

Are you ready to adopt Building Performance Standards in your jurisdiction?

This document is intended to serve as a resource for states, cities, and other jurisdictions who are considering adopting a building performance standard (BPS) and want to better understand what is feasible within the context of their jurisdiction. It provides information on key considerations for developing a BPS.

Do you have preliminary building performance characteristic data that is accurate and up-to-date for your jurisdiction?



To develop a covered buildings list, useful preliminary building data can include: building physical address, contact information for building owners and managers, building ID, and building name. Building characteristic data that is useful includes gross floor area, year built, occupancy type, number of buildings at the site, and last known renovation year. In addition, benchmarking or other performance data will be beneficial for developing targets.

YES

How to do it

There are many potential sources for building data you could utilize to develop a covered building list including: land/tax parcel data, government data, real estate data, and more. Assessing the data you currently have in your jurisdiction is an important first step. As jurisdictions consider these policies, BPS adoption and implementation can be made simpler when more building data is available or accessible. Other existing data sets can also help to fill in any major gaps in available data or supplement existing data.

[Learn more about data requirements](#)

Do you have established long-term energy/emissions savings goals?



BPS are significant policy levers which can help jurisdictions reduce building energy use and/or emissions and meet climate goals through thoughtful building interventions over time. BPS metrics and targets should be designed to align with and help achieve established targets set by jurisdictions and relevant stakeholders.

YES

How to do it

If your jurisdiction does not have established energy and/or emissions targets and/or a developed climate action plan, developing these goals and potentially an action plan would be a great place to start. It can also be beneficial to coordinate and align your goals and strategies with your county, state, or other regional government partners as applicable.

[Learn more about establishing targets](#)

What are your jurisdiction's energy and emissions regulatory abilities?



Before you begin developing a BPS, it is important to understand your jurisdiction's regulatory capabilities on policy design, adoption, and implementation around building energy use and/or emissions. If you are unsure how your jurisdiction could adopt a BPS policy, a good place to start would be working with your legal team to understand how a BPS could best fit within the scope of your regulatory capacity. You can also reach out to your federal and NGO partners in the BPS policy space to further understand your jurisdiction's policy abilities.

YES

How to do it

If you do not have the ability to develop a BPS for your jurisdiction, it may be necessary to develop partnerships with overlapping jurisdictions such as a county or state to implement a BPS. This may require working with local city council and leadership and gaining support from your citizens and building owners. Jurisdictions can also consider implementing voluntary building recognition programs.

[Learn more about voluntary building programs](#)
[Learn more about BPS risk mitigation](#)

Do you have funding and staff available to support BPS adoption and implementation?



Substantial long term staffing requirements are needed to support the design, implementation, and enforcement of BPS in your jurisdiction to ensure the program is successful. In addition, it is necessary to ensure that funding is in place for your jurisdiction to design and administer the BPS.

YES

How to do it

DOE and EPA offer technical assistance to support jurisdictions with questions around BPS adoption, development, and implementation. In addition, jurisdictions can consider third party vendors and consultants to supplement staffing needs. Jurisdictions seeking to fund their BPS programming and support building owners and operators with compliance have additional funding opportunities available, including from utilities and financial institutions. The DOE Better Buildings Financial Navigator is a useful resource hub for financing and funding pathways.

[Learn more about financing and funding opportunities](#)
[Learn more about administration of BPS](#)

Do you currently have any building data/upgrade programs in place?



Jurisdictions with already established programs for benchmarking, retuning, audits, retro commissioning, and/or other building transparency programs in place will find these policies complementary as they consider adopting a BPS. While none of these policies are required prior to considering BPS, these programs typically involve large scale data collection of energy performance in buildings over time which is helpful when developing performance targets for BPS.

