



Memorandum

TO: TRANSPORTATION AND
ENVIRONMENT COMMITTEE

FROM: Lori Mitchell

**SUBJECT: Energy and Water Building
Performance Ordinance
Status Report**

DATE: July 20, 2026

Approved

Date:

7/27/2026

RECOMMENDATION

Accept the status report on the San José Energy and Water Building Performance Ordinance.

BACKGROUND

In 2018, the San José City Council adopted the City's Energy and Water Building Performance Ordinance ("Building Performance Ordinance"), the first City policy supporting its Climate Smart San José goals to reduce greenhouse gas emissions and increase energy and water efficiency in existing buildings. The ordinance requires commercial and multi-family buildings 20,000 square feet or larger ("Covered Buildings") and City-owned buildings 15,000 square feet or larger ("Covered Buildings") to annually report energy and water usage through the Environmental Protection Agency's Energy Star Portfolio Manager®, a free online tool, by May 1 each year. Starting in 2023, a subset of Covered Buildings each year must also meet specific performance metrics every five years or choose to implement from a list of specific improvements if they fall short (known as "Beyond Benchmarking"). There are about 1,800 Covered Buildings in San José, and it is the responsibility of the property owner to comply with the Building Performance Ordinance.

The Building Performance Ordinance builds off Assembly Bill (AB) 802 (2015), implemented by the California Energy Commission. AB 802 only requires annual energy reporting and applies to buildings that are 50,000 square feet or larger. San José properties that comply with the Building Performance Ordinance do not have to also comply with AB 802. City staff share Covered Building reporting data with the California Energy Commission annually, as required by law.

Per the ordinance, the City applies a fee to Covered Buildings (currently set by the City at \$150 per year since 2018) to fund the Building Performance Ordinance

implementation – personnel, software, mailings, online map and data, and outreach costs. To date, the City’s Energy Department has one dedicated staff, as well as Energy Department and Finance Department support staff, supporting program implementation.

Based on the City’s most recent communitywide greenhouse gas emissions inventory (2024 data), the building sector is the second highest source (29 percent) of greenhouse gas emissions after transportation¹. Addressing emissions from existing buildings is therefore an important component of the City’s climate strategy.

ANALYSIS

The following provides an overview of the Covered Buildings compliance process, key findings from data analysis, planned next steps, and options for future consideration.

Covered Building Compliance Process

Beginning in the 2019 reporting year (2018 usage data), the ordinance required Covered Buildings to share 12 months of utility data from the previous calendar year via Energy Star Portfolio Manager® to comply with the annual energy and water benchmarking reporting requirement. The ordinance does not require the use of third-party services to comply with the annual benchmarking report requirement, though the building owners may opt to hire assistance.

Beyond Benchmarking is a separate requirement to the annual benchmarking reports. Starting in the 2023 reporting year, once every five years, a subset of Covered Buildings must show that their property meets certain ordinance-defined efficiency metrics for energy and water or complete improvement actions if they do not. For example, in 2023, 215 Covered Buildings were required to demonstrate Beyond Benchmarking compliance, and they will only be required to demonstrate it again in 2028.

If a property meets the ordinance-defined efficiency metrics for energy or water, the building owner must hire a third-party licensed professional to verify the benchmarking data. If a property does not meet the efficiency metrics for energy or water, the owner complies by completing one of the following within the last five years: energy or water audit; retro-commissioning report; or implementation of two efficiency improvement measures at the property. Energy efficiency improvement measures may include upgrades such as: installing high-efficiency lighting; replacing gas appliances with electric alternatives; installing smart thermostats; insulating hot water pipes; participating in utility demand response or retrofit programs; or installing solar thermal systems. Water efficiency measures may include: plumbing upgrades to meet current standards; installation of water-efficient landscaping and irrigation systems; installation of a greywater system; insulating hot water pipes; or participation in approved water utility retrofit programs. The property owner will have to hire a qualified third-party to do the audit or retro-commissioning report.

¹ 2024 Inventory of Communitywide Greenhouse Gas Emissions,
www.sanjoseca.gov/home/showpublisheddocument/129538/639093399006970000

The Building Performance Ordinance allows for some exemptions for both the annual reporting and fee and for Beyond Benchmarking requirements as well. Cause for exemption includes zoning designations, financial distress, and building use/occupancy reasons such as vacancy or renovations. Covered Buildings can also ask for compliance due date extensions of up to 180 days. There are no fee payment extensions for non-exempt properties.

Data Analysis

Energy Department staff conducted an analysis of Building Performance Ordinance data from calendar year 2018 through 2024. A summary of findings, related to the compliance rate and reductions in energy, water, and greenhouse gas emissions, are below. Additional detailed trend analysis and charts are provided in Attachment A.

Overall Compliance Rates

In the last three reporting years (2023-2025), San Jose's average benchmarking compliance rate was 87 percent and its average Beyond Benchmarking compliance rate was 71 percent. The annual exemption rate is about 7 percent annually, and about 13 percent for the Beyond Benchmarking program.

In compliance year 2025, San José's annual benchmarking compliance rate was 24 percent higher than the state's benchmarking compliance rate, 20 percent higher than San Francisco's, and 15 percent higher than Berkeley's. The state and other cities either do not have a Beyond Benchmarking program or they have a different program in place that is not a direct comparison. Attachment B includes policy details on 58 U.S. jurisdictions that have adopted a benchmarking ordinance and 16 U.S. jurisdictions that have adopted a Building Performance Standards Policy.

Beyond Benchmarking Compliance

Of all Beyond Benchmarking submittals (2023-2025):

- 50 percent were exclusively the Performance Pathway (showing energy and water efficiency)
- 26 percent were exclusively the Improvement Pathway (audit, retro-commissioning, or efficiency improvement measures)
- 24 percent were a mix of both pathways (one for water, one for energy)

Of those that did the Improvement Pathway:

- 89 percent did a utility audit
- 10 percent implemented efficiency improvement measures
- 1 percent did a retro-commissioning report

Conducting an audit for Beyond Benchmarking compliance does not require the Covered Building to implement the efficiency measures recommended in the audit. It is recommended to do so to meet the Performance Pathway during the next cycle, five years thereafter, but it is not required. Audits are also costly so implementing the recommended efficiency improvement measures could lead to a return on investment once the efficiency gains are realized on utility bills.

Energy and Water Usage

Of the Covered Buildings that have both complied every reporting year (2020-2025) and have data available each year (calendar year 2019-2024 data) there has been a:

- 12 percent reduction in median energy use intensity (kBtu/sq ft)
- 9 percent reduction in median water use intensity (gallons/sq ft)
- 10 percent increase in median Energy Star® scores (score of 0-100, 100 being most efficient)

Based on the data above, Covered Buildings have reduced energy consumption by an average of 2.4 percent annually, comparable to other buildings across the U.S. that benchmarked energy data over a 3-year time span which reduced energy consumption by an average of 2.4 percent annually². Staff do not know the full impact of Beyond Benchmarking yet as it has only been the first compliance year 2023-2026 for Covered Buildings, and the first repeat check-in compliance year is 2028.

Greenhouse Gas Emissions

Overall, since calendar year 2019, median greenhouse gas emissions per building have decreased by 35 percent and total greenhouse gas emissions per square foot across all reporting Covered Buildings have decreased by 38 percent. There are likely multiple possible causes for this reduction such as electricity getting cleaner from San José Clean Energy and the California grid, as well as the Covid-19 pandemic and its impact on occupancy levels in commercial and multi-family properties.

Considering total City implementation costs (including labor, software, and outreach costs), the Building Performance Ordinance has operated at an average low, annual \$22.66 per metric ton of CO₂e reduced. While the Building Performance Ordinance data shows there has been a reduction in energy and water usage and greenhouse gas emissions, City staff can continue to evaluate additional opportunities to support the City's Climate Smart goals.

Planned Next Steps

Starting in Fiscal Year 2026-2027, City staff expect to provide the following enhanced services to Covered Buildings:

- Survey of building owners on Beyond Benchmarking impact, planned upgrades, and how the City could provide further assistance
- Update ordinance to:
 - Add more options and flexibility to the list of efficiency improvement measures
- Create Covered Building case studies to facilitate information sharing among building owners
- Facilitate Covered Building action by connecting them to available incentive programs, e.g.
 - San José Clean Energy's Peak Rewards program

² Institute for Market Transformation, IMTBenefitsofBenchmarking_Online_June2015.pdf

- PG&E's Measured Savings Summer Reliability program
- Increase coordination with San José Clean Energy outreach, e.g.
 - Sharing resources via San José Clean Energy's Business Connect newsletter

Maintenance activities/continued:

- Host two live webinars each year in an office-hour-like format to walk building owners through the compliance process and allow for extensive question and answer time.
- Maintain, update, and promote the newly created resource of programs that support energy and water efficiency in commercial and multi-family buildings, with particular focus on related San José Clean Energy program offerings.
- Continue to improve the Beyond Benchmarking submittal portal for building owners, in collaboration with the customer relationship management software company, by improving the user interface experience through enhancements and ease of use.

Options for Future Consideration

Staff recommends a 1-year full assessment and potential program redesign. By the end of fiscal year 2026-2027, staff will evaluate a variety of options including:

1. Evaluate best practices from other cities
2. Streamline and/or reduce the cost of compliance:
 - a. Allow virtual audits
 - b. Conduct a procurement process to provide lower cost virtual audit option(s) for Beyond Benchmarking Improvement Pathway compliance
 - c. Remove water from Beyond Benchmarking requirements
 - d. Remove third-party data verification requirement for Beyond Benchmarking
 - e. Evaluate how businesses with onsite solar can simplify building performance reporting
 - f. Evaluate the use of AI to aid ordinance implementation
3. Update ordinance to add reduction in onsite greenhouse gas emissions as a Performance Pathway option.
4. Require emission reductions and increased energy efficiency over time: Develop a Building Performance Standards Policy to replace current ordinance.
5. Support upgrade option in Improvement Pathway: Develop a San José Clean Energy pilot program for commercial customers around smart thermostat incentive(s).
6. Analyze submitted Beyond Benchmarking audits to evaluate projects identified, energy and cost savings potential, and where the City can focus efforts to support energy-saving projects.

