

Comparison of U.S. Building Performance Standards

April 2024



Note: Government abbreviated as "Gov't"; Multifamily abbreviated as "MF"; Commercial abbreviated as "Comm"

GOVERNMENT	POLICY INFORMATION	DESCRIPTION OF REQUIREMENTS	COMPLIANCE	ENFORCEMENT	EXEMPTIONS
<p>City/County/State</p> <p>Boston MA</p>	<p>Name Building Emissions Reduction and Disclosure Ordinance (Chpt VII, Sec 7-2.1 & 7-2.2)</p> <p>Year Enacted 2021</p> <p>Covered Buildings All Public/Gov't, Comm & MF buildings ≥ 20,000 sq. ft., 15 residential units</p>	<p>Performance Metrics Annual greenhouse gas (GHG) emissions (kgCO₂e/sq. ft./year)</p> <p>Performance Targets/Standards Building targets are set by building type on an emissions intensity basis, each building's target being multiplied by its gross floor area (blended average for multi-use buildings). Buildings must meet their targets annually starting in 2025, with the targets becoming more stringent every 5 years. Building owners can apply for an individual compliance schedule achieving 50% emissions reduction by 2030 and 100% by 2050 using a 2005 or later baseline.</p>	<p>Compliance Cycle Annually starting in 2025 for buildings ≥ 35,000 sq. ft. and 2030 for those between 20,000 - 34,999 sq. ft., with emissions targets ratcheting down every 5 years thereafter until zero carbon in 2050.</p> <p>Compliance Pathways Buildings must meet emissions targets based on their use type, or their individual compliance schedule aligned with a 50% reduction by 2030 and 100% reduction by 2050 targets. Buildings with more than one primary use may comply with a blended CO₂ emission standard.</p>	<p>Failure to comply with emission standards will result in a fine of \$1000 a day for non-residential buildings 35,000 sq. ft. or two or more buildings on a parcel ≥ 100,000 sq. ft. and for residential buildings ≥ 35,000 sq. ft. or with 35 dwelling units or more. Failure to comply with emission standards will result in a fine of \$300 a day for non-residential buildings ≥ 20,000 sq. ft. but < 35,000 sq. ft. and for residential buildings ≥ 20,000 sq. ft. but < 35,000 sq. ft. or with ≥ 15 dwelling units but < 35 dwelling units.</p>	<p>Does not cover state, county, or federal buildings. Exemptions for newly constructed buildings, those with permits for demolition, and those facing specific financial distress, single family housing and multifamily housing with under 15 dwelling units.</p>
<p>Cambridge MA</p>	<p>Name Building Energy Use Disclosure Ordinance (Ordinance 2021-26)</p> <p>Year Enacted 2023</p> <p>Covered Buildings Public/Gov't ≥ 10,000 sq. ft., Comm ≥ 25,000 sq. ft.</p>	<p>Performance Metrics GHG Intensity</p> <p>Performance Targets/Standards Straight line trajectory from baseline to zero carbon by 2035 for buildings ≥ 100,000 sq. ft. and 2050 for buildings ≥ 25,000 - 99,999 sq. ft. For covered properties that receive their certificate of occupancy in the years 2018 through 2024, the baseline shall be the average GHG for the first two full calendar years following the certificate of occupancy.</p>	<p>Compliance Cycle Annually for buildings ≥ 25,000 sq. ft. with emissions targets ratcheting down every 5 year compliance cycle thereafter until net-zero in 2035 for buildings ≥ 100,000 sq. ft. and 2050 for buildings ≥ 25,000 - 99,999 sq. ft.</p> <p>Compliance Pathways Buildings must meet targets based on their use type, with targets becoming more stringent every 5 year compliance cycle until net-zero in 2035 for buildings ≥ 100,000 sq. ft. and 2050 for buildings ≥ 25,000 - 99,999 sq. ft.</p>	<p>Up to \$300 per day per violation, each day counting as a separate violation.</p>	<p>TBD</p>

