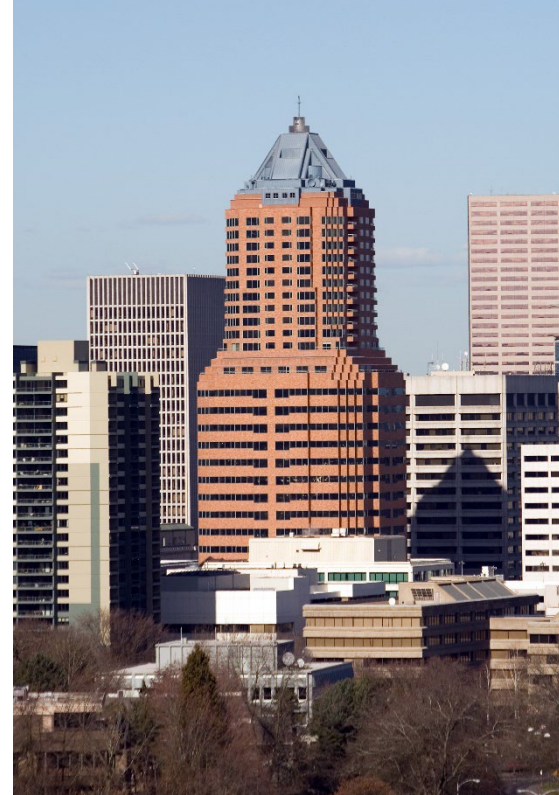


# Oregon Department of **ENERGY**

## Oregon Building Performance Standard Proposed Updates

Sept. 24, 2025

Lisa Gartland  
Codes & Standards Team



# Oregon Building Performance Standard

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## OR BPS Program Progress

- A new OR BPS program implementation team is in place under ODOE Codes & Standards
  - Blake Shelide – Manager – overall program management
  - Lisa Gartland – Facilities Engineer – building energy
  - Madeline O'Dwyer – Operations and Policy Analyst – building inventory
  - Judy Stockwell – Public Service Representative – customer service
  - Andrew Johnson – Program Analyst – incentive programs
  - Ken Davies – Program Analyst – portal development
- We also collaborate to review issues and help where needed

# Oregon Building Performance Standard

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## OR BPS Program Progress

- Rules & underlying program standard in place
  - ORS 330-300 and Oregon Building Performance Standard 100 in place as of January 1, 2025
- Property inventory
  - Data gathered from counties, mapped into GIS, online database created
  - Updating inventory of covered buildings based on information from building owners
- Preparing program materials
  - Website, guidance documents, energy target tool, audit tools, program portal
  - Incentive programs - development of rules, procedures, documents
- Outreach to building owners and energy professionals
  - Ongoing work to build program awareness and understanding

# Oregon Building Performance Standard

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## OR BPS Gray Areas

As the new OR BPS team implements the program:

- We are fielding questions from building owners and others about which buildings are covered, and finding that answers are not clear regarding:
  - Special Tier 2 Building Types
  - Building Tier Determination
  - Mixed-use Tier Determination
  - Grouped Buildings Provisions
  - Tier 2 Building Exemptions
- We want to clarify these gray areas before the program becomes more active
- This is NOT a call to revise other aspects of the program

# Oregon Building Performance Standard

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## OR BPS Gray Areas

- To understand the program intent, we investigated:
  - Task Force work in 2023
  - SB 870 & HB 3409 development 2023-24
  - House & Senate legislative debate early 2024
  - Stakeholder meetings 2024
  - ORS 330-300 program rules as of Jan 1, 2025
  - Oregon Building Performance Standard 100 as of Jan 1, 2025
- After much internal work and discussions, the OR BPS team has proposals for how to clarify gray areas of the program
- **Now seeking stakeholder input**

# Oregon Building Performance Standard

## Summary of Proposed OR BPS Updates

- Special Tier 2 Building Types
  - Add prisons, barracks, residential care, senior care to special Tier 2 category
- Building Tier Determination
  - Clear up tier definitions; more explicitly set out Tier 1 and Tier 2 requirements
- Mixed-use Tier Determination
  - Designate 50% building GFA threshold for special Tier 2 status (in most cases)
- Grouped Buildings Provisions
  - Allow non-shared metering; extend Tier 2 status to groups with special Tier 2 buildings
- Tier 2 Building Exemptions
  - Allow same exemptions for Tier 1 and Tier 2 buildings