Staff presented the planned assessment to the Climate Advisory Commission on March 19, 2026. The Climate Advisory Commission was supportive but did express some reservations on removing water from Beyond Benchmarking requirements.

In addition, the City Manager's Office is developing standards for data centers and large energy customers. As part of that proposal, staff will review the Building Performance Ordinance and determine any additional recommendations or enhancements to the Ordinance. The standards are scheduled for City Council in December 2026 and any Building Performance Ordinance recommendations will be discussed at that time. To meet communitywide greenhouse gas emission reduction goals, addressing the existing building sector is a crucial component. The Building Performance Ordinance has made an impact by reducing energy and water consumption, along with associated greenhouse gas emissions, amongst Covered Buildings. The Building Performance Ordinance will continue to iterate to maintain results while supporting Covered Buildings in the compliance process.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and City Manager's Budget Office.

/s/

Lori Mitchell

Director, Energy Department

For questions, please contact Julie Benabente, Deputy Director, Energy Department, at Julie.Benabente@sanjoseca.gov or (408) 975-2537.

ATTACHMENTS

A - Building Performance Ordinance Detailed Trend Analysis

B - Comparison of U.S. Commercial Building Energy Benchmarking and Transparency Policies

Attachment A - Building Performance Ordinance Detailed Trend Analysis

Figure 1 below shows CO₂e emission (metric tonnes) trends by utility type (electricity, water, and natural gas), summarized from all properties that comply with the Building Performance Ordinance (BPO) from calendar year (CY) 2019 through 2024. Emissions from electricity were falling but are now climbing again. Emissions from natural gas spiked in 2023 but fell again in 2024. And total emissions were steadily falling but began to increase again between 2023 and 2024.

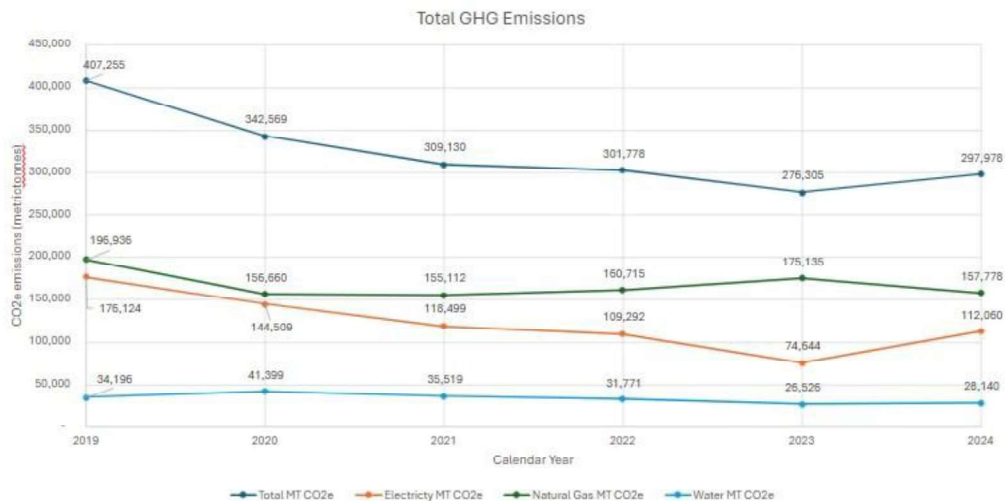


Figure 1

Figure 2 below shows CO₂e emission (metric tonnes) trends by property type (commercial or multi-family), summarized from all properties that comply with the BPO, from CY 2019 through 2024. Across both property types we see a decrease in emissions from the start of the ordinance but an increase beginning again between CY 2023 and 2024.

GHG Emissions – All CY



Figure 2

Energy and Water Conservation

Since CY 2019, in BPO-covered properties:

- Median total energy use has decreased by 32 percent
- Median electricity use has decreased by 23 percent
- Median natural gas use has decreased by 31 percent
- Median water use has decreased by 25 percent

Figure 3 below shows that median energy, electricity, and natural gas use has decreased overall since 2019, with an uptick for all in 2023. Median natural gas and total energy use dropped again in 2024, while median electricity use increased slightly in 2024.

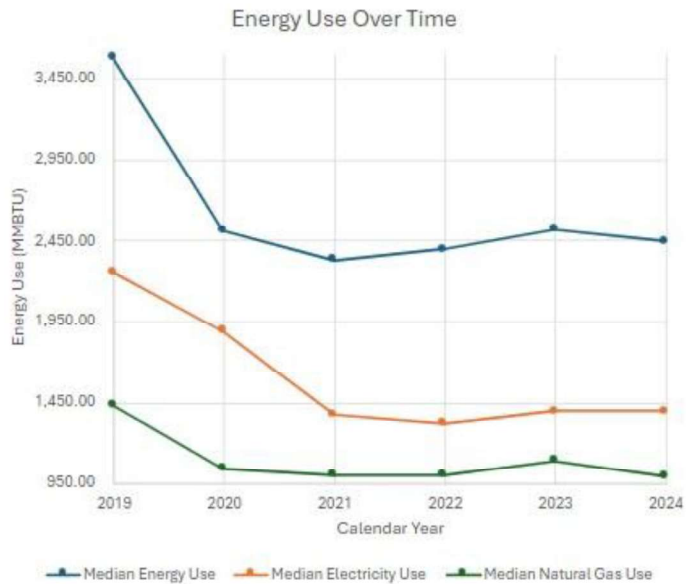


Figure 3

Figure 4 below shows median Energy Star Score (ESS) steadily increasing since 2019. This is a good sign because ESS is an energy efficiency rating system of 1-100 for buildings, with 100 being the most efficient for that property type. The figure also shows median energy use intensity (EUI) (kBtu/sq ft) steadily decreasing but starting to plateau in 2022. Lastly, the figure shows water use intensity (WUI) (gallons/sq ft) decreasing over time but starting to increase again in 2024.

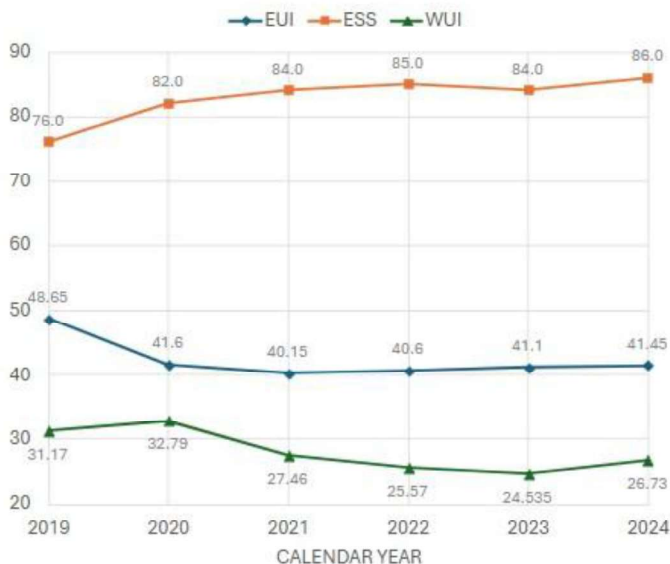


Figure 4

Figure 5 below shows median electricity, natural gas, and water use trends by building property type (commercial or multi-family), summarized from all properties that comply with the BPO. Median electricity use for all buildings at a per building level is on an upward trajectory. Median natural gas use for all buildings at a per building level is on a downward trajectory. Median water use for all buildings at a per building level is on a slight upward trajectory.

Usage – All CY

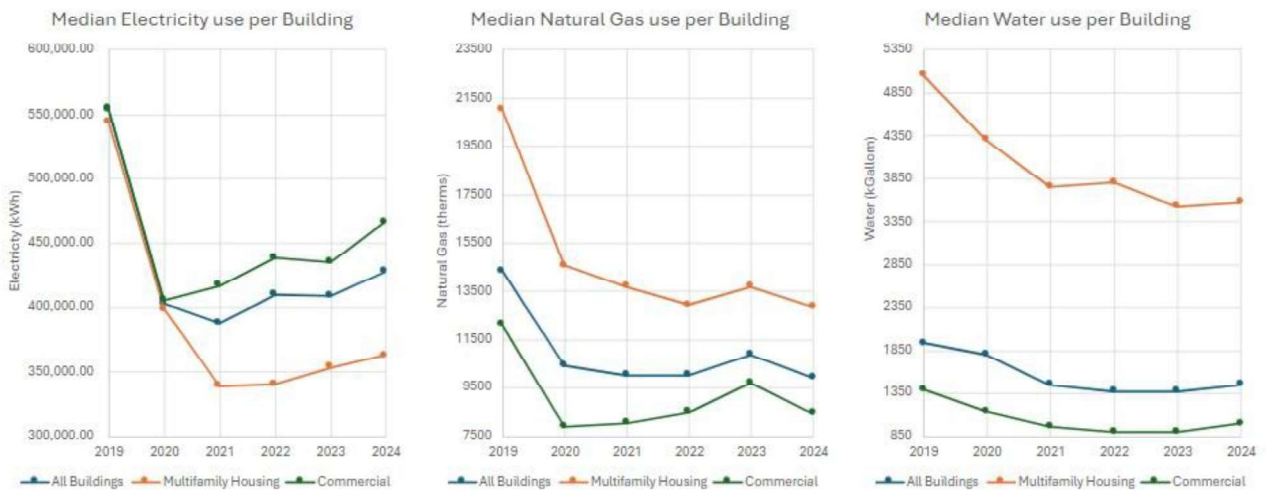


Figure 5



Comparison of U.S. Commercial Building Energy Benchmarking and Transparency Policies

