In December 2024, the Oregon Department of Energy adopted rules specifying a Building Performance Standard (BPS), as directed by House Bill 3409 (2023). The standards are effective as of January 1, 2025, and compliance will be required at the earliest by 2028, although covered building owners may need to take action now to ensure they are prepared for compliance.

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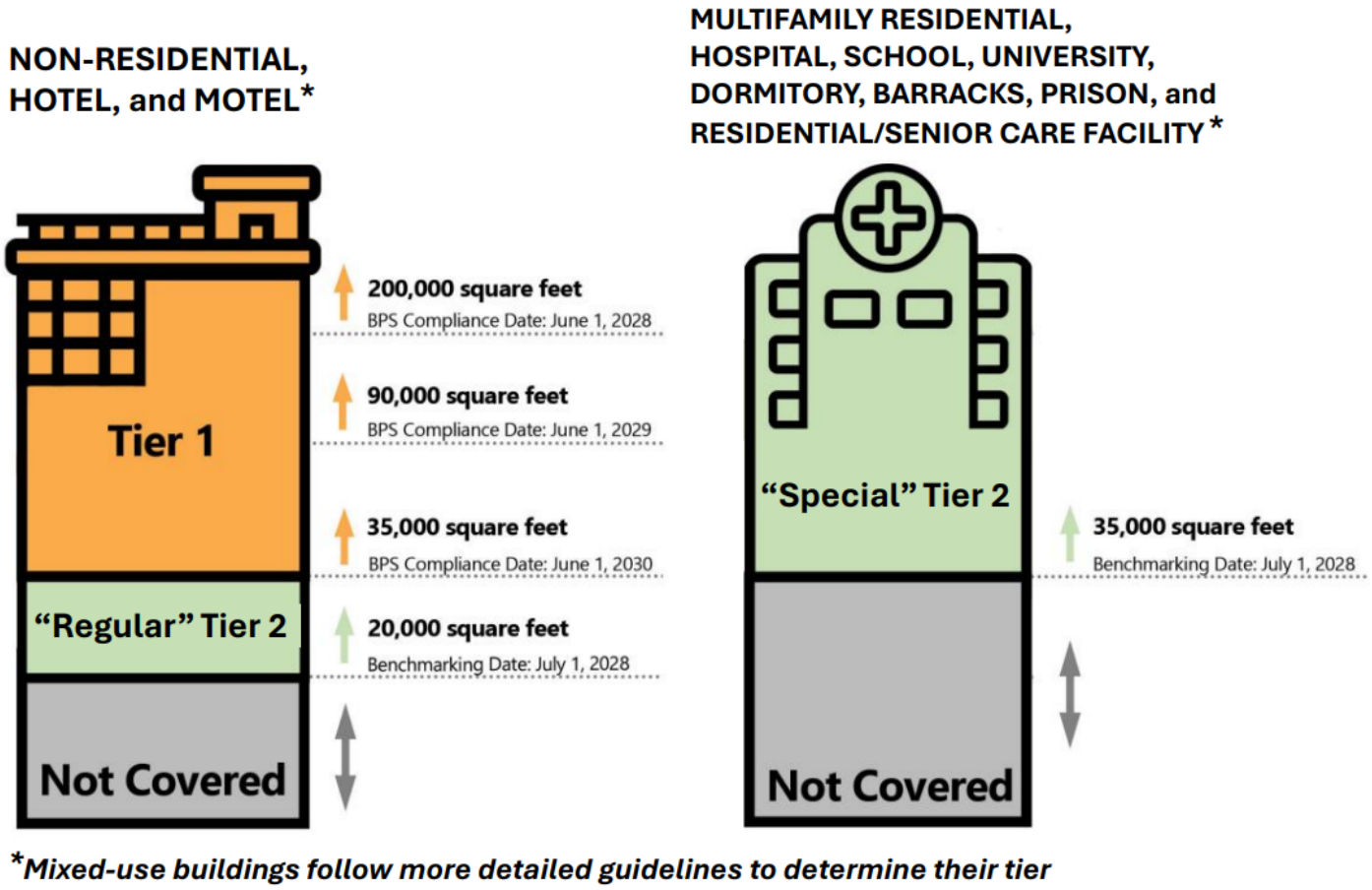
What buildings need to comply with BPS?

