

## BPS 011 - Application to Tribal and Federal Buildings

### OR BPS Background

The Oregon Building Performance Standard (OR BPS) is a mandatory program that aims to bring awareness about building energy use to owners of existing commercial buildings, and to reduce energy use and utility costs for less efficient buildings. Buildings that must comply with this program are divided into two tiers, based on Gross Floor Area and property type. The table below shows the two tiers covered by the OR BPS program and gives compliance dates.

*Oregon Building Performance Standard Tiers*

Gross Floor Area (excludes 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	Tier 2 / July 1, 2028
35,000 square feet and greater	Multifamily, Hospital, School, University, Dormitory, Barracks, Prison, Residential/Senior Care Facility	Tier 2 / July 1, 2028

**Tier 2** buildings are required to **report Energy Use Intensity and Energy Use Intensity Targets** by their July 1, 2028, compliance date.

**Tier 1** buildings are required to **report Energy Use Intensity and Energy Use Intensity Targets** and submit operation & maintenance and energy management plans by their compliance date. They must also **meet EUI** or demonstrate an effort to **reduce energy use**. Tier 1 buildings that expect to exceed their energy target must report at least **180 days before** their compliance date, perform **energy audits** and **life cycle cost assessments**, and develop a plan to implement **cost-effective energy efficiency measures** by June 1, 2028/2029/2030, compliance dates.

This guidance gives more detail about OR BPS application to tribal buildings and federal buildings. Additional guidance documents available on the OR BPS website:

<https://tinyurl.com/ODOE-BPS>.

## OR BPS Application to Tribes and Tribal Buildings

Buildings on either federal Indian reservations or on off-reservation tribal trust land are *NOT* subject to OR BPS compliance requirements. In addition, buildings owned by a Tribe or tribal member acting in an official capacity for the Tribe are *NOT* subject to OR BPS requirements, even if those buildings are off-reservation or not on trust land. However, any buildings described above may participate voluntarily in the OR BPS program.

Buildings not on reservation nor tribal trust land that are owned by a tribal member not acting in an official capacity for the tribe *ARE* required to comply with OR BPS.

Please see the table below for a summary of scenarios associated with tribal buildings.

Location	Scenario	OR BPS Enforcement
On-Reservation	Building owned by Tribes or tribal members, on tribal land and within a federal Indian reservation	No
On-Reservation	Building owned by non-members on tribal land and within a federal Indian reservation	No
On-Reservation	Building owned by non-members on non-tribally owned or non-tribal member owned land within a federal Indian reservation	No
Trust Land, Off-Reservation	Building on off-reservation tribal trust land	No
Not on Trust Land, Off-Reservation	Building owned by a Tribe or tribal member acting in an official capacity for the Tribe, but not on- reservation or on trust land	No
Not on Trust Land, Off-Reservation	Building owned by a tribal member <i>not</i> acting in an official capacity for the tribe, and not on- reservation or on trust land	Yes

## OR BPS Application to Federally-Owned or Federally-Leased Buildings

OR BPS compliance is *NOT* required by federally-owned buildings, but these buildings may participate voluntarily.

However, privately-owned buildings that are leased by federal organizations *ARE* subject to OR BPS compliance requirements based on their gross floor area and property type.