January 2026

Government State/City/County	Year Enacted	Policy Information			Policy Schedule		Additional Elements		Status Updates Benchmarking Data Available
		# of Bldgs	Sq. Ft.	Covered Bldgs List Available	Types of Real Estate and Sizes (Sq. Ft.)	Reporting to Gov't	Transparency	Water Tracking	
CA	2015	495,00	4B	No	Comm $\geq 50,000$, MF $\geq 50,000$ and 17 or more residential utility accounts	June 1, Annual	After June 1, Annual	TRUE	The Commission has the authority to institute civil fines of up to \$2,000 for non-compliance, after allowing a 30-day period to correct a violation.
CO	2021	8,800	1.2B	Yes	Comm, MF, & Public/Gov't $\geq 50,000$	June 1, 2025. November 1 annually, starting in 2026 with 2025 benchmarking year data.	Annual, Date TBD Time of sale or lease	FALSE	A building owner who fails to submit a benchmarking report, waiver request, or the corresponding fee (\$100/building by June 1), will be considered non-compliant and subject to civil penalties of \$500 for the first violation and \$2,000 for each subsequent violation.
MA	2024	34,300	2.8B	No	Comm, MF, & Public/Gov't $\geq 20,000$	June 30, Annual	October 31, Annual	TRUE	If a distribution company or municipal utility fails to provide energy usage data for one or more covered buildings within 90 days of the issuance of a written notification, the Department may issue a fine of up to \$150 per covered building per day of non compliance.
MD	2022	13,400	1.1B	Yes	Comm, MF, & Public/Gov't $\geq 35,000$	June 1, Annual	Time of sale	FALSE	N/A
MN	2023	7,400	1B	No	Comm, MF, & Public/Gov't $\geq 50,000$	June 1 Annual	December 1, Annual	FALSE	\$1,000 : may adjust with inflation.
NJ	2018	13,000	1.3B	Yes	Comm & MF $\geq 25,000$	July 1, Annual	N/A	TRUE	Compliance with benchmarking considered prerequisite for participation in any of the NJ Board of Public Utility programs, as well as utility energy efficiency programs.
OR	2023	-	-	No	Comm $\geq 20,000$ MF & Public/Gov't $\geq 35,000$	"Tier 1 Buildings - June 1, Annual Tier 2 Buildings - July 1, 2028 and each year after"	-	FALSE	\$5,000 plus continuing violation which may not exceed a daily amount of \$1/yr/sf ft.
WA	2009	28,000	2.7B	No	MF & Comm $\geq 20,000$ Public/Gov't $\geq 10,000$	June 1, Annual	July 1, Annual	FALSE	The building owner will be assessed the maximum penalty of \$5000 plus a daily amount equal to \$1,00 per square foot of gross floor area per year not to exceed a value greater than eighteen months of accrued penalty.

Government	Policy Information					Policy Schedule		Additional Elements		Status Updates
State/City/County	Year Enacted	# of Bldgs	Sq. Ft.	Covered Bldgs List Available	Types of Real Estate and Sizes (Sq. Ft.)	Reporting to Gov't	Transparency	Water Tracking	Enforcement	Benchmarking Data Available
City of Ann Arbor (MI)	2021	600	46M	Yes	MF & Comm ≥ 20,000 Public/Gov't ≥ 10,000	June 1, Annual	December 1, Annual	TRUE	Failure to report or carries a maximum fine of \$500 for the first offense, and a maximum fine of \$1000 for each additional offense, plus the costs of prosecution. Knowingly reporting false information carries a maximum fine of \$500.	See here
City of Aspen (CO)	2022	400	5.66M	Yes	All Public/Gov't Comm ≥ 5,000 MF ≥ 15,000	June 1, Annual	January 30, Annual	TRUE	\$100 first offence, \$200 second, court appearance and court set fines thereafter.	See here
City of Atlanta (GA)	2015	2,400	350M	Yes	Comm & MF ≥ 25,000 Public/Gov't ≥ 10,000	June 1, Annual	September 1, Annual	TRUE	Failure to report will be noticed with a written warning (first violation); if not reported in the ensuing 30 days, a fine of \$1000 is imposed. Each year of non-compliance is considered a separate violation.	See here
City of Austin (TX)	2008	4,500	454M	No	Comm & MF ≥ 10,000 All single family	June 1, Annual	Time of transaction	FALSE	Non-compliance carries a fine up to \$500. Acting with criminal negligence carries a fine up to \$2,000.	See here
City of Bedford (NY)	2024	-	-	No	All buildings with ≥ 2 residential units	The initial benchmarking shall occur not later than the required completion date as set by the Town of Bedford after registration of the Residential Rental Property, or 3 years after this Chapter is re-enacted, whichever comes first.	September 1, Annual	TRUE	Maximum fee of \$5,000, imprisonment not exceeding 6 months, or both a fee and imprisonment. Each day a violation continues shall count as a separate offense.	-
City of Berkeley (CA)	2015	600	23M	Yes	Comm & Public/Gov't ≥ 15,000 MF ≥ 5 units or 15,000 All Single Family	July 1, Annual	N/A	TRUE	The instances for non-compliance will result in a fine of \$100 per violation, per day and may increase with subsequent citations to \$200 per violation, per day or \$500 per violation, per day.	See here
City of Boston (MA)	2013	5,600	360M	Yes	Comm ≥ 35,000 MF ≥ 35,000/35 units All Public/Gov't	May 15, Annual	Oct 1, Annual	TRUE	Failure to report benchmarking within 30 days of notice shall be subject to: a fine of \$300 a day for non-residential buildings ≥ 35,000 sq. ft. or a parcel of buildings ≥ 100,000 sq. ft. and for residential buildings ≥ 35 units or 35,000 sq. ft.	See here
City of Boulder (CO)	2015	500	26M	Yes	Comm ≥ 20,000 Public/Gov't ≥ 5,000	N/A	June 1, the following year	FALSE	Non-compliance results in a civil penalty of \$0.0025 per square foot per day, not to exceed \$1,000 per day.	See here
City of Brisbane (CA)	2019	100	6.6M	Yes	MF & Comm ≥ 10,000 Public/Gov't ≥ 2,000	May 15, Annual	May 15, Annual	TRUE	Penalties for non-compliance will be enforced as follows: (1) A fine not exceeding \$100 for a first conviction; (2) A fine not exceeding \$200 for a second conviction; (3) A fine not exceeding \$500 for each additional conviction within 12 consecutive months.	See here

Government	Policy Information					Policy Schedule		Additional Elements		Status Updates
	Year Enacted	# of Bldgs	Sq. Ft.	Covered Bldgs List Available	Types of Real Estate and Sizes (Sq. Ft.)	Reporting to Gov't	Transparency	Water Tracking	Enforcement	
State/City/County										Benchmarking Data Available
City of Burlington (VT)	2024	-	-	No	Comm ≥ 50,000	N/A	N/A	FALSE	A covered building that fails to begin the process of energy benchmarking or provide the required data is subject to a civil penalty of up to \$500 per violation per day. A fine may be delayed by up to 6 months if a covered building faces unique circumstances.	-
City of Cambridge (MA)	2014	1,300	86M	Yes	Comm ≥ 25,000 sq ft, MF ≥ 25,000 sq ft and 55 units, Public/Gov't ≥ 10,000	May 1, Annual	December 31, Annual	TRUE	First violations will result in a written warning, and any subsequent violations carry a fine of up to \$300 per day.	See here
City of Chelsea (MA)	2022	300	23.75M	No	Comm & MF ≥ 20,000, MF ≥ 20 units	June 30, Annual	October 1, Annual	TRUE	Failure to report benchmarking requirements will result in a fine of \$50 for the first offense, \$150 for the second offense, \$300 for the third offense, as enforced by building inspectors.	-
City of Chicago (IL)	2013	3,500	900M	Yes	Comm, MF, & Public/Gov't ≥ 50,000	June 1, Annual	After June 1, Annual	TRUE	A violation may be subject to a fine of up to \$100 for the first violation and an additional fine up to \$25 for each day the violation continues.	See here
City of Chula Vista (CA)	2021	650	23M	No	Comm, MF, & Public/Gov't ≥ 20,000	May 20, Annual	N/A	FALSE	Monetary fines may be levied on a per-incident basis, dependent on the size of the property out of compliance. 20,000-49,999 sq. ft.- up to \$750 per incident 50,000-99,999 sq. ft. - up to \$1,500 per incident 100,000+ sq. ft. - up to \$2,250 per incident.	See here
City of Clayton (MO)	2025	60	-	No	Comm & MF ≥ 100,000, Public/Gov't ≥ 10,000	April 1, 2027 and annually thereafter	N/A	FALSE	Any violations to this ordinance shall result in a fine of not more than \$1000 or be punished by imprisonment in jail for no more than 90 days, or a punishment of both fine and imprisonment. Each day of violation counts as a separate offense.	-
City of Columbus (OH)	2020	800	412M	Yes	Comm & MF ≥ 50,000 Public/Gov't ≥ 25,000	June 1, Annual	After June 1, Annual	TRUE	If benchmarking is not reported within 30 days after the deadline, a written notice is issued. 60 days after a written notice, the owner will be subject to fees and penalties of up to \$1000 per day of non-compliance.	See here
City of Denver (CO)	2016	3,000	375M	Yes	Comm, MF, & Public/Gov't ≥ 25,000	June 1st	N/A	FALSE	\$2,000 per year benchmarking data is not submitted, data errors aren't fixed, or reporting inaccurate information.	See here
City of Des Moines (IA)	2019	800	-	No	Comm & Public/Gov't ≥ 25,000 MF ≥ 25,000 & 5 units	July 1, Annual	December 31, Annual	TRUE	The City of Des Moines will not be assessing any penalties for properties who are not in compliance with this ordinance.	See here
City of Detroit (MI)	2023	-	-	No	MF & Comm ≥ 25,000 Public/Gov't ≥ 10,000	June 1, Annual	For buildings 100,000 square feet or larger October 1st, 2025; For buildings 25,000 square feet or larger, October 1st, 2026	TRUE	Fine of up to \$10,000, per violation, with each day of non-compliance counting as a separate violation.	-