BPS reporting is divided into two tiers, Tier 1 and Tier 2:

- Tier 1 includes buildings 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 includes:
    - 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,a university building, barracks, prison, or a residential/senior care facility; or
    - 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.

Please see the diagram below for more information:



Mixed-use buildings follow more detailed guidelines to determine their tier

What are my reporting and compliance requirements?

Tier 1 and Tier 2 buildings have different BPS reporting and compliance requirements, as laid out in the table below.

Form	Tier 1	Tier 2
Form A: Application	**Required** for non-exempt buildings with their own energy metering	**Required**
Form G: Grouped Building Application	**Required** for non-exempt buildings with shared energy metering	**N/A**
Operations & Maintenance Program (O&M)	**Required**	**Not Required**
Energy and Emissions Management Plan (EMP)	**Required**	**Not Required**
Form B: Building EUI Target	**Required**	**Required**
Form C: Calculation of EUI	**Required**	**Required**
Form D: Decarbonization Plan	**Optional** for campuses with district heating or cooling that utilize the Decarbonization Plan path	**Not** required
Form E: Energy Audit	**If** Energy Use Intensity > EUI target and building seeking conditional compliance or Investment Criteria pathway	**Not** required
File Form L: Life Cycle Cost Assessment	**Required** for buildings using the Investment Criteria pathway in Appendix X	**Not** required
Form H: Historic Buildings	**Only** for historic buildings, not an exemption	**Only** for historic buildings, not an exemption
Form X: Exemptions	**Potential exemptions** for: no certificate of occupancy, low occupancy, unconditioned or semi-heated spaces, manufacturing or industrial facilities, agricultural facilities, or financial hardship	**Potential exemptions** for: no certificate of occupancy, low occupancy, unconditioned or semi-heated spaces, manufacturing or industrial facilities, agricultural facilities, or financial hardship

What are my deadlines?

Compliance deadlines span from 2028 to 2030, depending on the building's Tier and square footage.

Gross Floor Area *excludes any parking garage area*	**Property Type**	**Tier / Compliance Date**
35,000 to 90,000 square feet	Nonresidential, Hotel, or Motel	Tier 1 / June 1, 2030
90,000 to 200,000 square feet	Nonresidential, Hotel, or Motel	Tier 1 / June 1, 2029
200,000 square feet and greater	Nonresidential, Hotel, or Motel	Tier 1 / June 1, 2028
20,000 to 35,000 square feet	Nonresidential, Hotel, or Motel	Regular Tier 2 / July 1, 2028
35,000 square feet and greater	Multifamily, Hospital, School, University, Dormitory, Barracks, Prison, Residential/Senior Care Facility	Special Tier 2 / July 1, 2028

Buildings should use EnergyStar Portfolio Manager and begin tracking data from their utility bills. Tier 1 buildings, in particular, should start collecting and evaluating utility data now, in case the building is not meeting its Energy Use Intensity target, and more work must be done in advance of the deadlines.

What if I think I'm exempt from this regulation?

There are exemption criteria for:

- Low building occupancy
- Unconditioned or semi-heated spaces
- Industrial or manufacturing facilities
- Agricultural facilities
- Financial hardship

Exempt buildings are still covered buildings, but do not need to meet the OR BPS requirements for that compliance cycle. A building owner must apply to and receive approval from ODOE to be exempt. A building can also file as a Historic Building, but this does not mean the building is exempt from other OR BPS requirements. More information on exemptions and historic buildings can be found in BPS Guidance 002: Exemptions and Historic Buildings.

