

Montgomery County's Building Energy Benchmarking: Frequently Asked Questions (FAQs)

Montgomery County's Department of Environmental Protection has put together a list of FAQs about the [Benchmarking Law 2-14](#), which was enacted in April 2014. As new questions come up, we'll update this FAQ PDF. If you have a question that hasn't been covered in this document or the [DEP website](#), please email energy@montgomerycountymd.gov.



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ABOUT BENCHMARKING

Building Energy Benchmarking: What is it, and what are the benefits?

Benchmarking is tracking and comparing one building's energy use against a nationwide set of peer buildings. After real estate taxes, energy is one of the highest building expenses. Being conscious of energy consumption through benchmarking is a good business practice and makes building owners competitive in the marketplace.

[Benchmarking](#) has a number of benefits that include:

- Improving understanding of energy consumption patterns and key drivers;
- Quantifying energy performance and comparing against average similar building stock;
- Identifying energy saving opportunities; and
- Managing business bottom line through consistent data collection and tracking.

Building owners already use the concept of benchmarking for other activities, such as budgeting, inventory, or business performance, so the business case for energy benchmarking is strong. Read more about the [benefits of benchmarking \(PDF, 419KB\)](#).

Montgomery County's Benchmarking Law relies on the nationwide data built in to [ENERGY STAR's Portfolio Manager](#). In addition to meeting the Benchmarking Law, building owners can use Portfolio Manager to get an ENERGY STAR score of 1-100 for their building. Buildings that earn a score of 75 or higher are eligible to for ENERGY STAR Certification.

Can I use another benchmarking tool besides Portfolio Manager?

No, per the legislation, building owners must use ENERGY STAR's Portfolio Manager to benchmark and report their Covered buildings to DEP. Like many other jurisdictions across the nation, Montgomery County is using the reporting functionality of Portfolio Manager to ensure compliance with the Benchmarking Law.

COVERED BUILDINGS

Which buildings are Covered under the Benchmarking Law?

Under the Benchmarking Law, a “Covered building” is a nonresidential building, or any group of nonresidential buildings that have the same parcel/property identification number, located within Montgomery County that have a certain level of occupancy and function.

If your building falls into one of the following Covered building categories, you must benchmark your building(s):

- A single building...that has a gross square footage of 50,000 or greater.
- Multiple buildings (e.g., a complex) that share a single Parcel Identification Number (e.g., Tax ID or property parcel)...that have a combined gross square footage of 50,000 or greater. *(This may result in the benchmarking of buildings that as an individual building may not meet the Covered building threshold, but in combination with other buildings on a common parcel, do meet the threshold.)*

If your building has a unique case that is not mentioned in this document, please email energy@montgomerycountymd.gov for further clarification on whether your building is Covered.

Are multifamily buildings required to benchmark and report under the Law?

No, multifamily buildings and any other building with residential dwelling units are not Covered buildings under the Benchmarking Law.

Covered Buildings: Is my complex Covered?

If you have a complex of buildings (more than one building) that are on the same parcel (e.g., have the same [Tax ID/MBID](#)), and the total square footage of the buildings adds up to 250,000 square feet (Group 1) or 50,000 square feet (Group 2), then **yes**, those buildings are Covered under the Benchmarking Law and must benchmarked to comply with the law.

How to Benchmark in Portfolio Manager: Once it has been determined that any buildings are Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager. As much as individual buildings (even if they are on the same parcel) can be benchmarked separately in Portfolio Manager, they should be. If they have separate meters or are submetered, it is best to benchmark them separately.

Example: You have two buildings, each are 40,000 in building square footage that are on the same parcel (adding up to 80,000 in total building square footage). These buildings would fall under a Group 2 submission. These building each have separate meters or are submetered. Both buildings will need to be reported to the County to comply. If they are submetered, they should be benchmarked separately in Portfolio Manager

Covered Buildings: My building sits on multiple parcels with multiple owners—is it Covered?

If the building structure is greater than 50,000 square feet, then **yes**, that building is Covered must benchmark to comply with the law.