Government	Policy Information					Policy Schedule		Additional Elements		Status Updates
State/City/County	Year Enacted	# of Bldgs	Sq. Ft.	Covered Bldgs List Available	Types of Real Estate and Sizes (Sq. Ft.)	Reporting to Gov't	Transparency	Water Tracking	Enforcement	Benchmarking Data Available
City of Edina (MN)	2019	300	28,53M	Yes	Comm, MF, & Public/Gov't ≥ 25,000	June 1, Annual	August 30, Annual	TRUE	Building owners will receive a written warning indicating why the building is noncompliant. The building owner has 45 business days to meet compliance or the city has cause for the denial, suspension, revocation or refusal to issue any applicable business.	See here
City of Evanston (IL)	2016	600	46M	Yes	Comm & MF ≥ 20,000 Public/Gov't ≥ 10,000	June 30, Annual	N/A	TRUE	\$100 per month of non-compliance 20 days after written notice of violation.	See here
City of Fort Collins (CO)	2018	1,400	38M	Yes	Comm, MF, & Public/Gov't ≥ 5,000	June1, Annual	Annual	TRUE	Failure to report will result in a notice of need to comply 30 days within the deadline. If failure to report continues, a notice of violation will be issued with a fine of \$3,000 for each year of non-compliance.	See here
City of Honolulu (HI)	2022	1,600	151M	Yes	Comm & MF ≥ 25,000 Public/Gov't ≥ 10,000	June 30, Annual	October 30th	TRUE	Fine up to \$1000 for failure to comply within the first 60 days of mailing of the notice of violation. An additional \$100 per day for each day the initial or updated benchmarking information is not reported to the department.	See here
City of Indianapolis (IN)	2021	2,000	292.5M	Yes	Comm & MF ≥ 50,000 Public/Gov't ≥ 25,000	June 1, Annual	Annually starting December 1st, 2025	TRUE	Failure to make benchmarking submission first offence = \$100. Failure to make benchmarking submission second offence = \$250. Penalties for non-compliance do not take effect until January 1st, 2026.	-
City of Kansas City (MO)	2015	1,400	400M	Yes	Comm & MF ≥ 50,000 Public/Gov't ≥ 10,000	May 1, Annual	September 1, Annual	TRUE	In the case of failure to report benchmarking, a written notice will be issued. If benchmarking information is not reported within 60 days of the written notice will be a violation and will result in a fine no less than \$50 but not more than \$500.	See here
Town of Lexington (MA)	2022	-	-	No	Comm & MF ≥ 25,000, All Public/Gov't	May 15, Annual	October 1, Annual	TRUE	\$300 per violation.	See here
City of Los Angeles (CA)	2017	14,000	900M	Yes	Comm & MF ≥ 20,000 Public/Gov't ≥ 7,500	Jun 1, Annual	After Jun 1, Annual	TRUE	Failure to comply will result in a non-compliance fee of \$202. This fee is subject to a 250% late charge/collec-tion fee after 30 days, and after 60 days will be sub-ject to a 12% interest accrual.	See here
City of Madison (WI)	2023	800	66M	Yes	Comm ≥ 25,000	N/A	N/A	FALSE	\$1,000 per 90 days of non-compliance.	-
City of Miami (FL)	2021	1,600	350M	No	Comm, MF, & Public/Gov't ≥ 20,000	Jun 30, Annual	December 1, Annual	TRUE	Failure to report benchmarking or reporting inaccurate benchmarking may result in a fine of \$250 per day for a first time offense or \$500 per day for a repeat viola-tion.	See here
City of Milwaukee (WI)	2024	800	107M	Yes	Comm & MF ≥ 50,000, Pub-lic/Gov't ≥ 10,000	June 30, 2026 and annually after	September 1, Annual	FALSE	Failure to comply with the benchmarking requirements shall be subject to a fine of \$1000 each 90 days of non-compliance. Falsifying data will result in fines of \$4,500 for the first violation, and \$6,500 for each sub-sequent violation.	-

Government	Policy Information					Policy Schedule		Additional Elements		Status Updates
	Year Enacted	# of Bldgs	Sq. Ft.	Covered Bldgs List Available	Types of Real Estate and Sizes (Sq. Ft.)	Reporting to Gov't	Transparency	Water Tracking	Enforcement	
State/City/County										Benchmarking Data Available
City of Minneapolis (MN)	2012	900	169M	Yes	Comm & MF $\geq$ 50,000 Public/Gov't $\geq$ 25,000	June 1, Annual	Aug 31, Annual	TRUE	"Information on penalties for non-compliance differ based on which source it comes from. The below are the penalties outlined in the municipal code. Failure to benchmark shall result in a warning notice. Failure to comply within 45 days of written noti" "Failure to report is considered a Class A Violation.	See here
Montgomery County (MD)	2014	1,900	237M	Yes	Comm, MF, & Public/Gov't $\geq$ 25,000	June 1, Annual	Oct 1, Annual	FALSE	Class A civil violations are penalized with a \$500 fine for the initial offense, and additional \$750 fines for repeat offenses."	See here
City of New Orleans (LA)	2025	1,500	-	No	Comm & MF $\geq$ 20,000, All Public/Gov't	May 31, Annual	December 1, Annual	FALSE	Failure to comply with the benchmarking requirement may result in fines between \$1,000 and \$3,000. Penalties will be waived in the first year a property is required to comply.	-
City of Newton (MA)	2024	400	25M	Yes	Commercial & Public/Gov't $\geq$ 20,000	September 15, Annual	November 30, Annual	FALSE	Any violation to this ordinance shall be punishable by a fine of \$300 per day for each day the violation continues.	-
City of New York (NY)	2009	27,000	3,4B	Yes	Comm & MF $\geq$ 25,000	June 30, Annual	September 1, Annual	TRUE	Failure to comply with benchmarking may result in a Notice of Violation by the Department; failure to submit by the June 30th deadline results in a penalty of \$500. Continued failure to report by the next quarterly deadline may result in additional violation.	See here
City of Oak Park (IL)	2023	1,000	-	No	Comm, MF, & Public/Gov't $\geq$ 10,000	December 31	Annual	TRUE	Fine between \$20 and \$750 per day. Each day of non-compliance counts as a separate offence.	See here
City of Orlando (FL)	2016	800	122M	Yes	Comm & MF $\geq$ 50,000 Public/Gov't $\geq$ 10,000	May 1, Annual	September 1, Annual	TRUE	Properties that fail to comply will be notified by the city and publicly listed as non-compliant.	See here
City of Philadelphia (PA)	2012	2,900	400M	Yes	Comm & MF $\geq$ 50,000 Public/Gov't $\geq$ 10,000	June 30, Annual	After June 30, Annual	TRUE	Failure to report shall be subject to a fine of three hundred dollars \$300 during the first 30 days following the compliance date. Each day that the failure to comply following the initial 30 days shall constitute a separate violation, subject to a fine.	See here
City of Pittsburgh (PA)	2016	900	164M	Yes	Comm $\geq$ 50,000 All Public/Gov't	N/A	After June 1, Annual	TRUE	Covered buildings that do not comply with benchmarking requirements will be publicly listed as being non-compliant on the city website.	-
City of Portland (ME)	2016	600	42M	Yes	Comm & MF $\geq$ 20,000 Public/Gov't $\geq$ 5,000	N/A	Sep 1, Annual	TRUE	The fines for non-compliance are \$20 per day.	See here
City of Portland (OR)	2015	1,100	98M	Yes	Comm $\geq$ 20,000	N/A	October 1, Annual	FALSE	Failure to report benchmarking requirements or reporting inaccurate information shall be subject to a written notice on first violation, and a civil penalty of up to \$500 per 90 day period during which the violation continues.	See here

Government	Policy Information					Policy Schedule		Additional Elements		Status Updates
State/City/County	Year Enacted	# of Bldgs	Sq. Ft.	Covered Bldgs List Available	Types of Real Estate and Sizes (Sq. Ft.)	Reporting to Gov't	Transparency	Water Tracking	Enforcement	Benchmarking Data Available
City of Providence (RI)	2023	400	-	No	Comm & MF ≥ 20,000 Public/ Gov't ≥ 10,000	May 25, Annual	October 15, Annual	FALSE	First violation - written warning. Second and subsequent violation: Covered properties ≥ 50,000 sq ft - \$40 per day to a maximum of \$4,000 per year. Covered properties ≥ 20,000 sq ft - \$30 per day to a maximum of \$3,000 per year.	-
City of Reno (NV)	2019	300	47M	Yes	Comm & MF ≥ 30,000 Public/Gov't ≥ 10,00	April 1, Annual	Annual	TRUE	Failure to report, or submitting incomplete or inaccurate information will result in a written notice. Failure to correct within 30 days of written notice may result in notice of violation and penalty of up to \$100.	See here
City of Salt Lake City (UT)	2017	800	82M	No	Comm ≥ 25,000 Public/Gov't ≥ 3,000	N/A	September 1, Annually	FALSE	The Director may issue up to 3 written notices of non-compliance to the owner, allowing owner to cure such noncompliance within 90 days after each notice of violation. After the third written notice of violation, the Director may impose a fine of up to \$50.	-
City of San Diego (CA)	2019	2,100	337M	Yes	Comm & Public/Gov't ≥ 50,000 MF ≥ 50,000 and 17+ residential utility accounts	June 1, Annual	After June 1, Annual	FALSE	Failure to comply may be prosecuted as a misdemeanor, or subject to a fine not more than \$500 or imprisonment not exceeding 6 months, or both.	See here
City of San Francisco (CA)	2011	2,600	308M	Yes	Comm & Public/Gov't ≥ 10,000 MF ≥ 50,000	May 1, Annual	After April 1, Annual	FALSE	Failure to submit a report for 30 days after the deadline will result in a written warning. If no report is filed within 45 days of written violation, then: buildings ≥ 50,000 sq. ft. shall be fined up to \$100 a day for up to 25 days in a year.	See here
City of San Jose (CA)	2018	1,800	190M	Yes	Comm & MF ≥ 20,000 Public/Gov't ≥ 15,000	May 1, Annual	After May 1, Annual	TRUE	Buildings ≤ 50,000 sq. ft. may be fined \$25 for each day of noncompliance, up to \$2,500 per calendar year. Buildings ≥ 50,000 sq. ft. may be fined \$50 for each day of noncompliance, up to \$5,000 per calendar year.	See here
City of Seattle (WA)	2010	4,100	397M	Yes	Comm & MF ≥ 20,000	June 1, Annual	After November 1, Annual	FALSE	Noncompliance fines for reporting year will be streamlined into a single Notice of Violation issued 90 days after the June 1st reporting deadline in place of quarterly accruing fines. Fines for properties between 20,000 and 50,000 sq ft will be \$2,000.	See here
City of St. Louis (MO)	2017	1,000	120M	Yes	Comm, MF, & Public/Gov't ≥ 50,000	May 1, Annual	December 1, Annual	TRUE	Failure to comply shall result in a written warning. If benchmarking is not reported within 60 days of the issuance of written warning, it will be considered an offense and punishable via fine of not less than \$50 but not more than \$200.	See here
City of Washington (DC)	2008	5,800	493M	Yes	Comm & MF ≥ 25,000 Public/Gov't ≥ 10,000	May 1, Annual	May 1, Annual	TRUE	Failure to comply will result in a warning notice issued by the DOEE. Failure to provide updated data may lead to the issuance of a non-compliance penalty up to \$100 per day of non-compliance.	See here



