

# Comparison of U.S. Building Performance Standards

March 2025



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

GOVERNMENT	POLICY INFORMATION	DESCRIPTION OF REQUIREMENTS	COMPLIANCE	ENFORCEMENT	EXEMPTIONS
City/County/State					
Boston MA	<p><b>Name</b> Building Emissions Reduction and Disclosure Ordinance (Chpt VII, Sec 7-2.1 &amp; 7-2.2)</p> <p><b>Year Enacted</b> 2021</p> <p><b>Covered Buildings</b> All Public/Gov't. Comm &amp; MF buildings <math>\geq</math> 20,000 sq. ft., 15 residential units</p>	<p><b>Performance Metrics</b> Annual greenhouse gas (GHG) emissions (kgCO<sub>2</sub>e/sq. ft./year)</p> <p><b>Performance Targets/Standards</b> 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><b>Compliance Cycle</b> Every five years, starting in 2025 for buildings <math>\geq</math> 35,000 sq. ft. and 2030 for those between 20,000 - 34,999 sq. ft.</p>	<p><b>Compliance Pathways</b> 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 CO<sub>2</sub> emission standard.</p> <p><b>Alternative Compliance Pathways</b> BERDO offers the following alternate compliance pathways:</p> <ul style="list-style-type: none"> <li><b>Individual Compliance Schedules</b> with established declining emission standards in five year increments, provided that they reduce emissions by 50% by 2030 and 100% by 2050 from a baseline that is any year from 2005 to the first required reporting year on a linear or better basis.</li> <li><b>Hardship Compliance Plans</b> for buildings such as historic building designations, affordable housing refinancing timelines, pre-existing long-term energy contracts without reopeners, or financial hardship.</li> <li><b>Alternative Compliance Payments</b>: Buildings may mitigate emissions from energy use by paying an Alternative Compliance Payment (ACP) of \$234 per metric ton of CO<sub>2</sub>e per year, with a cost review by the Review Board every 5 years. Such monies go into the Equitable Emissions Investment Fund, see Affordable Housing Provisions. Additional compliance mechanisms include municipal aggregation, renewable energy certificates, power purchase agreements, and alternative compliance payments, contingent on approval by the review board.</li> </ul>	<p><b>Emission Standards:</b> Failure to comply with emission standards will result in a fine of \$1000 a day for non-residential buildings <math>\geq</math> 35,000 sq. ft. or two or more buildings on a parcel <math>\geq</math> 100,000 sq. ft and for residential buildings <math>\geq</math> 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 <math>\geq</math> 20,000 sq. ft. but <math>&lt;</math> 35,000 sq. ft. and for residential buildings <math>\geq</math> 20,000 sq. ft. but <math>&lt;</math> 35,000 sq. ft. or with <math>\geq</math> 15 dwelling units but <math>&lt;</math> 35 dwelling units.</p> <p><b>Reporting Requirements:</b> Failure to comply with reporting requirements will result in a fine of \$300 a day for non-residential buildings <math>\geq</math> 35,000 sq. ft. or two or more buildings on a parcel <math>\geq</math> 100,000 sq. ft and for residential buildings <math>\geq</math> 35,000 sq. ft. or with 35 dwelling units or more. Failure to comply with emission standards will result in a fine of \$150 a day for non-residential buildings <math>\geq</math> 20,000 sq. ft. but <math>&lt;</math> 35,000 sq. ft. and for residential buildings <math>\geq</math> 20,000 sq. ft. but <math>&lt;</math> 35,000 sq. ft. or with <math>\geq</math> 15 dwelling units but <math>&lt;</math> 35 dwelling units.</p> <p><b>Inaccurate Report Information:</b> Failure to accurately report information will result in a fine of \$1000-\$5,000 a day for all buildings <math>\geq</math> 20,000 sq. ft.</p>	Does not cover state, county, federal buildings, single family housing, multifamily housing with under 15 dwelling units. Exemptions for newly constructed buildings, those with permits for demolition, and those facing specific financial distress may be handled on a case-by-case basis by the BERDO office.

