

UPCOMING REGULATORY DEADLINES UPDATED JANUARY 2024

San Francisco Existing Buildings Ordinance Energy Benchmarking Requirement

Ordinance Overview: San Francisco's Existing Buildings Ordinance applies to non-residential buildings with 10,000 square feet or more of space that is heated or cooled and to multifamily residential buildings with 50,000 square feet or more of space that is heated or cooled. Annual energy benchmarking is required to track a building's energy use, so that its performance can be compared to similar properties and understand how it's performing over time. Reports must be sent to the San Francisco Department of Environment annually. Please visit <https://sfenvironment.org/benchmarking-faq> or our Advocacy Resources webpage for more guidance on submitting benchmarking reports or applying for a waiver.

Waiver Eligibility: The City does not grant benchmarking extensions but does allow for waivers in certain situations. Scenarios where a waiver may be granted include:

- Cases where a building has been sold and it is not possible to obtain complete energy use data for a year due to the sale of a building
- If a tenant that purchases energy directly from the utility moves out and the owner has no mechanism to obtain energy use data from the utility
- If your facility averaged less than 1 person on site during the building's typical operating hours over the prior calendar year
- If your facility has written approval from a city agency to be demolished (or for the site to be developed in a manner that necessitates demolition)

Due Date: 2023 benchmarking reports must be submitted by May 1, 2024

San Francisco Existing Buildings Ordinance Energy Audit Requirement

Ordinance Overview: San Francisco's Existing Buildings Ordinance applies to non-residential buildings with 10,000 square feet or more of space that is heated or cooled and to multifamily residential buildings with 50,000 square feet or more of space that is heated or cooled. For each non-residential building with 10,000 gross square feet or more of conditioned space, meaning all areas designed to be heated or cooled, the building owner must obtain an energy audit, Strategic Decarbonization Assessment (SDA), or retrocommissioning study every 5 years. The audit or decarbonization assessment must be performed by a qualified professional

Waiver Eligibility: An Energy Audit is not required if the building is new (received a final certificate of occupancy in the last 5 years or is recognized by a third party as high performing (The building has received the ENERGY STAR in 3 of the past 5 years, or LEED for Existing Buildings certification in the past 5 years.) Buildings are also exempt from the audit requirement for as long as any of the following conditions apply:

- Unoccupied Buildings: The building had less than one full-time equivalent occupant for the previous calendar year.
- Financial Distress: Properties qualified for sale at public auction by the Treasurer and Tax Collector due to arrears of property taxes that resulted in the property's qualification for sale at public auction, or acquisition by a public agency within two years prior to the due date of an energy audit report

Due Date: Confirmation of an energy audit, SDA, or retrocommissioning study must be submitted by May 1, 2024



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San Francisco 100% Renewable Energy for Commercial Buildings Ordinance

Ordinance Overview: This ordinance requires that all electricity used in non-residential existing buildings must be generated from 100% greenhouse-gas free or renewable sources. This ordinance does not regulate sources of gas or steam but applies to all electricity used in all commercial buildings with 50,000 sq ft gross floor area with 10,000 sq ft or more of interior space that is heated or cooled.

To comply, building owners or tenants (whichever entity is in charge of this per lease stipulations) must subscribe to a product such as: CleanPowerSF-Supergreen, PG&E Solar Choice, SFPUC Hetch Hetchy Power, a qualifying Direct Access provider, or on-site generation from 100% GHG free or renewable energy resources.

Waiver Eligibility: There are no exemptions pursuant to the ordinance. However, the Department of Environment will work with entities that demonstrate the intent to purchase 100% renewable electricity but do not meet the deadline. These circumstances may include long-term energy contracts executed and dated prior to December 31, 2019 or buildings that have registered for a program but are not yet receiving 100% renewable energy by the compliance deadline.

Due Dates: The ordinance phases-in based on gross floor area categories reflected below:

Gross Floor Area	Deadline to Transition to Renewable Electricity	Documentation of Compliance Due Date
>500K Square Feet	December 31, 2022	April 1, 2024
250K-500K Square Feet	December 31, 2024	April 1, 2026
50-250K Square Feet	December 31, 2030	April 1, 2032

San Francisco Accessible Business Entrance Program

Ordinance Overview: This ordinance requires commercial property owners of public-serving businesses to confirm that the primary entrances are accessible to people with disabilities. An accessible business entrance is free of steps, slopes, excessively heavy doors or other structural barriers, like entryways that are too narrow for a wheelchair or mobility scooter. Businesses that serve the public are places where the public will enter a building to buy goods or services.