Even if you think your building is exempt, the *Form X: Exemption Application* must be submitted to ODOE through the BPS portal.[i] Note that ODOE reviews exemption applications before granting a building exemption. An exemption will need to be filed each five-year OR BPS cycle. **Exemptions will be available**

[i] BPS Portal will be available in 2026

before July 1, 2026, and Property Inventory List registered buildings will be notified directly. Note: that the Property Inventory List will be transitioning to the BPS portal in mid-2026.

How will I know if my building must meet BPS requirements?

ODOE attempted to contact as many building owners as possible using the addresses on file with county assessor offices in 2025. However, ODOE's list of buildings with OR BPS requirements was not exhaustive. This means that even if ODOE did not contact you, you may still be required to comply with BPS requirements and be responsible for any civil penalties and fines that may occur due to not filing on time. To find out if your building falls under the BPS mandate contact ODOE at OregonBPS@energy.oregon.gov.

My buildings has multiple tenants or owners, who is responsible and what would my EUIt be?

Regardless of the number of tenants, the OR BPS mandate is the responsibility of the building owner. If there is no building owner, in the case of a commercial homeowners association, the HOA board would be responsible for compliance. To figure out your buildings Energy Use Intensity target, the qualified energy professional would input all the different building use types into the EUIt calculator tool located on ODOE's website.

For more information on finding a building EUIt, please see BPS Guidance 003: Finding Energy Use Intensity Target and BPS Guidance 004: Calculating Energy Use Intensity.

Are commercial condos covered by OR BPS?

Commercial condominium units are treated as individual buildings. An individual commercial condominium is only mandated to comply with OR BPS if its gross floor area is at or above the OR BPS minimum square footage threshold for its property type.

Are residential condominiums covered?

No, residential condominiums are not mandated to report under OR BPS.

My building was falsely identified or was not identified at all, what do I do now?

If your building was falsely identified go into the Property Inventory List and enter the Unique Building ID or address of your building and enter in the correct information for your building. When you enter the building's correct information (i.e. sq footage, use type) the system will update the building's profile. Note: that the Property Inventory List will be transitioning to the BPS portal in mid-2026.

If you think your building has not been identified or if you've lost your UBID please contact ODOE at OregonBPS@energy.oregon.gov

What is a UBID and how do I get one?

UBID stands for "Unique Building ID," it is a long string of numbers and letters that encodes a building's physical coordinates. If you've lost your UBID, want a list of all your UBIDs sent to your email, or need more information, please email ODOE as OregonBPS@energy.oregon.gov.

What kind of penalties could I be responsible for?

If you fail to complete reporting for a Tier 1 building, you could be liable for a civil penalty of up to $5,000 plus up to $1 per square foot per year. Penalties can be reduced to $30% of $5000 and $0.20 per square foot if

noncompliant building owners work with ODOE to develop and submit a noncompliance mitigation plan. The lower penalties do not automatically apply if a building owner has completed partial program reporting.

There are currently no Tier 2 penalties. For more information on penalties, please visit BPS Guidance 010: Incentives and Penalties.

Where can I find the compliance forms?

Compliance forms are not yet available. By July 1, 2026, ODOE will have its compliance software published and available to take compliance and exemption forms. Buildings registered in the Property Inventory List will receive an email when the forms are ready for download. Note: that the Property Inventory List will be transitioning to the BPS portal in mid-2026.

Who is responsible for filing out the compliance forms?

The building owner is responsible for ensuring all required OR BPS forms are filled out. The building owner can designate this work to a building or facility manager or other trusted associate, but the building owner is liable for any penalties for non-filing or non-compliance. There are certain forms that must be submitted by **energy professionals**. The following chart shows who is responsible for filling out each of the required compliance forms. For more information on energy professionals please see BPS Guidance 006: Energy Professionals.