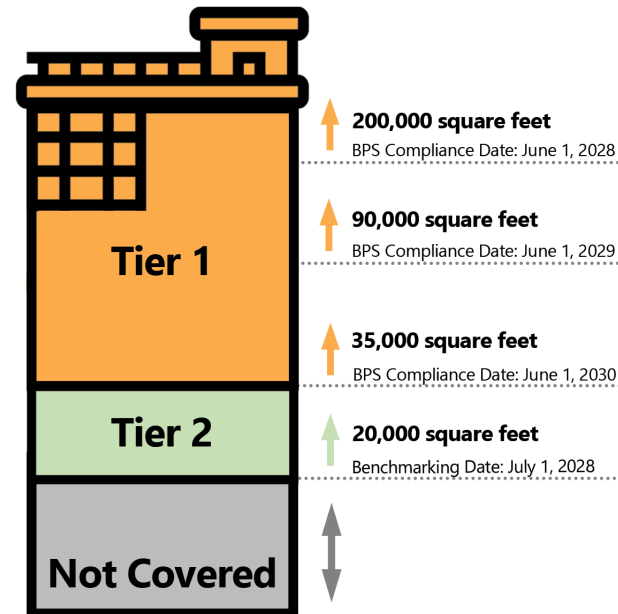


# Oregon Building Performance Standard

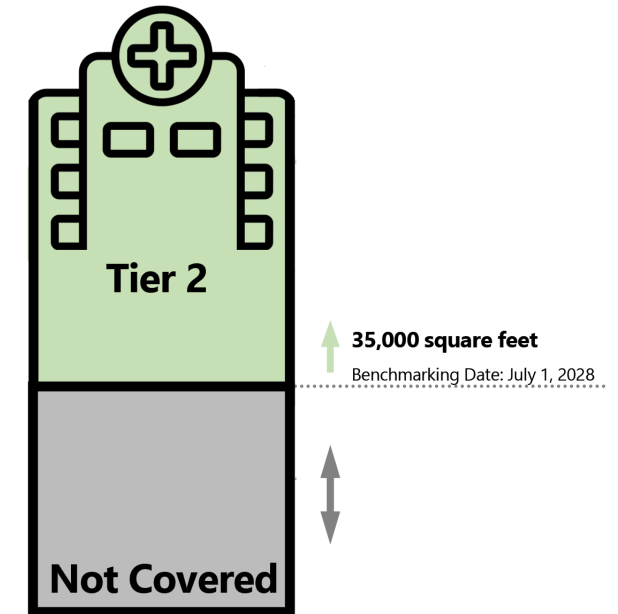
## Buildings Covered by OR BPS

- Property Type
  - Non-Residential, Hotel, Motel
  - Multifamily Residential, Hospitals, Schools, Dormitories, University
- Gross Floor Area w/o parking garage
  - Tier 1: NR, H, M
    - 200,000 ft<sup>2</sup> +
    - 90,000 ft<sup>2</sup> - 200,000 ft<sup>2</sup>
    - 35,000 ft<sup>2</sup> - 90,000 ft<sup>2</sup>
  - Tier 2:
    - 20,000 ft<sup>2</sup> - 35,000 ft<sup>2</sup> NR, H, M
    - 35,000 ft<sup>2</sup> + MFR, H, S, D, U

### NON-RESIDENTIAL, HOTELS, AND MOTELS



### MULTIFAMILY RESIDENTIAL, HOSPITALS, SCHOOLS, DORMITORIES, AND UNIVERSITIES BUILDINGS



Tier definitions don't correspond to this schematic in some cases.  
What about other residential/public purpose building types?  
Rules are also not clear regarding mixed-use & grouped buildings

# Oregon Building Performance Standard

## OR BPS Compliance Requirements

- Tier 1 and Tier 2 Buildings
- Find Energy Use Intensity Target (EUI<sub>t</sub>)
  - Calculate Energy Use Intensity (EUI)
- Only Tier 1 Buildings
  - If  $EUI > EUI_t$
  - Work to reduce energy use
    - Energy Audits, Life Cycle Cost Assessment by compliance date
    - Implement Cost-effective Energy Efficiency Measures (EEMs)
  - Attest to Operations & Maintenance (O&M) program and Energy Management Plan (EMP)