Comparison of U.S. Building Performance Standards

January 2026

Government	Policy Information		Description of Requirements			Compliance		Enforcement	Exemptions	
City/County/State	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways			
Boston, MA	Building Emissions Reduction & Disclosure Ordinance (Chapt VII, Sec. 7-2.1 & 7-2.2)	2021	Comm & MF buildings ≥ 20,000 sq. ft., 15 residential units, All Public/Gov't	Annual greenhouse gas (GHG) emissions (kgCO2e/sq. ft./year)	Building targets are set by building type on an emissions intensity basis, each building's target being multiplied by its gross floor area (blended average for multi-use buildings). Buildings must meet their targets annually starting in 2025, with the targets becoming more stringent every 5 years.	Every five years, starting in 2025 for buildings ≥ 35,000 sq. ft. and 2030 for those between 20,000 - 34,999 sq. ft.	Buildings must meet emissions targets based on their use type, or their individual compliance schedule aligned with a 50% reduction by 2030 and 100% reduction by 2050 targets. Buildings with more than one primary use may comply with a blended CO2 emission standard.	BERDO offers the following alternate compliance pathways: Individual Compliance Schedules with established declining emission standards in five year increments, provided that they reduce emissions by 50% by 2030 and 100% by 2050 from a baseline that is any year from 2005 to the first required reporting year on a linear or better basis. Hardship Compliance Plans for buildings such as historic building designations, affordable housing refinancing timelines, pre-existing long-term energy contracts without reopeners, or financial hardship. Alternative Compliance Payments: Buildings may mitigate emissions from energy use by paying an Alternative Compliance Payment (ACP) of \$234 per metric ton of CO2e per year, with a cost review by the Review Board every 5 years. Such monies go into the Equitable Emissions Investment Fund, see Affordable Housing Provisions.	Emission Standards: Failure to comply with emission standards will result in a fine of \$1000 a day for non-residential buildings ≥35,000 sq. ft. or two or more buildings on a parcel ≥ 100,000 sq. ft. and for residential buildings ≥35,000 sq. ft. or with 35 dwelling units or more. Failure to comply with emission standards will result in a fine of \$300 a day for non-residential buildings ≥ 20,000 sq. ft. but < 35,000 sq. ft. or with ≥15 dwelling units but < 35 dwelling units. Reporting Requirements: Failure to comply with reporting requirements will result in a fine of \$300 a day for non-residential buildings ≥35,000 sq. ft. or two or more	Does not cover state, county, or federal buildings. Exemptions for newly constructed buildings, those with permits for demolition, and those facing specific financial distress may be handled on a case-by-case basis by the BERDO office.

Government	Policy Information			Description of Requirements			Compliance		Enforcement	Exemptions
	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways		
								Additional compliance mechanisms include municipal aggregation, renewable energy certificates, power purchase agreements, and alternative compliance payments, contingent on approval by the review board."	or more buildings on a parcel ≥ 100,000 sq. ft. and for residential buildings ≥ 35,000 sq. ft. or with 35 dwelling units or more. Failure to comply with emission standards will result in a fine of \$150 a day for non-residential buildings ≥ 20,000 sq. ft. but < 35,000 sq. ft. and for residential buildings ≥ 20,000 sq. ft. but < 35,000 sq. ft. or with ≥ 15 dwelling units but < 35 dwelling units.	
Cambridge, MA	Building Energy Use Disclosure Ordinance (Ordinance 2021-26)	2023	Comm ≥ 25,000 sq. ft., Public/Gov't ≥ 10,000 sq. ft.	GHG Intensity	Straight line trajectory from baseline to zero carbon by 2035 for buildings ≥ 100,000 sq. ft. and 2050 for buildings ≥ 25,000 - 99,999 sq. ft.	Five year compliance cycle, beginning in 2030 for buildings ≥ 100,000 sq. ft., and 2035 for those ≥ 25,000 sq. ft. These cycles will run until 2050.	Buildings must meet targets based on their use type, with targets becoming more stringent over 5 year compliance cycle until net-zero in 2035 for buildings ≥ 100,000 sq. ft. and 2050 for buildings ≥ 25,000 - 99,999 sq. ft.	Alternative compliance payments: One Alternative Compliance Credit shall be equivalent to one metric ton of Greenhouse Gas Emissions. In the first Compliance Period, each Alternative Compliance Credit shall cost \$234. Only non-residential buildings ≥ 100,000 sq. ft. can use verified carbon credits.	Up to \$300 per day per violation, each day counting as a separate violation.	Multifamily properties are not covered by this BPS. Exemptions for lack of certificate of occupancy, net zero emissions buildings, vacancy, demolition, or financial distress.

Government	Policy Information			Description of Requirements			Compliance		Enforcement	Exemptions
City/County/State	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways		
Chula Vista, CA	Building Energy Saving Ordinance (3498)	2021	Comm & MF buildings ≥ 20,000 sq. ft., 5 dwelling units units,	ENERGY STAR score or Weather Normalized Site EUI	Conservation requirements differ based on property type. Non-residential and multifamily both have conditions under which they have the option of adhering to performance target requirements. Non-residential buildings are required to meet EITHER the performance targets OR both the audit requirements and minimum improvement requirements. Multifamily properties are subject to Multifamily Prescriptive Measure requirements; multifamily properties with significant common load are required to meet EITHER the performance targets OR both the audit requirements and minimum improvement requirements.	Compliance cycles are every five years for Conservation Requirements and every 10 years for Minimum Improvement Requirements. Multifamily prescriptive upgrades begin 2023 or later for both for buildings ≥ 20,000 sq. ft. and ≥ 50,000 sq. ft.	There are two compliance pathways: non-residential buildings and Multifamily buildings with significant owner-paid energy use must either (1) achieve a minimum EUI improvement or (2) complete an Energy Audit and Retrocommissioning and meet a smaller mandatory minimum improvement by the end of the next compliance cycle. The minimum improvement requirements (done in conjunction with the audit requirement) mandate that every ten years properties must demonstrate decreases in site EUI by at least baseline year ENERGY STAR Score 0-45 or EUI-WN 80+ : 30% baseline year ENERGY STAR Score 46-65 or EUI-WN 51-79: 20% baseline year ENERGY STAR Score 66-79 or EUI-WN 19-50: 10% baseline year ENERGY STAR Score 80+ or EUI-WN 0-18: none Multifamily buildings must perform a minimum number of prescriptive measures within all tenant spaces where utility costs are borne by tenants.	N/A	Non-compliance may result in a notice of failure to comply; on the 60th day following the issuance of said notice, public disclosure of non-compliance and monetary fines may be issued. Maximum fine amounts depend on property size: 20,000-49,999 sq. ft. up to \$750 50,000-99,999 sq. ft. up to \$1,500 100,000+ sq. ft. up to \$2,250. Properties with a permit for demolition that have already commenced demolition work. Properties that have not been previously subject to the benchmarking requirement.	The law does not apply to county, state, and federal buildings, Metropolitan Transit Service buildings, or buildings owned by the Chula Vista and Sweetwater School Districts. Properties meeting any of the following conditions are exempt from the performance standard requirements: Properties that have been occupied less than 5 years; Properties in financial distress; Properties with a permit for demolition that have already commenced demolition work. Properties that have not been previously subject to the benchmarking requirement.

