

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
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**Maura T. Healey**  
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Secretary

**Kimberley Driscoll**  
Lt. Governor

**Elizabeth Mahony**  
Commissioner

VIA EMAIL AND HAND DELIVERY

November 18, 2024

TO: Clerk of the House of Representatives  
CC: Chairs of the Joint Committee on Telecommunications, Utilities, and Energy  
RE: Submission of Building Energy Reporting Regulations (225 CMR 27.00)

Dear Clerk:

Pursuant to M.G.L. Chapter 25A, Section 12 (Section 12), please find enclosed:

- 225 CMR 27.00 - Building Energy Reporting
- Summary of the proposed regulation in layman's terms

In the development of amendments to 225 CMR 27.00, the pertinent provisions of Chapter 30A, except section five, have been complied with.

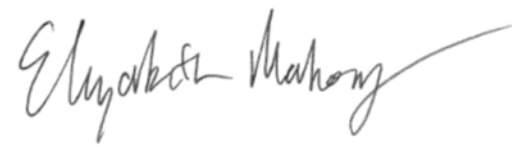
In addition to the requirements of Section 12, the Department of Energy Resources has made additional information available to the public regarding these proposed regulations. That information is accessible through the Department's website:

<https://www.mass.gov/info-details/large-building-energy-reporting>

Please direct questions and comments on these proposed regulations to:

Maliha Khan  
*Government Affairs Manager*  
857-286-0690  
[maliha.khan@mass.gov](mailto:maliha.khan@mass.gov)

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Mahony". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Elizabeth Mahony  
Commissioner, Department of Energy Resources

Enclosures

## **Layman's Summary of Proposed 225 CMR 27.00**

On August 11, 2022, the legislature passed An Act Driving Clean Energy and Offshore Wind (St. 2022, c. 179) (Act). Section 41 of the Act, codified as G.L. c. 25A, § 20, requires utilities for and building owners of “Large Buildings” in the Commonwealth to report the total amounts of energy consumed on an annual basis to the Department of Energy Resources (DOER) for inclusion in a public facing database on DOER’s website.

DOER’s understanding is that the Statute was modeled on the Building Emissions Reduction and Disclosure (BERDO) ordinance in Boston and the Building Energy Use Disclosure Ordinance (BEUDO) in Cambridge. However, in Boston and Cambridge, building owners are responsible for the reporting of all energy use data. In contrast, the Statute and 225 CMR 27.00 requires utilities to provide the majority of energy use data, with building owners only responsible for delivered fuels or other sources of consumption not provided by a utility.

The regulations cover which properties are subject to building energy reporting requirements, the reporting process for utilities and building owners, alternative compliance pathways, the enforcement provisions for entities that fail to comply with their reporting obligations, the treatment of personally identifying information that is reported to DOER, and other provisions related to the administration of these regulations.

# HOUSE . . . . . No. 5110

Communication from the Department of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting proposed amendments to regulations 225 CMR 27.00 – governing the Building Energy Reporting. Telecommunications, Utilities and Energy.

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court  
(2023-2024)

1 225 CMR 27.00: BUILDING ENERGY REPORTING

2 Section

3 27.01: Purpose and Application

4 27.02: Definitions

5 27.03: Covered Buildings List

6 27.04: Reporting Requirements and Process

7 27.05: Reporting Exemptions

8 27.06: Building Ownership Changes and Designations

9 27.07: Disputing Inclusion in Covered Buildings List, Alternative Compliance Pathways, and  
10 Reporting Options

11 27.08: Data Verification

12 27.09: Personally Identifying Building Owner and Lessee Information

13 27.10: Annual Building Database and Report

14 27.11: Enforcement and Penalties

15 27.12: Inspection

16 27.13: Severability

17

18 27.01 Purpose and Application

19

20 The purpose of 225 CMR 27.00 is to establish a process for Distribution Companies,  
21 Municipal Utilities, and Building Owners to report the Energy Usage of Buildings to the  
22 Department for publication on the Department’s website.

23

24 27.02 Definitions

25 Building. An energy consuming structure located within a Parcel or a single, continuous  
26 energy-consuming structure that spans multiple Parcels.

27 Building Owner. The person, persons, entity, or entities listed in the Covered Buildings  
28 List as the owner or Designated Building Owner of a Covered Building.