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Cambridge MA	<p><b>Name</b> Building Energy Use Disclosure Ordinance (Ordinance 2021-26)</p> <p><b>Year Enacted</b> 2023</p> <p><b>Covered Buildings</b> Public/Gov't ≥ 10,000 sq. ft., Comm ≥ 25,000 sq. ft.</p>	<p><b>Performance Metrics</b> GHG intensity</p> <p><b>Performance Targets/Standards</b> 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.</p> <p><b>Compliance Cycle</b> Five year compliance cycle, beginning in 2030 for buildings ≥ 100,000 sq. ft., and 2035 for those ≥ 25,000 sq. ft. These cycles will run until 2050.</p>	<p><b>Compliance Pathways</b> 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><b>Alternative Compliance Pathways</b> <b>Alternative compliance payments:</b> One Alternative Compliance Credit shall be equivalent to one metric ton of Greenhouse Gas Emissions. In the first Compliance Period, each Alternative Compliance Credit shall cost \$234.</p>	Up to \$300 per day per violation, each day counting as a separate violation.	Multifamily properties are not covered by this BPS. Exemptions for lack of certificate of occupancy, net zero emissions buildings, vacancy, demolition, or financial distress.	
Chula Vista CA	<p><b>Name</b> Building Energy Saving (Ordinance 3498)</p> <p><b>Year Enacted</b> 2021</p> <p><b>Covered Buildings</b> Public/Gov't, Comm, &amp; MF ≥ 20,000 sq. ft.</p>	<p><b>Performance Metrics</b> ENERGY STAR score or Weather Normalized Site EUI</p> <p><b>Performance Targets/Standards</b> 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.</p> <p><b>Compliance Cycle</b> Compliance cycles are every five years for Conservation Requirements and every 10 years for Minimum Improvement Requirements. Conservation requirements begin in 2023 for buildings ≥50,000 sq. ft. and 2026 for buildings ≥20,000 sq. ft</p>	<p><b>Compliance Pathways</b> 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.  There are two compliance pathways: 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.  The minimum improvement requirements (done in conjunction with the audit requirement) mandate that every ten years properties must demonstrate decreases in site EUI by at least:</p> <ul style="list-style-type: none"> <li>• baseline year ENERGY STAR Score 0-45 or EUI-WN 80+: 30%</li> <li>• baseline year ENERGY STAR Score 46-65 or EUI-WN 51-79: 20%</li> <li>• baseline year ENERGY STAR Score 66-79 or EUI-WN 19-50: 10%</li> <li>• baseline year ENERGY STAR Score 80+ or EUI-WN 0-18: none</li> </ul> <p><b>Alternative Compliance Pathways</b> N/A</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.	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.  Properties meeting any of the following conditions are exempt from the performance standard requirements: <ul style="list-style-type: none"> <li>• Properties that have been occupied less than 5 years</li> <li>• Properties in financial distress</li> <li>• Properties with a permit for demolition that have already commenced demolition work</li> <li>• Properties that have not been previously subject to the benchmarking requirement</li> </ul>	

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Colorado	<p><b>Name</b> Energy Performance for Buildings (HB 21-1286)</p> <p><b>Year Enacted</b> 2021</p> <p><b>Covered Buildings</b> Public/Gov't, Comm, &amp; MF ≥ 50,000 sq. ft.</p>	<p><b>Performance Metrics</b> Site EUI or GHGI</p> <p><b>Performance Targets/Standards</b> Site EUI and GHGI targets as defined by property type. A covered building must achieve and maintain a standard percent reduction of 13% by 2026 (2021 baseline year); achieve and maintain a standard percent reduction of 29% by 2030 (2021 baseline year).</p> <p><b>Compliance Cycle</b> Every four years, beginning in 2026 and going through 2050.</p>	<p><b>Compliance Pathways</b></p> <p><b>Energy Efficiency Pathway:</b> 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).</p> <p><b>GHG Reduction Pathway:</b> 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. Building owners seeking timeline and/or target adjustments will need to complete a building audit.</p> <p><b>Alternative Compliance Pathways</b></p> <p><b>Standard % Reduction Pathway:</b> 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>	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.	Storage facilities, stand-alone parking garages, or airplane hangars that lack heating and cooling; building where more than half the gross floor area is used for manufacturing, industrial, or agricultural purposes; single family homes, duplex, or triplex; buildings owned by the state, local, or district governments, such as higher education institutes, charter schools, and school districts.
