

## Tier 1 Compliance

The Building Performance Standard is mandatory for Tier 1 buildings in the state of Oregon.

Tier 1 encompasses non-residential buildings, hotels, and motels with gross floor area of at least 35,000 square feet, excluding any parking garage area.

### Tier 1 buildings compliance dates

Reporting and compliance dates for Tier 1 buildings begin on different dates depending on the building's square footage:

| Grossed Floor Area<br>(excluding parking garages) | Building Type                   | Tier / Compliance Date |
|---|---------------------------------|------------------------|
| Between 35,000 and 90,000 square feet             | Nonresidential, Hotel, or Motel | Tier 1 / June 1, 2030  |
| Between 90,000 and 200,000 square feet            | Nonresidential, Hotel, or Motel | Tier 1 / June 1, 2029  |
| 200,000 Square feet or greater                    | Nonresidential, Hotel, or Motel | Tier 1 / June 1, 2028  |

**Tier 1** building owners must submit the following **no later than their June 1, 2028 / 2029 / 2030** compliance date, but can submit documents as early as July 1, 2026:

**Form A:** Application for Oregon BPS Compliance,  
or **Form G:** Grouped Buildings\* Application for BPS Compliance

**Form B:** Building Activity and Energy Use Intensity Target (**EUI**t)

**Form C:** Calculation of Energy Use Intensity (**EUI**),  
Operations and Management plan (**O&M**), and  
Energy Management Plan (**EMP**)  
or **Form D:** Decarbonization Plan (for Grouped Buildings\*)

*\*Grouped Buildings are defined as a collection of all buildings on adjoining property with a single shared primary function that act as a single property, and that share a common energy meter or are connected to the same district heating or cooling system.*

If a Tier 1 building's EUI is greater than its EUI<sub>t</sub>, the building does not meet its energy use target before its compliance date and building owners must **also** submit the following **no later than their June 1, 2028 / 2029 / 2030** compliance dates:

**Form E:** Energy Audit

**Form L:** Life Cycle Cost Assessment

If a building has received an energy audit, implemented measures, and the building expects to meet its EUI<sub>t</sub> after its compliance date, a building may be eligible for conditional compliance. The following form is updated annually after the compliance date until building EUI<sub>t</sub> has been reached:

**Form C (updated):** Calculation of Energy Use Intensity (EUI)

Note: EUI is based on **12 continuous months** of energy use (electricity plus natural gas plus any other fuel use) during the period **no more than 24 months before** the date of the Form C submission.

### Is your building exempt?

- Occupancy rate below 50 percent over the twelve months leading up to its compliance date
- Conditioned floor area (gross floor area minus any semi-conditioned or unheated floor area, excluding any parking garage area, is less than 35,000 square feet; however, if conditioned floor area is above 20,000 square feet the building must still comply with [Tier 2 requirements](#)
- Manufacturing or industrial (with occupancy classification Factory Group F or High Hazard Group H) use over more than 50 percent of floor area
- Building used for agricultural purposes

- Building owner undergoing financial hardship

Exempt buildings are still covered buildings, but do not need to meet the 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 BPS requirements.

Form H: Historic Building Documentation which can be filed if implementing an otherwise required cost-effective EEM would compromise a building's historic integrity.

Even if you think your building is exempt, the **Form X: Exemption Application must be submitted to ODOE** through the BPS portal. ODOE reviews exemption applications before granting a building exemption.

### Start the compliance process early

This is a process-oriented standard with long lead times to help keep compliance costs down. It is most cost-effective to start the compliance process early. Buildings will need at least one year of data for target compliance.

If you decide to start early, you may be eligible to apply for the [Early Adopter Incentive Program](#).

Timelines will vary.

### Learning materials

- The Buildings Performance Standard consists of ASHRAE Standard 100-2024 and state amendments OAR 330-300. Follow the link below to gain access to a copy of the integrated standard published by ASHRAE.
  - [Buildings Performance Standard – Integrated Document \(form\)](#)
- Sign up for the Environmental Protection Agency (EPA) [training series](#) on using Energy Star Portfolio Manager for benchmarking.
- [Subscribe to the BPS distribution list](#) for updates.

### Build your team

- Compliance with the standard can get complicated. Plan ahead and understand the supporting roles needed for compliance.
- Tier 1 compliance requires a qualified energy manager.

### Benchmark and calculate target

- Benchmarking is required for Tier 1 buildings.
- Create an account with the [Energy Star Portfolio Manager](#) (ESPM).
- Contact your utility provider(s) to gather your energy use history so you can enter your building's information into ESPM. Understand your utility providers' role in compliance.
  - Building owners that control the utility accounts associated with their building can work with their utility providers to gather energy use information.

- Building owners with utility accounts that are associated with their building, but are not under their control, may work with their utilities to obtain aggregated usage data. Utilities may be required to provide this aggregated energy consumption data to building owners upon request. Natural gas utilities and large electric utilities (greater than 50,000 customers and 3 percent of Oregon retail sales) are required to provide this data for buildings with three or more unique nonresidential qualified accounts or five or more unique residential qualified accounts. The data must be provided in a format compatible for uploading to ESPM (see Appendix V Utility Data Aggregation on page 60 of the Oregon Building Performance Standard).

Benchmarking will help to determine which compliance path to pursue:

1. **EUI path:** Meeting an Energy Use Intensity Target (EUI<sub>t</sub>). This metric represents a site-based EUI average for similar building types, and **does not** represent achieving “net-zero” or other green building certifications;
  - Find your EUI<sub>t</sub> using Table 7 2-a on page 97 in the Oregon ASHRAE 100 Standard.
    - To report compliance using the EUI<sub>t</sub> compliance path, establish the weather normalized energy use intensity (WNEUI) for each building in ESPM. Create the energy use intensity target (EUI<sub>t</sub>) for the building in accordance with Appendix Z, Section Z6.2 on page 86.
2. **Investment Criteria:** Use the “investment criteria” pathway, with or without a measured Energy Use Intensity (EUI). This compliance route includes performing an energy audit and implementing all cost-effective efficiency measures.
  - Buildings unable to develop an Energy Use Intensity Target (EUI<sub>t</sub>) cannot use the EUI<sub>t</sub> compliance path. Instead, they shall use the Investment Criteria compliance path and pursue compliance in accordance with the investment criteria performance metric; they are not required to create an ESPM account, unless it’s a state agency.

## Develop and Implement

Develop and implement the Energy Management Plan (EMP) and associated Operations and Maintenance Program (O&M) for each building as outlined in Section 5 on page 15 and Section 6 on page 19 of the Building Performance Standard. This step can happen concurrently with benchmarking.

The EMP and O&M program are mandatory requirements for all Tier 1 covered buildings. Implementation of these requirements can begin at any time. The O&M program requirements must be implemented 12 months prior to the mandatory compliance date.

**Tip:** Designate an energy manager and identify your qualified person. A qualified person requires specific expertise and certification.

### **Understand the penalties and enforcement**

ODOE is authorized to impose administrative penalties upon building owners who fail to submit documentation demonstrating compliance. Failure to submit appropriate documentation by the scheduled reporting date may result in progressive penalties by legal notice.

- See Appendix Z5 on page 81 of the Building Performance Standard to learn more about violations, assessment of administrative penalties, mitigation and review of penalty decisions.

### **Questions?**

Contact ODOE at 503-378-4040 | 800-221-8035 or [oregonbps@energy.oregon.gov](mailto:oregonbps@energy.oregon.gov)

Learn more: <https://www.oregon.gov/energy/save-energy/Pages/BPS.aspx>