29 Building Use. The primary or combination of primary ways a Building is used.

30 Campus. A collection of Buildings on one or more Parcels served by a single energy  
31 meter or plant.

32 Compliance Year. The calendar year in which the previous Reported Year's Energy  
33 Usage must be reported to the Department pursuant to 225 CMR 27.04.

34 Covered Buildings List. The list of Large Buildings for which the Department requires  
35 Energy Usage disclosure that is published pursuant to 225 CMR 27.03.

36 Covered Building. A Large Building that is included on the Covered Buildings List.

37 Department. The Department of Energy Resources, established by M.G.L. c. 25A.

38 Designated Building Owner. A person or entity that has been designated by the Building  
39 Owner pursuant to 225 CMR 27.06(2)-(3) as responsible for compliance with 225 CMR  
40 27.00.

41 Distribution Company. A distribution company, gas company, or steam distribution  
42 company as those terms are defined in M.G.L. 164, § 1, provided, however, a  
43 Distribution Company shall not include a Municipal Utility.

44  
45 Energy. Electricity, natural gas, steam, hot or chilled water, heating oil, propane,  
46 renewable, or other products as approved by the Department that are used for heating,  
47 cooling, lighting, industrial and manufacturing processes, water heating, cooking, clothes  
48 drying, emergency or backup generation, or other purposes as approved by the  
49 Department.

50 Energy Usage. For the listed reporting entities, Energy Usage shall mean:

- 51 (a) for a Distribution Company, the amount of Energy measured by a Distribution  
52 Company's meter;
- 53 (b) for a Municipal Utility, the amount of Energy measured by a Municipal Utility's  
54 meter; or
- 55 (c) for a Building Owner, all other Energy that is not provided by a Distribution  
56 Company or Municipal Utility, including, but not limited to, any on-site  
57 generation, delivered fuel, or other sources consumed for any Building including  
58 Energy delivered to individual lessees and common areas of a Building in  
59 aggregate.

60 Gross Floor Area. The total floor area contained within a Building measured to the  
61 external face of the external walls. Further clarification on the definition of Gross Floor  
62 Area may be established by the Department in the Department's *Gross Floor Area*  
63 *Guideline*.

64 Guideline. A set of clarifications, interpretations, procedures, and forms developed by the  
65 Department to assist in compliance with the requirements of 225 CMR 27.00. The  
66 Department may issue new or revised Guidelines after providing notice and a minimum  
67 of twenty-one-day public comment period on a draft version. Each Guideline shall be  
68 effective on its date of issuance or on such date as specified therein, except as otherwise  
69 provided in 225 CMR 27.00.

70 Large Building. A Building located on one or more Parcels with a Gross Floor Area equal  
71 to or greater than 20,000 square feet.

72 Municipal Utility. A municipal lighting plant established pursuant to the provisions of  
73 M.G.L. c. 164, including municipal lighting plants that provide gas or gas and electric  
74 service.

75 Parcel. The plot boundaries of a piece of land.

76 Personally Identifying Information. Information that could reasonably be used to identify  
77 a person including but not limited to name, address, telephone number, email address,  
78 Social Security number, birth date, utility account information, or any combination of  
79 information that could be used to identify a person, provided that a Building Owner's or  
80 Designated Building Owner's name and business address shall not be included in this  
81 definition.

82 Reporting Entity. A person or entity that has been designated by the Building Owner  
83 pursuant to 225 CMR 27.06(4) as the entity responsible for reporting Covered Building  
84 Energy Usage to the Department.

85 Reported Year. The calendar year for Covered Building Energy Usage reported to the  
86 Department pursuant to 225 CMR 27.04.

87 Steam Distribution Company. A steam distribution company as defined in M.G.L. 164, §  
88 1.

89 27.03: Covered Buildings List

90 (1) Covered Buildings List. Annually by March 30, the Department shall publish a Covered  
91 Buildings List on the Department's website that includes all Large Buildings in the  
92 Commonwealth subject to the provisions of 225 CMR 27.00.

93  
94 The Covered Buildings List shall include the building address, Gross Floor Area,  
95 Building Owner, Building Owner's business address, Building Use, and any additional  
96 information deemed relevant by the Department to effectuate the goals of 225 CMR  
97 27.00.

98  
99 (2) Newly Constructed Buildings. A newly constructed building shall be included on the  
100 Covered Buildings List in a Compliance Year if the Temporary Certificate of Occupancy

101 for the Building or Certificate of Occupancy for the Building was issued at any point  
102 prior to that Compliance Year's Reported Year.