Denver CO	<p><b>Name</b> Energize Denver (Bill 21-1310)</p> <p><b>Year Enacted</b> 2021</p> <p><b>Covered Buildings</b> All Comm &amp; MF buildings ≥ 25,000 sq. ft.</p>	<p><b>Performance Metrics</b> Weather Normalized Site Energy Use Intensity (EUI)</p> <p><b>Performance Targets/Standards</b> 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><b>Compliance Cycle</b> Covered buildings must comply with interim performance targets in 2024 and 2027 before meeting a final performance standard in 2030.</p>	<p><b>Compliance Pathways</b></p> <p>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"> <li>• 2024–2026 up to 20% of building's electricity usage</li> <li>• 2027–2029 up to 10% of the building's electricity usage</li> <li>• Long-term only after 2030</li> </ul> <p><b>Alternative Compliance Pathways</b></p> <p>Timeline adjustment, electrification option, 30% EUI reduction property type adjustment, manufacturing/agricultural/industrial (MAI) buildings designation. Prescriptive pathway: Option for prescriptive compliance for covered buildings 25,000 - 100,000 square feet requiring electrification of at least 70% of heating and water heating load and verification of the use of LEDs for all lighting. Buildings choosing this option will still be required to meet final 2030 targets.</p>	CASR to assess civil penalties for up to \$0.70 for each required kBtu reduction per year that the owner's covered building fails to achieve in that year. A annual penalty of \$2000 can be levied for failing to correct benchmarking errors, or knowingly submitting inaccurate information, or withholding information. Additional penalties include Target Penalties and maintenance Penalties. <p><b>Target Penalties:</b> Occur if the building does not reach the 2024 Interim Target, 2027 Interim Target, or 2030 Interim Target; The Target Penalty in 2024, 2027, and 2030 is \$0.30/kBtu; The Target Penalty - Alternative Compliance option for existing MAI buildings in 2026 and 2030 is \$0.42/kBtu; The Target Penalty - Alternative Compliance for new MAI buildings in 2030 is \$0.63/kBtu</p> <p><b>Maintenance Penalty:</b> Occur after 2030, if buildings fail to maintain your 2030 Target indefinitely. If your annual site EUI is 5% worse than the target you are supposed to be maintaining, CASR will switch buildings back to the target penalty level until the target is achieved again; The Maintenance Penalty starting annually in 2031 is \$0.05/kBtu.</p>	Exemptions currently exist for some buildings related to demolition, manufacturing and agricultural processes, low occupancy, construction, and difficulty obtaining energy data.

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City/County/State						
Evanston IL		<p><b>Name</b> Healthy Buildings Ordinance</p> <p><b>Year Enacted</b> 2025</p> <p><b>Covered Buildings</b> Comm &amp; MF buildings &gt; 20,000 sq. ft. Public/Gov't buildings &gt; 10,000 sq. ft.</p>	<p><b>Performance Metrics</b> Site EUI; GHG Emissions; Percentage of electricity usage sourced through renewable electricity</p> <p><b>Performance Targets/Standards</b> By 2050, each covered property must meet and maintain the following performance standards: (1) Maximum normalized site EUI, (2) zero normalized onsite and district thermal greenhouse gas emissions, and (3) 100 percent of electricity usage sourced through renewable electricity.</p> <p><b>Compliance Cycle</b> Five year compliance cycle, first compliance deadline of 2030 and every five years thereafter.</p>	<p><b>Compliance Pathways</b> Covered properties must meet the interim performance standards every year beginning in 2031. Every 5 years, interim performance standards incrementally become more stringent.</p> <p><b>Alternative Compliance Pathways</b> If an interim or final performance standard cannot be met, owners of covered properties may apply for alternative compliance pathways at least 6 months before the reporting deadline. If a building owner believes a covered property cannot reasonably meet one or more of the interim or final performance standards, the owner may propose an Alternative Compliance Pathway Plan (ACPP), which shall include, at a minimum, options for timeline adjustments, and/or adjustments or exemptions to one or more of the performance standards for a covered property. Rules for alternative compliance will be developed; ACPPs are binding and tied to the property, not the owner. ACCPs must be communicated prior to the sale of a covered property.</p>	A building owner who fails to meet compliance shall be required to pay a fine, which will be determined by the City Manager and be based on (a) the total number of interim or final performance standards the owner has failed to comply, (b) the assessed value of the covered property, (c) the magnitude of non-compliance under each performance metrics. Failure to report will result in the assumption of poor performance. The revenue generated by the fines will support compliance efforts.	Condominium buildings less than 50,000 sq ft; properties owned by the federal government. The following buildings are exempt from compliance requirements: buildings that have been issued a demolition permit; properties that did not have a certificate of occupancy or temporary certificate of occupancy for all twelve months of the year prior to the current benchmarking deadline; properties that have arrears of property taxes or water or refuse charges within the two years prior to an interim or final performance, on the Cook County annual tax lien sale list; properties that have a court-appointed receiver in control of the property due to financial distress; properties that have a senior mortgage subject to a notice of default