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<p>City/County/State</p> <p>Chula Vista CA</p>	<p>Name Building Energy Saving (Ordinance 3498)</p> <p>Year Enacted 2021</p> <p>Covered Buildings Public/Gov't, Comm, & MF ≥ 20,000 sq. ft.</p>	<p>Performance Metrics ENERGY STAR score or Weather Normalized Site EUI</p> <p>Performance Targets/Standards Conservation requirements differ based on property type. Non-residential and multifamily both have conditions under which they have the option of adhering to performance target requirements. Non-residential buildings are required to meet EITHER the performance targets OR both the audit requirements and minimum improvement requirements. Multifamily properties are subject to Multifamily Prescriptive Measure requirements; multifamily properties with significant common load are required to meet EITHER the performance targets OR both the audit requirements and minimum improvement requirements. Performance targets are based on ENERGY STAR Score and if that is not available, EUI-WN : baseline year ENERGY STAR Score 0-45 or EUI-WN 80+ : 30% baseline year ENERGY STAR Score 46-65 or EUI-WN 51-79: 20% baseline year ENERGY STAR Score 66-79 or EUI-WN 19-50: 10% baseline year ENERGY STAR Score 80+ or EUI-WN 0-18: none</p>	<p>Compliance Cycle Every five years beginning 2023 for buildings ≥ 50,000 sq. ft. and 2026 for buildings ≥ 20,000 sq. ft.</p> <p>Compliance Pathways Buildings that do not qualify as HPBs must complete conservation requirements to comply. Multifamily buildings must perform a minimum number of prescriptive measures within all tenant spaces where utility costs are borne by tenants. Non-residential buildings and Multifamily buildings with significant owner-paid energy use must either (1) achieve a minimum EUI improvement or (2) complete an Energy Audit and Retrocommissioning and meet a smaller mandatory minimum improvement by the end of the next compliance cycle.</p>	<p>Non-compliance may result in a notice of failure to comply; on the 60th day following the issuance of said notice, public disclosure of non-compliance and monetary fines may be issued. Maximum fine amounts depend on property size: 20,000-49,999 sq. ft. up to \$750, 50,000-99,999 sq. ft. up to \$1,500, 100,000+ sq. ft. up to \$2,250.</p>	<p>The law does not apply to county, state, and federal buildings, Metropolitan Transit Service buildings, or buildings owned by the Chula Vista and Sweetwater School Districts.</p> <p>Properties meeting any of the following conditions are exempt from the performance standard requirements:</p> <ul style="list-style-type: none"> • Properties that have been occupied less than 5 years • Properties in financial distress • Properties with a permit for demolition that have already commenced demolition work • Properties that have not been previously subject to the benchmarking requirement