Government	Policy Information			Description of Requirements		Compliance		Enforcement	Exemptions	
City/County/State	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways		
Colorado (CO)	Energy Performance for Buildings (HB 21-1286)	2021	Comm,MF, & Public/Gov't ≥ 50,000 sq. ft	Site EUI or GHGI.	Site EUI targets as defined by property type. EUI/GHGI Standard Percent Reduction Pathway: A covered building must: achieve and maintain a standard percent reduction of 13% by 2026 (2021 baseline year); achieve and maintain a standard percent reduction of 29% by 2030 (2021 baseline year). Enforcement has been waived for the 2026 performance standards. On or before June 1, 2029, the Division shall propose 2040 performance standards. Building owners have the option to use 2019 benchmarking data as an alternative baseline if the building meets its performance standards using the standard percentage reduction building performance pathway and the owners submits the 2019 benchmarking data to the office no later than November 1, 2027.	Every four years, beginning in 2026 and going through 2050. Enforcement for the 2026 interim standards have been waived, meaning the first compliance year is 2030.	Energy Efficiency Pathway: Building owners on this pathway are no longer required reach the 2026 site EUI target and maintain it through 2029, but they must reach the 2030 target and maintain it through 2050 (until updated targets are established after this period). GHG Reduction Pathway: Building owners on this pathway are no longer required to reach the 2026-2029 GHGI target beginning in 2026 and maintain it through 2029. They must reach the 2030-2050 target by 2030 and maintain it through 2050. Building owners seeking timeline and/or target adjustments will need to complete a building audit.	Standard % Reduction Pathway - EUI or GHG: A flat percent reduction option is available for buildings that are not able to achieve the site EUI or GHGI target for their property type or buildings that do not align with the property types provided. This standard percent reduction pathway allows buildings to reduce their site EUI or GHGI 13% by 2026 and 29% by 2030, as measured against their 2021 baseline. Building owners have an option to use 2019 benchmarking data as an alternative baseline if they submit complete and accurate 2019 benchmarking data to the office no later than November 1, 2027. Timeline Adjustment: Buildings facing financial or logistical challenges meeting the targets by the specified timelines may request a timeline adjustment. The length of the available adjustment is not specified in the regulations and may be requested by the building owner and approved or modified at the discretion of the Colorado Energy Office.	An owner that fails to comply may be subject to a civil penalty of up to \$2000 for a first violation and up to \$5,000 for each subsequent violation. On or after January 1, 2030, a violation of the performance standard requirements will be updated to an amount up to \$2,300 for every 30 days that the covered building owner is in violation and up to \$5,800 for every 30 days for a subsequent violation.	Storage facilities, stand-alone parking garages, or airplane hangars that lack heating and cooling; building where more than half the gross floor area is used for manufacturing, industrial, or agricultural purposes; single family homes, duplex, or triplex; buildings owned by the state, local, or district governments, such as higher education institutes, charter schools, and school districts. Public buildings become subject to the building performance standards of this regulation only after undertaking a construction or renovation project that has an estimated cost of at least \$500,000 and impacts at least twenty-five percent of the covered building's square footage.

Government City/County/State	Policy Information		Description of Requirements			Compliance			Enforcement	Exemptions
	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways		
Denver, CO	Energize Denver (Bill 21-1310)	2021	Comm & MF buildings ≥ 25,000 sq. ft.	Weather Normalized Site Energy Use Intensity (EUI) (kBtu divided by square footage)	Each covered building must meet a maximum site EUI standard based on its occupancy type by the year 2032. Buildings are required to meet interim performance targets in 2028 to ensure progress toward the final, 2032 standard. Final 2032 performance targets will be set for every covered building type such that 30% total weather normalized site energy savings across all covered buildings is achieved. Interim targets are determined according to the building's "trajectory" from its baseline site EUI performance in 2019 to the final site EUI standard for its property type. Performance targets are based on 2019 benchmarking data and national CBECs data. Buildings with insufficiency data will have a target that is 30% below their baseline EUI by 2032. No covered property shall have a 2032 site EUI target that is more than a 42% weather normalized site EUI reduction from their baseline year EUI.	Covered buildings must comply with interim performance targets in 2028 before meeting a final performance standard in 2032.	To comply buildings must meet the interim and final performance targets and maintain that level of performance afterward. The law allows buildings to deduct the value of investments in onsite or offsite solar from its measured site EUI.	Timeline Adjustment Pathway: The owner of a covered building may apply to change the compliance timeline due to end of major equipment system life, energy service capacity constraints, district steam loop system limitations, the timing of a major renovation, electrification, or other similar reason. Interim Compliance Hold: The owner of a covered building may apply to request a 24-month delay on the performance requirements due to temporary circumstances that make reaching a target by the prescribed deadline difficult. Penalties will not be assessed during this delay. Circumstances include qualifying financial distress, financial solvency concerns, lease termination timing, redevelopment plans, demolition, or change in building ownership. Once the covered building is no longer experiencing circumstances requiring the hold, the owner may apply for the timeline adjustment option. Customized Target Adjustment Option: Building owners can also apply for a custom target adjustment if they cannot meet final target and have already received all	\$0.15/kBtu penalty for building that has three target year measurement periods; or missed target by more than 5%; or if a newly constructed building. Assessed in 2027, 2030, then annually if the building has not met the 2030 target, or in 2032 or after. \$0.23/kBtu penalty for building has two target year measurement periods. Assessed in 2026/2030 or 2028/2032, then annually if the building has not met the final target. \$0.35/kBtu penalty for building has one target year measurement period due to a timeline extension. Assessed in 2030 or 2032, then annually if the building has not met the final target. \$0.10/kBtu added to the penalty rate for timeline extensions submitted after the end of the target	Exemptions currently exist for stand-alone parking garages; buildings that are used for the generation of power produced and sold commercially and that meets the definition of the Energy/Power Station building type.

Government	Policy Information			Description of Requirements			Compliance		Enforcement	Exemptions
City/County/State	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways		
								standard target adjustments. Not all building types are eligible, please refer to the City's technical guidance for more information. Additional pathways available for Manufacturing/Agricultural/Industrial (MAI) properties and Residential Condominiums.	year measurement period that needed adjustment. \$10.00/square foot for existing buildings that have never benchmarked, or the last benchmarking report was before the 2019 baseline. Assessed 2026/2030, then annually if the building has not met the final target. Annual penalty of \$2000 can be levied for failing to correct benchmarking errors, or knowingly submitting inaccurate information, or withholding information.	
Evanston, IL	Healthy Buildings Ordinance (Ordinance 1-0-25)	2025	Comm & MF buildings > 20,000 sq. ft. Public/Gov't buildings > 10,000 sq. ft.	Site EUI; GHG Emissions; Percentage of electricity usage sourced through renewable electricity	By 2050, each covered property must meet and maintain the following performance standards: (1) Maximum normalized site EUI, (2) zero normalized onsite and district thermal greenhouse gas emissions, and (3) 100 percent of electricity usage sourced through renewable electricity.	Five year compliance cycle, first compliance deadline of 2030 and every five years thereafter	Covered properties must meet the interim performance standards every year beginning in 2031. Every 5 years, interim performance standards incrementally become more stringent.	If an interim or final performance standard cannot be met, owners of covered properties may apply for the following alternative compliance pathways at least 6 months before the reporting deadline. If a building owner believes a covered property cannot reasonably meet one or more of the interim or final performance standards, the owner may propose an Alternative Compliance Pathway Plan (ACPP), which shall include, at a minimum, options for timeline adjustments, and/or adjustments or exemptions to one or more of the performance standards for	A building owner who fails to meet compliance shall be required to pay a fine, which will be determined by the City Manager and be based on (a) the total number of interim standards the owner has failed to comply, (b) the assessed value of the covered property, (c) the magnitude of non-compliance under each performance metrics. Failure to report will result in the assumption of	Condominium buildings less than 50,000 sq ft; properties owned by the federal government. The following buildings are exempt from compliance requirements: buildings that have been issued a demolition permit; properties that did not have a certificate of occupancy or temporary certificate of

Government	Policy Information		Description of Requirements			Compliance		Enforcement	Exemptions
	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways	
								a covered property whose owner submits a request at least 180 days prior to any performance standard submission deadline. Rules for alternative compliance will be developed; ACCPs are binding and tied to the property, not the owner. ACCPs must be communicated prior to the sale of a covered property.	poor performance. The revenue generated by the fines will support compliance efforts.
								occupancy for all twelve months of the year prior to the current benchmarking deadline; properties that have arrears of property taxes or water or refuse charges within the two years prior to an interim or final performance, on the Cook County annual tax lien sale list; properties that have a court-appointed receiver in control of the property due to financial distress; properties that have a senior mortgage subject to a notice of default.	
Maryland (MA)	Climate Solutions Now Act (SB 528)	2022	Comm, MF buildings, & Public/Gov't ≥ 35,000 sq. ft.	Net direct emissions standards (kg CO2e per square foot). Site EUI standards (kBtu per square foot) to be adopted in 2027.	Existing buildings over 35,000 square feet achieve a 20% reduction in net direct greenhouse gas emissions on or before January 1, 2030, as compared with 2025 levels for average buildings of similar construction; and net-zero direct greenhouse gas emissions on or before January 1, 2040.	Five year cycles, starting in 2030, with final standards in 2040.	Buildings must meet interim and final net direct emissions standards according to their property type.	Regulation includes an alternative compliance pathway allowing the owner of a covered building to pay an alternative compliance fee for every metric ton of net direct emissions in excess of the net direct emissions standard in a given calendar year. These fees begin at \$230 per metric ton of excess CO2e in 2020 dollars, adjusted for inflation, for 2030. The fee rate increases by \$4 per metric ton of CO2e per calendar year	See "Alternative Compliance Pathways". Single family, fast food restaurants, food services, restaurants, parking , designated historic property, public or nonpublic elementary or secondary school buildings, manufacturing buildings, agricultural