**EUI =  
Net Building  
Energy Use /  
Gross Floor  
Area**

**EUI<sub>t</sub> =  
predetermined  
EUI targets  
based on  
activity type**



# Oregon Building Performance Standard

## OR BPS Exemptions

- Manufacturing or Industrial Buildings
- Agricultural Buildings
- No Certificate of Occupancy
- Less than 50 percent Physical Occupancy
  - Depends on amount of leased space, not whether occupants or tenants work from home
- Large amount of unconditioned floor area
  - Brings conditioned GFA below OR BPS GFA limits
- Financial Hardship
- Historic Buildings
  - Are NOT exempt
  - But do not have to install EEMs that would compromise historic integrity

# OR BPS – Special Tier 2 Building Types

## Prisons

- ODOE has been asked if Prisons qualify for special Tier 2 status
  - No mention of prisons found in legislative records
  - Prisons are included in Tables 7-1 thru 7-4 under Lodging/Residential
  - Special Tier 2 Multifamily and Dormitory are also Lodging/Residential
  - Prisons similar to / a subset of Multifamily and Dormitory
- Haven't had questions, but what about Barracks?
  - Barracks are also in tables under Lodging/Residential
  - Much the same as a special Tier 2 Dormitory
- Explicitly mapping them into the special Tier 2 category clarifies OR BPS and reduces building owner uncertainty

**Identify  
Prisons &  
Barracks as  
special Tier 2  
buildings**

# OR BPS – Special Tier 2 Building Types

## Residential and Senior Care

- ODOE has been asked if Residential and Senior Care facilities qualify for Special Tier 2 status
  - No mention of care homes found in legislative records
  - Included in Tables 7-1 thru 7-4 twice, under both Healthcare and Lodging/Residential
  - Special Tier 2: Multifamily, Dormitory, Hospital
  - Care facilities similar to / subset of Multifamily, Dormitory, Hospital
- Explicitly mapping them into the special Tier 2 category clarifies OR BPS and reduces building owner uncertainty

**Identify  
Residential &  
Senior Care as  
special Tier 2  
buildings**

# OR BPS – Special Tier 2 Building Types

## Updated Definitions for Clarity and Consistency

### 3. DEFINITIONS

3.1 General. Certain terms, abbreviations, and acronyms are defined in this section for the purposes of this standard. Additional definitions of building activity types are included in Table 7-4. These Section 3.1 and Table 7-4 definitions are applicable to all sections of this standard.

Nonresidential building: as used in this standard, any building that does not match one of the types of lodging/residential buildings listed in Table 7-1 of this standard.

Call out building activity type definitions in Table 7-4.

Add “lodging” to nonresidential definition for consistency with terminology in Tables 7-1 thru 7-4 (building activity type descriptions, targets, etc.)

# OR BPS – Special Tier 2 Building Types

## Updated Multifamily Definition

ODOE has had many questions from condominium owners

Table 7-4 No. 61 Lodging/Residential Multifamily Housing  
Multifamily Housing refers to a covered multifamily building containing ~~sleeping units or more than five (5) or more~~ dwelling or sleeping units where occupants are primarily permanent in nature and pay rent to a building owner.

FYI: WA Clean Building Performance Program doesn't cover condos

- We both still cover common areas in condo buildings
- Common areas over 35,000 SF expected to be rare in Oregon

Change MF to five or more units for consistency with units required for utility data aggregation

Add rent provision to MF definition

**Rent provision distinguishes MF from Condos**

# OR BPS – Building Tier Determination

## Logical Conflicts within Tier 1 and Tier 2 Definitions

*Tier 1 building:* a building in which the sum of *gross floor area* for hotel, motel, and **nonresidential** use equals or exceeds 35,000 square feet, excluding any parking garage.

*Tier 2 building:* a. A building with *gross floor area*, excluding any parking garage, that equals or exceeds 35,000 square feet and that is used as a multifamily residential building, **a hospital, a school**, a dormitory, or a **university building**; or

b. A building in which the sum of *gross floor area* for hotel, motel, and **nonresidential** use exceeds 20,000 square feet but does not exceed 35,000 square feet, excluding any parking garage.

