

Part I	ADMINISTRATION OF THE GOVERNMENT
Title II	EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH
Chapter 25A	DIVISION OF ENERGY RESOURCES
Section 20	LARGE BUILDING ENERGY USAGE; REPORTING REQUIREMENTS; PUBLICATION OF ENERGY USAGE DATA; PENALTIES FOR NONCOMPLIANCE

[Text of section added by 2022, 179, Sec. 41 effective July 1, 2024. See 2022, 179, Sec. 95.]

Section 20. (a) For purposes of this section, the following words shall have the following meanings, unless the context clearly requires otherwise:—

"Building", a building or multiple buildings on a parcel, or any grouping of buildings designated by the department as an appropriate reporting unit for the purposes of this section.

"Energy", electricity, natural gas, steam, hot or chilled water, heating oil, propane or other products designated by the department that are used for heating, cooling, lighting, industrial and manufacturing processes, water heating, cooking, clothes drying or other purposes.

"Gross floor area", the total floor area contained within a building measured to the external face of the external walls.

"Large building", a building with at least 20,000 square feet of gross floor area; provided, however, that the department may establish by regulation a lower threshold for a building to be considered a large building under this section.

"Owner", the owner of record of a building or a designated agent thereof including, but not limited to, an association or organization of unit owners responsible for management of a condominium, the board of directors of a cooperative apartment corporation or the net lessee of a building subject to a net lease with a term of not less than 30 years, inclusive of all renewal options.

(b) Annually, not later than March 30, the department shall publish on its website a list of buildings that qualify as large buildings for the purpose of this section.

(c) Annually, not later than June 30, each electric, gas and steam distribution company shall report to the department the total amounts of electricity, natural gas and steam used during the previous calendar year by each large building in the commonwealth that has an account with the distribution company.

(d) Annually, not later than June 30, owners of large buildings shall report to the department any energy used during the previous calendar year that is not covered by subsection (b); provided, however, that an owner shall not be required to report energy ordered, delivered and charged directly to a tenant if the owner sends a written request for energy use information to the tenant not later than April 30 of the same year, does not receive a response from the tenant by June 25 of the same year and provides evidence of the request to the department.

(e) The department shall establish a deadline extension and alternative compliance pathway process for owners who, in the judgment of the department, demonstrate cause for such a deadline extension and alternative compliance pathway.

(f) Annually, not later than October 31, the department shall make available on its website energy use information for the previous calendar year for each large building on a building-specific basis. The department shall use appropriate practices to prevent the public disclosure of personally identifying information regarding owners and tenants. The information shall be published in database format, fully text-searchable and readily sortable by municipality, zip code and all the data elements in the database. The department shall also prepare an annual comprehensive report on large building energy performance utilizing the information and data collected under this subsection. The database and each annual report shall be public records.

(g) The department shall ensure that electric and gas distribution companies provide owners of buildings subject to this section with up-to-date information about energy efficiency opportunities, including incentives in utility-administered or other energy efficiency programs.

(h) The department may establish civil penalties for failure to comply with the requirements of this section; provided, however, that no such penalty shall be assessed on or passed through to a lessee of a unit within a large building that comprises less than 5 per cent of the total gross floor area of the large building; and provided further, that civil penalties under this subsection shall not exceed \$150 per day.

(i) Nothing in this section shall prohibit the enforcement of large building reporting requirements previously established by the city of Boston or the city of Cambridge and further amendments or improvement thereto that exceed those reporting requirements established pursuant to this section.