Maryland		<p><b>Name</b> Climate Solutions Now Act (SB 528)</p> <p><b>Year Enacted</b> 2022</p> <p><b>Covered Buildings</b> Public/Gov't, Comm, &amp; MF buildings ≥ 35,000 sq. ft.</p>	<p><b>Performance Metrics</b> Net direct emissions standards (kg CO2e per square foot). Site EUI standards (kBtu per square foot) to be evaluated in 2025.</p> <p><b>Performance Targets/Standards</b> 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><b>Compliance Cycle</b> Five year cycles, starting in 2030, with final standards in 2040.</p>	<p><b>Compliance Pathways</b> Buildings must meet interim and final net direct emissions standards according to their property type.</p> <p><b>Alternative Compliance Pathways</b> Regulation includes an alternative compliance pathway allowing the owner of a covered building to pay an alternative compliance fee for every metric ton of net direct emissions in excess of the net direct emissions standard in a given calendar year. These fees begin at \$230 per metric ton of excess CO2e in 2020 dollars, adjusted for inflation, for 2030. The fee rate increases by \$4 per metric ton of CO2e per calendar year in 2020 dollars, adjusted for inflation, in each calendar year.</p>	See "Alternative Compliance Pathways"	Single family, fast food restaurants, food services, restaurants, and parking are exempt from BPS. Other exemptions: <ul style="list-style-type: none"><li>• No Certificate of Occupancy for all 12 months prior to compliance date</li><li>• Building unoccupied</li><li>• Financial distress</li><li>• Building was demolished during calendar year</li><li>• 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</li></ul>

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<b>City/County/State</b>						
<b>Montgomery County MD</b>	<p><b>Name</b> Building Energy Use Benchmarking and Performance Standards (Bill 16-21)</p> <p><b>Year Enacted</b> 2022</p> <p><b>Covered Buildings</b> Public/Gov't, Comm, &amp; MF buildings ≥ 25,000 sq. ft.</p>	<p><b>Performance Metrics</b> Normalized Site Energy Use Intensity (EUI)</p> <p><b>Performance Targets/Standards</b> Trajectory approach; Site EUI targets are set by property type. Buildings must achieve Site EUI reductions of 15% and 30% in their interim and final performance standards respectively.</p> <p><b>Compliance Cycle</b> Every 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><b>Compliance Pathways</b> Building owners must achieve their interim and final performance standards, beginning in 2028 for the largest buildings and running until 2036.</p> <p><b>Alternative Compliance Pathways</b> Building Performance Improvement Plans (BPIP), must be approved by Department in consultation with the Building Performance Improvement Board if a building owner is unable to meet interim or final performance standards. Renewable energy credits are allowed in order to comply with the ordinance's performance metric</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 warehousing or self-storage.</p> <p>Exemption criteria was updated to exempt covered buildings for which more than 50% of the total floor space is used for industrial uses where the majority of energy is consumed for manufacturing, the generation of electric power or district thermal energy to be consumed offsite; public assembly in a building without walls; or transportation, communication, and utilities infrastructure.</p>	
<b>New York City NY</b>	<p><b>Name</b> Sustainable Buildings NYC (Local Law 97)</p> <p><b>Year Enacted</b> 2019</p> <p><b>Covered Buildings</b> Comm &amp; MF buildings ≥ 25,000 sq. ft.</p>	<p><b>Performance Metrics</b> Annual greenhouse gas (GHG) emissions (tCO2e/sq. ft.)</p> <p><b>Performance Targets/Standards</b> Performance targets are set to reduce the GHG emissions by the city's largest buildings by 40% by 2030 and 100% by 2050.</p> <p><b>Compliance Cycle</b> Emissions limits become increasingly stringent every five years. Covered buildings must comply annually beginning in 2024.</p>	<p><b>Compliance Pathways</b> Buildings must meet the standard annually, but buildings can use RECs and offsets to compensate for going over the emissions limits. There are restrictions for how RECs and offsets can be used.