Waiver Eligibility: Building owners may request an exemption from the Accessible Business Entrance program for religious organizations, private clubs, places that are not meant for public accommodation, and newly constructed building with a building permit form (Form 1 /2) filed on or after January 1, 2002. Exemptions may also be granted for residential buildings, live/work units, and commercial condos above the ground floor.

Due Dates: Submit a checklist, waiver, or exemption as soon as you can. **The deadline has passed.** There are no immediate penalties, but you will be subject to code enforcement processes in the future. **You must have obtained your building permits by September 29, 2023.**



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San Francisco Façade Inspection Ordinance Comprehensive Inspection Requirement

Ordinance Overview: This ordinance requires that the exterior facades of buildings five or more stories must be inspected for unsafe conditions such as deterioration, damage, or decay due to weather factors. Buildings must be inspected every 10 years or within 60 days of a façade failure. Due to window failures caused by severe weather, the Department of Building Inspection was granted emergency powers to expand the façade program. Buildings constructed after 1998 and over 15 stories are subject to accelerated inspections in 2023, pending approval.

Waiver Eligibility: Certain buildings who have completed comprehensive façade inspections or repairs within 10 years of their inspection due date may apply for a waiver.

Due Dates: First inspections are due between 2021 and 2027, pursuant to the compliance tiers below. Buildings permitted after 1998 and less than 15 stories must begin initial inspections 30 years after the Certificate of Final Completion.

Gross Floor Area	Building Construction Completion Date	Comprehensive Inspection Report Due Date	Supplemental Inspection Report Due Date
1	1910	December 31, 2021	December 31, 2026
2	1910-1925	December 31, 2023	December 31, 2028
3	1926-1970	December 31, 2025	December 31, 2030
4	1970-1997	December 31, 2027	December 31, 2032
5	After 1997	December 31 of the 30 th year after completion	April 30, 2024

San Francisco Supplemental Façade Inspection for Tall Buildings Ordinance

Ordinance Overview: This proposed ordinance require buildings with 15 or more stories to conduct and submit supplemental inspection reports that will focus on windows and exterior glass surfaces to identify any defective or damaged materials that may cause glass failure

Waiver Eligibility: Buildings for which comprehensive façade inspection and necessary maintenance, restoration, or replacement has been completed during the 10 years preceding the date of the required initial inspection report due date may apply to the Building Official for a waiver of the initial inspection

Due Dates: For tall buildings built in or after 1998 that have not submitted an initial comprehensive façade report, supplemental inspections will start in 2024 and will be required every 5 years until the comprehensive inspection report requirement begins (30 years after the building's construction). After that, supplemental inspections will take place in between comprehensive inspections such that the buildings alternate between submitting comprehensive and supplemental reports every five years. Please see the table above for dates.

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California Permanent Closure Requirements for Underground Storage Tank with Single-Walled Components

State Legislation Overview: In 2014, Senate Bill 445 changed the underground storage tank (UST) regulatory program regarding design and construction of USTs. These changes are reflected in Health and Safety Code, chapter 6.7 (H&SC), section 25292.05. Specifically, this change requires that on or before December 31, 2025, the building owner or operator must permanently close a UST if it was designed and constructed before January 1, 1984 and does not meet the requirements of H&SC, section 25291(a)(1)-(6) or if it was designed and constructed before January 1, 1997 in accordance with H&SC, section 25291(a)(7). A list of UST's in California may be found at this link:

<https://www.waterboards.ca.gov/ust/docs/swt-contacts.xlsx>. As part of outreach efforts, the State Water Board have sent out letters of notification to all UST owners and operators who have been identified by their UPA as having a single-walled UST system.

Waiver Eligibility: There are no eligible waiver exemptions for this requirement.

Due Dates: December 31, 2025. Due to long lead times, significant removal and replacement cost, and fines of \$5k daily, it is recommended that buildings start the compliance process as soon as possible.

San Francisco Vacant Commercial Storefront Requirements

Ordinance Overview: Pursuant to San Francisco ordinance 52-19, all vacant storefronts in San Francisco must be registered with the Department of Building Inspection. Registration is required within 30 days of a vacancy and once annually if the storefront remains vacant. In addition to registration requirements, building owners and managers must adhere to inspection, maintenance, and signage requirements which are detailed at <https://sf.gov/register-your-vacant-storefront>.

Waiver Eligibility: There are no waivers provided for this requirement. However, up to 50% of the registration fee can be refunded if your storefront becomes occupied in the same year it's payed.

Due Dates: Registration is required within 30 days of a vacancy and once annually if the storefront remains vacant. If there are vacancy complaints and your storefront is not registered, the penalty is \$2,844. Even if the building is registered for vacancy, you may be cited for blight if you do not adequately maintain the property.