

113TH CONGRESS
1ST SESSION

S. 1191

To facilitate better alignment, cooperation, and best practices between commercial real estate landlords and tenants regarding energy efficiency in buildings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2013

Mr. BENNET (for himself and Ms. AYOTTE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To facilitate better alignment, cooperation, and best practices between commercial real estate landlords and tenants regarding energy efficiency in buildings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Better Buildings Act
5 of 2013”.

1 **SEC. 2. SEPARATE SPACES WITH HIGH-PERFORMANCE EN-**
2 **ERGY EFFICIENCY MEASURES.**

3 Subtitle B of title IV of the Energy Independence and
4 Security Act of 2007 (42 U.S.C. 17081 et seq.) is amend-
5 ed by adding at the end the following:

6 **“SEC. 424. SEPARATE SPACES WITH HIGH-PERFORMANCE**
7 **ENERGY EFFICIENCY MEASURES.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) HIGH-PERFORMANCE ENERGY EFFICIENCY
10 MEASURE.—The term ‘high-performance energy effi-
11 ciency measure’ means a technology, product, or
12 practice that will result in substantial operational
13 cost savings by reducing energy consumption and
14 utility costs.

15 “(2) SEPARATE SPACES.—The term ‘separate
16 spaces’ means areas within a commercial building
17 that are leased or otherwise occupied by a tenant or
18 other occupant for a period of time pursuant to the
19 terms of a written agreement.

20 “(b) STUDY.—

21 “(1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this section, the Secretary,
23 acting through the Assistant Secretary of Energy
24 Efficiency and Renewable Energy, shall complete a
25 study on the feasibility of—

1 “(A) significantly improving energy effi-
2 ciency in commercial buildings through the de-
3 sign and construction, by owners and tenants,
4 of separate spaces with high-performance en-
5 ergy efficiency measures; and

6 “(B) encouraging owners and tenants to
7 implement high-performance energy efficiency
8 measures in separate spaces.

9 “(2) SCOPE.—The study shall, at a minimum,
10 include—

11 “(A) descriptions of—

12 “(i) high-performance energy effi-
13 ciency measures that should be considered
14 as part of the initial design and construc-
15 tion of separate spaces;

16 “(ii) processes that owners, tenants,
17 architects, and engineers may replicate
18 when designing and constructing separate
19 spaces with high-performance energy effi-
20 ciency measures;

21 “(iii) standards and best practices to
22 achieve appropriate energy intensities for
23 lighting, plug loads, pipe loads, heating,
24 cooling, cooking, laundry, and other sys-

1 tems to satisfy the needs of the commercial
2 building tenant;

3 “(iv) return on investment and pay-
4 back analyses of the incremental cost and
5 projected energy savings of the proposed
6 set of high-performance energy efficiency
7 measures, including consideration of tax
8 and other available incentives;

9 “(v) models and simulation methods
10 that predict the quantity of energy used by
11 separate spaces with high-performance en-
12 ergy efficiency measures and that compare
13 that predicted quantity to the quantity of
14 energy used by separate spaces without
15 high-performance energy efficiency meas-
16 ures but that otherwise comply with appli-
17 cable building code requirements;

18 “(vi) measurement and verification
19 platforms demonstrating actual energy use
20 of high-performance energy efficiency
21 measures installed in separate spaces, and
22 whether the measures generate the savings
23 intended in the initial design and construc-
24 tion of the separate spaces;

1 “(vii) best practices that encourage an
2 integrated approach to designing and con-
3 structing separate spaces to perform at op-
4 timum energy efficiency in conjunction
5 with the central systems of a commercial
6 building; and

7 “(viii) any impact on employment re-
8 sulting from the design and construction of
9 separate spaces with high-performance en-
10 ergy efficiency measures; and

11 “(B) case studies reporting economic and
12 energy saving returns in the design and con-
13 struction of separate spaces with high-perform-
14 ance energy efficiency measures.

15 “(3) PUBLIC PARTICIPATION.—Not later than
16 90 days after the date of enactment of this section,
17 the Secretary shall publish a notice in the Federal
18 Register requesting public comments regarding ef-
19 fective methods, measures, and practices for the de-
20 sign and construction of separate spaces with high-
21 performance energy efficiency measures.