Submittal	Tier 1 Buildings	Tier 2 Buildings
Form A: Application for Oregon BPS Compliance	Building Owner	Building Owner
Form G: Grouped Buildings Application for Oregon BPS Compliance	Building Owner	Building Owner
Form X: Exemption Application	Building Owner	Building Owner
Form H: Historic Building Documentation	Building Owner	Building Owner
Form B: Building Activity and Energy Use Intensity Target (EUIt)	Qualified Person	Qualified Energy Manager or Qualified Person
Form C: Calculation of Energy Use Intensity (EUI)	Qualified Person	Qualified Energy Manager or Qualified Person
Operations and Maintenance Program (O&M)	Qualified Person	n/a
Energy Management Plan (EMP)	Qualified Person	n/a
Form D: Decarbonization Plan	Qualified Person	n/a
Form E: Energy Audit	Qualified Energy Auditor	n/a

Form L: Life Cycle Cost Analysis	Qualified Energy Auditor	n/a

How do I become an Energy Professional?

There are three types of energy professionals that may be needed for the OR BPS. To become an energy professional you must fill out and submit a Form Q to ODOE.

Please see BPS Guidance 006: Energy Professionals for the full list of pre-requisites to become one of the three types of energy professionals.

Do I need to hire an Energy Professional?

No, energy professionals can be in-house on staff employees, as long as the professional has the right requirements and submits their Form Q.

If you do not have someone on staff that qualifies to be an energy professional there is a non-endorsed energy professional list on the ODOE BPS website.

I've never filed these types of forms before, what should I do?

ODOE will provide templates for most of the forms required. These templates will be found on the BPS portal that will launch midway through 2026.

What are Allowances? Parking Garages, EV Chargers, and other end-uses

An allowance is some amount of energy use that may be subtracted from the total building energy use when calculating Energy Use Intensity. Some allowances may only be subtracted if equipment is submetered, while other allowances may be estimated for each technology. The complete list of allowances and any estimates is still under development. Allowances for parking areas, EV chargers, communications equipment, and outdoor pools are currently under consideration.

Are there incentives? How do I know if I qualify?

There is approximately $14 million available for OR BPS incentives split between two programs.

HB 3409 directs ODOE to establish an early compliance incentive program for OR BPS. The $2 million allocated to the program will be used to help building owners offset costs associated with OR BPS compliance, such as energy benchmarking and reporting or performing an energy audit. OR BPS has multiple components and requires different steps and actions to meet compliance. The Early Compliance Action and Planning Program incentives are intended to offset some of the costs of compliance and will be offered for different compliance actions. A building owner can receive a maximum of $0.85 per square foot, subject to incentive caps, if all compliance actions are taken, but can also receive partial incentives for individual compliance actions.

ODOE was awarded $12 million in federal funding for the OR BPS incentives as part of the Oregon Department of Environmental Quality's Climate Equity and Resilience Through Action program. The Building Energy Reduction Incentive program will offer funding to help offset the cost of energy efficiency measures, such as HVAC or lighting upgrades. The funding will incentivize Tier 1 buildings to reach compliance early and will incentivize Tier 2 and tribal buildings to voluntarily comply with the OR BPS, resulting in greenhouse gas

emissions reductions and energy and cost savings for building owners and tenants. To be eligible, buildings must have a baseline energy use intensity that exceeds the applicable energy use intensity target. An energy audit for the building must be submitted with all applications. The maximum incentive per building is $100,000 for Tier 1 buildings and $50,000 for Tier 2 buildings (the maximum incentive and early compliance date for Tribal buildings is determined by the building's tier). Applications will be evaluated competitively, with priority given to the cost-effectiveness of the energy efficiency measure's greenhouse gas reductions, strength of the project plan, rural buildings, multifamily buildings, and multifamily affordable housing. Applicants will have 60 calendar days to submit applications when each round of funding opens.

For more information on incentives for OR BPS please go to our incentive webpage.