YES

How to do it

Having a benchmarking program already in place is not a prerequisite to establishing a BPS, but this data can be beneficial to establish targets and tracking for compliance purposes. If you do not have benchmarking already, a BPS and benchmarking program can be established simultaneously. In addition to benchmarking, retuning, audits, and retro-commissioning programs are beneficial programs that can support BPS development.

[Learn more about benchmarking and BPS](#)

Do you currently have updated building energy codes in place?



Though it not a prerequisite for BPS development, it is beneficial to align a BPS policy to existing building codes which may require working closely with local code officials in your jurisdiction. The two policies are complementary and provide compliance check opportunities through the building lifecycle events. Alignment and coordination between BPS and codes is beneficial for developing goals, performance expectations, metrics, and prescriptive packages.

YES

How to do it

Updating existing or establishing new building energy codes for your state or jurisdiction is not a prerequisite to establishing a BPS. However, because these two policies are complementary it would be beneficial to ensure updated building codes are established in your state or jurisdiction and to work closely with code officials to align the policies.

[Learn more about aligning energy codes and BPS](#)
[Request technical assistance from DOE](#)

If you answered YES to most or all of these questions, you are ready and in a great position to adopt a BPS in your jurisdiction. Get started:

- For more information on BPS, visit: <https://www.energycodes.gov/BPS>; to request technical assistance [click here](#)
- For more information about the BPS Coalition, visit: <https://nationalbpscoalition.org/>

How to Develop and Implement Building Performance Standards

This document is intended to serve as a resource for states, cities, and other jurisdictions who want to understand more about the process to develop, implement, track, and enforce a Building Performance Standard (BPS). The steps listed below can serve as a guide, but the process may not always be linear in this way. Many steps, including the prerequisites, can happen in parallel to design & development.

Prerequisites for BPS Development



Data Requirements. In order to implement a successful BPS it is necessary to have building data that is accurate and consistent. Assessing the data you currently have in your jurisdiction is an important first step before BPS development.



Building Programs. If your jurisdiction already requires benchmarking, retuning, audits, retro commissioning, and/or other building transparency programs in place, you are in a great position to adopt a BPS as these programs are complementary. Data from these programs will be helpful for developing targets.



Resources. Substantial long term staffing requirements are needed to support the design, implementation, and enforcement of BPS in your jurisdiction to ensure the program is successful. It is necessary to ensure that funding is in place to design/administer the BPS.



Regulatory Ability. Before you begin developing a BPS, it is imperative to ensure your jurisdiction has the regulatory ability to pass building energy and/or emissions regulations. If you are unsure how a BPS policy could be adopted for your jurisdiction, work with your federal and NGO partners to understand if and how a BPS could best fit within the scope of your regulatory ability.

I. Preparation for BPS Development



Step 1: Develop Policy Goals

Policy goals typically include aspects of both climate and equity and show how the BPS will contribute to energy and/or emissions goals. Goals should consider and mitigate potential impacts to vulnerable communities. A BPS should be designed to make measurable progress for both communities and the climate.

Resources: [USDN BPS: A Framework for Equitable Policies to Address Existing Buildings](#)



Step 2: Establish Stakeholder Engagement

This process involves: identifying interested stakeholders, creating a structure of engagement, and allowing for ongoing engagement throughout at all stages of policy development. This can help align policy objectives with community priorities, solicit feedback from building owners, and ensure equitable outcomes.

Resources: [BPS: Overview for State and Local Decision Makers](#), [USDN BPS: A Framework for Equitable Policies to Address Existing Buildings](#)



Step 3: Building Stock Analysis

A building stock analysis for your jurisdiction will help to determine the buildings, owners, and tenants that will be impacted by the BPS, and it can help identify key strategies and priorities for the policy. This task can be time-consuming, depending on the data and staff/resources you have available for your jurisdiction.

Resources: [USDN BPS: A Framework for Equitable Policies to Address Existing Buildings](#)

II. Design & Development of the BPS Policy



Step 4: Select the Performance Metrics

Performance metric can be energy metrics and GHG or emissions-based metrics, but there are also variations within these categories. Your jurisdiction should choose the metric or combination of metrics that best align with their key strategies to achieve decarbonization goals.

