

City of Cincinnati
An Ordinance No. _____

MSS

EESW/EEF

2026

ORDAINING new Chapter 1051, “Building Energy Benchmarking,” of the Cincinnati Municipal Code to require annual energy benchmarking and reporting for certain large publicly and privately owned buildings and to provide for the administration and enforcement of a building energy benchmarking program.

WHEREAS, Resolution No. 37-2023, passed by Council on April 12, 2023, adopted the 2023 Green Cincinnati Plan, including its goal of reducing community-wide carbon emissions by fifty percent by 2030 and achieving carbon neutrality by 2050; and

WHEREAS, buildings represent a significant source of carbon emissions within Cincinnati; and

WHEREAS, the 2023 Green Cincinnati Plan identifies reducing emissions from buildings as a priority and sets a goal of reducing building-sector emissions by thirty percent from 2021 levels by 2030, including through the implementation of policies such as energy benchmarking; and

WHEREAS, energy benchmarking is the practice of annually measuring and reporting a building’s energy use per square foot, providing building owners, tenants, policymakers, and the public with information necessary to understand building energy performance, identify opportunities for efficiency improvements, and reduce operating costs; and

WHEREAS, research and experience from jurisdictions across the United States have shown that benchmarking programs can reduce energy consumption, increase market transparency, improve asset value, and support long-term planning for energy infrastructure and affordability; and

WHEREAS, the City, in partnership with the University of Cincinnati, convened a working group of building owners, operators, industry professionals, and community stakeholders to evaluate building energy policies; and

WHEREAS, stakeholder feedback indicated that understanding building energy use is essential for reducing emissions, lowering energy costs, and informing future energy use policy while recognizing the operational diversity and complexity of large buildings; and

WHEREAS, the stakeholder working group concluded that energy benchmarking is an appropriate and foundational first step for improving understanding of the City’s building stock and informing future energy efficiency and emissions-reduction strategies; and

WHEREAS, data analysis conducted as part of the City’s Building Energy Policy Initiative demonstrates that a small number of the largest buildings in Cincinnati account for a disproportionate share of total building emissions; and

WHEREAS, Council finds that establishing an energy benchmarking program for large buildings will advance the City's public health, safety, welfare, environmental sustainability, and economic competitiveness by providing reliable data to support energy-efficiency investments, energy affordability initiatives, and future policy development; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new Chapter 1051, "Building Energy Benchmarking," of Title X "Environmental Code," of the Cincinnati Municipal Code is ordained as follows:

Sec. 1051-1. – Definitions

For the purposes of this chapter, the words and phrases defined herein have the meaning set forth below, unless a different meaning is clearly indicated by the context.

Sec. 1051-1-A. – Aggregated Whole-Building Data.

"Aggregated whole-building data" means energy data that has been summed for an entire property, which may include a single metered tenant or a group of separately metered tenants.

Sec. 1051-1-B1. – Benchmark.

"Benchmark" means to input and submit the total energy used by a property for the previous calendar year, as well as other descriptive information for a property, into the benchmarking tool, as required by this chapter. Total energy used by a property does not include separately metered uses that are not integral to building operations, as determined by the director.

Sec. 1051-1-B2. – Benchmarking Report.

"Benchmarking Report" means a subset of information input into the benchmarking tool and benchmarking information generated by the benchmarking tool and submitted to the director, as determined by the director.

Sec. 1051-1-B3. – Benchmarking Score.

"Benchmarking score" means the numeric rating generated by the ENERGY STAR® portfolio manager tool, or any additional or alternative tool designated by the director, as a measurement of a property's energy efficiency.

Sec. 1051-1-B4. – Benchmarking Tool.

"Benchmarking tool" means the federally provided tool ENERGY STAR® portfolio manager, or any additional or alternative tool designated by the director, used to track and assess the energy use of certain properties relative to similar properties.

Sec. 1051-1-B5. – Building.

“Building” means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances that are heated and cooled.

Sec. 1051-1-C1. – Condominium.

“Condominium” means a property that combines separate ownership of individual units with common ownership of other elements such as common areas.

Sec. 1051-1 -C2. – Covered City Property.

“Covered City property” means a property that exceeds 10,000 square feet in gross floor area, which the City owns or for which the City regularly pays all or the majority of the annual energy bills.

Sec. 1051-1-C3. – Covered Non-City Property.

“Covered non-City property” means a property, other than a covered City property, that exceeds 50,000 square feet in gross floor area.

Sec. 1051-1-C4. – Covered Property.

“Covered property” means any covered City property or covered non-City property. The term “covered property” excludes:

- (a) Residential properties that contain or consist of fewer than four dwelling units in total and their related accessory structures; and
- (b) Industrial properties.

Sec. 1051-1-D1. – Data Quality Checker.