*“Tier 2 building”* does not include a covered commercial building that is classified as a *Tier 1 building*.

Conflict Examples:

- Hospital, school and university buildings are nonresidential
- Is a 40,000 SF Hospital Tier 1 or Tier 2?
- Is a 25,000 SF hospital Tier 2 or not covered?

# OR BPS – Building Tier Determination

## What Was the Legislative Intent?

During a 3/28/2023 meeting of the Oregon Senate’s Energy and Environmental Committee, this statement was made and subsequently included in a written Q&A document:

“Covered commercial buildings in Tier 1 include hotels, motels and other nonresidential commercial buildings over 35,000 sq ft **(excluding schools, hospitals and universities)**. Tier 2 includes the same scope of commercial buildings sized 20,000- 35,000 sq ft, in addition to the buildings 35,000 sq ft and above that were **excluded from Tier 1.**”

Clear that buildings in special Tier 2 categories are:

- Special Tier 2 if 35,000 square feet or more
- Not Tier 1 and not covered if below 35,000 square feet



# OR BPS – Building Tier Determination

## Added Definitions

### 3. DEFINITIONS 3.1 General

**Building gross floor area:** the sum of a *building's regular gross floor area* and *special gross floor area*.

**Regular gross floor area:** the sum of a *building's gross floor area* for hotel, motel, and nonresidential use, excluding any parking garage or *special gross floor area*.

**Special gross floor area:** the sum of a *building's gross floor area* for multifamily, hospital, school, university, dormitory, prison, barracks, residential care, and senior care use, excluding any parking garage area.

Definitions to simplify the wording in the updated tier definitions

Regular GFA doesn't include special GFA

Includes prison, barracks, residential care and senior care in special gross floor area definition

# OR BPS – Building Tier Determination

## Updated Definitions

### 3. DEFINITIONS 3.1 General

*Tier 1 building:* a *building* under ownership by a sole individual or entity with ***regular gross floor area*** which equals or exceeds 35,000 square feet **that does not meet any *Tier 2 building* definition.**

*Tier 2 building:* a building under **ownership by a sole individual or entity** which is either:

a. a “regular” *Tier 2 building* with ***regular gross floor area*** of at least 20,000 square feet and less than 35,000 square feet, **and not a “special” *Tier 2 building* as in part b. of this definition**

Adds ownership language to separate MF from condo

There are also parts b and c in this new Tier 2 definition...

Addresses Tier 1 and Tier 2 logical inconsistencies

# OR BPS – Mixed-use Tier Determination

## Not clear how to classify mixed-use buildings

No explicit information in OR Std 100 about assigning tier to mixed-use buildings

Original Tier 2 building definition included this phrase:

**“Tier 2 building” does not include a covered commercial building that is classified as a Tier 1 building.**

But what did that mean?

- Part of the Tier 1/Tier 2 logical conundrum...
- Could Tier 1 and Tier 2 references have been switched?
- Was that included so Tier 1 status takes precedence in mixed-use buildings?

# OR BPS – Mixed-use Tier Determination

## What Was the Legislative Intent?

HB 3409 states that the building performance standard program should “seek to maximize reductions in greenhouse gas emissions from covered commercial buildings”

HB 3409 also laid out special Tier 2 categories to allow certain building types to forego meeting an energy target

Could find no mention of mixed-use buildings in legislative session or Task Force records

ODOE concludes the intention was to allow mixed-use buildings to retain Tier 1 status under some conditions... but we need to specify those conditions

# OR BPS – Mixed-use Tier Determination

## OR Standard 100 Use of 50% Thresholds

- Building qualifies for exemption if at least 50% of area is used for manufacturing or industrial purposes
- Building qualifies as nontarget if at least 50% of its area is nontarget activity type (data center, energy/power station, other utility)
- Building qualifies for an exemption if at least 50% of it was vacant in the 12 months prior to the application being filed

ODOE proposes a mixed-use building with *special gross floor area* if at least 50% of the *building gross floor area* is Tier 2, but is Tier 1 if *special gross floor area* is below 50% of *building gross floor area*

# OR BPS – Mixed-use Tier Determination

## OR Standard 100 Tier 2 definition

*Tier 2 building*: a building under ownership by a sole individual or **entity** which is either:

