

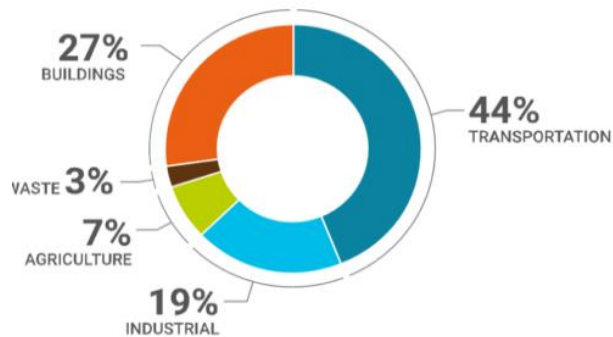
CLEAN BUILDINGS PERFORMANCE STANDARD

History of the Clean Buildings Performance Standard

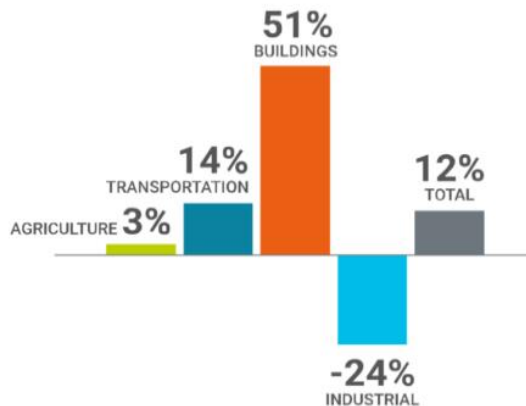
State adopts landmark energy efficiency performance standard

Residential and commercial buildings are Washington's second-largest source of greenhouse gas emissions, accounting for 27% of statewide emissions. Energy-efficient buildings are essential to meet statewide greenhouse gas emissions limits. With the life of a building spanning at least 50-100 years, retrofitting our existing buildings to use less energy is the most cost-efficient way to reduce greenhouse gas emissions significantly. To meaningfully reduce building emissions, we need more robust energy use standards. The 2019 Clean Buildings Act created energy performance standards for existing covered buildings larger than 50,000 square feet. Mandatory compliance begins in 2026. The 2022 expansion bill added a new second tier of buildings larger than 20,000 square feet, including multifamily buildings

Buildings are the second largest source of greenhouse gas emissions in Washington (2015)



As Washington's population has grown, greenhouse gas emissions from buildings jumped significantly from 1990-2015



To meaningfully reduce these emissions, the legislature passed clean buildings laws in 2019 (HB 1257) and 2022 (SB 5722) to:

1. Create an energy performance standard for non-residential buildings larger than 50,000 square feet; and
2. Require energy management planning, operations and maintenance and tracking energy use over time for non-residential buildings larger than 20,000 square feet and multifamily buildings over 50,000 square feet.

Clean Buildings Performance Standard Rulemaking (Tier 1)

In 2019, the Legislature directed Commerce to adopt the American Society of Heating, Refrigerating and Air-Conditioning Engineers ([ASHRAE Standard 100-2018](#)) as a base, and establish energy use intensity targets (EUI) specific to Washington state for different building occupancy types.

Commerce conducted 15 workshops and comment periods from 2019 through 2020 to establish the new standard and set state-specific targets 15% less than 2009-2018 averages. The targets are based on data showing the average energy use for covered buildings larger than 50,000 square feet as well as the downward trend in energy use resulting from new technology and maintenance or operation practices. Examples include the replacement cycle of lighting to LEDs and trends in building tune-ups and operations.

The new rules filed on Oct. 30, 2020, known as [WAC 194-50](#), implement Washington’s landmark Clean Buildings Performance Standard enacted in 2019 ([Chapter 285, Laws 2019](#)). The law required Commerce to develop and implement an energy performance standard for Tier 1 covered buildings (formerly known as covered commercial buildings), which are buildings greater than 50,000 square feet, and provide incentives at \$0.85 per square foot to encourage energy efficiency improvements. Compliance and reporting for Tier 1 covered buildings begin on June 01, 2026.