How to Benchmark in Portfolio Manager: Once it has been determined that the building is Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager. Benchmarking the building will require whole-building data; each parcel/tax ID

should not benchmark separately. The building's association or other building management should coordinate the request of aggregate building data to complete the building profile and energy data in Portfolio Manager.

Example: A building is sits on four different parcels/tax IDs, but the structure as a whole adds up to a total of 575,000 square feet. This building is Covered and should be benchmarked as a single Group 1 building. The association or management will enter data into Portfolio Manager (with multiple [MBID numbers](#) entered) for the whole building in order to comply.

Covered Buildings: Are office condominiums Covered?

If the building that encompasses the condominiums adds up to 250,000 square feet or 50,000 square feet, then **yes**, that building and its condominiums are Covered and must benchmark to comply with the law.

How to Benchmark in Portfolio Manager: Once it has been determined that the building is Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager. Benchmarking a building of condominium will require whole-building data; each condominium should not benchmark separately. The condo association or other building management should coordinate the request of aggregate building data to complete the building profile and energy data in Portfolio Manager.

Example: A building is made up of 10 office condos, adding up to a total of 75,000 square feet. This building is Covered and should be benchmarked as a single building. The association or management will enter data into Portfolio Manager for the whole building in order to comply.

Covered Buildings: Are shopping centers, strip malls, and town centers Covered?

Retail is Covered under the law. As above under "Covered Buildings: My building sits on multiple parcels with multiple owners – Is it Covered?", if the building structure is greater than 50,000 square feet, then **yes**, that building is Covered and must benchmark to comply with the law.

How to Benchmark in Portfolio Manager: Once it has been determined that the building is Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager. Benchmarking the building will require whole-building data; each parcel/tax ID should not benchmark separately. The building's association or other building management should coordinate the request of aggregate building data to complete the building profile and energy data in Portfolio Manager.

Example: A building sits on four different parcels/tax IDs, but the structure as a whole adds up to a total of 375,000 square feet. This building is Covered and should be benchmarked as a single building. The association or management will enter data into Portfolio Manager (with multiple [MBID numbers](#) entered) for the whole building in order to comply.

Which buildings are Exempt under the Benchmarking Law?

The Benchmarking Law applies to all Covered buildings, unless your building meets specific exemption criteria. Buildings are **exempt** from the Law if more than 10% of the total building square footage is used for the following purposes/classifications:

- Public assembly in a building without walls
- Warehousing
- Self-storage
- Manufacturing and industrial
- Transportation
- Communications
- Utilities (Infrastructure)

If a building listed in [DEP's Covered building inventory](#) meets the threshold for an exemption, please email DEP at energy@montgomerycountymd.gov as soon as possible before the reporting deadline with the subject line "Exemption Application" and include your building's address, tax or parcel ID, and justification for the exemption. Documentation of justification is encouraged or may be requested.

Can I request a waiver from complying with the Benchmarking Law?

The Benchmarking Law applies to all Covered buildings, not exempted, unless your building qualifies and applies for a waiver. A building owner may apply for a **waiver** from the Law in cases where the building:

- Is in financial distress, defined as the building is subject of a tax lien sale or public auction due to property tax arrearages; is controlled by a court appointed receiver; or was recently acquired by a deed in lieu of foreclosure;
- Has physical occupancy of 50% or less during a year when benchmarking is required; or
- Is new construction and received its certificate of use and occupancy during the calendar year for which benchmarking is required.

DEP is currently developing a standard form for building owners to apply for waivers. In the interim, if the information contained in [DEP's Covered building inventory](#) is inaccurate and/or you need to apply for a waiver, please email DEP at energy@montgomerycountymd.gov as soon as possible before the reporting deadline with the subject line "Waiver Application" and include your building's address, [MBID number](#), and justification for the waiver. Documentation of justification is encouraged or may be requested.

My building is not eligible to receive an ENERGY STAR score—do I still need to comply with the Benchmarking Law?

Yes, all Covered buildings that meet the Law's provisions must benchmark and report their buildings, regardless of whether the buildings are eligible earn the ENERGY STAR score or if their ENERGY STAR score is low. Building owners can use the Property Details notes field to elaborate on the reasons for low scores or any other information they would like to communicate to DEP. These Property Details will be published with the data (unless noted otherwise).