Resources: [EPA Recommended Metrics and Normalization Methods for Use in State and Local BPS](#), [IMT BPS Implementation Guide](#)



Step 5: Establish the Scope of Covered Buildings

The next step to develop the policy is to create a "Covered Building List" (CBL), which establishes all the buildings that are covered by the BPS policy. The CBL should include key characteristics that will be used to determine the BPS targets for each building.

Resources: [DOE Considerations for Creating a Covered Buildings List for a BPS or Benchmarking Program](#)



Step 6: Develop Performance Targets

The target-setting process must take into consideration factors like building type and size, energy reduction potential, and technology deployment timelines in order to set targets that will allow the jurisdiction to cost-effectively and efficiently reach its long-term BPS goal.

Resources: [IMT BPS Implementation Guide](#), [ASHRAE BPS: A Technical Resource Guide](#)



Step 7: Establish the Timeline & Compliance Pathways

First, determine when BPS compliance will begin and the length of compliance. You may also consider different or phased approaches based on building sizes/type. Next, define a process for complying with the BPS, considering prescriptive options and how to support/address resource-constrained buildings.

Resources: [ASHRAE BPS: A Technical Resource Guide](#)



Step 8: Develop the Policy Language

When developing policy language, it is important to ensure equitable outcomes and alignment with existing building codes. Engaging directly with community stakeholders is critical during this process to understand their priorities, concerns, and potential challenges for those who may be impacted by the policy.

Resources: [BPS: A Lifecycle Approach to Building Decarbonization](#), [Model Ordinance for BPS](#), [Short Model BPS Law](#)



Step 9: Develop Support Programs

Determine what support is needed for building owners and identify staff/agencies to develop supportive programs and potential funding streams.

Resources: [DOE Implementation and Administration of Building Performance Standards](#)

III. Adoption of the BPS Regulation



Step 10: Determine the Best Fit within the Regulatory Scope

Work with your jurisdiction leaders and legal team to determine how and where the BPS policy can fit within your legal authority as a jurisdiction for ease of adoption and compliance. For some jurisdictions, a BPS may fit within public health regulations or within environmental regulations.



Step 11: Work with Jurisdiction Leaders to Pass the Regulation

The next step is to get the BPS regulation passed and adopted in your jurisdiction. This may require working with local council members or other leadership and gaining support from your citizens and building owners.

IV. Implementation & Enforcement of the BPS



Step 12: Establish Data Collection Requirements

The recommended approach for data collection is to use standardized data collection tools: ENERGY STAR Portfolio Manager (performance data) and Audit Template (asset data). These two tools provide standard field names, definitions, provide quality checks, and ensure data points submitted are reasonable.

Resources: [BPS: A Lifecycle Approach to Building Decarbonization](#), [DOE BPS Implementation](#)



Step 13: Establish Tracking and Reporting Requirements

Once Portfolio Manager and Audit Template for data collection, the SEED Platform can help jurisdictions aggregate critical program-level data in order to assess compliance with policy requirements. The collected data can be automatically imported into SEED for analysis and evaluation of compliance.

Resources: [BPS: A Lifecycle Approach to Building Decarbonization](#), [DOE BPS Implementation](#)



Step 14: Ensure Compliance and Enforcement

Establishing an enforcement mechanism can help discourage noncompliance. In addition, meeting BPS compliance targets can be especially challenging or burdensome for some building types/circumstances. Establishing alternative compliance pathways should also be considered to offer custom paths to meet BPS requirements based on building specific needs; these may include flexible timing, portfolio compliance, prescriptive pathways, or structured approaches.

Resources: [BPS: Overview for State and Local Decision Makers](#), [IMT BPS Implementation Guide](#), [ASHRAE BPS: A Technical Resource Guide](#)