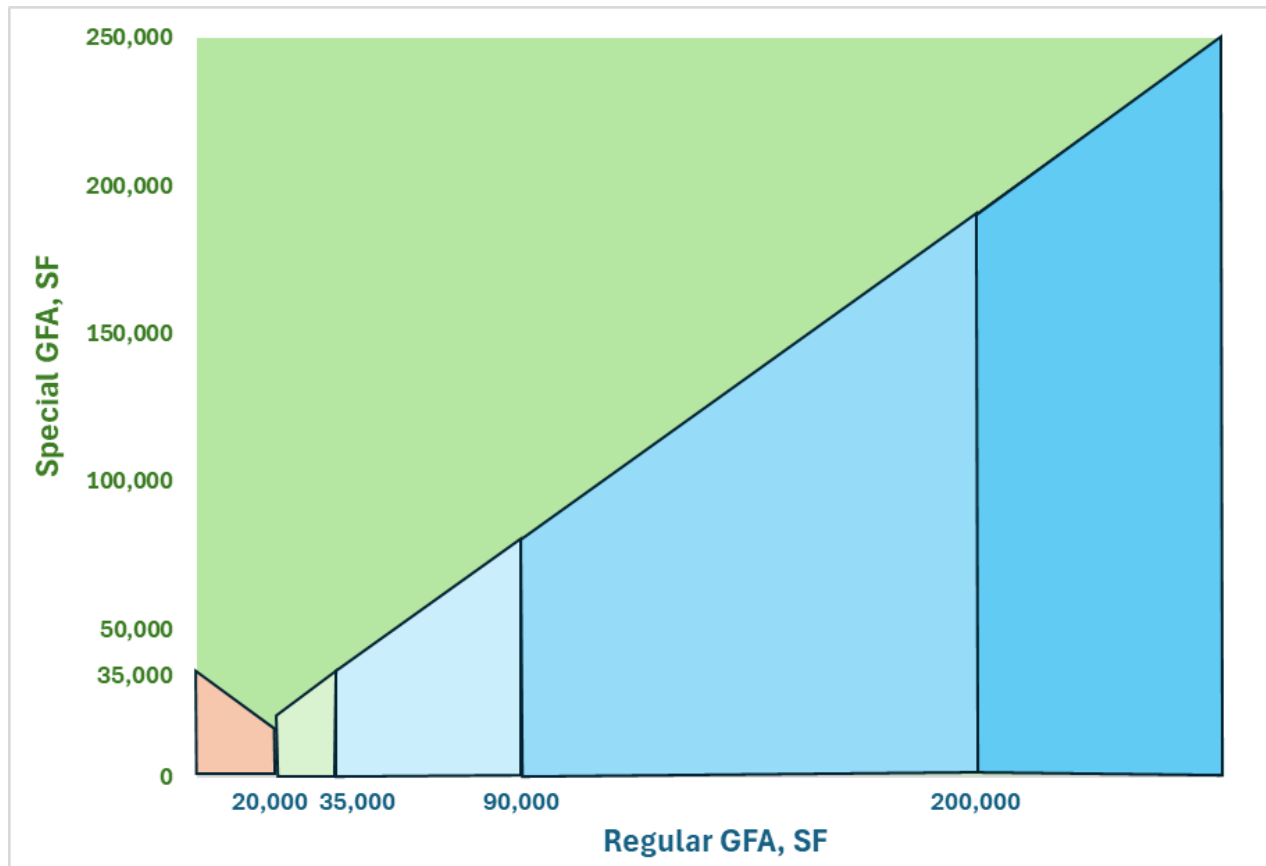
a. a “regular” Tier 2 building with *regular gross floor area* of at least 20,000 square feet and less than 35,000 square feet, and not a “special” Tier 2 building as in part b. of this definition; or

b. a “special” Tier 2 building with *building gross floor area* of at least 35,000 square feet and either *special gross floor area* that equals or exceeds *regular gross floor area* if *regular gross floor area* is at least 20,000 square feet, or *special gross floor area* of at least 15,000 square feet if *regular gross floor area* is less than 20,000 square feet.

