

Clean Buildings Performance Standard

The Law & Compliance Obligations



Perry England
Building Performance Executive
MacDonal-Miller

Key Elements of the Law

Mandatory Compliance Dates

- ▶ **June 1, 2026** for buildings greater than 220,000 SF
- ▶ **June 1, 2027** for buildings 90,000 to 220,000 SF
- ▶ **June 1, 2028** for buildings 50,000 to 90,000 SF
- ▶ **July 1, 2027** for Tier 2 buildings 20,000 to 50,000 SF



- ▶ **5-Year Compliance Cycles**

Non-Compliance Penalty

TIER 1

- ▶ **\$5,000 plus \$1.00 / SqFt**
- ▶ Triggers extensive and costly non-compliance mitigation plan
- ▶ Third-party collection options are permitted for non-payment

TIER 2

- ▶ **\$0.30 / SqFt**



Early Adopter Incentive Considerations

- ▶ **Reserved for only 36 months**
- ▶ EUI at or Greater than 15 points above target EUI
- ▶ TIER 1: Maximum incentive allocation of \$75M @ \$2.00/SF + \$0.05/kBTU exceeding 15 point reduction
- ▶ TIER 2: Maximum incentive allocation of \$150M @ \$0.30/SF/Project
- ▶ **Tier 1 application process currently open**



Exemptions



Exemption requests accepted no sooner than 3-Years prior and no later than 180-days before Compliance Date

Your building is not Exempt until Department of Commerce says so!

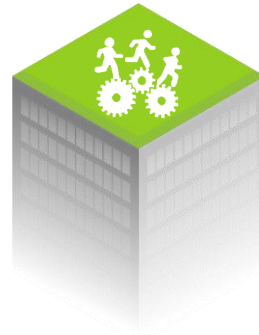
Federal Buildings & Buildings Belonging Exclusively To Recognized Tribes



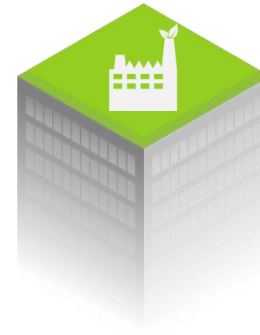
Buildings Without a Certificate of Occupancy or Temporary Certificate of Occupancy for All 12 Months of the Calendar Year Prior to Compliance Date



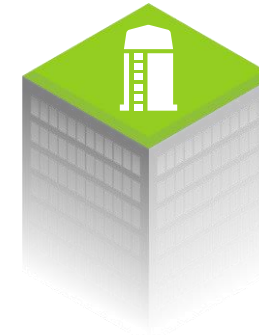
Average Physical Occupancy Less Than 50% for the Calendar Year Prior to Compliance Date



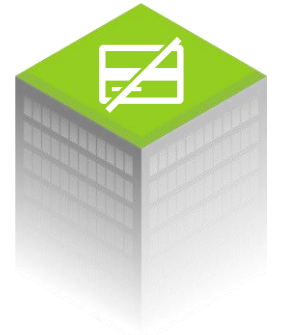
Primary Use of Building is Manufacturing or Other Industrial Purposes (Factory Group F or Hazard Group H)



Agricultural Structure



* Buildings with Financial Hardship



* Financial Hardship

- Listed on a city's or county's annual tax lien sale list
- Has a court appointed receiver
- Owned by a financial institution through default
- Acquired by foreclosure within the previous twenty-four months
- Senior mortgage subject to a notice of default
- Other conditions of financial hardship identified by a department ruling



Path to Compliance



**CERTIFIED
BENCHMARK
OR
INVESTMENT
CRITERIA**



**ENERGY
MANAGEMENT PLAN**
Preparation and Execution

**Capital &
Operational
Planning**

**Compliance
Management**



**OPERATIONS &
MAINTENANCE PROGRAM**
Preparation and Execution

**Preventative
Maintenance
Tasking**

**Equipment
Performance
Tracking**



Preliminary Audit

- EEM Identification
- EEM Rough Order Pricing
- EEM EUI Reduction Estimates
- Select EEM Scopes to Achieve Objectives

Investment Grade Audit (IGA)

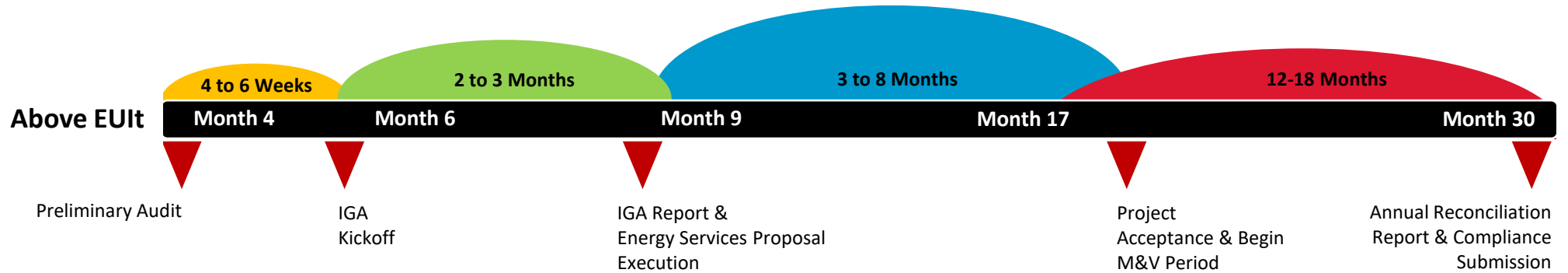
- Finalize Selected EEM Scopes, Price & EUI Reductions
- Develop M&V Plan
- Establish Initial Construction Schedule
- Prepare Energy Savings Contract

Design & Construction

- Complete Incentive Paperwork
- Approve Submittals
- Order Equipment & Materials
- Prepare Site & Mobilize & Execute
- Commission Work
- Gain Acceptances

Measurement & Verification

- Monthly Performance Reporting
- Energy Management Plan
- O&M Program
- Capital Management Plan
- Compliance Preparation
- Confirm Acceptance with COM



Benchmarking

Review Results & Next Steps

Certified Benchmark

- Gather Utility Bills & Facility Drawings
- ESPM Site Creation or Validation
- Space Use Identification for EUIt Calculation
- Dimensional Takeoffs to Confirm Gross Floor Area
- Creation of Report

Compliance Timeline



Energy Management Plan

- Evaluate Existing Efforts
- Revise or Create Plan
- Train Responsible Party

O&M Program

- Evaluate Existing Efforts
- Prepare Updates & Alternatives
- Review Equipment List & Capital Plan

Compliance Submission

- Update ESPM Utility Information
- Complete Forms using SAW Account
- Gain Signatures
- Confirm Acceptance with Commerce



Support Resources



Scan me



WASHINGTON STATE DEPARTMENT OF COMMERCE CLEAN BUILDINGS PERFORMANCE STANDARDS

This site provides information on the Clean Buildings bill and Performance Standards.



SMART BUILDINGS CENTER

The Smart Buildings Center accelerates the adoption and commercialization of smart buildings technologies and practices through education and demonstration.



OREGON STATE DEPARTMENT OF ENERGY BUILDING ENERGY PERFORMANCE STANDARDS

This site provides official information on the legislation and Performance Standards.