</p> <p><b>Alternative Compliance Pathways</b> The Office of Building Energy and Emissions Performance may grant an adjustment of annual emissions limit (for up to three years) for a building if: (i) capital improvements are necessary for compliance and it is not possible to make such improvement because of another law (e.g., historic preservation) or a physical condition of the building (e.g., lack of access to energy infrastructure) (ii) cost of financing improvements would prevent owner from earning reasonable return or the building is subject to financial hardship (iii) Buildings with 2018 emissions 40% higher than 2024–2029 limits can have their standards adjusted if they meet certain conditions.</p> <p><b>Affordable Housing Reinvestment Fund (AHRF):</b> The AHRF is a third party fund established by the department in collaboration with the New York City Department of Housing Preservation and Development to receive, encumber, and distribute funds for qualifying building electrification projects and generate offsets for such activities. AHRF offsets may be applied to reduce an eligible building's annual emissions up to a maximum of 10% of a building's annual emissions limit.</p> <p><b>Prescriptive Pathway:</b> Buildings not covered by LL 97's emissions limits (some affordable housing, multifamily with more than 35% of units subject to rent regulations, places of worship), must comply with a prescriptive list of energy conservation measures.</p>	<p><b>Exceeding annual building emissions limit:</b> 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><b>Failure to file a report:</b> 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><b>False statement:</b> 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>	<p>The following property types are exempt: Single family housing, buildings owned by the City of New York, buildings owned by the New York city housing authority, rent regulated accommodation, houses of worship, industrial facilities primarily used for the generation of electric power or steam.</p>	

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City/County/State	<p><b>Name</b> Building Emissions Reduction and Disclosure Ordinance (BERDO) Newton</p> <p><b>Year Enacted</b> 2024</p> <p><b>Covered Buildings</b> Comm &amp; Public/Gov't buildings ≥ 20,000 sq. ft.</p>	<p><b>Performance Metrics</b> CO2 Emissions (kgCo2/SF/yr)</p> <p><b>Performance Targets/Standards</b> Emissions standards must be met across 5 periods. Each covered building shall reduce their emissions in alignment with the standards of each respective period. Emissions standards require covered buildings reach net-zero emissions by period 5 (2050), and this must be maintained indefinitely.</p> <p><b>Compliance Cycle</b> Five year cycle, beginning in 2027 for the largest buildings and continuing until 2050.</p>	<p><b>Compliance Pathways</b> BERDO's CO2 Emissions Standard reduction schedule sets out five emissions standards that covered buildings must meet between now and 2050, with 2027 being the earliest compliance date for the largest buildings. Building owners must comply with emissions standards established for their property type.</p> <p><b>Alternative Compliance Pathways</b> <b>Alternative Compliance Payments:</b> The initial cost of an Alternative Compliance Payment shall be \$234 per metric ton of CO2. This cost will be reviewed every five years. <b>Individual Compliance Schedules:</b> Owners of Buildings or Building Portfolios may apply for an Individual Compliance Schedule Individual Compliance Schedules must establish declining CO2e Emissions standards in 5- to 6- year increments, and such standards must (i) decline on a linear basis, (ii) reduce Emissions 40 % by period 3, and (iii) reduce Emissions 100 % by period 5; and use a baseline from any year between 2013 and the first required reporting year. <b>Hardship Compliance Plans:</b> A Building Owner may apply to the BERDO Administrator for a Hardship Compliance Plan if there are extraordinary characteristics or circumstances associated with the building in complying with the standards. Such characteristics or circumstances may include historic Building designations, pre-existing long-term Energy contracts without reopeners, or extraordinary financial hardship. Implementation guidelines will be further detailed in the Regulations.</p>	If a building owner does not comply with the applicable emissions standard in a calendar year, each day of that calendar year the violation is not corrected shall be deemed a separate violation and subject to a penalty of (i) \$1,000/ day for residential and non-residential buildings greater than or equal to 35,000 sqft., (ii) \$300/ day for residential and non-residential buildings between 20,000-35,000 sq. ft.	MF buildings are not currently included in Newton's BERDO but are included on the covered building list in anticipation that this sector will be added to BERDO at a later date. The list of covered MF buildings is still being finalized.
