 continuous months of energy usage data (e.g., Xcel Energy statements or bills) to complete this form. Any continuous 12-month period from calendar year 2022 onwards is allowed.</li> <li>2. Input the month and the year for each of the 12 continuous months that are being submitted.</li> <li>3. For each of the 12 continuous months, input the electrical usage (in kilowatt hours, kWh) in column C and the gas usage (in therms) in column D.</li> <li>4. Monthly Energy Usage will automatically be calculated in kBtu in column E.</li> <li>5. After 12 months of energy usage data has been added, the annual site energy usage will automatically be calculated in kBtu in cell C27.</li> <li>6. Use the drop-down list to select your compliance path in cell C28.</li> <li>7. See cells A30 and J30 to see the minimum amount of renewable energy that must be utilized for the Renewable Energy Compliance option.</li> <li>8. See cells A31 and J31 to see the minimum amount of renewable energy that must be utilized for the Residential Condo Alternate Compliance option.</li> </ol>				
Month	Year	Electric Usage (kilowatt hours/kWh)	Gas Usage (therms)	Energy Usage (kBtu)
Jan				0
Feb				
March				
Apr				
May				
June				
July				
Aug				
Sept				
Oct				
Nov				
Dec				
Total Annual Site Energy Usage		0 kBtu		
Select Compliance Path		Renewable Energy		
If you are choosing the Renewable Energy Compliance Option, you must cover 20% of your annual site energy usage with renewable energy. <b>0 kBtu</b> If you are choosing the Residential Condo ACO, you must cover 100% of your annual site electricity usage with renewable energy, which is equal to: <b>0 kWh</b> If you are choosing the 15% Energy Use Reduction ACO, you must reduce 15% of your annual site energy usage, which is equal to: <b>0 kBtu</b>				



## Appendix G – Statement of On-Site Renewable Energy Performance

The information below is a snapshot of the template for the renewable energy performance submission. Please see the Energize Denver Hub website for the downloadable template file.

### Statement of On-Site Renewable Energy Performance

Date:

This note is to confirm that *[insert name of service provider completing review of renewable energy performance]* completed the review of on-site renewable energy performance *[insert date of review]* for the following building:

- Building ID: *[insert Building ID]*
- Building Address: *[insert complete building address]*
- 12-month period of renewable energy production: *[insert date range]*
- Total kBtu of renewable energy produced during 12-month period: *[insert total kilowatt-hours]*

I confirm that the above-referenced building *(please select the appropriate option)*:

- ☐ Produces on-site renewable energy greater than or equal to 20% of this building's annual site energy use
- ☐ Produces on-site renewable energy less than 20% of this building's annual site energy use

The service provider completing this letter:

- ☐ Performed the review of on-site renewable energy performance and installed the on-site renewable energy facilities for the building
- ☐ Completed the review of on-site renewable energy performance only (i.e. installation of system was completed by another service provider)

I declare that the above statements are true and accurate to the best of my knowledge, information and belief.

Sincerely,

*Insert signature*

*[Insert name of Service Provider or Project Lead]*

*[Insert name of company]*

## Appendix H – Compliance Plan Template

The information below is a snapshot of the compliance plan template for building owners who wish to pursue the 15% Energy Use Reduction or Timeline Extension ACO. It is intended to give CASR a summary look into what it going to be retrofitted and the implementation timeline. The plan should be a maximum of 5 pages. Please see the Energize Denver Hub website for the downloadable template file.

The Compliance Plan (Word or PDF document for submission) must cover three things:

- A detailed description of the improvements and upgrades to be performed to achieve the savings required for the selected alternate compliance option
  - 15% Energy Use Reduction ACO: An energy audit (as per Section 4.2) that details the at least 15% in estimated energy savings to be gained from the improvements
  - Timeline Extension ACO: vendor proposals or plans to upgrade lighting or install renewable power generation.
- A timeline for the improvements and upgrades
  - Create a timeline and list each item and its proposed start/completion dates
  - If the completion date for any activity is beyond the compliance deadline for the building, provide an explanation of why improvements cannot be completed prior to deadline
- A proposal for documentation to be submitted to CASR to demonstrate that the improvements and upgrades were completed as agreed. Describe all documentation that will be supplied to verify that the compliance plan was completed according to the energy audit recommendations and the improvements listed in point (I) above – examples include invoices, purchase orders, receipts, completed lighting compliance documentation, etc.