- 103
- 104 (3) Creation of Covered Buildings List. The Department will determine a process for  
105 identifying Large Buildings and generate the Covered Buildings List using that process.  
106 The Department will utilize information sources that may include but are not limited to,  
107 municipal assessor databases, MassGIS assessor data, and other state or municipal  
108 sources of property data.
- 109
- 110 (4) Building Owner Notice of Inclusion on the Covered Buildings List. In addition to the  
111 publication of the Covered Building List pursuant to 225 CMR 27.03(1), the Department  
112 shall send notice to Building Owners of their reporting obligations under 225 CMR  
113 27.00. Such notice shall include the Covered Building(s) subject to reporting  
114 requirements, reporting deadlines, instructions for reporting, and other relevant  
115 information regarding a Building Owner's obligations under 225 CMR 27.00. Failure of  
116 a Building Owner to receive such notice shall not relieve the Building Owner of any  
117 reporting obligations under 225 CMR 27.04(3).
- 118
- 119 (5) Designating Buildings as a Campus. A Building Owner may submit a request to have a  
120 group of Buildings designated as a Campus and report its Energy Usage pursuant to 225  
121 CMR 27.04(5). Such request must detail how the group of Buildings meet the definition  
122 of a Campus, the extent to which reporting can be done at the Building level, and include  
123 a proposal for how the Campus will report Energy Usage pursuant to 225 CMR 27.04(5).  
124 The Department shall evaluate such requests and associated Campus reporting plans on a  
125 case-by-case basis.

126

127 27.04: Reporting Requirements and Process

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- 129 (1) Distribution Companies. Annually by May 30, each Distribution Company shall report to  
130 the Department all Energy Usage provided by the Distribution Company for all Covered  
131 Buildings for the previous calendar year. Such Energy Usage shall be reported at the  
132 meter level for each Covered Building unless an exception is approved pursuant to 225  
133 CMR 27.04(1)(c). Such Energy Usage shall be provided for each Covered Building and  
134 shall be submitted in a manner established by the Department in the Department's  
135 *Distribution Company Reporting Guideline*.
- 136
- 137 (a) Additional Reporting Requirement for Steam Distribution Companies. Annually  
138 by May 30, Steam Distribution Companies shall also provide the volume of steam  
139 produced by each generation source for the previous calendar year.
- 140
- 141 (b) Compliance Year 2025. For Compliance Year 2025, the reporting deadline for  
142 225 CMR 27.04(1) and 225 CMR 27.04(1)(a) shall be June 30, 2025.
- 143

144 (c) Request to Submit Building Level Energy Usage. A Distribution Company may  
145 request to submit Energy Usage aggregated to the Building level for a Covered  
146 Building or group of Covered Buildings. Such a request shall detail why the  
147 submission of meter level data for the Covered Buildings is not possible or  
148 practicable. The Department shall review such requests on a case-by-case basis.  
149

150 (2) Municipal Utilities. Annually by May 30, each Municipal Utility shall report to the  
151 Department all Energy Usage provided by the Municipal Utilities for all Covered  
152 Buildings for the previous calendar year. Such Energy Usage shall be reported at the  
153 meter level for each Covered Building unless an exception is approved pursuant to 225  
154 CMR 27.04(2)(b). Such Energy Usage shall be provided for each Covered Building and  
155 shall be submitted in a manner established by the Department in the Department's  
156 *Municipal Utility Reporting Guideline*.  
157

158 (a) Compliance Year 2025. For Compliance Year 2025, the reporting deadline for  
159 225 CMR 27.04(2) shall be June 30, 2025.  
160

161 (b) Request to Submit Building Level Energy Usage. A Municipal Utility may  
162 request to submit Energy Usage aggregated to the Building level for a Covered  
163 Building or group of Covered Buildings. Such a request shall detail why the  
164 submission of meter level data for the Covered Buildings is not possible or  
165 practicable. The Department shall review such requests on a case-by-case basis.  
166

167 (3) Building Owners. Annually by June 30, Building Owners shall provide all Energy Usage  
168 that is not provided by a Distribution Company or Municipal Utility for all Covered  
169 Buildings where they are listed on the Covered Buildings List as the Building Owner.  
170

171 Energy Usage shall be reported using Energy Star Portfolio Manager or any other  
172 Department approved program in a manner to be specified by the Department in the  
173 Department's *Building Owner Reporting Guideline*.  
174