Special Tier 2 definition in part b includes **50 percent threshold**, but is also a bit more complicated

# OR BPS – Mixed-use Tier Determination

## Mixed-use Tier Determination Algorithm



- More complicated for smaller buildings due minimum 35,000 SF *building gross floor area* for special Tier 2 buildings

**Special Tier 2:** Building GFA >= 35,000 SF and

Special GFA >= Regular GFA if Regular GFA >= 20,000 SF or  
Special GFA >= 15,000 SF if Regular GFA < 20,000 SF

**July 1, 2028** Compliance Date

**Regular Tier 2:** Regular GFA >= 20,000 SF and < 35,000 SF and  
Regular GFA > Special GFA

**July 1, 2028** Compliance Date

**Tier 1:** Regular GFA >= 200,000 SF and

Regular GFA > Special GFA

**June 1, 2028** Compliance Date

**Tier 1:** Regular GFA >= 90,000 SF and < 200,000 SF and  
Regular GFA > Special GFA

**June 1, 2029** Compliance Date

**Tier 1:** Regular GFA >= 35,000 SF and < 90,000 SF and  
Regular GFA > Special GFA

**June 1, 2030** Compliance Date

**Not Covered**

Regular GFA < 20,000 SF

Building GFA < 35,000 SF



# OR BPS – Grouped Buildings Provisions

## Need to Clarify for Grouped Buildings

- How are tiers assigned to buildings in groups?
- What is the compliance date for a set of Grouped Buildings?
- Which buildings can be grouped?
- Allow groups to include Tier 1 and/or Tier 2 buildings, along with any not-covered buildings that are in the set due to shared metering
- Compliance date based on tier & size of largest building
- Grouped Buildings requirements adjusted to encourage grouped reporting

# OR BPS – Grouped Buildings Provisions

## Updated Definitions, etc. for Grouped Buildings

### 3. DEFINITIONS 3.1 General.

*Grouped buildings: set of Tier 1 and/or Tier 2 buildings that comply at the connected or campus-level, or that comply at the **complex** level and have a **single shared primary function**, along with any other connected buildings that are not *covered buildings*, as set forth in footnote #9 of Tables 7-2a and 7-4 of this standard, ~~for campuses and connected buildings.~~*

*complex: a group of individual or ~~inter~~connected buildings on contiguous property.*

Grouped buildings can include Tier 1, Tier 2, and not-covered buildings

Buildings that share metering must comply as grouped

Grouped buildings without shared metering must share a single primary function

**Grouped buildings need not share metering**

# OR BPS – Grouped Buildings Provisions

## Status of Buildings in Groups with Hospitals

### Hospital definition from Table 7-4 No. 61:

“General medical and surgical hospital (including critical access hospitals and children’s hospitals). These facilities provide acute care services intended to treat patients for short periods of time, including emergency medical care, physician's office services, diagnostic care, ambulatory care, surgical care, and limited specialty services such as rehabilitation and cancer care. The definition of Hospital **does not accounts** for all building activity types owned by the hospital that are located within the Hospital building/complex, including nonclinical spaces such as administrative offices, food service, retail, hotels, and power plant.”

Hospital is a special Tier 2 type  
Original definition implies that  
Grouped Buildings submitted  
with a hospital are considered  
“hospital” buildings and are  
therefore also special Tier 2

**Changing the wording here  
means buildings in groups with  
hospitals do not use hospital  
activity type, which reduces  
hospital group EUI target**

Program is keeping original  
effect of extending Tier 2  
status, so target need not be  
met!

# OR BPS – Grouped Buildings Provisions

## Extending Tier 2 Status to Buildings in Groups

### 3. DEFINITIONS 3.1 General

*Tier 2 building*: a building under ownership by a sole individual or entity which is either:

- a. a regular Tier 2 building...; or
- b. a special Tier 2 building...; or
- c. an “extended” *Tier 2 building* with *regular gross floor area* which equals or exceeds 35,000 square feet, submitted as part of a set of *grouped buildings* which includes a “special” *Tier 2 building* as described in part b. of this definition.

