

BUILDING PERFORMANCE STANDARDS (BPS)



WHAT ARE BPS?

BPS regulations set energy and emissions targets for existing buildings and are enforced by states or local governments. Benchmarking has typically already been completed and BPS often requires energy audits or other assessments to provide measures that can be implemented to bring the property into compliance. Failure to comply often results in substantial fines and/or other penalties such as a lien.

EXISTING PROGRAMS & REQUIREMENTS

More states and cities are adopting BPS rules. The IMT map shows where they've passed or are in development. Below are brief summaries of current regulations.

The State of Building Performance Standards (BPS) in the U.S.
Members of the National BPS Coalition as of April 2025



CALIFORNIA



Brisbane Building Efficiency Program (BBEP)

Property Type(s): Commercial, Multifamily, & Industrial
Size: 10,000+ sqft
Fines/Penalty: 1st violation: \$100, 2nd: \$200, after that \$500 + hearing fines. Infraction / citation / Lien

Chula Vista Building Energy Saving Ordinance (3498)

Property Type(s): Non-Residential & Multifamily
Size: 20,000+ sqft
Fines/Penalty: \$2,250/incident after 60 days & Public Disclosure of Non compliance

San Jose Beyond Benchmarking

Property Type(s): Commercial & Multifamily
Size: 20,000+ sqft
Fines/Penalty: \$25/day, max \$2,500/year

Property Type(s): Multifamily
Size: 50,000+ sqft.
Fines/Penalty: \$50/day, max \$5,000/year

COLORADO



Colorado Building Performance

Property Type(s): Commercial & Multifamily
Size: 50,000+ sqft
Fines/Penalty: \$2,000 1st violation, \$5,000/month for non compliance. CO may seek injunctive relief for compliance

Energize Denver

Property Type(s): Commercial, Multifamily, Industrial, & Manufacturing
Size: 5,000+ sqft
Fines/Penalty: \$0.15–\$0.35/kBtu over target/year. \$10/SF/year for benchmarking non compliance. May trigger a property lien.

MASSACHUSETTS



Boston BERDO 2.0

Property Type(s): Commercial & Multifamily
Size: 20,000+ sqft OR 15+ MF Units
Fines/Penalty: \$150-\$1,000/day + \$1,000-\$5,000 fines for inaccuracy

Cambridge Building Energy Use Disclosure Ordinance (BEUDO)

Property Type(s): Non-Residential & Municipal
Size: 25,000+ sqft OR 50+ units
Fines/Penalty: \$300/violation/day

Property Type(s): 10,000+ sqft
Size: 10,000+ sqft
Fines/Penalty: \$300/violation/day

Newton Building Emissions Reduction and Disclosure

Property Type(s): Commercial
Size: 20,000+ sqft
Fines/Penalty: \$300/violation

MARYLAND



Building Energy Performance Standards (BEPS)

Property Type(s): Commercial, Multifamily, & Institutional
Size: 35,000+ sqft
Fines/Penalty: \$500 1st violation, \$750/day for repeat violation

Montgomery County Building Energy Performance Standards

Property Type(s): County & privately-owned nonresidential & Multifamily
Size: 5 groups varying requirements by size: 25K–250K sqft
Fines/Penalty: \$500 1st violation, \$750/day for repeat violation



BUILDING PERFORMANCE STANDARDS (BPS)



MISSOURI



St. Louis Building Energy Performance Standard (BEPS)

Property Type(s): Commercial, Multifamily, & Affordable Housing
Size: 50,000+ sqft
Fines/Penalty: \$500/day, imprisonment, or loss of property's occupancy permit

NEW YORK



Sustainable Buildings NYC (Local Law 97)

Property Type(s): Commercial, Multifamily, Industrial
Size: 25,000+ sqft
Fines/Penalty: \$268/ ton of CO2 over limit

OREGON



Oregon Energy Performance Standards (HB 3409)

Property Type(s):	Tier 1:		Tier 2:	
	Nonresidential, hotel, & motel	35,000+ sqft	Nonresidential, hotel, & motel	Multifamily, hospital, school, dorm/university
Size:	\$5,000 +	\$5,000 +	20K-35K sqft	35,000+ sqft
Fines/ Penalty:	\$1.00/sqft/year			None at this time

WASHINGTON D.C.



DC Building Energy Performance Standards

Property Type(s): Commercial & Multifamily
Size: 10,000+ sqft
Fines/Penalty: \$10/sqft for not meeting target, \$100/day for noncompliance

WASHINGTON



Clean Buildings Performance Standard

Property Type(s):	Tier 1:		Tier 2:	
	Nonresidential, hotel, motel, & dormitory	50,000 sqft	Commercial	Multifamily
Size:	\$5,000 +	\$5,000 +	20,000-50,000 sqft	20,000+ sqft
Fines/ Penalty:	\$1.50/sqft/cycle		\$0.30/sqft	\$0.30/sqft

Seattle Building Energy Performance Standards (BEPS)

Property Type(s): All properties
Size: 20,000+ sqft
Fines/Penalty: \$7,500 - \$15,000 flat fine reporting failures. GHGI noncompliance \$2.50-\$10/SF varies by property type.

NEVADA



ReEnergize Reno (Voluntary)

Property Type(s): Commercial, Multifamily, Industrial
Size: Any
Fines/Penalty: None. This is voluntary.

CANADA



Energize Vancouver

Property Type(s): Commercial
Size: 100,000+ sqft
Fines/Penalty: \$350/tonne of CO2e over limit

BPS PROGRAMS IN DEVELOPMENT

A regulation is in pre-development when it's being researched and planned and in development when it's actively being drafted and reviewed. Below are the BPS in **Development** and **Pre-Development** :

Berkeley, CA	Los Angeles, CA	Sacramento, CA	San Diego, CA	San Francisco, CA	Santa Monica, CA
CA Statewide	Aspen, CO	Boulder, CO	Fort Collins, CO	Orlando, FL	
Atlanta, GA	Savannah, GA	Chicago, IL	Evanston, IL	IL Statewide	Annapolis, MD
Ann Arbor, MI	Grand Rapids, MI	Kansas City, MO	Ithaca, NY	Columbus, OH	
Portland, OR	Philadelphia, PA	Pittsburgh, PA		Milwaukee, WI	

NEXT STEPS TO COMPLIANCE

Contact Nova for a free BPS compliance review of your property or portfolio, know where you stand and what to do next.

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