Oregon	<p><b>Name</b> Energy Performance Standards (HB 3409)</p> <p><b>Year Enacted</b> 2023</p> <p><b>Covered Buildings</b> Public/Gov't &amp; MF ≥ 35,000 sq. ft., Comm ≥ 20,000 sq. ft.</p>	<p><b>Performance Metrics</b> EUI</p> <p><b>Performance Targets/Standards</b> EUI targets will be set by building type according to section 7 of the ODOE draft rules, which will go into effect January 1, 2025</p> <p><b>Compliance Cycle</b> Compliance cycles will run over a five-year period, with initial compliance years beginning as follows:  <ul style="list-style-type: none"> <li>• June 1, 2028 – Comm ≥ 200,000 sq. ft.</li> <li>• June 1, 2029 – Comm ≥ 90,000 sq. ft.</li> <li>• June 1, 2030 – Comm ≥ 35,000 sq. ft.</li> </ul> </p>	<p><b>Compliance Pathways</b> Compliance will require meeting EUI targets.</p> <p><b>Alternative Compliance Pathways</b> Conditional Compliance which will require an energy management plan, a program for B.O.M. to achieve applicable EUI, making investments to hit EUI, and submitting audits linked to ASHRAE Standard 211 audits.</p>	\$5,000 plus continuing violation which may not exceed a daily amount of \$1/yr/sf ft.	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 designated as an historic property under a state or local statute, ordinance, rule or other legislative act. Also exemptions for buildings without an occupancy permit, facing financial distress, tax lien etc. See Section 10 for specific provisions.

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Seattle WA	<p><b>Name</b> Building Emissions Performance Standards</p> <p><b>Year Enacted</b> 2023</p> <p><b>Covered Buildings</b> Comm, &amp; MF buildings <math>\geq</math> 20,000 sq. ft.</p>	<p><b>Performance Metrics</b> Greenhouse gas emissions intensity targets (GHGIT), measured as a value of kgCO2e units per square foot per year (kgCO2e/SF/yr)</p> <p><b>Performance Targets/Standards</b> Building owners shall reduce the GHGIs of covered buildings to meet their standard GHGITS for each compliance interval. Greenhouse gas emissions intensity targets (GHGIT) are determined by building activity type; the director can revise GHGIT five years prior to the start of a compliance cycle. Once buildings have achieved net-zero emissions, building owners shall maintain covered buildings at net-zero emissions thereafter.</p> <p><b>Compliance Cycle</b> Five year compliance cycle, starting in 2031, running until 2050</p>	<p><b>Compliance Pathways</b></p> <p><b>Path A:</b> Meet GHGITS at each five-year compliance interval. <b>Path B:</b> Small modifications like extensions, emissions deductions for certain energy uses or a compliance payment. <b>Path C:</b> Special consideration and flexibility for extenuating circumstances. Buildings must meet eligibility criteria to use.</p> <p><b>Alternative Compliance Pathways</b></p> <p><b>Alternative Compliance Payments:</b> building owners can meet up to a 100% of required emission reductions via payment. The payments should be, at the minimum, \$1,250 for buildings <math>\leq</math> 50,000 sq. ft. and \$2,500 for buildings <math>&gt;</math> 50,000 sq. ft. Payments are calculated using:</p> <ul style="list-style-type: none"> <li>• ACP = total annual MTCO2e/yr * 5 * cost of MT-CO2e (\$/MTCO2e)</li> <li>• total annual MTCO2e = [compliance GHGI (kg-CO2e/SF/yr) – GHGIT (kgCO2e/SF/yr)] * gross floor area /1000.</li> </ul> <p><b>Prescriptive Options:</b> multifamily building can use prescriptive options in place of meeting GHGIT during the 2031-2035, 2036-2040, or 2041-2045 compliance interval, such as replacing fossil fuel hot water systems with electric (in compliance with current energy codes), replacing fossil fuel HVAC heating systems with electric, etc.</p>	Failure to comply will result in a penalty of \$2.50/square foot for low-income housing/low-rent multifamily buildings, \$7.50/square foot for other multifamily housing, and \$10.00/square foot for nonresidential buildings. Failure to report, or reporting inaccurate information, may result in flat fines of \$15,000 and \$7,500, dependent on building size.	Industrial buildings and all-electric buildings.