“Data quality checker” means the function in ENERGY STAR® portfolio manager, or a similar function in any additional or alternative benchmarking tool designated by the director, that applies a set of data accuracy checks to identify potential data entry errors and determine whether a building differs from typical operational patterns.

Sec. 1051-1-D2. – Data Transparency Information.

“Data transparency information” means information generated by the benchmarking tool and descriptive information about the physical property and its operational characteristics that is shared with the public. The information shall include but is not limited to:

- (a) Descriptive information:
 - (1) Property address;

- (2) Primary use;
 - (3) Gross floor area; and
 - (4) Number of years the property has been benchmarked and the last approval date, if applicable.
- (b) Output information:
 - (1) Site energy use intensity;
 - (2) Weather normalized site energy use intensity; and
 - (3) Annual energy use.

Sec. 1051-1-D3. – Department.

“Department” means the office of environment and sustainability or its successor.

Sec. 1051-1-D4. – Director.

“Director” means the director of the office of environment and sustainability or the director’s designee.

Sec. 1051-1-E1. – Energy.

“Energy” means power, whether derived from electricity, natural gas, steam, fuel oil, solar, thermal, wind, or any other source, including chilled water, sold by a utility to a covered property owner, or power otherwise generated by a covered property owner, to power building or property systems including heating, cooling, lighting, and water heating, as well as other building or property operations end-uses as determined by the director.

Sec. 1051-1-E2. – ENERGY STAR® Portfolio Manager.

“ENERGY STAR® portfolio manager” means the federally provided benchmarking tool used to track and assess the relative energy performance of properties.

Sec. 1051-1-G. – Gross Floor Area.

“Gross floor area” means the total square footage of a building or buildings constituting a property, measured between the outside surfaces of the exterior walls, including but not limited to lobbies, tenant areas, common areas, meeting rooms, break rooms, atria, restrooms, elevator shafts, stairwells, mechanical equipment areas, basements, and storage rooms. It excludes areas such as exterior or interior spaces, including but not limited to balconies, patios, exterior loading docks, driveways, covered walkways, outdoor play courts, parking, crawl spaces, and attics, that are neither heated nor cooled.

Sec. 1051-1-I. – Industrial Property.

“Industrial property” means a property primarily used for manufacturing or other industrial purposes for which benchmarking would not meaningfully reflect building energy use characteristics due to the intensive use of energy in the actual manufacturing, production, or processing of a good, commodity, or other material. Industrial property excludes properties where energy use beyond powering building operations is used primarily to power and enable the use of computers, servers, and related equipment that does not produce tangible goods or commodities.

Sec. 1051-1-O. – Owner.

“Owner” means any of the following:

- (a) An individual or entity possessing title to a property;
- (b) The board of the owners’ association, in the case of a condominium;
- (c) The master association, in the case of a condominium where the power of an owners’ association is exercised by or delegated to a master association;
- (d) The board of directors, in the case of a cooperative apartment corporation; or
- (e) An agent authorized to act on behalf of any of the above.

Sec. 1051-1-P. – Property.

“Property” means any of the following:

- (a) A single building;
- (b) One or more buildings held in the condominium form of ownership, and governed by a single board of managers; or
- (c) A campus of two or more buildings which are owned and operated by the same party, have a single shared primary function, and which are behind a common master utility meter or served by common mechanical or electrical systems, such as a chilled water loop, which would prevent the owner from being able to determine the energy use attributable to each of the individual buildings.

Sec. 1051-1-T. – Tenant.

“Tenant” means a person or entity occupying or holding possession of a building or part of a building or premises pursuant to a rental or lease agreement.

Sec. 1051-1-U. – Utility.

“Utility” means an entity that distributes or sells energy or energy services, including but not limited to natural gas, electricity, chilled water, or thermal energy services.

Sec. 1051-3. – Collecting and Entering Benchmarking Data.

- (a) Each year the owner of each covered property shall collect and enter into the benchmarking tool all data needed to benchmark the entire property for the previous calendar year. Aggregated whole-building data for the property's energy use shall be compiled using one or more of the following methods:
 - (1) Obtaining aggregated whole-building data from each utility that provides energy service to the property;
 - (2) Collecting energy usage data from all tenants; or
 - (3) Reading a master meter.
- (b) The director is authorized to develop an alternative program through which the owner may comply with requirements of subsection (a) by granting the City or its contractor or partner permission to collect the required data on the owner's behalf and enter it into the benchmarking tool using forms and procedures developed by the director. Permitting the City or its contractor to collect and enter benchmarking data on the owner's behalf does not relieve the owner of any of the verification or audit requirements of section 1051-5 or the benchmarking requirements of section 1051-7.
- (c) Nothing in this chapter shall be construed to permit a property owner to use tenant energy usage data for purposes other than compliance with benchmarking report requirements, nor shall the reporting requirements of this chapter be construed to excuse property owners from compliance with federal or state laws governing direct access to tenant utility data from the responsible utility.