Government	Policy Information			Description of Requirements				Compliance		Enforcement	Exemptions
	City/County/State	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways		
									in 2020 dollars, adjusted for inflation, in each calendar year.		buildings, buildings owned by the federal government, drinking water treatment & distribution buildings, and hospitals. Excludes energy use and emissions associated with steam-based equipment sterilization in medical and life sciences buildings from BEPS limits for those buildings. Other exemptions: • No Certificate of Occupancy for all 12 months prior to compliance date • Building unoccupied • Financial distress • Building was demolished during calendar year • Properties are exempt from establishing baseline performance if building was less than 50% occupied for at least 180 days. A building may not receive exemption from establishing baseline performance for more than three years
Montgomery County, MD		Building Energy Use Benchmarking and Performance Standards (Bill 16-21)	2022	Comm, MF, & Public/ Gov't, buildings ≥ 25,000 sq. ft.	Normalized Site EUI.	Trajectory approach; Site EUI targets are set by property type. A covered building's final performance standard will not require a reduction of greater than 30% from the covered building's performance	Five years. Uses IMT's trajectory approach. Requirements phase-in by building type/size. Properties will	Building owners must achieve their interim and final performance standards, beginning in 2028 for the largest buildings and running until 2036.	Timeline adjustments and custom targets are both opportunities provided under Montgomery County's Building Performance Improvement Plan (BPIP) Path. The path supports buildings that cannot reach one or more targets because	Any violation to BEPS regulations is a Class A violation. A Class A Criminal Violation can result in a maximum fine of \$1,000 or a maximum jail term of 6 months. A Class A Civil Violation can	Single family homes. Buildings where 10% or more of their total floor space is used for warehousing or self-storage. Exemption criteria was updated to exempt covered buildings for

Government	Policy Information			Description of Requirements			Compliance		Enforcement	Exemptions
	City/County/State	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways	
						baseline.	have to meet one interim standard five years from their start date and a final standard five years after that.		of economic infeasibility or other circumstances outside the owner's control, such as characteristics inherent to the building or the building's equipment lifecycles, occupancy, or financing.	result in a maximum penalty of \$500 for the initial offense and \$750 for a repeat offense.
Newton, MA		Building Emissions Reduction and Disclosure Ordinance (BERDO) Newton	2024	Public/ Gov't & Comm buildings ≥ 20,000 sq. ft.	CO2 Emissions (kgCO2/SF/yr)	Emissions standards must be met across 5 periods. Each covered building shall reduce their emissions in alignment with the standards of each respective period. Emissions standards require covered buildings reach net-zero emissions by period 5 (2050), and this must be maintained indefinitely.	Five year cycle, beginning in 2027 for the largest buildings and continuing until 2050.	BERDO's CO2 Emissions Standard reduction schedule sets out five emissions standards that covered buildings must meet between now and 2050, with 2027 being the earliest compliance date for the largest buildings. Building owners must comply with emissions standards established for their property type.	Alternative Compliance Payments: The initial cost of an Alternative Compliance Payment shall be \$234 per metric ton of CO2. This cost will be reviewed every five years. Individual Compliance Schedules: Owners of Buildings or Building Portfolios may apply for an Individual Compliance Schedule Schedules must establish declining CO2e Emissions standards in 5- to 6- year increments, and such standards must (i) decline on a linear basis, (ii) reduce Emissions 40 % by period 3, and (iii) reduce Emissions 100 % by period 5; and use a baseline from any year between 2013 and the first required reporting year. Hardship Compliance Plans: A Building Owner may apply to the BERDO Administrator for a Hardship Compliance Plan if there are extraordinary	If a building owner does not comply with the applicable emissions standard in a calendar year, each day of that calendar year the violation is not corrected shall be deemed a separate violation and subject to a penalty of (i) \$1,000/ day for residential and non-residential buildings greater than or equal to 35,000 sqft., (ii) \$300/ day for residential and non-residential buildings between 20,000-35,000 sq. ft.
										which more than 50% of the total floor space is used for industrial uses where the majority of energy is consumed for manufacturing, the generation of electric power or district thermal energy to be consumed offsite; public assembly in a building without walls; or transportation, communication, and utilities infrastructure. MF buildings are not currently included in Newton's BERDO but are included on the covered building list in anticipation that this sector will be added to BERDO at a later date.

Government	Policy Information			Description of Requirements			Compliance		Enforcement	Exemptions
	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways		
								characteristics or circumstances associated with the building in complying with the standards. Such characteristics or circumstances may include historic Building designations, pre-existing long-term Energy contracts without reopeners, or extraordinary financial hardship. Implementation guidelines will be further detailed in the Regulations.		
New York City, NY	Sustainable Buildings NYC (Local Law 97)	2019	Comm & MF buildings ≥ 25,000 sq. ft.	Annual greenhouse gas (GHG) emissions (tCO2e/sq. ft.)	Performance targets are set to reduce the GHG emissions by the city's largest buildings by 40% by 2030 and 100% by 2050.	Emissions limits become increasingly stringent every five years. Covered buildings must comply annually beginning in 2024.	Buildings must meet the standard annually, but buildings can use RECs and offsets to compensate for going over the emissions limits. There are restrictions for how RECs and offsets can be used.	Affordable Housing Reinvestment Fund (AHRF): The AHRF is a third party fund established by the department in collaboration with the New York City Department of Housing Preservation and Development to receive, encumber, and distribute funds for qualifying building electrification projects and generate offsets for such activities. AHRF offsets may be applied to reduce an eligible building's annual emissions up to a maximum of 10% of a building's annual emissions limit. Prescriptive Pathway: Buildings not covered by LL 97's emissions limits (some affordable housing, multifamily with more than 35% of units subject to rent regulations, places of worship), must comply with a prescriptive list of energy conservation measures. Additional pathways include: Extensions For Income-Restricted Housing, Good	Exceeding annual building emissions limit: Civil penalty of not more than an amount equal to the difference between the building emissions limit for such year and the reported building emissions for such year, multiplied by \$268. Failure to file a report: Penalty no more than an amount equal to the gross floor area of such covered building, multiplied by \$0.50, for each month that the violation is not corrected within the 12 months following the reporting deadline; provided, however, that an owner shall not be liable for a penalty for a report demonstrating compliance with the requirements of this article if such report	The following property types are exempt: Single family housing, buildings owned by the City of New York, buildings owned by the New York city housing authority, rent regulated accommodation, houses of worship, industrial facilities primarily used for the generation of electric power or steam.

Government	Policy Information			Description of Requirements			Compliance		Enforcement	Exemptions
City/County/State	Name	Year Enacted	Covered Buildings	Performance Metrics	Performance Targets/Standards	Compliance Cycle	Compliance Pathways	Alternative Compliance Pathways		
Oregon (OR)	Energy Performance Standards (HB 3409)	2023	Public/ Gov't & MF ≥ 35,000 sq. ft., Comm ≥ 20,000 sq. ft.	EUI	EUI targets set by building type and will become increasingly stringent over repeating five-year cycles. EUI targets are based on ASHRAE 100 median EUIs.	Compliance cycles will run over a five-year period, with initial compliance years beginning as follows: June 1, 2028 – Comm ≥ 200,000 sq. ft. June 1, 2029 – Comm ≥ 90,000 sq. ft. June 1, 2030 – Comm ≥ 35,000 sq. ft.	Compliance will generally require either meeting energy use intensity (EUI) targets, or meeting conditional compliance requirements that ODOE establishes (such as energy audits, energy investments, and energy management plans).	Conditional compliance, which will require an energy management plan, a program for B.O.M. to achieve applicable EUI, making investments to hit EUI, and submitting audits linked to ASHRAE Standard 201 audits. Oregon Participating Campus District Energy System: Allows large campuses with centralized heating and/or cooling systems to comply through a decarbonization plan rather than meeting individual building performance targets. The decarbonization plan must provide a strategy for up to 15 years to reduce greenhouse gas emissions and create a roadmap to replace fossil fuels. Investment Criteria: Path for complying when a building cannot meet targets. Instead of meeting performance requirements, the building owner must show that all cost-effective energy efficiency measures (the “optimized bundle”) are implemented.	is filed within 60 days of the date such report is due, False statement: Fine of not more than \$500,000 or imprisonment of no more than 30 days, or both, in addition to a civil penalty of not more than \$500,000. \$5,000 plus continuing violation which may not exceed a daily amount of \$1/yr/sf ft	Primary use for is manufacturing or another industrial use, as defined in accordance with the following use designations of the International Building Code; designated as an historic property under a state or local statute, ordinance, rule or other legislative act designated as an historic property under a state or local statute, ordinance, rule or other legislative act. Also exemptions for buildings without an occupancy permit, facing financial distress, tax lien etc.

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Seattle, WA	Building Emissions Performance Standard (Ordinance No. 126959)	2023	Comm, & MF buildings ≥ 20,000 sq. ft.	Greenhouse gas emissions intensity targets (GHGIT), measured as a value of kgCO2e units per square foot per year (kgCO2e/SF/yr)	Building owners shall reduce the GHGIs of covered buildings to meet their standard GHGIs for each compliance interval. Greenhouse gas emissions intensity targets (GHGIT) are determined by building activity type; the director can revise GHGIT five years prior to the start of a compliance cycle. Once buildings have achieved net-zero emissions, building owners shall maintain covered buildings at net-zero emissions thereafter.	Five year compliance cycle, starting in 2031, running until 2050.	Path A: Meet GHGIs at each five-year compliance interval. Path B: Small modifications like extensions, emissions deductions for certain energy uses or a compliance payment. Path C: Special consideration and flexibility for extenuating circumstances.	Alternative Compliance Payments: building owners can meet up to a 100% of required emission reductions via payment. The payments should be, at the minimum, \$1,250 for buildings ≤50,000 sq. ft. and \$2,500 for buildings >50,000 sq. ft. Payments are calculated using: ACP = total annual MTCO2e/yr * 5 * cost of MTCO2e (\$/MTCO2e) total annual MTCO2e = [compliance GHGI (kgCO2e/SF/yr) – GHGIT (kgCO2e/SF/yr)] * gross floor area /1000. Prescriptive Options: multifamily building can use prescriptive options in place of meeting GHGIT during the 2031-2035, 2036-2040, or 2041-2045 compliance interval, such as replacing fossil fuel hot water systems with electric (in compliance with current energy codes), replacing fossil fuel HVAC heating systems with electric, etc. Multiple other Alternative Compliance Pathways available including GHGI target adjustments, timeline adjustments, etc.	Failure to comply will result in a penalty of \$2.50/square foot for low-income housing/low-rent multifamily buildings, \$7.50/square foot for other multifamily housing, and \$10.00/square foot for nonresidential buildings. Failure to report, or reporting inaccurate information, may result in flat fines of \$15,000 and \$7,500, dependent on building size.	Industrial buildings.	
St. Louis, MO	Building Energy Performance Standards (Ordinance 71132)	2020	Public/ Gov't, Comm, & MF ≥ 50,000 sq. ft.	Site energy use intensity (EUI)	Standards to be set no lower than the 65th percentile by property type, so that at least 65% of the buildings of the property type have a higher EUI. The Office of Building Performance will issue new performance standards at the end of	Every four years, beginning May 2021. Each compliance cycle followed by one year to set standards for next cycle. For qualified affordable	There are two preferred compliance pathways under the St. Louis BEPS: the Performance Path and the Early Adopter Path. Performance Path: the building's site EUI is equal to or lower than the standard. Early Adopter Pathway: Properties that both hit the	Narrow the Gap Path: Alternate compliance pathway for properties that are unable to hit their target by reducing their EUI to halfway between their property baseline and target. This is only available to properties that submitted a valid 2018 report and only possible during the first two compliance cycles.	If data is not reported and an alternative compliance plan is not presented within 60 days of the compliance date, a fine between \$1 - \$500 is issued for each day beyond the 60 days. Withholding and/or denial of occupancy permits.	Single family housing; primarily used for industrial or manufacturing purposes; water treatment, communications infrastructure, or as a data center; stand alone parking lots or garages that are not a part of a larger	