Tier 1 buildings have between four and six years, depending on square footage, to complete the following reporting requirements:

- Benchmark by measuring and tracking energy use in a building over time.
- Implement an operations and maintenance program. Well-implemented O&M can, on average, save buildings 10-15% in energy use.
- Create an energy management plan.

Tier 1 buildings must then meet an energy performance metric by either:

Tier 1 Compliance Dates
June 1, 2026 <ul style="list-style-type: none">- Greater than 220,000 sq. ft.
June 1, 2027 <ul style="list-style-type: none">- Greater than 90,000 sq. ft. but less than 220,001 sq. ft.
June 1, 2028 <ul style="list-style-type: none">- Greater than 50,000 sq. ft. but less than 90,001 sq. ft.
Tier 2 Compliance Dates
July 1, 2027 <ul style="list-style-type: none">- Greater than 20,000 sq. ft. but less than 50,001 sq. ft.- Includes all multifamily greater than 20,000 sq. ft.

1. Meeting an *average* energy use intensity (EUI). This metric represents a site-based average for similar building types and **does not** represent achieving “net-zero” or other green building certifications;
2. Utilizing the “investment criteria” pathway. This compliance route includes performing an energy audit and implementing all cost-effective efficiency measures.

Rulemaking for the expansion bill: Clean Buildings - Tier 2

On March 25, 2022, Governor Inslee signed the [Clean Buildings expansion bill](#) into law. The expansion applies to buildings 20,000 square feet or larger, adding a new second tier that includes multifamily buildings.

The first phase of this law is not a performance standard. It will require reporting on benchmarking, energy management plans, and operations and maintenance programs for Tier 2 covered buildings. Compliance and reporting for this new tier is expected July 1, 2027.

The expansion bill also includes an incentive program with an additional \$150 million available for Tier 2 covered buildings at a rate of \$0.30 cents per square foot.

Commerce conducted six workshops and comment periods in 2023. The six-workshop series began in April 2023 and covered various topics, including technical support, benchmarking, energy management plans, operations and maintenance programs, Annex Y administrative rules, and Tier 1 amendments.

Similar to Tier 1, Tier 2 buildings are required to:

- Benchmark by measuring and tracking energy use in a building over time
- Perform operations and maintenance programming
- Create an energy management plan

However, Tier 2 building owners are **not** currently required to meet a performance metric.

Rulemaking for HB1390- Decarbonization of District Energy Systems

Gov. Jay Inslee signed [House Bill 1390](#) into law on May 4, 2023, amending the Clean Buildings Law to add a new section on facilities connected to district energy systems. The bill recognizes that building decarbonization is necessary to achieve the state's climate goals and the advantages of upgrading existing district energy systems while considering the timeline to implement upgrades.

The bill instructs owners of a publicly owned district energy system to develop a decarbonization plan for up to 15 years. The plans must contain strategies to decarbonize the central plant and reduce energy use through conservation efforts at the central plant and the connected buildings.

Commerce filed the CR101 on December 11, 2023, to begin rulemaking and solicit comments. Rulemaking is expected to conclude in June 2024.

Legislation and Reference Standards

- [Tier 1 rulemaking documents and past workshop materials](#)
- [Tier 2 rulemaking documents and past workshop materials](#)
- [HB 1257 2019 session law](#)
- [SB5722 2022 session law](#)
- [HB1390](#)
- [Chapter 194-50 WAC](#)
- [ASHRAE Standard 100-2018](#)

- [ASHRAE Standard 211-2018](#)
- [Clean Buildings Performance Standard – Integrated Document](#)
- [Clean Buildings Legislative Report – Published Jan 25, 2022](#)
- [Clean Buildings Legislative Report – Published Jan 15, 2023](#)

State energy performance standards:

- [19.27A.200](#) – Definitions
- [19.27A.210](#) – State energy performance standard
- [19.27A.220](#) – Early adoption incentive program
- [19.27A.230](#) – Limit on early adoption incentive payments
- [19.27A.240](#) – Early adoption incentive payment administration
- [19.27A.250](#) – State energy management and benchmarking requirement.