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<p>City/County/State</p> <p>Colorado</p>	<p>Name Energy Performance for Buildings (HB 21-1286)</p> <p>Year Enacted 2021</p> <p>Covered Buildings Public/Gov't, Comm, & MF ≥ 50,000 sq. ft.</p>	<p>Performance Metrics Site EUI or GHGI.</p> <p>Performance Targets/Standards Site EUI targets as defined by property type.</p>	<p>Compliance Cycle Every four years, beginning in 2026 and going through 2050.</p> <p>Compliance Pathways Energy Efficiency Pathway: Building owners on this pathway must reach the 2026 site EUI target and maintain it through 2029, and they must reach the 2030 target and maintain it through 2050 (until updated targets are established after this period). GHG Reduction Pathway: Building owners on this pathway must reach the 2026-2029 GHGI target beginning in 2026 and maintain it through 2029. Then they must reach the 2030-2050 target by 2030 and maintain it through 2050. Standard % Reduction Pathway: A flat percent reduction option is available for buildings that are not able to achieve the site EUI or GHGI target for their property type or buildings that do not align with the property types provided. This standard percent reduction pathway allows buildings to reduce their site EUI or GHGI 13% by 2026 and 29% by 2030, as measured against their 2021 baseline.</p>	<p>An owner that fails to comply may be subject to a civil penalty of up to \$2000 for a first violation and up to \$5,000 for each subsequent violation.</p>	<p>Storage facilities, stand-alone parking garages, or airplane hangars that lack heating and cooling. Buildings where more than half of gross floor area is used for manufacturing, industrial, or agricultural purposes. Single family homes, duplexes, and triplexes.</p>
<p>Denver CO</p>	<p>Name Energize Denver (Bill 21-1310)</p> <p>Year Enacted 2021</p> <p>Covered Buildings All Comm & MF buildings ≥ 25,000 sq. ft.</p>	<p>Performance Metrics Weather Normalized Site Energy Use Intensity (EUI)</p> <p>Performance Targets/Standards Each covered building must meet a maximum site EUI standard based on its occupancy type by the year 2030. Buildings are required to meet interim performance targets in 2024 and 2027 to ensure progress toward the final, 2030 standard. Interim targets are determined according to the building's "trajectory" from its baseline site EUI performance in 2019 to the final site EUI standard for its property type.</p>	<p>Compliance Cycle Covered buildings must comply with interim performance targets in 2024 and 2027 before meeting a final performance standard in 2030.</p> <p>Compliance Pathways To comply buildings must meet the interim and final performance targets and maintain that level of performance afterward. The law allows buildings to deduct the value of investments in onsite or offsite solar from its measured site EUI. Renewable short-term contracts can now be used for interim targets to offset building electricity usage.</p> <ul style="list-style-type: none"> 2024 - 2026 up to 20% of building's electricity usage. 2027 - 2029 up to 10% of the building's electricity usage. Long-term only after 2030. 	<p>An owner that violates any provision of the ordinance or its rules and regulations is subject to a civil penalty of up to \$0.70 per year for each required kBtu reduction that the owner's building failed to achieve in that year. If unpaid within 180 days the penalty becomes a lien on the property. A fine of \$2000 can be levied for failing to correct benchmarking errors, or knowingly submitting inaccurate information, or withholding information. Starting in 2031, maintenance penalties may occur if an owner fails to maintain their 2030 target indefinitely, as defined as the annual site EUI being 5% worse than the maintenance target. The penalty is \$0.30/kBtu.</p>	<p>Exemptions currently exist for some buildings related to demolition, manufacturing and agricultural processes, low occupancy, construction, and difficulty obtaining energy data.</p>

GOVERNMENT	POLICY INFORMATION	DESCRIPTION OF REQUIREMENTS	COMPLIANCE	ENFORCEMENT	EXEMPTIONS
<p>City/County/State</p> <p>Federal BPS</p>	<p>Name</p> <p>Federal Building Performance Standard (Section 510(b)(ii) of E.O. 14057)</p> <p>Year Enacted</p> <p>2022</p> <p>Covered Buildings</p> <p>Refer to Section 3.2 - Federal BPS Applicable Facilities</p>	<p>Performance Metrics</p> <p>MT CO₂e/yr. The performance pathway is measured through annual scope 1 GHG emissions from fossil fuels combusted on-site.</p> <p>Performance Targets/Standards</p> <p>30% (by total building area) of each Federal agency's buildings to eliminate all Scope 1 emissions — on-site fossil fuel use — by 2030. No later than 2028, CEQ will set new targets for years 2038 and 2045 for the percentage of buildings that every agency must electrify.</p>	<p>Compliance Cycle</p> <p>Agencies will capture data in their annual Compliance Tracking System (CTS) reporting to FEMP (Federal Energy Management Program) based on forthcoming guidance from CEQ and FEMP. Reporting will begin as part of the FY 2024 CTS data report. Agencies will set annual progress targets in consultation with CEQ and OMB (Office of Management and Budget), beginning with FY 2024. CEQ and OMB will review progress annually and assess satisfaction in FY 2030.</p> <p>Compliance Pathways</p> <p>Performance pathway: Facility achieves zero scope 1 emissions from on-site fossil fuel emissions.</p>	<p>The federal BPS document does not mention penalties.</p>	<p>Non-federal buildings are exempt. Emissions from mission-critical activities and emissions from process loads. Agencies must separately meter and account for those loads on a regular basis. If no submeters are currently installed, agencies can estimate loads until they install meters per DOE FEMP's Federal Metering Guidance.</p> <p>Agencies may not use exclusions to exempt all of a building's emissions unless the Head of the agency demonstrates that all practicable energy efficiency and electrification measures have been implemented and the entire building operation is deemed critical to national security. The Head of the agency should approve exclusions for the agency as part of the agency's internal tracking.</p>
<p>Maryland</p>	<p>Name</p> <p>Climate Solutions Now Act (SB 528)</p> <p>Year Enacted</p> <p>2022</p> <p>Covered Buildings</p> <p>Public/Gov't, Comm, & MF buildings ≥ 35,000 sq. ft.</p>	<p>Performance Metrics</p> <p>Net direct emissions standards (kg CO₂e per square foot) for interim standards and Site EUI Standards (kBtu per square foot) for the final standard for 2040 and beyond.</p> <p>Performance Targets/Standards</p> <p>Existing buildings over 35,000 square feet achieve a 20% reduction in net direct greenhouse gas emissions on or before January 1, 2030, as compared with 2025 levels for average buildings of similar construction; and net-zero direct greenhouse gas emissions on or before January 1, 2040.</p>	<p>Compliance Cycle</p> <p>Five year cycle starting in 2030 and final standards in 2040.</p> <p>Compliance Pathways</p> <p>Buildings must meet interim and final net direct emissions and final site EUI standards according to their property type.</p>	<p>Payments will be based on the social cost of carbon and rules have not been set for this in Maryland as of yet. The Social Cost of Greenhouse Gases in 2030 are estimated to average \$230 per metric ton of CO₂e.</p>	<p>Single family, fast food restaurants, food services, restaurants, and parking are exempt from BPS.</p> <p>Other exemptions:</p> <ul style="list-style-type: none"> • No Certificate of Occupancy for all 12 months prior to compliance date • Building unoccupied • Financial distress • Building was demolished during calendar year • Properties are exempt from establishing baseline performance if building was less than 50% occupied for at least 180 days. A building may not receive exemption from establishing baseline performance for more than three years

