



January 19, 2022

Aida Camacho-Welch
Secretary of the Board
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, NJ 08625-0350

RE: Building Energy Benchmarking Straw Proposal

Dear Board Secretary Camacho-Welch:

The Health Care Association of New Jersey (HCANJ) would like to raise three issues concerning the Board of Public Utilities “straw proposal” to implement the Clean Energy Act of 2018 provision requiring commercial buildings of more than 25,000 square feet to benchmark energy and water use during calendar year 2022. HCANJ represents nursing facilities, assisted living facilities, comprehensive personal care homes and adult medical day care service providers.

First, please clarify if the benchmarking requirement applies to nursing facilities, assisted living facilities, comprehensive personal care homes and adult medical day care service providers.

Second, are you able to provide a cost analysis of how expensive this requirement would be for these long term care providers? Do keep in mind that in the case of nursing facilities about 80 percent of their revenues are derived from fixed payment sources, namely the Medicaid and Medicare programs. Many assisted living facilities and adult medical day care service providers are heavily dependent on fixed Medicaid reimbursement.

Finally, I understand from one of our members who operates a facility in New York City that they have a similar benchmarking requirement. I was told that the program there also utilizes the EPA’s Energy Star Portfolio Manager tool and that this Portfolio Manager does not take into account buildings built using the US Green Building Council’s Leadership in Energy and Environmental Design (LEED) standards. As I understand, these standards provide a rating system for sustainable and environmentally sound buildings. If not recognized by the Portfolio Manager, does this mean that this benchmark tool will not recognize energy efficiencies captured in buildings built under LEED standards? If that is the case, can facilities built using the LEED standards be excluded from New Jersey’s benchmarking requirement?

HCANJ appreciates your taking the time to address these issues. Please contact me at (609) 890-8700 if you have any questions or need any assistance communicating the benchmarking requirement and any program education matters to our member facilities.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Indyk", with a long horizontal flourish extending to the right.

John W. Indyk
Vice President