BUILDING-SPECIFIC QUESTIONS

Am I required to submeter my building?

The law does not require you to submeter your building. Whole-building (or aggregate building) data is necessary for benchmarking. Buildings should be benchmarked at the most granular level possible (down to the individual building level) based on existing metering arrangements and infrastructure. Buildings should be benchmarked separately if meters or sub-meters allow for it.

Submetering can be a useful way to better understand your energy use, and we encourage building owners to consider the value of submetering if they are pursuing energy management or other energy conservation measures.

The law doesn't require parking space to be benchmarked, but Portfolio Manager asks for this information. What do I do?

The first question a building owner needs to ask is whether they need to comply with the law. In determining this, parking is not counted toward the 50,000 or 250,000 square foot thresholds for the County benchmarking law. Once it has been determined that the building is Covered under the law, owners should follow the guidance of ENERGY STAR Portfolio Manager.

Portfolio Manager has separate guidelines for how and when to include parking in benchmarking. This may result in your building's compliance square footage to be 75,000 square feet (without parking), but to have reported square footage of 85,000 square feet if your parking is included in Portfolio Manager. This is acceptable for compliance.

I am vacating my Covered building—what do I need to do with the property in ENERGY STAR Portfolio Manager?

Before vacating the building—either as a tenant or building owner—please be sure to transfer ownership of the property within ENERGY STAR Portfolio Manager to the new point person responsible for benchmarking (e.g., property manager). ENERGY STAR has instructions on how to transfer properties [here](#). This ensures a consistent benchmarking record within Portfolio Manager and maintains reliable property tracking information when reporting to the County as required by the law.

If a smooth transition may not be possible, please add this information into Property Notes section of your final reported data and/or contact DEP by emailing energy@montgomerycountymd.gov, so we can take note of the transition.

I am a new building owner of an existing building in Montgomery County—how can I obtain the existing property in Portfolio Manager?

Before or as soon as possible after taking ownership of the building, contact the existing property owner and request that they transfer ownership of the property profile within ENERGY STAR Portfolio Manager to your account. ENERGY STAR has instructions on how to transfer properties [here](#). This ensures a consistent benchmarking record within Portfolio Manager and maintains reliable property tracking information when reporting to the County as required by the law.

If you cannot obtain ownership of the property record, please contact DEP at energy@montgomerycountymd.gov, so we can take note of the building transition and advise how to best benchmark your building.

I have questions about entering building data in ENERGY STAR Portfolio Manager— who should I contact?

If you have questions about entering data in Portfolio Manager, please refer to [EPA's ENERGY STAR Buildings FAQ](#). If, after reviewing the FAQs, you still have questions, you can contact ENERGY STAR by submitting a question [here](#).

DEADLINES

I have a Covered Building. What deadlines do I need to be aware of?

We encourage buildings to adopt their own schedule and timeline ahead of the deadlines listed below. This will ensure ample time for utility data requests, verification, and any questions you have about the reporting process.

- **March 1st** of each compliance year is the date by when owners must request any data from tenants.
- **March 30th** of each compliance year is the date by when tenants must provide requested data (or within 30 days of the building owner’s request).
 - *Note:* Utilities ask for at least 10 business days to fulfill data requests. If you have several buildings with several meters, please consider giving the utilities more time. In the final month before the deadline, we encourage building owners to give utilities as much as 30 days to fulfill requests, as the volume of requests will be greatest then.
- **June 1st** of each compliance year is the deadline to report to the County.

What are the different deadlines in the Benchmarking Law?

The three groups required to benchmark under the Benchmarking Law have staggered reporting deadlines:

Building Group	Building Size	Data to be Reported	First Deadline
County Buildings	≥ 50,000 square feet	Calendar year 2014 data	June 1, 2015
Group 1	≥ 250,000 square feet	Calendar year 2015 data	June 1, 2016*
Group 2	50,000 square feet up to 250,000 square feet	Calendar year 2016 data	June 1, 2017*

After the first deadline, each building group will need to report calendar year benchmarking data to the County June 1st annually.*

**Note:* To achieve better alignment with Department reporting requirements, utility data access capacity, and other factors related to resource availability, the Benchmarking Work Group has recommended a legislative amendment which would modify the deadline dates in the original Benchmarking Law from December 1st to June 1st for each Group. This recommendation will be reviewed by Council in fall 2015.