175 (a) Exemptions for Energy Usage from an Unresponsive Lessee. A Building Owner  
176 shall not be penalized for failing to report any Energy ordered by, delivered to and  
177 charged directly to a lessee if the owner sends a written request for Energy Usage  
178 information to the lessee not later than April 30 of a Compliance Year, does not  
179 receive a response from the lessee by June 25 of the same year and provides  
180 evidence of the request to the Department.  
181

182 (4) Additional Building Owner Supplied Information.  
183

184 (a) Verification of Distribution Company or Municipal Utility Covered Building  
185 Energy Usage Data by Building Owner. The Department will provide Building  
186 Owners with access to aggregated Energy Usage information provided by



187 Distribution Companies or Municipal Utilities for their Covered Buildings. A  
188 Building Owner may verify, submit a correction to, or identify a discrepancy in  
189 the submitted Energy Usage information on or before August 31 of a Compliance  
190 Year for consideration in that Compliance Year's Annual Building Database and  
191 Report. Such submission shall contain any relevant documentation.  
192

193 (b) Additional Owner Disclosures. The Department may issue an *Additional Owner*  
194 *Disclosure Guideline* detailing a method to account for additional or offsetting  
195 Building Energy Usage attributable to operational resilience or emissions  
196 mitigation. Examples of additional owner disclosures may include, but are not  
197 limited to, subtracting electricity used by electric vehicles, accounting for use of a  
198 battery storage system, solar produced using various metering configurations, and  
199 other distributed generation.  
200

201 (5) Campus Reporting. Building Owners that have received approval to designate a  
202 collection of Buildings as a Campus pursuant to 225 CMR 27.03(5) shall report Energy  
203 Usage for all Buildings on that Campus pursuant to the plan approved by the Department  
204 under 225 CMR 27.03(5).  
205

#### 205 27.05: Reporting Exemptions

206 (1) Buildings Exempt from Reporting Requirements.

207  
208 (a) Covered Buildings that meet any of the below criteria shall not need to have their  
209 Energy Usage reported pursuant to 225 CMR 27.04:

- 210 1. the Building was vacant for a full calendar year;
- 211 2. the Building was demolished during the previous calendar year;
- 212 3. the Building was vacant for more than 50% of the year due to natural  
213 causes, including but not limited to fire, flood, and wind damage;
- 214 4. the Building Owner has filed or been dissolved in bankruptcy;
- 215 5. other unique or unforeseen circumstances that warrant an exclusion as  
216 determined by the Department from the Building Energy Reporting  
217 Requirements.  
218

219 (b) If a Building meets one or more of the criteria listed in 225 CMR 27.05(1)(a)1.-5.,  
220 the Building Owner may submit a letter to the Department by March 15 of the  
221 Compliance Year stating which criteria the Building meets and providing any  
222 applicable documentation. The Department will remove exempted Buildings  
223 from the Covered Buildings List prior to the March 30 publication date.  
224

225 (2) Exempt Building Uses. The Department may issue an *Exempt Building Uses Guideline*  
226 that details the types of Building Uses that are exempt from reporting under 225 CMR  
227 27.05(a)(5). Any such Guideline issued by the Department shall include a process for  
228 Building Owners to submit a request for a Covered Building's Building Use to be  
229 updated to an exempt Building Use.

230 27.06: Building Ownership Changes and Designations

231 (1) Change in Ownership.

232 (a) An existing or new Building Owner shall notify the Department of any changes in  
233 ownership for a Covered Building. Such notice shall include:

- 234 1. evidence sufficient to demonstrate the transfer of the rights and obligations  
235 to the new owner; and  
236 2. the name, business address, and contact information of the new owner.

237

238 (b) Upon review and approval of such notice, the Department shall update the new  
239 owner to be the Building Owner for purposes of 225 CMR 27.00.

240

241 (c) If the Department does not receive notice that complies with 225 CMR  
242 27.06(1)(a), all compliance obligations under 225 CMR 27.00 shall remain with  
243 the Building Owner listed in the Covered Buildings List.

244

245 (2) Designation of Third-Party as Building Owner. A Building Owner seeking to designate a  
246 third-party as Building Owner for purposes of compliance with 225 CMR 27.00 shall  
247 submit notice to the Department by April 30 of the Compliance Year. Such notice must  
248 be signed by the Building Owner and designee and state that the designee accepts full  
249 responsibility for compliance with the provisions of 225 CMR 27.00 including any  
250 penalties for non-compliance. Upon review and approval of such notice, the Department  
251 shall update the designee to be the Building Owner for purposes of 225 CMR 27.00.