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<p>City/County/State</p> <p>Montgomery County MD</p>	<p>Name Building Energy Use Benchmarking and Performance Standards (Bill 16-21)</p> <p>Year Enacted 2022</p> <p>Covered Buildings Public/Gov't, Comm, & MF buildings ≥ 25,000 sq. ft.</p>	<p>Performance Metrics Normalized Site Energy Use Intensity (EUI)</p> <p>Performance Targets/Standards Trajectory approach, numerical values still to be set.</p>	<p>Compliance Cycle 5 years. Uses IMT's trajectory approach. Requirements phase-in by building type/size. Properties will have to meet 1 interim standard five years from their start date and a final standard 5 years after that.</p> <p>Compliance Pathways If owners believe they will be unable to meet the standards by the deadline or will be exceptionally burdened by doing so, they may propose an alternative compliance plan for consideration by the Building Energy Improvement Board.</p>	<p>Still to be determined. Currently, the County has the authority to assess a fine of up to \$1,000. State legislation that would allow the County to increase fines above the statutory capped and increase the amount up to \$10 per square foot of gross floor area to enforce local building energy performance laws failed in 2022 session.</p>	<p>Single family homes.</p> <p>Buildings where 10% or more of their total floor space is used for public assembly in a building without walls; warehousing; self-storage; or a use classified as manufacturing and industrial or transportation, communication, and utilities.</p>
<p>New York City NY</p>	<p>Name Sustainable Buildings NYC (Local Law 97)</p> <p>Year Enacted 2019</p> <p>Covered Buildings Comm & MF buildings ≥ 25,000 sq. ft.</p>	<p>Performance Metrics Annual greenhouse gas (GHG) emissions (tCO₂e/sq. ft.)</p> <p>Performance Targets/Standards Targets change every five years to allow fewer building emissions. Building emissions limits are set for each building by multiplying the corresponding building type's building emissions intensity limit (in tCO₂e/sq. ft.) by the building's gross square floor area (in sq. ft.). Greenhouse gas emissions (building emissions) for a building are calculated by multiplying the total energy consumption of each fuel type consumed on the building's premise (utility electricity, natural gas, #2 and #4 fuel oils, district steam, other; all in kBtu) by the corresponding greenhouse gas coefficient for that fuel type (in tCO₂e/ kBtu) and totaling the resulting emissions.</p>	<p>Compliance Cycle Covered buildings must comply annually beginning in 2024. Emissions limits become increasingly stringent every five years.</p> <p>Compliance Pathways Buildings must meet the standard annually, but buildings can use RECs and offsets to compensate for going over the emissions limits. Additionally, the City is studying a carbon trading system so buildings that do not meet the annual emissions limits could buy credits from buildings that are below the limits.</p>	<p>Exceeding annual building emissions limit: Civil penalty of not more than an amount equal to the difference between the building emissions limit for such year and the reported building emissions for such year, multiplied by \$268.</p> <p>Failure to file a report: Penalty no more than an amount equal to the gross floor area of such covered building, multiplied by \$0.50, for each month that the violation is not corrected within the 12 months following the reporting deadline; provided, however, that an owner shall not be liable for a penalty for a report demonstrating compliance with the requirements of this article if such report is filed within 60 days of the date such report is due.</p> <p>False statement: Fine of not more than \$500,000 or imprisonment of no more than 30 days, or both, in addition to a civil penalty of not more than \$500,000.</p>	<ul style="list-style-type: none"> • Single family homes; • Industrial facility used for generating electric power or steam; • Dwellings less than three stories consisting of attached, detached, or semi-detached housing for which owners are responsible for HVAC and hot water; • City buildings; • NYC Housing Authority buildings; • Rent-regulated accommodation; • Real estate owned by religious corporations and used as a place of public worship; • Property owned by a housing development fund organized pursuant to article 11 of the Private Housing Finance Law.