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					each compliance cycle.	buildings and houses of worship, every six years.	target for their property type AND achieve at least 20%/50% reduction in their EUI compared to the baseline year performance can be compliant for that cycle AND the next 1-2 Cycles.	Custom Alternative Compliance Path (CACAP): Option for properties that are unable to hit the targets under the Performance Path, and the Early Adopter Path, nor the Narrow the Gap Path due to unique circumstances. CACAP entails a third party audit (ASHRAE level 2 audit) and obtaining OBP approval of a proposed plan of action.	property. Other exemptions: Demolition permit issued or demolition is planned during the compliance cycle; Financial hardship or if compliance would not be in public interest; Primary use of building is industrial; Property is communications infrastructure; Property is owned by the state or federal government.
Washington State (WA)	Clean Buildings Performance Standard (HB 1257)	2019	Public/ Gov't ≥ 10,000 sq. ft. Comm & MF ≥ 20,000 sq. ft.	Weather-normalized Energy Use Intensity. The department may also develop targets for alternative metrics related to energy use and GHG emissions if alternative metrics are included in ASHRAE standard 100-2018 or subsequent versions.	EUI targets must be no greater than the average energy use intensity for the building's occupancy type with adjustments for unique energy-using features. EUI targets initially based on ASHRAE standard 100-2018. Proposed rules set first target at 15% below average EUI for building type. Develop and implement Operations & Maintenance Program and Energy Management Plan.	Compliance cycles are every five years, with initial compliance beginning as follows: Tier 1: Comm ≥ 220,000 sq. ft. June 1st 2026. Tier 1: Comm 90,001 -220,000 sq. ft. June 1st 2027. Tier 1: Comm 50,000 -90,000 sq. ft. June 1st 2028. Tier 2: Comm 20,000 -49,999 sq. ft. and MF ≥ 20,000 sq. ft. July 1st, 2027.	Buildings must meet the EUI target specified for their building type, or satisfy an investment criteria pathway consisting of an energy audit identifying all cost effective energy efficiency measures. Complete one of the following: Target EUI path: benchmark building's performance and calculate EUI target. Meet target by compliance deadline (conditional compliance period of 180 days); Investment Criteria path: Conduct an audit and identify all EEMs. Identify an optimized bundle of EEMs that provides maximum energy savings without resulting in a savings-to-investment ratio of less than one. The optimized bundle of measures shall be implemented based	Conditional Compliance is a temporary method of compliance. For Tier 1 covered buildings, owners must demonstrated they have implemented energy use reduction strategies required by the standard but not demonstrated full compliance with the energy use intensity target or investment criteria. For Tier 2 Buildings, owners must demonstrate they have benchmarked the building energy use in accordance with the standard, and provide an additional 180 days for the owner to demonstrate full compliance with the energy management plan (EMP) and operations and maintenance (O&M) program documentation. Additional pathways include: District Energy System Decarbonization Pathway, and temporary compliance deadline extensions.	The Department of Commerce may impose a penalty up to \$5,000 plus an amount based on the duration of any continuing violation. The additional amount for a continuing violation may not exceed a daily amount equal to \$1 per gross square foot of floor area. The Department may raise penalty rates to adjust for inflation. Administrative penalties collected must be deposited into the low-income weatherization and structural rehabilitation assistance account. • Average occupancy less than 50% • Building meets conditions of financial hardship

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Washington, DC	Building Energy Performance Standards and Benchmarking (D.C. Law 22-257)	2018	Public/ Gov't ≥ 10,000 sq. ft. Comm & MF ≥ 50,000 sq. ft.	ENERGY STAR score or an equivalent metric (source EUI for buildings ineligible for ENERGY STAR).	For buildings that are eligible for an ENERGY STAR score, the building energy performance standard shall be no lower than the District median ENERGY STAR score for buildings of each property type. The District Department of Energy & Environment (DOEE) will issue new performance standards every six years.	Compliance cycles are 5 years. While standards are recalculated every 6 years.	on the schedule established within the energy management plan, Develop and implement Operations & Maintenance Program and Energy Management Plan. The investment criteria shall be documented using a Level 2 energy audit and by performing the life-cycle cost analysis (LCCA). Performance Pathway: Reduce site EUI 20% Standard Target Pathway: Reach the standard for the building's property type (only available for property type groups performing above the national median) Trajectory Pathway: This pathway is based on building-specific performance targets against long-term goals starting with the second compliance cycle, beginning on January 1, 2028. It will be designed in rulemaking by DOEE.	Alternative Compliance Pathways are divided into the following: Deep Energy Retrofits, which are broken down into accelerated savings recognition ACP option and the extended deep energy retrofit ACP option. New Construction and Change of Property Type. Baseline Adjustments, such as a baseline year shift or a baseline site EUI modification. Or a Custom Application, which will be considered by the DOEE. Does not accept third-party building certifications as an ACP option.	The alternative compliance payment is based on the gross floor area of the building that was reported on the building's most recent benchmarking report. The BEPS Compliance Regulations establish the maximum alternative compliance payment amounts with the maximum payment for buildings at \$10 per each square foot of gross floor area. The maximum payment for a building shall be no greater than \$7,500,000. For college/university campuses and hospital campuses, there is a single maximum payment amount of \$7,500,000. The maximum alternative compliance payment	Single family properties are exempt. Buildings that are demolished immediately before the beginning of or during a compliance cycle are not subject to BEPS after they are demolished. Federal buildings and buildings belonging exclusively to recognized Tribes are not required to comply with the standard. Historic buildings do not need to meet any requirement that would compromise their historical integrity. Other exemptions: - No Certificate of Occupancy for all 12 months prior to compliance date - Average occupancy less than 50% - Primary use of building is industrial Primary use of building

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									for each building will be adjusted proportionally based on its performance relative to its Pathway target. DOEE will assess a payment at the end of the Compliance Cycle following the building's final reporting/verification deadline. In addition, any building owner that knowingly submits inaccurate information, withholds information, implements an EEM that reduces environmental quality, or implements an EEM that poses a threat to the health and safety of occupants may be subject to assessment of the maximum alternative compliance payment, regardless of the building's performance. In addition to the Alternative Compliance Payment, DOEE has the authority to issue a civil infraction fine to BEPS Program Violations (also known as the BEPS Program Infractions). First offenses range from \$500 - \$2,000.	is agricultural - Building meets conditions of financial hardship - Covered buildings that are vacant and/or in financial distress may qualify for a whole-cycle exemption, rather than a three-year delay.

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West Hollywood, CA	Equitable Building Performance Standards (EBPS)	2025	Public/ Gov't, Comm, & MF buildings ≥ 20,000 sq. ft., 5 dwelling units units	Site EUI and/or GHGI	The Department shall set final performance standards that collectively reduce the aggregate GHG emissions attributable to all covered buildings by at least 80% by 2035. No later than January 1, 2026, the Department shall set interim and final performance standards.	Every four years on May 15th, starting in 2028.	Building Performance Pathway: A covered property will be considered compliant through the Building Performance Pathway if it achieves its specified Performance Targets by the end of the applicable compliance cycle.	Building Performance Action Plan (BPAP) - allowed only for interim standards, not for the final. Subject to the approval of the Department. Requires audits/retrofit commissioning, retrofit plan, cost-benefit analysis, Distributed Energy Resources analysis, etc. documentation to the Department: A current benchmarking report and either a summary of a comprehensive energy audit report or a summary of a retro-commissioning report; a Distributed Energy Resources (DER) Opportunity Report; retrofit measures and analysis; and community services and benefits.	Failure to comply with performance standards: Fines equal to Social Cost of Carbon per unit CO2e not reduced, enforced annually until compliant. Details will be established through rules and regulations. Failure to comply with annual benchmarking requirements and performance standards: Up to \$10/sq ft x Gross Floor Area, enforced annually until compliant or a BPAP approved. Failure to provide accurate information: Providing inaccurate report information will result in a fine of \$1000.	Single-family, 2-4 unit multifamily, residential condominiums, Non-City public buildings, Broadcast antennas, Utility pumping stations. To be eligible for an exemption, a covered property must meet the following criteria: The building did not have a certificate of occupancy for more than half of the baseline year prior to the compliance cycle; the building was fully vacant for more than half of the calendar year required for benchmarking; a demolition permit was issued and demolition prior to the next applicable performance standard begins; the building is facing financial hardship; the building is a cultural resource (subject to historic protections) and requesting target adjustments.