252

253 (3) Change in Designated Building Owner. A Designated Building Owner wishing to change  
254 their designation as Building Owner shall submit notice to the Department by April 30 of  
255 the Compliance Year. Such notice shall be signed by the Designated Building Owner  
256 and the new designee and state that the new designee accepts full responsibility for  
257 compliance with the provisions of 225 CMR 27.00 including any penalties for non-  
258 compliance. Upon review and approval of such notice, the Department shall update the  
259 designee to be the Building Owner for purposes of 225 CMR 27.00.

260

261 (4) Designation of Third-Party as Reporting Entity. A Building Owner seeking to designate a  
262 third-party as reporting entity for purposes of reporting Building Energy Usage pursuant  
263 to 225 CMR 27.04(3) shall submit notice to the Department by April 30 of the  
264 Compliance Year. Such notice must be signed by the Building Owner and the Reporting  
265 Entity and state that the Reporting Entity accepts responsibility for reporting Energy Use  
266 in accordance with 225 CMR 27.00. Upon review and approval of such notice, the  
267 Department shall update the designee to be the Reporting Entity for purposes of 225  
268 CMR 27.00. Responsibility for compliance with 225 CMR 27.00, including any  
269 penalties for non-compliance, shall remain with the Building Owner.

270 27.07: Disputing Inclusion in Covered Buildings List, Alternative Compliance Pathways, and  
271 Reporting Options

272 (1) Disputing Inclusion in Covered Buildings List. If a Distribution Company, Municipal  
273 Utility, or Building Owner wishes to dispute the inclusion of a Large Building on the  
274 Covered Buildings List or any information regarding that Large Building or Parcel  
275 contained in the Covered Buildings List, such entity shall submit a request to the  
276 Department detailing their basis and supporting documentation for such exception not  
277 later than April 30 of the compliance year.

278  
279 (2) Alternative Compliance Pathways and Reporting Options

280  
281 (a) Deadline Extension. A Distribution Company, Municipal Utility, or Building  
282 Owner may submit a request for an extension of the deadline to report the  
283 information required under 225 CMR 27.04. Such deadline extension request  
284 must include an explanation of why the entity is not reasonably able to comply  
285 with the June 30 reporting deadline and include a proposed extension date. The  
286 Department shall review such requests on a case-by-case basis.

287  
288 (b) Requested Modification of Reporting Requirements. A Distribution Company,  
289 Municipal Utility, or Building Owner may submit a request for a modification of  
290 any of the requirements under 225 CMR 27.00. Such a request must include an  
291 explanation of why the entity is not reasonably able to comply with the relevant  
292 provision of 225 CMR 27.00. The Department shall review such requests on a  
293 case-by-case basis.

294  
295 (c) Covered Buildings Subject to Municipal Benchmarking Policies or Performance  
296 Standards. If a Building Owner is responsible for reporting the energy use of a  
297 Covered Building under Boston's Building Emissions Reduction and Disclosure  
298 Ordinance, Cambridge's Building Energy Use Disclosure Ordinance, or other  
299 approved municipal ordinance or by-law, the Building Owner may satisfy their  
300 reporting requirement under 225 CMR 27.04(3) by submitting the same  
301 information they submit to the municipality for the Covered Building to the  
302 Department.

303  
304 27.08: Data Verification

305 All Building Owners shall self-certify all Energy Usage data submitted by the Building  
306 Owner pursuant to 225 CMR 27.04(3).

307 27.09 Personally Identifying Building Owner and Lessee Information

308 Personally Identifying Information regarding Building Owners and lessees submitted to  
309 the Department pursuant to 225 CMR 27.00 shall be excluded from any reports published  
310 by the Department and shall not be deemed public records as defined in M.G.L. c. 4, § 7,  
311 clause twenty-sixth; provided however that aggregates of such information may be  
312 included in reports published by the Department and such reports shall be public records.

313 27.10 Annual Building Database and Report

- 314 (1) Annually by October 31, the Department shall make available on its website energy use  
315 information and the associated greenhouse gas emissions for the Reported Year for each  
316 Covered Building. The information shall be published in database format, fully text-  
317 searchable and readily sortable by municipality, zip code and all the data elements in the  
318 database. The information shall also be published in map format.
- 319 (2) Annually by October 31, the Department shall make available on its website an annual  
320 comprehensive report on Large Building Energy Usage utilizing the information and data  
321 collected under 225 CMR 27.00.
- 322 (3) The Department may issue a *Methodology for Calculating Greenhouse Gas Emissions*  
323 *Guideline* for calculating the associated greenhouse gas emissions from reported Building  
324 Energy Usage on the Department's website.

