



BERKELEY'S BUILDING EMISSIONS SAVING ORDINANCE

Time of Listing Update—July 1st, 2021

In December of 2020, the Building Energy Saving Ordinance (BESO) was amended by Berkeley City Council to further align BESO with the City's green house gas emissions reduction and electrification goals. Updates include:

- Changing the name to the **Building Emissions Saving Ordinance (BESO)**
- Including electrification and emissions reduction measures on assessments
- Eliminating reoccurring assessments for buildings <25,000 sq ft and shifting the assessment to **Time of Listing**
- Updating the Deferral to Buyer process to include a **Fuel Source Disclosure** and shorten deferral period to 6 months
- Adding additional **exemption pathways** for all-electric buildings and buildings that participate in [BayREN's Home+ Program](#)

| Building Size (Sq Ft) | Previous Requirements | New Requirements |
|--|--|--|
| 15,000 - 24,999 | Energy Assessment every 10 years OR Time of Sale | Time of Listing (Starting July 1st, 2021) |
| 5,000 - 14,999 | | |
| 850 - 4,999 (including 1-4 unit homes) | | |

BESO Time of Listing Process:

1) Check the BESO Property Status prior to listing on the Online BESO Portal ([BESO.Force.com](#)). If the building does not have an active assessment or deferral on file and the building/unit is not exempt, complete one of the following compliance options before listing the building for sale*:

2) Option #1. Complete BESO assessment

- Prior to listing, hire a BESO Assessor to conduct a BESO Assessment. Visit [www.CityofBerkeley.info/BESO](#) for the list of registered assessors.
- Submit online application/assessment filing fee (\$79 or \$152 based on building size) prior to listing to obtain the BESO Compliance Form A. The BESO Assessment and Compliance Form A must be provided to all potential buyers.

OR

2) Option #2. Defer Assessment Responsibility to Buyer for 6 months

- Seller submits "Request Deferral to Buyer" online application prior to listing, inputs the energy source (Electricity or Natural Gas) for all major appliances and systems, and pays the \$110 deferral fee.
- A link to the Property's Fuel Source Disclosure will be emailed to the seller. The Fuel Source Disclosure must be provided to all potential buyers.
- Once a Buyer and sale date has been established, the Buyer must submit an online application (no filing fee) to accept the BESO deferral and obtain the BESO Deferral Form C. The buyer then has 6 months to complete the assessment requirement.

3) Include the BESO Compliance Form A and Energy Assessment **OR** BESO Deferral Form C and Fuel Source Disclosure in the transfer documents at close of escrow.

NEW! Online BESO Portal

BESO compliance is now quick and easy. Visit <https://BESO.Force.com/> to:



Look-up a building's current BESO Status



Submit BESO Applications and pay filing fees via credit card



Retrieve BESO Compliance Forms, assessments, and fuel source disclosures

**An \$85 administrative late fee will be processed for buildings that do not complete a BESO Compliance Option prior to listing.*