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<p>City/County/State</p> <p>Seattle, WA</p>	<p>Name</p> <p>Building Emissions Performance Standards</p> <p>Year Enacted</p> <p>2023</p> <p>Covered Buildings</p> <p>Public/Gov't, Comm, & MF buildings ≥ 20,000 sq. ft.</p>	<p>Performance Metrics</p> <p>Greenhouse gas emissions intensity targets (GHGIT), measured as a value of kgCO2e units per square foot per year (kgCO2e/SF/yr)</p> <p>Performance Targets/Standards</p> <p>Greenhouse gas emissions intensity targets (GHGIT) are determined by building activity type. GHGITs for the 2036 and later intervals are provisional and may be updated by Rule.</p>	<p>Compliance Cycle</p> <p>The first reporting year for GHGIT planning/reporting and benchmarking verification are the following: Oct 1st, 2027: >90,001 sq. ft. Oct 1st, 2028: 50,001 - 90,000 sq. ft. Oct 1st, 2029: 30,001 - 50,000 sq. ft. Oct 1st, 2030: 20,001 - 30,000 sq. ft.</p> <p>The first reporting year for meeting the GHGIT obligations are the following: Oct 1st, 2031: >220,001 sq. ft. Oct 1st, 2032: 90,001 - 220,000 sq. ft. Oct 1st, 2033: 50,001 - 90,000 sq. ft. Oct 1st, 2034: 30,001 - 50,000 sq. ft. Oct 1st, 2035: 20,001 - 30,000 sq. ft. and every fifth year thereafter.</p> <p>Compliance Pathways</p> <p>Path A: Individual buildings, building portfolios or campuses meet a standard GHGIT prorated for the mix of uses in a building, portfolio, or campus. Unique buildings or those with extremely high emissions may use an Alternate GHGIT (constant percent emissions reduction target from a covered building, district campus, connected buildings, or public/nonprofit building portfolio baseline GHGI to net-zero).</p> <p>Path B: Small modifications like extensions, emissions deductions for certain energy uses. Alternative Compliance Payments (2031-35 only): building owners can meet up to a 100% of required emission reductions via payment. Multiple pathway options, refer to the city webpage for more details.</p> <p>Path C: Special consideration and flexibility for extenuating circumstances. Buildings must meet eligibility criteria to use. Multiple pathway options, refer to the city webpage for more details.</p>	<p>Flat fines of \$15,000 and \$7,500, depending on building size, may be assessed for failure to report and inaccurate reporting. For failure to meet GHGI targets (2031 and later), noncompliance carries penalties of \$2.50/square foot for low-income housing/low-rent multifamily buildings, \$7.50/square foot for other multifamily and \$10.00/square foot for nonresidential buildings.</p>	<p>Industrial buildings and all-electric buildings.</p>

