

A Construction Law Update

02/5/10

City of Seattle Adopts Energy Efficiency Reporting Requirements That Exceed State Law

On February 1, 2010, Seattle Mayor Mike McGinn signed the Building Energy Rating and Disclosure Ordinance, which the City Council had unanimously passed in January. Effective March 3, 2010, owners of nonresidential commercial buildings and multi-family buildings of four or more units in Seattle will have to benchmark, rate and disclose the energy efficiency of their buildings using the Energy Star system. Building owners must provide this information upon request to all tenants, prospective tenants, potential buyers and potential lenders.

In addition, owners of nonresidential commercial buildings greater than 50,000 square feet must report the benchmark and rating data to the City of Seattle starting April 1, 2011, while owners of nonresidential commercial buildings greater than 10,000 square feet and multi-family buildings with four or more units will start reporting April 1, 2012. Newly constructed buildings must report benchmarking and rating information one year after the date of initial occupancy.

After initial reporting, all buildings governed by the Seattle Ordinance must maintain energy efficiency information and update energy benchmarking reports yearly. Violations of the energy reporting or disclosure requirements can result in fines and penalties.

While largely similar to Senate Bill 5854, the *Efficiency First* bill signed by Gov. Christine Gregoire in May 2009, the Seattle Ordinance goes beyond the state requirements with the addition of benchmarking and disclosure for multi-family buildings, as well as disclosure to current tenants.

The economic analysis for the Seattle Ordinance concluded approximately 8,000 buildings would be affected, but would save more than 47 million kilowatt hours annually.

For more information, please contact the Construction Law Practice Group at Lane Powell:

206.223.7000 Seattle
503.778.2100 Portland
lppc@lanepowell.com

www.lanepowell.com

We provide the *Construction Law Hotsheet* as a service to our clients, colleagues and friends. It is intended to be a source of general information, not an opinion or legal advice on any specific situation, and does not create an attorney-client relationship with our readers. If you would like more information regarding whether we may assist you in any particular matter, please contact one of our lawyers, using care not to provide us any confidential information until we have notified you in writing that there are no conflicts of interest and that we have agreed to represent you on the specific matter that is the subject of your inquiry.

Copyright © 2009 [Lane Powell PC](#)
Seattle - Portland - Anchorage - Olympia - Tacoma - London