

How to Comply

[Tier 1](#) and [Tier 2](#) buildings have different Building Performance Standard reporting and compliance requirements, as laid out in the table below. The forms are mandatory for compliance and will be accessible through the official BPS compliance portal beginning mid-2026.

BPS Reporting and Compliance Requirements

	Tier 1	Tier 2
Form A: Application for BPS Compliance	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 Plan (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	Required for campuses with district heating or cooling that utilize the Decarbonization Plan path	Not Required
Form E: Energy Audit	Required if EUI > 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 on page 69 of the Building Performance Standard (download).	Not Required

Form H: Historic Buildings	Only for historic buildings, not an exemption	N/A
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	N/A

What are the BPS deadlines?

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

- June 1, 2028, for Tier 1 buildings of at least 200,000 square feet.
- June 1, 2029, for Tier 1 buildings between 90,000 and 200,000 square feet.
- June 1, 2030, for Tier 1 buildings between 35,000 and 90,000 square feet.
- July 1, 2028, for all Tier 2 buildings.

Buildings should begin using [EnergyStar Portfolio Manager](#) as soon as possible to track data from their utility bills. Tier 1 buildings should evaluate their utility data to determine if the building is meeting its EUI target. If a building is not meeting the target, more work must be done to assess the building and reduce its energy use in advance of the compliance deadlines.

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

ODOE is required to reach out to building owners with BPS requirements by July 2025. ODOE will contact as many building owners as possible using the addresses on file with county assessor offices. However, ODOE's list of buildings with BPS requirements will not be exhaustive. This means that even if ODOE does 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.

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. If you report your Tier 1 data but are **not** in compliance by meeting EUI targets or following other compliance paths, a penalty of up to \$1,500 plus up to \$0.20 per square foot per year could be assessed. First and second warnings are given before any fines are assessed.

There are currently no Tier 2 penalties.

Who is responsible for filing out these forms?

Ultimately, the building owner is responsible for filing all required BPS forms. The building owner can designate this work to a building or facility manager or other trusted associate, but the building owner is still liable for any penalties for non-filing or non-compliance.

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

ODOE will provide templates for the majority of the forms required. The forms will be available by mid-2026.

Is your building exempt?

There are no exemptions for Tier 2 buildings. For Tier 1 buildings:

- 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 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_t). 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_t using Table 7 2-a on page 97 in the Oregon ASHRAE 100 Standard.
 - To report compliance using the EUI_t compliance path, establish the weather normalized energy use intensity (WNEUI) for each building in ESPM. Create the energy use intensity target (EUI_t) 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_t) cannot use the EUI_t 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

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