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<p>City/County/State</p> <p>Oregon</p>	<p>Name Energy Performance Standards (HB 3409)</p> <p>Year Enacted 2023</p> <p>Covered Buildings Public/Gov't & MF ≥ 35,000 sq. ft., Comm ≥ 20,000 sq. ft.</p>	<p>Performance Metrics EUI</p> <p>Performance Targets/Standards TBD</p>	<p>Compliance Cycle Compliance cycles will run over a five-year period, with initial compliance years beginning as follows: June 1, 2028 – Comm ≥ 200,000 sq. ft. June 1, 2029 – Comm ≥ 90,000 sq. ft. June 1, 2030 – Comm ≥ 35,000 sq. ft.</p> <p>Compliance Pathways Compliance will generally require either meeting energy use intensity (EUI) targets, or meeting conditional compliance requirements that ODOE establishes (such as energy audits, energy investments, and energy management plans).</p>	<p>\$5,000 plus continuing violations assessed daily; total may not exceed \$1/yr/sq. ft.</p>	<p>Primary use for is manufacturing or another industrial use, as defined in accordance with the following use designations of the International Building Code; designated as an historic property under a state or local statute, ordinance, rule or other legislative act. See Section 10 for specific provisions.</p>

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<p>City/County/State</p> <p>St. Louis MO</p>	<p>Name Building Energy Performance Standards (Ordinance 71132)</p> <p>Year Enacted 2020</p> <p>Covered Buildings Public/Gov't, Comm, & MF ≥ 50,000 sq. ft.</p>	<p>Performance Metrics Site energy use intensity (EUI)</p> <p>Performance Targets/Standards Standards to be set no lower than the 65th percentile by property type, so that at least 65% of the buildings of the property type have a higher EUI. The Office of Building Performance will issue new performance standards at the end of each compliance cycle.</p>	<p>Compliance Cycle Every four years for most buildings, beginning May 2021. Most buildings will have a four year compliance cycle to meet the standard. Qualified affordable housing buildings and houses of worship will have a six year compliance cycle to meet the standard. There will be one year in between each compliance cycle to recalculate the standard for the next cycle.</p> <p>Compliance Pathways There are four compliance pathways under the St. Louis BEPS:</p> <ul style="list-style-type: none"> 1) Performance Path: properties that hit the target for their Property Type will be compliant for that cycle. 2) Early Adopter Path: Properties that both (a) hit the target for their property type and (b) achieve at least 20%/50% reduction in their EUI compared to Baseline year performance can be compliant for that cycle and the next 1-2 cycles. 3) Narrow the Gap Path: Properties that are unable to hit their target achieve compliance by reducing their EUI to halfway between their property baseline and target. This is only available for the first 2 compliance cycles and to properties that submitted a valid 2018 benchmarking report. 4) Custom Alternative Compliance Path (CACP): Properties that demonstrate they can neither hit their target (Paths 1 & 2) nor Narrow the Gap due to unique limitations may apply for an CACP, which entails undergoing a 3rd-party energy audit and obtaining OBP approval of a proposed plan of action. 	<p>If data is not reported and an alternative compliance plan is not presented within 60 days of the compliance date, a fine between \$1 - \$500 is issued for each day beyond the 60 days. Withholding and/or denial of occupancy permits.</p>	<p>Single family housing; primarily used for industrial or manufacturing purposes, water treatment, communications infrastructure, or as a data center; stand alone parking lots or garages that are not a part of a larger property.</p> <p>Other exemptions:</p> <ul style="list-style-type: none"> • Demolition permit issued or demolition is planned during the compliance cycle; • Financial hardship or if compliance would not be in public interest; • Primary use of building is industrial; • Property is communications infrastructure; • Property is owned by the state or federal government.

