



Berkeley's Building Energy Saving Ordinance (BESO)

Application Instructions for Time of Sale Compliance

Effective December 1, 2015, the Building Energy Saving Ordinance (BESO) replaces the Residential and Commercial Energy Conservation Ordinances (RECO and CECO), requiring that Berkeley buildings (less than 25,000 square feet) complete an energy assessment and publicly report energy efficiency information to the City and potential buyers prior to sale. BESO compliance is required prior to the sale of a house or whole building, but is not required prior to the sale of a unit that is only a portion of a larger building (such as a condominium unit that is not a detached structure).

BESO Energy Assessments Reveal Individualized Energy Improvement Opportunities

The energy assessment gives buyers information on a building's energy performance, such as a Home Energy Score, and tailored recommendations on how to achieve lower energy bills and a more comfortable home. Energy assessments must be completed by a [Registered BESO Energy Assessor](#).

How to Comply with BESO at Time of Sale

1. **Check building status** by looking up the building address on the BESO property status list posted on the [BESO website](#), or email the BESO team at BESO@cityofberkeley.info. If the building is already BESO compliant, send an email requesting compliance documentation and skip to Step 5, otherwise continue to Step 2.
2. **Choose ONE of the compliance options below**
 - **Time of Sale Deferral** – Apply for a Time of Sale Deferral, transferring responsibility for BESO compliance from the seller to the buyer, requiring the buyer to complete an energy assessment within 12 months of the sale date. Upon receipt of a completed BESO application and \$48 deferral filing fee, the City will email a *BESO Deferral Form C*. This *Form C* must be signed by the buyer and included with property transfer documents at close of escrow.
 - **BESO Energy Assessment** – Hire an assessor appropriate for your building type from the [Registered Energy Assessor List](#) on the BESO website. The list includes instructions for Mixed-Use Buildings comprised of both multifamily and commercial space. The Registered Energy Assessor will complete an assessment and provide customized energy efficiency recommendations in an Energy Report. The assessor will provide a copy of this Energy Report to both the customer and the City. Upon receipt of an application and filing fee, the City will email *Compliance Form A*, which can then be included with property transfer documents at close of escrow. Filing fees range *from \$79 for houses and small buildings* (less than 5 units or under 5,000 sq. ft.) or *\$152 for medium buildings* (5,000 sq. ft. to 24,999 sq. ft.). Buildings 25,000 sq. ft. or more do not have a time of sale reporting requirement.
 - **High Performance Exemption** – If a qualified comprehensive energy upgrade (such as Energy Upgrade California® Home Upgrade) has already been completed, apply for a High Performance Exemption by submitting evidence of program participation. Upon receipt of an application, the City will email *Compliance Form A*, which can then be included with property transfer documents at close of escrow. (no filing fee required)
 - **Deferral for New Construction or Extensive Renovation** – Time of Sale reporting requirements may be deferred for up to ten years for new construction or a completed “extensive renovation”. A project qualifies as an “extensive renovation” if it includes replacement of all energy-related equipment and at least half of the building envelope. Upon approval of an

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Email BESO@cityofberkeley.info or call the BESO help desk at (510) 981-7465

application, the City will email a *BESO Deferral Form D*, which can then be included with property transfer documents at close of escrow. (no filing fee required)

For additional deferrals, such as hardship, please contact the BESO team directly at BESO@cityofberkeley.info, or call (510) 981-7465.

3. **Complete BESO Building Application Form** available on the [BESO website](#).
 - *Estimated Gross Floor Area* – Provide an estimate of the total square footage of your building. All buildings under 25,000 sq. ft. must achieve BESO compliance at time of sale.
 - *Number of Residential Dwelling Units* – Provide the total number of residential dwelling units for all Houses, Multifamily, and Mixed Use Buildings. Each residential dwelling unit must have a separate entrance and kitchen.
4. **Submit completed BESO application and filing fees** (if applicable).
 - Email Application to BESO@cityofberkeley.info. Since credit card information cannot be transmitted securely via email, a cashier from the Permit Service Center will call the customer phone number provided in the BESO application for credit card payment information.

OR

- Mail application and check to:
City of Berkeley Permit Service Center
BESO, 1st Floor
1947 Center Street, Berkeley CA 94704
5. **Disclose building status to prospective buyers.** BESO information and status are available on the Property Status List, available on the City's [BESO website](#). Energy information must be disclosed to prospective buyers by providing a Deferral Form (C or D), or Compliance Form A (along with a complete Energy Report).
 6. **Documents needed at close of escrow.** To execute the sale of a building under 25,000 square feet, a BESO Compliance Form (A, C or D) is required. Please note that Form C, Time of Sale Deferral, requires the buyer's signature.

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