Sec. 1051-5. – Verification

- (a) The owner shall verify the accuracy of the data submitted directly by the owner or obtained on the owner's behalf using forms and procedures developed by the director.
- (b) If the owner becomes aware at any time that any information submitted as part of the benchmarking report is inaccurate or incomplete, the owner shall, within thirty days of becoming aware of the inaccuracy or omission:
 - (1) Amend the information within the benchmarking tool; and
 - (2) Submit an updated benchmarking report to the director.
- (c) The owner shall employ a third-party, approved by the director, to audit and verify the accuracy of all data used to benchmark a property every three years. The audit shall review the two immediately past benchmarking reports and their underlying data as well as the currently due benchmarking report and its underlying data, and

be submitted concurrently with the benchmarking report due for the relevant calendar year using forms and procedures developed by the director.

Sec. 1051-7. – Benchmarking Reporting.

- (a) For each covered property subject to this chapter, the owner shall submit an annual benchmarking report in an electronic format through the benchmarking tool by the applicable deadline established in section 1051-9.
- (b) The benchmarking report shall include all information entered into the benchmarking tool as required by section 1051-1-B2.
- (c) The owner of each covered property shall ensure that all data entered into the benchmarking tool is based on aggregated whole-building data for the calendar year being reported.
- (d) Before submitting a benchmarking report, the owner shall:
 - (1) Run all data quality checker functions available within the benchmarking tool;
 - (2) Ensure that all required data has been accurately entered into the benchmarking tool; and
 - (3) Correct any missing or inaccurate information identified by the data quality checker.
- (e) The director is authorized to develop an alternative program through which the owner may comply with the requirements of subsections (a) through (d) of this section by granting the City or its contractor or partner permission to generate the benchmarking report on the owner's behalf using the benchmarking tool. Permitting the City or its contractor to generate the benchmarking report on the owner's behalf does not relieve the owner of any of the verification or audit requirements of section 1051-5 or the data collection and entering requirements of section 1051-3.

Sec. 1051-9. – Benchmarking Schedule and Data Transparency.

- (a) The owner of each covered property shall generate, complete, and submit a benchmarking report to the director annually for each covered property according to the schedule established in this section.
- (b) The initial benchmarking report for each covered property shall be submitted in accordance with the following schedule:

Property	Initial Benchmarking Calendar Year	Initial Reporting Date
Covered City Properties	2026	June 1, 2027
Covered Non-City Properties Greater Than 100,000 square feet	2027	June 1, 2028
Covered Non-City Properties Greater Than 50,000 square feet	2029	June 1, 2030

- (c) After the initial benchmarking report, the owner of each covered property shall submit a benchmarking report to the director annually by June 1 of each year.
- (d) Beginning in the year after a covered property is first required to submit a benchmarking report, the director shall make the property's data transparency information available to the public.
- (e) The director shall make updated data transparency information available to the public annually thereafter.

Sec. 1051-11. – Exemptions from Benchmarking.

The owner of a covered property may apply to the director for an exemption from the benchmarking and data transparency requirements of this chapter if the property meets one or more of the following conditions:

- (a) The property did not have a certificate of occupancy or temporary certificate of occupancy for the entire calendar year;
- (b) The property was issued a demolition permit during the prior calendar year; or
- (c) Compliance with the benchmarking or data transparency requirements of this chapter would disclose trade secrets as defined by Ohio law.

Sec. 1051-13. – Maintenance of Records.

- (a) Each owner shall maintain the data entered into the benchmarking tool and supporting documentation, including but not limited to energy bills and reports or forms received from tenants or utilities pursuant to this chapter, for three years from the time of submission of the related benchmarking report to the director.
- (b) Upon request of the director, records required to be maintained under this section shall be made available for inspection and review by the department at the department's offices.

Sec. 1051-15. – Violations and Enforcement.

- (a) It shall be unlawful for any entity, person, tenant, or owner to:
 - (1) Fail to comply with the requirements of this chapter; or
 - (2) Misrepresent any material fact in a document required to be prepared or submitted pursuant to this chapter.
- (b) The director may establish late fees and penalties for an owner's failure to submit data required by this chapter, failure to submit reports required by this chapter, or failure to verify submitted information required by this chapter. Such fees and penalties shall be set forth in the rules and regulations authorized by section 1051-17 and shall become effective as set forth in that section.

Sec. 1051-17. Rules and Regulations.

The director shall adopt such rules and regulations as are deemed necessary to carry out the provisions of this chapter. Such rules and regulations, including such late fees and penalties as the director may determine, shall become effective upon their approval by the city manager and posting on the City's website.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2026

Aftab Pureval, Mayor

Attest: _____
Clerk