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<p>City/County/State</p> <p>Washington</p>	<p>Name Clean Buildings Performance Standard (HB 1257)</p> <p>Year Enacted 2019</p> <p>Covered Buildings Public/Gov't ≥ 10,000 sq. ft. Comm & MF ≥ 20,000 sq. ft.</p>	<p>Performance Metrics Weather-normalized Energy Use Intensity</p> <p>Performance Targets/Standards EUI targets must be no greater than the average energy use intensity for the building's occupancy type with adjustments for unique energy-using features. EUI targets initially based on ASHRAE standard 100- 2018. Proposed rules set first target at 15% below average EUI for building type. Develop and implement Operations & Maintenance Program and Energy Management Plan.</p>	<p>Compliance Cycle Compliance cycles are every five years, with initial compliance beginning as follows: Comm ≥ 220,000 sq. ft. June 1st 2026. Comm 90,001 –220,000 sq. ft. June 1st 2027. Comm 50,000 –90,000 sq. ft. June 1st 2027. Comm 20,000 –49,999 sq. ft. MF ≥ 20,000 sq. ft. 2031</p> <p>Compliance Pathways Buildings must meet the EUI target specified for their building type, or satisfy an investment criteria pathway consisting of an energy audit identifying all cost effective energy efficiency measures. Complete one of the following: - Target EUI path: benchmark building's performance and calculate EUI target. Meet target by compliance deadline (conditional compliance period of 180 days) - Investment Criteria path: Conduct an audit and identify all EEMs. Identify an optimized bundle of EEMs that provides maximum energy savings without resulting in a savings-to-investment ratio of less than one. The optimized bundle of measures shall be implemented based on the schedule established within the energy management plan.</p> <p>Alternative Compliance Pathways The law directs the Department of Commerce to create a "conditional compliance method" for buildings that do not meet the performance target. Method requires owners to complete energy audits and invest in measures that meet savings-to-investment ratio of 1.0 or greater. Buildings that do not meet their target EUI will be required to undergo an audit process to identify energy efficiency measures that must be implemented. This process repeats until the adjusted EUI is less than the building's target.</p>	<p>The Department of Commerce may impose a penalty up to \$5,000 plus an amount based on the duration of any continuing violation. The additional amount for a continuing violation may not exceed a daily amount equal to \$1 per gross square foot of floor area. The Department may raise penalty rates to adjust for inflation. Administrative penalties collected must be deposited into the low-income weatherization and structural rehabilitation assistance account.</p>	<p>Federal buildings and buildings belonging exclusively to recognized Tribes are not required to comply with the standard. Historic buildings do not need to meet any requirement that would compromise their historical integrity.</p> <p>Other exemptions:</p> <ul style="list-style-type: none"> ▪ No Certificate of Occupancy for all 12 months prior to compliance date ▪ Average occupancy less than 50% ▪ Primary use of building is industrial ▪ Primary use of building is agricultural ▪ Building meets conditions of financial hardship

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<p>City/County/State</p> <p>Washington DC</p>	<p>Name</p> <p>Building Energy Performance Standards and Benchmarking (D.C. Law 22-257)</p> <p>Year Enacted</p> <p>2018</p> <p>Covered Buildings</p> <p>Public/Gov't ≥ 10,000 sq. ft. Comm & MF ≥ 50,000 sq. ft.</p>	<p>Performance Metrics</p> <p>ENERGY STAR score or an equivalent metric (source EUI for buildings ineligible for ENERGY STAR). Law directs department to assess a metric based on emissions by 2023.</p> <p>Performance Targets/Standards</p> <p>For buildings that are eligible for an ENERGY STAR score, the building energy performance standard shall be no lower than the District median ENERGY STAR score for buildings of each property type. The District Department of Energy & Environment (DOEE) will issue new performance standards every six years.</p> <p>The law directs DOEE to set campus-wide standards for educational campuses and hospitals.</p>	<p>Compliance Cycle</p> <p>Compliance cycles are 5 years long. While standards are recalculated every 6 years.</p> <p>Compliance Pathways</p> <p>Performance Pathway: Reduce site EUI 20% Standard Target Pathway: Reach the standard for the building's property type (only available for property type groups performing above the national median)</p> <p>Prescriptive Pathway: Conduct audit, create action plan, implement EE measures, complete monitoring, evaluation, and verification.</p>	<p>Failure to comply can result in a warning notice issued by the DOEE, followed by the issuance of a fine of up to \$100 per day of non-compliance.</p>	<p>DOEE has established exemption criteria for qualifying buildings to delay compliance with the building energy performance requirements for up to three years if the owner demonstrates financial distress, change of ownership, vacancy, major renovation, pending demolition, or other acceptable circumstances determined per criteria set through regulation.</p>