OBTAINING DATA FROM TENANTS

How do I collect energy data from my building tenants?

Before March 1st, you can request that your building tenants share/send their energy data directly with you for the purposes of benchmarking (i.e., sending copies of utility bills, sharing meter data via Portfolio Manager), or you can request data from your utility company.

If your building has 5 or more meters, you can usually request whole-building/aggregate energy data from the utility company without tenant authorization. If your building has 4 or fewer meters, your utility company will require tenant authorization from each tenant before releasing the energy data to the building owner.

In addition to requesting energy data, you may also need to request building profile data, such as occupancy and hours of operation. Montgomery County has developed a template letter, [Tenant Information Request Letter Template](#) (.doc, 16KB) that building owners may use to request energy and building profile data. Tenants have 30 days to respond to any written request for data.

What if my tenant does not give me building information or energy data?

If a tenant does not provide data to the building owner within 30 days, the building owner may not be able to fully comply with the law, and the tenant may be partially responsible. Do not let your tenants' noncompliance prohibit you from benchmarking your building; enter as much information as possible and notify DEP of any issues you may be encountering.

My tenant moved out mid-calendar year—what should I do?

The building owners should ask the tenant for all utility bills prior to their move-out date or the required express consent to obtain their data from the utility (if necessary, in the case of 4 or less tenants in the building). The tenant is expected to provide the utility data to the building owner before leaving the building, or as soon as practical after the tenant has vacated the building.

What if the utility hasn't given me my energy data yet?

The Montgomery County benchmarking deadlines offer ample time to request utility data. While most utilities can provide data within 10 business days, **we recommend submitting your request for utility data at least 30 days** ahead of your compliance deadline. In certain circumstances, if you can show that you requested your data with ample time, DEP may provide an extension.

VERIFICATION

What is verification? Am I required to do it?

All Covered buildings under the Benchmarking Law are required to perform verification the first year of compliance and every three years after.

The Benchmarking Law requires building owners to demonstrate that reported benchmarking information is verified by a Recognized Data Verifier (a list of acceptable credentials for Recognized Data Verifiers is available [here](#)). Verification is considered an industry best practice, and ensures that building and energy data entered into Portfolio Manager are accurate.

What does verification entail? What documentation is required?

The purpose of verification is to enhance the quality of data being reported collectively through the Benchmarking Law. Verification requires a second pair of eyes from someone with knowledge about Portfolio Manager and building energy performance.

The Recognized Data Verifier should review the Data Verification Checklist provided by Portfolio Manager (under the Reports Tab and in the top right box) and confirm, to their professional comfort level, the building profile information and meter data. The required verification does not include looking at water metrics or indoor air quality. To the extent that the Recognized Data Verifier is able to confirm and verify data to their comfort level, a site visit is not required.

This Data Verification Checklist must be printed and signed and given to the building owner. This signed Verification Checklist does not need to be submitted to DEP, unless it is requested by DEP (DEP is authorized to request documentation). Therefore, building owners must retain the most recent signed Data Verification Checklist for at least three years.

Alternatively, Covered buildings can meet the verification requirement if the owner can demonstrate that the building has achieved the ENERGY STAR building certification for at least 6 months of the year being benchmarked.

How do I document and report my verification in Portfolio Manager?

To report verification to DEP, in Portfolio Manager, enter your verification details in the Property Notes field (found at the bottom of the Details tab) for each Covered building. Enter the following information about the recognized data verifier:

- full name
- credential (name/acronym)
- credential identifier (i.e., ID number)
- contact information (i.e., phone number, email address)

For example: “2015 benchmarking data for this property was verified by: John Smith, PE, Maryland, 01234, john.smith@countyverifier.us, 240-555-1234”

Alternatively, if the Covered buildings can meet the verification requirement by demonstrating that the building has achieved the ENERGY STAR building certification for at least 6 months of the year being benchmarked, indicate this in the Property Notes field by stating “ENERGY STAR Certification used for verification” and the month and year certification was achieved.