## Appendix I – Sample Application for Timeline Extension

The information below is a sample of the questions asked in the application for the Timeline Extension. Please see the Energize Denver Hub website for the actual submission form.

### Section 1 – Personal Information

- First Name:
- Last Name:
- Phone Number:
- Email Address:
- Relationship to Building:
- Owner
- HOA
- Property/Facility Manager
- Building Engineer
- Energy Manager
- Third Party Contractor
- Other

### Section 2 – Building Information

- Denver Building ID
- Building Address
- Building Address 2
- Building City
- Building Zip Code
- Building State:

### Section 3 – Timeline Extension Application

Reason(s) for Timeline Extension request (check all that apply)

- Planning for Major Renovation
- Landmark Preservation Commission review process means the work won't be done in time for a compliance deadline
- Financial distress (as described in the 5,000 – 24,999 sq ft building performance requirements Technical Guidance Manual)
- Change of building ownership
- Restrictions based on lease agreement(s) with current building tenant(s)
- Buildings with manufacturing, agricultural or other activities that would require interruption to production to implement compliance measures
- Delays in obtaining an interconnection agreement from Xcel Energy for on-site renewable energy systems that have been installed
- Multiple buildings with different compliance deadlines are part of a single Energy Performance Contract through an Energy Services Company (ESCO)
- Other reasons that will be considered by CASR on a case-by-case basis

For each reason checked, provide additional context on why the adjustment is needed: [text box]

File Upload Section:

- Compliance Plan [upload file(s)]
- Documentation that supports the timeline extension request [upload file(s)]

## Appendix J – Sample Application for Residential Condo. Building ACO

The information below is a sample of the questions asked in the application for the Residential Condominium Building alternate compliance option. Please see the Energize Denver Hub website for the actual submission form.

### Section 1 – Personal Information

- First Name:
- Last Name:
- Phone Number:
- Email Address:
- Relationship to Building:
- Owner
- HOA
- Property/Facility Manager
- Building Engineer
- Energy Manager
- Third Party Contractor
- Other

### Section 2 – Building Information

- Denver Building ID
- Building Address
- Building Address 2
- Building City
- Building Zip Code
- Building State:

### Section 3 – Alternate Compliance Application

#### File Upload Section:

- ASHRAE Level 1 audit report [*upload file(s)*]
- Copy of relevant certification of the energy auditor (if not included in the audit report) [*upload file(s)*]
- Retrofit Plan [*upload file(s)*]
- Total annual site energy use report [*upload file(s)*]
- Additional documentation that supports this alternate compliance request [*upload file(s)*]

## Appendix K – Sample Application for 15% Energy Use Reduction ACO

The information below is a sample of the questions asked in the application for the 15% Energy Use Reduction alternate compliance option. Please see the Energize Denver Hub website for the actual submission form.

### Section 1 – Personal Information

- First Name:
- Last Name:
- Phone Number:
- Email Address:
- Relationship to Building:
- Owner
- HOA
- Property/Facility Manager
- Building Engineer
- Energy Manager
- Third Party Contractor
- Other

### Section 2 – Building Information

- Denver Building ID
- Building Address
- Building Address 2
- Building City
- Building Zip Code
- Building State:

### Section 3 – Alternate Compliance Application

#### File Upload Section:

- ASHRAE Level 1 audit report [*upload file(s)*]
- Copy of relevant certification of the energy auditor (if not included in the audit report) [*upload file(s)*]
- Compliance Plan [*upload file(s)*]
- Total annual site energy use report [*upload file(s)*]
- Additional documentation that supports this alternate compliance request [*upload file(s)*]