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Secretary Aida Camacho-Welch
NJ Board of Public Utilities
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**IMO: THE IMPLEMENTATION OF P.L.2018, c.17 ENERGY AND WATER
BENCHMARKING OF COMMERCIAL BUILDINGS; Docket # : QO21071023**

Dear Secretary Camacho-Welch,

The New Jersey Builders Association (NJBA) submits the following comments regarding the implementation of energy and water benchmarking of commercial buildings.

NJBA, the state's leading trade association for the construction industry and its affiliate, the Mixed-Use Developers (MXD), represent the interests of the developers and associated businesses involved in the construction of single-family housing, multi-family housing and mixed-use developments. Members include builders, developers, remodelers, subcontractors, suppliers, engineers, architects, consultants and other professionals who strive for a more vibrant, greener, and affordable housing market in New Jersey. As such, NJBA has a substantial interest in how BPU plans to measure energy and water usage in buildings.

STAKEHOLDER QUESTION #1: Staff requests stakeholder comment on the proposed definition of "commercial buildings."

STAKEHOLDER QUESTION #2: Staff seeks stakeholder feedback on which buildings should be excluded from the covered buildings list, how campuses should be treated, and why.

Although the proposal recommends using the Division of Taxation's definition of commercial buildings, we believe reliance on this definition is leading to confusion. The Division of Taxation's definition in § 18:12-2.2 appears to conflict with the types of buildings listed on the top of page five of the Straw Proposal, namely "multi-family residential" and "mixed use."

Since 1948, the New Jersey Builders Association (NJBA) has been the State's leading trade association and voice of the homebuilding industry in Trenton. As a major influencer on the state's economic strength, its mission is to advocate for a sustainable and healthy economy and a more affordable and vibrant housing market. NJBA's diverse membership includes residential builders, developers, remodelers, subcontractors, suppliers, engineers, architects, lawyers, consultants and industry professionals that are involved in constructing entry-level to luxury units in for-sale, rental and mixed-use developments.

The Clean Energy Act (P.L.2018, c.17), which is the statute that charges BPU with benchmarking energy and water use for certain commercial buildings, clearly states that BPU shall require owners and operators of commercial buildings over 25,000 square feet to benchmark energy and water usage. We agree that the Straw Proposal's language on page five appears consistent with this task where it excludes apartments (class 4C) and several other building classes from the covered buildings list. However, because "multi-family residential" is listed under the covered buildings definition before this section, we believe further clarification is necessary to indicate that apartments and multi-family residential buildings are excluded from the covered buildings list. Similarly, we believe the provision that identifies mixed use buildings, especially those that are primarily residential, needs clarification to more clearly indicate that they should be excluded from the covered buildings. Additionally, any parking garage that serves the occupants of a multi-family residential building, apartment or other building that is not required to benchmark should be excluded from the covered buildings list.

We appreciate your consideration of these comments, and we look forward to continuing to work with you on accomplishing the state's clean energy goals. If you have any questions, please do not hesitate to reach out.

Sincerely,

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