For example: “ENERGY STAR Certification used for 2015 benchmarking data verification; achieved July 2015”

How often do I need to do verification?

Building owners must have all Covered buildings in their Portfolio Manager profile verified the first year of official benchmarking and every 3 years thereafter. Consider that you may want to identify your verifier ahead of time and plan to provide them enough time to complete the verification before the final deadline date.

Example: A Group 1 building would need to complete the first verification by June 1, 2016—the first year of compliance; the next time that Group 1 building would need to complete and report verification is June 1, 2019.

What documentation do I need for verification?

Recognized data verifiers should use ENERGY STAR’s Data Verification Checklist to complete a building’s verification and sign it when completed. While you do not need to submit this documentation to DEP for verification purposes, DEP may request your most recent Data Verification Checklist at any time. Therefore, building owners must retain the most recent signed Data Verification Checklist for at least three years.

Who can do the verification?

Verification should be completed by a Recognized Data Verifier (per pending amendment to be introduced fall 2015) as identified by DEP. The following is a list of credentials that DEP has identified as acceptable to be a Recognized Data Verifier:

<u>Verification Credential</u>	<u>Institution / Association</u>
Professional Engineer (PE)	National Society of Professional Engineers
Registered Architect (RA)	American Institute of Architects
Certified Energy Manager (CEM)	Association of Energy Engineers (AEE)
Building Energy Assessment Professional (BEAP)	ASHRAE
Certified Energy Auditor (CEA)	AEE
LEED – Professional with specialty in Operations + Maintenance (LEED-AP O+M)	US Green Building Council (USGBC)
LEED-Fellow – For outstanding APs	USGBC
Building Energy Modeling Professional (BEMP)	ASHRAE
Commissioning Process Management Professional Certification (CPMP)	ASHRAE
Operations and Performance Management Professional (OPMP)	ASHRAE
Certified Commissioning Professional (CCP)	Building Commissioning Association (BCA)
Associate Commissioning Professional (ACP)	BCA
Sustainability Facility Professional (SFP)	International Facilities Management Association
Certified Building Commissioning Professional (CBCP)	AEE
Existing Building Commissioning Professional (EBCP)	AEE
RPA/FMA High Performance Designation (RPA/FMA-HP)	BOMI International
Systems Maintenance Technician (SMT)	BOMI International
Systems Maintenance Administrator (SMA)	BOMI International
Real Property Administrator (RPA) with caveat requirements ¹	BOMI International
Certified Property Manager (CPM) with caveat requirements ²	Institute of Real Estate Management

¹ RPA must have been achieved with the elective course, Asset Management OR achieved with completion of at least 3 of the 5 [Sustainability/High Performance Experience Criteria](#).

² CPM must have been achieved with the following three functions selected and illustrated in the [Experience Form](#): #3, #30, and #33.

What if my verification credential isn't on the list?

DEP's Director will evaluate professional licenses and building energy training program credentials to be accepted as a Recognized Data Verifier on a case-by-case basis. If your credential demonstrates all of the following criteria, email energy@montgomerycountymd.gov with relevant training material and records for consideration:

- Demonstrates trained individuals' proficiency in building energy benchmarking and familiarity with ENERGY STAR Portfolio Manager;
- Demonstrates trained individuals' working knowledge of energy-efficient operations, measures, and technology;
- Provides opportunities for ongoing skill maintenance and/or re-training as technologies, tools, and practices evolve; and
- Provides means of tracking graduates or credentialed individuals by name and with a unique identifier (such as a license, identification, or other number).

Can I use internal staff for verification, or do I need to hire an outside company?

As long as the Recognized Data Verifier has the proper credentials, you can ask internal staff to verify the data, as long as the person entering the data is not the same person verifying the data. Verification can be completed without an on-site visit.

How much does verification cost?

Costs will vary depending on the qualifications of the Recognized Data Verifier, the scope of verification requested (if beyond the scope needed to comply), and the extent to which the Portfolio Manager energy and building data is complete with easily verifiable data.

REPORTING DATA TO DEP

What information does the County collect?