St. Louis MO	<p><b>Name</b> Building Energy Performance Standards (Ordinance 71132)</p> <p><b>Year Enacted</b> 2020</p> <p><b>Covered Buildings</b> Public/Gov't, Comm, &amp; MF <math>\geq</math> 50,000 sq. ft.</p>	<p><b>Performance Metrics</b> Site energy use intensity (EUI)</p> <p><b>Performance Targets/Standards</b> 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><b>Compliance Cycle</b> Every four years, beginning May 2021. Each compliance cycle followed by one year to set standards for next cycle.</p>	<p><b>Compliance Pathways</b></p> <p><b>Performance Path:</b> the building's site EUI is equal to or lower than the standard.</p> <p><b>Early Adopter Pathway:</b> Properties that both hit the target for their property type AND achieve at least 20%/50% reduction in their EUI compared to the baseline year performance can be compliant for that cycle AND the next 1-2 Cycles.</p> <p><b>Alternative Compliance Pathways</b></p> <p>Narrow the Gap Path is an alternate compliance pathway for properties that are unable to hit their target by reducing their EUI to halfway between their property baseline and target. This is only available to properties that submitted a valid 2018 report and only possible during the first two compliance cycles. Custom Alternative Compliance Path (CACP) is an option for properties that are able to demonstrate that they are unable to hit the targets under the Performance Path and the Early Adopter Path, nor the Narrow the Gap path due to unique circumstances. CACP entails a third party audit (ASHRAE level 2 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.	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.  Other exemptions: <ul style="list-style-type: none"> <li>• Demolition permit issued or demolition is planned during the compliance cycle;</li> <li>• Financial hardship or if compliance would not be in public interest;</li> <li>• Primary use of building is industrial;</li> <li>• Property is communications infrastructure;</li> <li>• Property is owned by the state or federal government.</li> </ul>

GOVERNMENT	POLICY INFORMATION	DESCRIPTION OF REQUIREMENTS	COMPLIANCE	ENFORCEMENT	EXEMPTIONS
City/County/State					
Washington	<p><b>Name</b> Clean Buildings Performance Standard (HB 1257)</p> <p><b>Year Enacted</b> 2019</p> <p><b>Covered Buildings</b> Public/Gov't ≥ 10,000 sq. ft. Comm &amp; MF ≥ 20,000 sq. ft.</p>	<p><b>Performance Metrics</b> Weather-normalized Energy Use Intensity</p> <p><b>Performance Targets/Standards</b> 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 &amp; Maintenance Program and Energy Management Plan.</p> <p><b>Compliance Cycle</b> Compliance cycles are every five years, with initial compliance beginning as follows:  <ul style="list-style-type: none"> <li>• Tier 1: Comm ≥ 220,000 sq. ft. June 1st 2026</li> <li>• Tier 1: Comm 90,001 –220,000 sq. ft. June 1st 2027</li> <li>• Tier 1: Comm 50,000 –90,000 sq. ft. June 1st 2028</li> <li>• Tier 2: Comm 20,000 –49,999 sq. ft. and MF ≥ 20,000 sq. ft. July 1st, 2027</li> </ul> </p>	<p><b>Compliance Pathways</b> 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:</p> <ul style="list-style-type: none"> <li>• <b>Target EUI path:</b> benchmark building's performance and calculate EUI target. Meet target by compliance deadline (conditional compliance period of 180 days); Investment</li> <li>• <b>Criteria path:</b> 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. Develop and implement Operations &amp; Maintenance Program and Energy Management Plan. The investment criteria shall be documented using a Level 2 energy audit and by performing the life-cycle cost analysis (LCCA).</li> </ul> <p><b>Alternative Compliance Pathways</b> Conditional Compliance is a temporary method of compliance. For Tier 1 covered buildings, owners must demonstrate they have implemented energy use reduction strategies required by the standard but not demonstrated full compliance with the energy use intensity target or investment criteria. For Tier 2 Buildings, owners must demonstrate they have benchmarked the building energy use in accordance with the standard, and provide an additional 180 days for the owner to demonstrate full compliance with the energy management plan (EMP) and operations and maintenance (O&amp;M) program documentation.</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. Also buildings that are primarily used for industrial, manufacturing, or agricultural purposes. Other exemptions:</p> <ul style="list-style-type: none"> <li>• No Certificate of Occupancy for all 12 months prior to compliance date</li> <li>• Average occupancy less than 50%</li> <li>• Building meets conditions of financial hardship</li> </ul>
