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”.

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SEC. 2. SEPARATE SPACES WITH HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURES.

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

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

“(a) DEFINITIONS.—In this section:

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

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

“(b) STUDY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall complete a study on the feasibility of—
“(A) significantly improving energy efficiency in commercial buildings through the design and construction, by owners and tenants, of separate spaces with high-performance energy efficiency measures; and

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

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

“(A) descriptions of—

“(i) high-performance energy efficiency measures that should be considered as part of the initial design and construction of separate spaces;

“(ii) processes that owners, tenants, architects, and engineers may replicate when designing and constructing separate spaces with high-performance energy efficiency measures;

“(iii) standards and best practices to achieve appropriate energy intensities for lighting, plug loads, pipe loads, heating, cooling, cooking, laundry, and other sys-
tems to satisfy the needs of the commercial building tenant;

“(iv) return on investment and payback analyses of the incremental cost and projected energy savings of the proposed set of high-performance energy efficiency measures, including consideration of tax and other available incentives;

“(v) models and simulation methods that predict the quantity of energy used by separate spaces with high-performance energy efficiency measures and that compare that predicted quantity to the quantity of energy used by separate spaces without high-performance energy efficiency measures but that otherwise comply with applicable building code requirements;

“(vi) measurement and verification platforms demonstrating actual energy use of high-performance energy efficiency measures installed in separate spaces, and whether the measures generate the savings intended in the initial design and construction of the separate spaces;
“(vii) best practices that encourage an integrated approach to designing and constructing separate spaces to perform at optimum energy efficiency in conjunction with the central systems of a commercial building; and

“(viii) any impact on employment resulting from the design and construction of separate spaces with high-performance energy efficiency measures; and

“(B) case studies reporting economic and energy saving returns in the design and construction of separate spaces with high-performance energy efficiency measures.

“(3) PUBLIC PARTICIPATION.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish a notice in the Federal Register requesting public comments regarding effective methods, measures, and practices for the design and construction of separate spaces with high-performance energy efficiency measures.

“(4) PUBLICATION.—The Secretary shall publish the study on the website of the Department of Energy.”
SEC. 3. TENANT STAR PROGRAM.

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

“SEC. 425. TENANT STAR PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURE.—The term ‘high-performance energy efficiency measure’ has the meaning given the term in section 424.

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

“(b) TENANT STAR.—The Administrator of the Environmental Protection Agency and the Secretary shall develop a voluntary program within the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), which may be known as Tenant Star, to promote energy efficiency in separate spaces leased by tenants or otherwise occupied within commercial buildings.

“(c) AGREEMENTS.—Responsibilities under the program developed under subsection (b) shall be divided between the Secretary and the Administrator of the Environmental Protection Agency in accordance with the terms
of applicable agreements between the Secretary and the Administrator.

“(d) EXPANDING SURVEY DATA.—The Secretary, acting through the Administrator of the Energy Information Administration, shall—

“(1) collect, through each Commercial Building Energy Consumption Survey of the Energy Information Administration that is conducted after the date of enactment of this section, data on—

“(A) categories of building occupancy that are known to consume significant quantities of energy, such as occupancy by law firms, data centers, trading floors, restaurants, retail outlets, and financial services firms; and

“(B) other aspects of the property, building operation, or building occupancy determined by the Administrator of the Energy Information Administration, in consultation with the Administrator of the Environmental Protection Agency, to be relevant in lowering energy consumption; and

“(2) make data collected under paragraph (1) available to the public in aggregated form and provide the data, and any associated results, to the Ad-
ministrator of the Environmental Protection Agency
for use in accordance with subsection (e).
``(e) RECOGNITION OF OWNERS AND TENANTS.—
``(1) OCCUPANCY-BASED RECOGNITION.—Not
later than 1 year after the date on which the data
described in subsection (d) is received, the Secretary
and the Administrator of the Environmental Protec-
tion Agency shall, following an opportunity for pub-
lic notice and comment—
``(A) in a manner similar to the Energy
Star rating system for commercial buildings,
develop voluntary policies and procedures to
recognize tenants that voluntarily achieve high
levels of energy efficiency in separate spaces;
``(B) establish building occupancy cat-
egories eligible for Tenant Star recognition
based on the data collected under subsection
(d)(1) and any associated results; and
``(C) consider other forms of recognition
for commercial building tenants or other occu-
pants that lower energy consumption in sepa-
rate spaces.
``(2) DESIGN- AND CONSTRUCTION-BASED RE-
COGNITION.—After the study required under section
424(b) is completed and following an opportunity for
public notice and comment, the Administrator of the
Environmental Protection and the Secretary may de-
velop a voluntary program to recognize commercial
building owners and tenants that use high-perform-
ance energy efficiency measures in the design and
construction of separate spaces.

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