22 “(4) PUBLICATION.—The Secretary shall pub-
23 lish the study on the website of the Department of
24 Energy.”.

1 **SEC. 3. TENANT STAR PROGRAM.**

2 Subtitle B of title IV of the Energy Independence and
3 Security Act of 2007 (42 U.S.C. 17081 et seq.) (as
4 amended by section 2) is amended by adding at the end
5 the following:

6 **“SEC. 425. TENANT STAR PROGRAM.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) HIGH-PERFORMANCE ENERGY EFFICIENCY
9 MEASURE.—The term ‘high-performance energy effi-
10 ciency measure’ has the meaning given the term in
11 section 424.

12 “(2) SEPARATE SPACES.—The term ‘separate
13 spaces’ has the meaning given the term in section
14 424.

15 “(b) TENANT STAR.—The Administrator of the Envi-
16 ronmental Protection Agency and the Secretary shall de-
17 velop a voluntary program within the Energy Star pro-
18 gram established by section 324A of the Energy Policy
19 and Conservation Act (42 U.S.C. 6294a), which may be
20 known as Tenant Star, to promote energy efficiency in
21 separate spaces leased by tenants or otherwise occupied
22 within commercial buildings.

23 “(c) AGREEMENTS.—Responsibilities under the pro-
24 gram developed under subsection (b) shall be divided be-
25 tween the Secretary and the Administrator of the Environ-
26 mental Protection Agency in accordance with the terms

1 of applicable agreements between the Secretary and the
2 Administrator.

3 “(d) EXPANDING SURVEY DATA.—The Secretary,
4 acting through the Administrator of the Energy Informa-
5 tion Administration, shall—

6 “(1) collect, through each Commercial Building
7 Energy Consumption Survey of the Energy Informa-
8 tion Administration that is conducted after the date
9 of enactment of this section, data on—

10 “(A) categories of building occupancy that
11 are known to consume significant quantities of
12 energy, such as occupancy by law firms, data
13 centers, trading floors, restaurants, retail out-
14 lets, and financial services firms; and

15 “(B) other aspects of the property, build-
16 ing operation, or building occupancy determined
17 by the Administrator of the Energy Information
18 Administration, in consultation with the Admin-
19 istrator of the Environmental Protection Agen-
20 cy, to be relevant in lowering energy consump-
21 tion; and

22 “(2) make data collected under paragraph (1)
23 available to the public in aggregated form and pro-
24 vide the data, and any associated results, to the Ad-

1 administrator of the Environmental Protection Agency
2 for use in accordance with subsection (e).

3 “(e) RECOGNITION OF OWNERS AND TENANTS.—

4 “(1) OCCUPANCY-BASED RECOGNITION.—Not
5 later than 1 year after the date on which the data
6 described in subsection (d) is received, the Secretary
7 and the Administrator of the Environmental Protec-
8 tion Agency shall, following an opportunity for pub-
9 lic notice and comment—

10 “(A) in a manner similar to the Energy
11 Star rating system for commercial buildings,
12 develop voluntary policies and procedures to
13 recognize tenants that voluntarily achieve high
14 levels of energy efficiency in separate spaces;

15 “(B) establish building occupancy cat-
16 egories eligible for Tenant Star recognition
17 based on the data collected under subsection
18 (d)(1) and any associated results; and

19 “(C) consider other forms of recognition
20 for commercial building tenants or other occu-
21 pants that lower energy consumption in sepa-
22 rate spaces.

23 “(2) DESIGN- AND CONSTRUCTION-BASED REC-
24 OGNITION.—After the study required under section
25 424(b) is completed and following an opportunity for

1 public notice and comment, the Administrator of the
2 Environmental Protection and the Secretary may de-
3 velop a voluntary program to recognize commercial
4 building owners and tenants that use high-perform-
5 ance energy efficiency measures in the design and
6 construction of separate spaces.

7 “(f) EFFECT ON CLIMATE CHANGE.—For purposes
8 of this section, the impact on climate change shall not be
9 a factor in determining the energy efficiency of commercial
10 building tenants.”.

○