Washington DC (continued below)	<p><b>Name</b> Building Energy Performance Standards and Benchmarking (D.C. Law 22-257)</p> <p><b>Year Enacted</b> 2018</p> <p><b>Covered Buildings</b> Public/Gov't ≥ 10,000 sq. ft. Comm &amp; MF ≥ 50,000 sq. ft.</p>	<p><b>Performance Metrics</b> ENERGY STAR score or an equivalent metric (source EUI for buildings ineligible for ENERGY STAR).</p> <p><b>Performance Targets/Standards</b> 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</p>	<p><b>Compliance Pathways</b> <b>Performance Path:</b> the building's site EUI is equal to or lower than the standard. <b>Early Adopter Pathway:</b> Properties that both hit the target for their property type AND achieve at least 20%/50% reduction in their EUI compared to the baseline year performance can be compliant for that cycle AND the next 1-2 Cycles.</p> <p><b>Alternative Compliance Pathways</b> Deep Energy Retrofits, which are broken down into</p>	<p>The alternative compliance payment is based on the gross floor area of the building that was reported on the building's most recent benchmarking report. The BEPS Compliance Regulations establish the maximum alternative compliance payment amounts with the maximum payment for buildings at \$10 per each square foot of gross floor area. The maximum payment for a building shall be no greater than \$7,500,000. For college/university campuses and hospital campuses, there is a single maximum payment amount of \$7,500,000. The maximum alternative</p>	<p>Single family properties are exempt. Buildings that are demolished immediately before the beginning of or during a compliance cycle are not subject to BEPS after they are demolished. 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"> <li>• No Certificate of Occupancy for all 12 months</li> </ul>

GOVERNMENT	POLICY INFORMATION	DESCRIPTION OF REQUIREMENTS	COMPLIANCE	ENFORCEMENT	EXEMPTIONS
City/County/State					
Washington DC (continued)	See above	<p>Energy &amp; Environment (DOEE) will issue new performance standards every six years. The law directs DOEE to set campus-wide standards for educational campuses and hospitals.</p> <p><b>Compliance Cycle</b></p> <p>Compliance cycles are 5 years long. While standards are recalculated every 6 years.</p>	<p>accelerated savings recognition ACP option and the extended deep energy retrofit ACP option. New Construction and Change of Property Type. Baseline Adjustments, such as a baseline year shift or a baseline site EUI modification. Or a Custom Application, which will be considered by the DOEE. Does not accept third-party building certifications as an ACP option.</p>	<p>compliance payment for each buidng will be adjusted proportionally based on its performance relative to its Pathway target. The following adjustment factors vary based on the different enegy performance requirements of each Compliance Pathway:</p> <ul style="list-style-type: none"> <li>• <b>Performance pathway:</b> The maximum payment shall be adjusted by calculating the percent of Site EUI reduction achieved divide by 20%</li> <li>• <b>Standard Target Pathway:</b> The maximum payment shall be adjusted by the building's distance from the BEPS achieved by the distance from the BEPS for buildings of the same property type that are 20% less efficient than the BEPS.</li> <li>• <b>Prescriptive Pathway:</b> The maximum payment shall be adjusted by calculating the number of Prescriptive Pathway points actually earned divided by the total needed</li> <li>• <b>Alternative Compliance Pathway:</b> The maximum payment shall be adjusted using adjustment factors described in the Alternative Compliance Pathway agreement with DOEE, and shall be no less stringent than payments for other Pathways.</li> </ul> <p>DOEE will assess a payment at the end of the Compliance Cycle following the building's final reporting/verification deadline. In addition, any building owner that knowingly submits inaccurate information, withholds information, implements an EEM that reduces environmental quality, or implements an EEM that poses a threat to the health and safety of occupants may be subject to assessment of the maximum alternative compliance payment, regardless of the building's performance In addition to the Alternative Compliance Payment, DOEE has the authority to issue a civil infraction fine for BEPS Program Violations (also known as the BEPS Program Infractions). First offenses range from \$500 - \$2,000.</p>	<ul style="list-style-type: none"> <li>• prior to compliance date</li> <li>• Average occupancy less than 50%</li> <li>• Primary use of building is industrial</li> <li>• Primary use of building is agricultural</li> <li>• Buildinggets conditions of financial hardship</li> </ul> <p>Covered buildings that are vacant and/or in financial distress may qualify for a whole-cycle exemption, rather than a three-year delay.</p>