325  
326 27.11: Enforcement and Penalties  
327

- 328 (1) Distribution Companies. If a Distribution Company fails to provide Energy Usage  
329 required under section 225 CMR 27.04(1) for one or more Covered Buildings, the  
330 Department may take the following enforcement measures:
- 331 (a) The Department provides notice to the Distribution Company of all Buildings for  
332 which it is missing Energy Usage data.
  - 333 (b) A Distribution Company shall respond to the notice in subpart (a) within 30 days  
334 of receipt, or at a later date approved by the Department, with a plan detailing  
335 how it intends to provide the missing Energy Usage data.
  - 336 (c) If a Distribution Company (i) fails to comply with subpart (b) or (ii), within 90  
337 days of the issuance of the written notification in subpart (a), fails to make a good  
338 faith effort to progress its plan provided pursuant to subpart (b), the Department  
339 may issue a fine of up to \$150.00 per Covered Building per day that the missing  
340 Energy Usage information is not provided.
- 341
- 342 (2) Municipal Utilities. If a Municipal Utility fails to provide Energy Usage required under  
343 section 225 CMR 27.04(2) for one or more Covered Buildings, the Department may take  
344 the following enforcement measures:
- 345 (a) The Department shall provide notice to the Municipal Utility of all Buildings for  
346 which it is missing Energy Usage data.
  - 347 (b) A Municipal Utility shall respond to the notice in subpart (a) within 30 days of  
348 receipt, or at a later date approved by the Department, with a plan detailing how it  
349 intends to provide the missing Energy Usage data.
  - 350 (c) If a Municipal Utility (i) fails to comply with subpart (b), or (ii) within 90 days of  
351 the issuance of the written notification in subpart (a), fails to make a good faith  
352 effort to progress its plan provided pursuant to subpart (b), the Department may  
353 issue a fine of up to \$150.00 per Covered Building per day that the missing  
354 Energy Usage information is not provided.

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(3) Building Owners.

(a) If a Building Owner fails to provide Energy Usage information required under section 225 CMR 27.04(3), the Department may take the following enforcement measures:

1. The Department shall provide notice to the Building Owner of their failure to provide Energy Usage information.
2. If, after 30 days from the issuance of the written notification in subpart (a), the Building Owner does not submit the missing Energy Usage Information, the Department may issue a fine of up to \$150.00 per day that the missing Energy Usage information is not provided.
  - a. A Building Owner may not pass through a fine assessed pursuant to 225 CMR 27.11(3)(a)2. to a lessee of a unit within a Covered Building that comprises less than 5 per cent of the total Gross Floor Area of the Building.

(4) Lessees. If a lessee that comprises greater than 5% of the total gross floor area of a Covered Building fails to respond within 30 days to a written request for Energy Usage information submitted by a Building Owner pursuant to 225 CMR 27.04(3)(a), the Department may take the following enforcement actions:

- (a) The Department shall provide notice to the lessee of their failure to provide Energy Usage information.
- (b) If, after 30 days from the issuance of the written notification in subpart (a), the lessee does not submit the missing Energy Usage information, the Department may issue a fine of up to \$150.00 per day that the missing Energy Usage information is not provided.

27.12: Inspection

(1) Document Inspection. The Department may audit the accuracy of all information submitted pursuant to 225 CMR 27.00 for the five calendar years following a Reported Year. The Department may request and obtain from any Building Owner, Municipal Utility, or Distribution Company information that the Department determines necessary to monitor compliance with and enforcement of 225 CMR 27.00.

(2) Audit and Site Inspection. Upon reasonable notice to a Building Owner or designee, the Department may conduct audits, which may include inspection and copying of records and/or site visits to a Building including, but not limited to, all files and documents that the Department determines are related to compliance with 225 CMR 27.00.

27.13 Severability

394           If any provision of 225 CMR 27.00 is declared invalid, such invalidity shall not affect  
395           other provisions or applications that can be given effect without the invalid provision or  
396           application.

397

398   REGULATORY AUTHORITY

399   225 CMR 27.00: M.G.L. c. 25A, § 20 and M.G.L. c. 25A, § 6.