CALIFORNIA · PRC § 25402.10 & 20 CCR §§ 1680–1684

California Building Energy Benchmarking (AB 802)

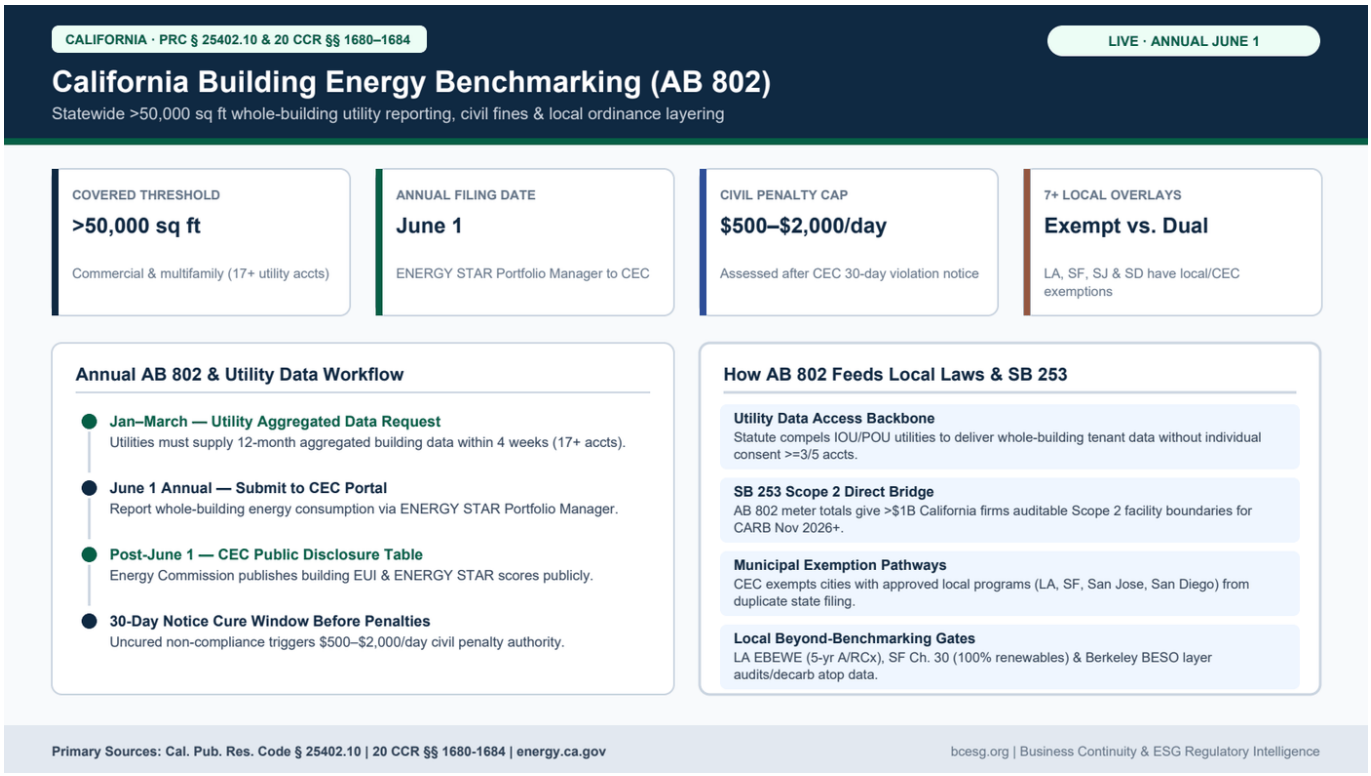
Statewide >50,000 sq ft CEC Portfolio Manager reporting, penalties & municipal layers

1. Statutory Scope, Thresholds & Key Dates

Program Element	AB 802 Rule Citation	Owner Requirement & Enforcement
Covered Size & Accounts	Cal. Pub. Res. Code § 25402.10	>50,000 gross sq ft commercial & multifamily (>=17 active utility accts)
Utility Aggregation	20 CCR § 1682 / Utility Mandate	Utilities deliver 12-mo aggregated data within 4 weeks (3 com / 5 res thresh)
Annual CEC Deadline	20 CCR § 1683	Annual June 1 ENERGY STAR Portfolio Manager submission
Civil Penalty Schedule	Cal. Pub. Res. Code § 25402.10(f)	$500–$2,000/day after 30-day uncured CEC notice

2. Operational Requirements & Enforcement

- **Utility Data Unlock:** California law forces utilities to supply whole-building aggregated data within 4 weeks without tenant privacy holdouts (>=3 com / >=5 res accts).
- **Stiff Daily Fines:** Ignoring CEC's 30-day notice opens owners to $500–$2,000 per day in statutory civil penalties.
- **Local Layering Warning:** CEC exemptions only cover duplicate state filings—Los Angeles 5-yr A/RCx, SF Ch. 30 100% renewables, and Berkeley/Chula Vista BESO remain mandatory locally.



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California Building Compliance & SB 253 Alignment Checklist

Step-by-step workflow from utility data verification through filing & compliance proof

Step	Owner / Team	Auditable Deliverable
1. Local vs. CEC Check	Portfolio Lead	Verify if building sits in a CEC-exempt approved city (LA, SF, San Jose, San Diego) vs. direct CEC filing.
2. Request Utility Feeds	Property Ops	Request aggregated 12-month data from IOU/POU utilities in Feb/Mar (allow 4+ weeks SLA).
3. File by June 1	Asset Mgmt	Run Portfolio Manager data quality checker and submit via annual CEC reporting link before June 1.
4. Reconcile SB 253	Corporate ESG	Map Portfolio Manager meter boundaries to corporate SB 253 Scope 2 & Cat 13 disclosures.

Key Questions & Edge-Case Rules

- **Do buildings in Los Angeles or San Francisco have to file twice for AB 802 and local ordinances?** No, provided the property complies fully with a CEC-approved local benchmarking program (including LA EBEWE, San Francisco EBO, San Jose BPO, and San Diego), CEC exempts the building from duplicate state submission—though local filing deadlines (such as May 1 in SF/SJ) differ from June 1.
- **Why does AB 802 matter for California SB 253 Scope 2 compliance?** AB 802's statutory whole-building utility aggregation gives corporate tenants and building owners auditable electricity and gas totals across multi-tenant assets needed for Scope 2 and Scope 3 Category 13 GHG inventories.
- **What is the penalty for ignoring a California Energy Commission AB 802 notice?** After issuing a 30-day written notice of violation, the CEC may assess administrative civil penalties ranging from $500 to $2,000 per day until compliance is demonstrated.

Primary Sources & Statutory Citations

- California Energy Commission — Building Energy Benchmarking Program (AB 802)
- California SB 253 & SB 261 Compliance Playbook — BC ESG
- Washington CBPS vs. West Coast Laws — BC ESG

Canonical Guide: https://bcesg.org/california-ab-802-building-energy-benchmarking-guide/

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