

January 20, 2022

VIA Electronic Mail
Aida Camacho-Welch
Secretary of the Board
44 South Clinton Avenue,
1st Floor Post Office Box 350
Trenton, NJ 08625-0350
Email: board.secretary@bpu.nj.gov

Re: Request for Comments – Building Benchmarking Policy Proposal and Implementation Outline

Dear Secretary Camacho-Welch:

Thank you for the opportunity to submit comments on the above-referenced proposal. Enclosed please find comments submitted on behalf of ReVireo as a company, and myself, as an individual.

1. Staff requests stakeholder comment on the proposed definition of “commercial buildings.”
- We agree with defining commercial buildings as all buildings used for profit-marking purposes. However, we are confused about the exclusion of “apartments (class 4C),” which seems to conflict with inclusion of “Multi-family residential” and “Mixed use” buildings explicitly listed above as being included in the definition of commercial buildings. While we understand exempting condominium and co-op (housing cooperative) buildings, we do not understand exempting rental apartment buildings.
 - o The reason being the condominium and co-op buildings are generally owned by individuals for the purpose of providing shelter to the owner. While an individual may rent out a unit they own, the primary purpose of the building is not profit-making. By contracts, the primary purpose of a rental apartment building is for one entity/individual to profit by renting apartments to others.
 - o It is also worth noting that class 4C includes nursing homes, assisted living facilities, and other buildings that are solely for profit-making purposes.



- We feel it is worth noting that both New York City and Philadelphia require all types of multifamily buildings to comply with benchmarking policies.
- We do not understand the rationale for excluding local government, county, and federal buildings. While we understand not fining government entities to compel compliance, it would still be beneficial for them to participate.

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

- We believe that campuses should be treated as a single entity. So, for adjoining properties (i.e., “campus”) owned by a single entity, if the total sum of the buildings is greater than 25,000 square feet then they should have to benchmark. Otherwise, a property could have theoretically unlimited square feet and evade benchmarking requirements if each building was individually less than 25,000 square feet.

4. Staff requests stakeholder feedback about the proposed data access approach, privacy and cybersecurity concerns about building owners and building operators accessing tenant data, and eligibility requirements for opt-outs based on privacy and cybersecurity concerns

- We strongly support requiring the utilities to provide the building level data to building owners or their designated representative. This is critical to successful implementation.
- We suggest that when aggregated data is provided that the utility should also provide a list of which meters were included in that data. This is important to verify that house meters do not get double counted.
- We noticed the proposal refers to monthly data. Please note that in some municipalities water is only billed quarterly and so monthly data may not exist.

5. Staff requests stakeholder comment on the utility implementation of data access and web services and other available options that would be secure and efficient and would streamline data upload for building owners/operators.



- We strongly support requiring the utilities to provide aggregated building-level data through web services starting in calendar year 2022. This is critical to successful implementation.

11. Staff seeks suggestions about how to design the benchmarking program so as to potentially be able to expand in future years (e.g., by accommodating additional buildings, etc.) and form the foundation for future efforts in increasing energy efficiency in buildings.

12. Staff seeks comments on additional elements of the benchmarking program that would maximize its benefits.

- We suggest, to maximize benefits, it might be good to provide recommendations to perform an energy audit based on the ENERGY STAR score of the property (i.e., many building owners may not realize what an ENERGY STAR score means and/or if it is good or bad).
- We suggest sharing information with building owners about energy efficiency incentives and financing available from utility companies, the forthcoming NJ CPACE program, as well as the Federal 179D Tax Credit.
- We suggest modeling program and future expansion based on Philadelphia's Building Energy Benchmarking Program (<https://www.phillybuildingbenchmarking.com/>) as well as Philadelphia's Building Energy Performance Policy (aka "Building Tune-Up" policy): <https://www.phila.gov/programs/building-energy-performance-program/>
- We suggest modeling program and future expansion based on New York City's various Local Laws as a template, specifically:
 - o Local Law 84
 - o Local Law 87
 - o Local Law 88
 - o Local Law 95
 - o Local Law 97



About ReVireo:

ReVireo is an energy efficiency and green building services company founded in 2009 and headquartered in Cranford, NJ. ReVireo is a partner in both the NJ Clean Energy Program (NJCEP) Residential New Construction (RNC) and Pay for Performance (P4P) programs. We also provide energy efficiency services to building owners, developers, homebuilders, and contractors throughout the State of New Jersey.

About Me:

Beyond my role as CEO of ReVireo, I serve as on the Market Leadership Advisory Board of the NJ Chapter of the U.S. Green Building Council (USGBC) and as a member of the NJ Chapter of the North American Passive House Network (NAPHN). I previously administered an EPA funded grant overseen by Sustainable Jersey to facilitate a reduction in greenhouse gas emissions in Highland Park, Montclair, and Cherry Hill. I am also a lifelong resident of the State of New Jersey and earned my undergraduate degree in Public Policy at Rutgers University in New Brunswick.

Thank you for taking the time to review to our comments. We appreciate your consideration.

Very truly yours,

Matthew Kaplan, MBA, LEED AP BD+C

CEO

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