DEP will be requesting information to fulfill the Benchmarking Law's reporting requirements and provide helpful information to guide benchmarking and energy efficiency program and policy planning. Download this [fact sheet](#) for a list of metrics collected and metrics to be disclosed (PDF, 26KB).

The collected data will be used to provide aggregate metrics and portfolio-wide benchmarks for reporting purposes. Except for metrics listed below under "What is disclosed?" in the fact sheet, DEP will not disclose the otherwise collected data.

Do I need report my Covered building's water consumption?

No, Montgomery County is not collecting water data under the Benchmarking Law. Water data are optional within Portfolio Manager, and DEP will not collect or disclose water metrics.

Where do I find my Montgomery County Building ID (MBID) number?

Your building's Montgomery County Building ID is your 8-digit Parcel Identification Number/Tax ID. The Parcel ID number is located in the upper right corner of your property tax bill. It would be the same as your account number. You can also locate this number online by visiting the [Department of Finance's Real Property Tax Account Information website](#). [DEP's Covered building inventory](#) is also available to verify your MBID number.

Special cases:

- If you have multiple buildings on your parcel, create your MBID by using the 8-digit Parcel Identification Number/Tax ID number and adding an underscore and lower case letters beginning with “a”. (e.g., 01234567_a, 01234567_b, 01234567_c)
- If you have a building on multiple parcels, list each 8-digit Parcel Identification Number/Tax ID number as your MBIDs, separating each with a comma.

If available, building owners can also enter their [CoStar](#) Property ID in Portfolio Manager, which the County uses internally to identify commercial buildings. Note, entering this ID number in Portfolio Manager is optional.

How do I report to the County?

Below is a step-by-step summary of how to benchmark, report data to the County, and comply with the Benchmarking Law:

- Collect data required to enter data into Portfolio Manager (i.e., total square footage, utility bills, occupancy hours)
- Create an account and properties in Portfolio Manager
- Benchmark a building (add meters and add bills to meters to your Portfolio Manager properties)
- Enter Montgomery County Building ID ([MBID number](#))
- Complete verification with the Data Verification Checklist
- Enter data verifier credentials in Property Details field
- Run Portfolio Manager’s built-in tool to check for possible data errors in the calendar year of data that will be reported to the County and resolve any alerts
- Submit covered buildings via DEP’s Data Request through Portfolio Manager (located in the [Reporting section of DEP’s Benchmarking website](#))

To report your verified benchmarking data to the County, visit the [Reporting section of DEP’s Benchmarking website](#) to access the benchmarking data request template for your reporting year. The template will bring you to your Portfolio Manager log-in screen. After logging in, you’ll see step-by-step instructions on how to electronically report data to the County.

Note: if you are a third-party energy services company, you must receive approval prior to submitting benchmarking data on behalf of a Covered building owner and indicate your client’s information in the “About Your Response” section of the data request.

Can DEP automatically see the changes I make to my Covered building data in Portfolio Manager?

Reporting data using the data request template is a one-time push of data from your account to DEP. DEP does not have real-time access to your benchmarking data or property accounts in Portfolio Manager.

Building owners must actively report their data to DEP through the reporting template in order to comply. If you have made changes and need to re-submit your data, please re-report and contact DEP at energy@montgomerycountymd.gov.

I reported my data and then found a change I needed to make. What do I do?

If you need to make a change after you reported data, but before the deadline, go ahead and make your change and re-report your data to DEP. As long as it's the same building in Portfolio Manager, the updated information will automatically replace what is reported to us. If it is after the deadline, contact DEP at energy@montgomerycountymd.gov so we can be sure to capture your most accurate data.

I mistakenly reported a test building, duplicate building, or building not based in Montgomery County. How do I “un-report” a building to the County?

Unfortunately, once you submit a building to the County, it will always appear in our reported data set for that calendar year. If you reported a building in error, please email energy@montgomerycountymd.gov with the Portfolio Manager Property ID number, address, and description of the error.

What happens if I do not benchmark/report my Covered buildings?

The Benchmarking Law is enforceable under Method 2 regulations (including fines for noncompliance). DEP is available to assist any building owner to help them comply with the law.