For groups with any special Tier 2 buildings (but many special Tier 2 buildings already in groups with special Tier 2 buildings)  
Grouped buildings must share primary function

**New part c  
explicitly  
extends special  
Tier 2 status**

# OR BPS – Grouped Buildings Provisions

## Practical Considerations for Extending Tier 2 Status

- Must submit under Form G: Grouped Buildings Application
- The special Tier 2 building in the group must be at least 35,000 SF, excluding parking garage area
- Only Tier 1 buildings in the group take on special Tier 2 status >> extended Tier 2
  - Not-covered buildings remain not-covered
- Grouped buildings definition includes requirement that they either have shared metering or have a “single shared primary function”
  - This is to limit the extension of Tier 2 status for disparate sets of buildings

# OR BPS – Grouped Buildings Provisions

## Meeting HB 3409's Intention to Collect Tier 2 Data

- Clearly stated goal to collect energy data for evaluation of Tier 2 buildings
- Definition of grouped buildings was expanded to those without shared metering
  - There is no “penalty” for grouped buildings to report individual building data
  - Buildings without shared metering may be eligible for extended Tier 2 status
- Share data at the building level if possible
  - Each building in a group should declare its actual activity type in all reporting
  - Share individual building energy use data to the extent possible

# OR BPS – Tier 2 Exemptions

## HB 3409 and Tier 2 Building Exemptions

- Sections 14 & 15 for Tier 2 buildings **do not mention exemptions, but also do not rule them out**
- “Eligible building owners of Tier 2 buildings must provide to the department data that would enable the department to establish a benchmark for energy use in, and greenhouse gas emissions from, Tier 2 buildings.”
- Tier 2 buildings submit EUI target and EUI information, but don’t need to meet target, submit EMP or O&M, perform audits, implement EEMs



# OR BPS – Tier 2 Exemptions

## OR Standard 100 and Tier 2 Building Exemptions

- The lack of Tier 2 exemptions in HB 3409 was translated literally
  - Explicitly drops sections that would have described Tier 2 exemptions
  - Writes in “for Tier 1 buildings” when describing remaining exemptions
- FYI: exemptions for Tier 2 buildings ARE included in the WA Clean Building Performance Standard

# OR BPS – Tier 2 Exemptions

## Pertinent Senate Testimony about Exemptions

Oregon Senate Energy and Environment Committee Meeting, 3/28/2023

- Question: Are filbert/hazelnut processors allowed an agricultural exemption, even if they are not on farmland?
- Answer: Part of the agricultural facility definition was inadvertently left out but has been fixed, **so filbert processors should be eligible for exemptions**

This answer did NOT say that only filbert processors in Tier 1, or of any particular size, would be eligible for an exemption

- Set expectation for all agricultural buildings to be eligible for exemptions

# OR BPS – Tier 2 Exemptions

## Usefulness of Data

Exemptions can be granted to Tier 1 buildings for:

- **Low occupancy; High vacancy; Lack of conditioned space**
  - Energy use in these types of buildings is likely low and not representative of activity type
- **Manufacturing/industrial use; Agricultural use**
  - OR BPS does not address industrial/manufacturing/agricultural buildings
  - Energy data from these types of buildings is not needed to set future targets
- **Financial hardship**
  - Are they likely to have normal energy use, or are they cutting costs and using less energy?
  - Buildings undergoing financial hardship should be extended grace no matter their tier

# OR BPS – Tier 2 Exemptions

## Allow Exemptions for Tier 2 Buildings

ODOE sees no reason to deny Tier 2 buildings the same exemptions for Tier 1 buildings

OR Standard 100 References to “Tier 1 building” when discussing the granting of exemptions will be changed to “Tier 1 or Tier 2 building”

Section 7.2.4, W3.3, W5.7, and Z4.1 will be amended

**Same  
exemptions  
allowed for Tier  
1 & Tier 2  
buildings**

# Oregon Building Performance Standard

## Summary of Proposed OR BPS Updates

- Special Tier 2 Building Types
  - Add prisons, barracks, residential care, senior care to special Tier 2 category
- Building Tier Determination
  - Clear up tier definitions; more explicitly set out Tier 1 and Tier 2 requirements
- Mixed-use Tier Determination
  - Designate 50% building GFA threshold for special Tier 2 status (in most cases)
- Grouped Buildings
  - Allow non-shared metering; extend Tier 2 status to groups with special Tier 2 buildings
- Tier 2 Building Exemptions
  - Allow same exemptions for Tier 1 and Tier 2 buildings



**Thank You  
for helping to make  
OR BPS a success**

[https://www.oregon.gov/energy/  
save-energy/Pages/BPS.aspx](https://www.oregon.gov/energy/save-energy/Pages/BPS.aspx)