

Clean Buildings Performance Standard

Frequently Asked Questions

The [Clean Buildings Performance Standard \(CBPS\)](#) applies differently, depending on the size of the covered building. There are Tier 1 and Tier 2 covered buildings.

- Tier 1 covered building (formerly known as covered commercial building): a building where the sum of nonresidential, hotel, motel and dormitory floor areas exceeds 50,000 gross square feet, excluding the parking garage area.
- Tier 2 covered building: a building where the sum of multifamily residential, nonresidential, hotel, motel, and dormitory floor areas exceeds 20,000 gross square feet, but does not exceed 50,000 gross square feet, excluding the parking garage area. Tier 2 covered buildings also include multifamily residential buildings where floor areas are equal to or exceed 50,000 gross square feet, excluding the parking garage area

Review the questions and answers below, if you have additional questions, please contact us using the [customer support form](#) for additional help.

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General Questions

Are there additional incentive funds available for Tier 1 and Tier 2 buildings?

Yes, see the [Early Adopter Incentive Program](#) page for more information.

Tier 2 Covered Buildings

I heard that the Clean Buildings law was expanded. Can you tell me more about the expansion?

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 buildings. Compliance and reporting for this new tier is July 1, 2027. See Tier 2 How to Comply page.

What's the difference between Tier 1 and Tier 2?

Tier 1	Tier 2
Buildings greater than 50,000 square feet	Buildings 20,000 to 50,000 square feet
Does not include multifamily residential buildings	Includes multifamily residential buildings greater than 20,000 square feet

Tier 1	Tier 2
Requirements: Benchmarking, energy management plan (EMP) and operations and maintenance (Q&M) program and performance metric	Requirements: benchmarking, energy management plan (EMP) and operations and maintenance (Q&M) program
Mandatory compliance begins in 2026 for buildings over 220,000 square feet	Mandatory reporting July 1, 2027

Notification Letter & Clean Buildings Portal

When will Tier 2 building owners be notified?

Tier 2 notifications are scheduled for July 2025.

I received a Tier 1 notification letter but my building is less than 50,000 square feet. What can I do to correct this?

Complete the [Clean Buildings Customer Support Form](#). When filling out the form, include a list of the building(s) parcel IDs, the square footage and any additional documentation or information.

How do I access the Clean Buildings Portal?

Tier 2 building owners will have to wait until after July 2025 when Tier 2 notifications are scheduled.

Tier 1 building owners can access the Clean Buildings Portal. Initial access to the Clean Buildings Portal requires an access code found in the Tier 1 building owner notification letter, or the Clean Buildings staff may grant you shared access upon request.

To request a copy of the Tier 1 building owner notification letter or to request shared access, complete the [request form](#). This will provide Commerce staff with the information needed to verify applicants are authorized to view and/or maintain building/parcel information on behalf of the organization. For more information, see Clean Buildings Portal page.

How to I correct my building detail information on the Clean Buildings Portal?

Complete the [Clean Buildings Customer Support Form](#). When filling out the form, include a list of the building(s) parcel IDs, the square footage and the information you're requesting to correct.

What does the Tier 1 Building Owner Notification Letter say?

Review the Tier 1 [Building Owner Notification Letter template \(PDF\)](#).

Compliance

What can I do to get started with compliance?

Compliance with the Clean Buildings Performance Standard is different depending on the size of your building.

- Visit the Tier 1 [How to Comply webpage](#) to help you get started.
- Visit the Tier 2 [How to Comply webpage](#) to help you get started.

- Visit the [Support and Resources webpage](#) for resources that can assist with compliance, including a directory of qualified persons, and a directory of energy auditors.

My building is a Tier 1 covered building. I want to hire a professional to help me with compliance. Do you have a directory?

The [Support and Resources webpage](#) provides additional resources that can assist with compliance. There you can find a directory of qualified persons and energy auditors.

I'm a consultant assisting a building owner with compliance. How can I gain access to the Clean Buildings Portal?

Commerce can assign several people to access the same building(s). Please complete the following:

- Have each person who requires access complete the [Shared Access Request Form](#). This will provide Commerce staff with the information needed to verify applicants are authorized to view and/or maintain building/parcel information on behalf of the organization. If you are an external consultant, please attach supporting documents that prove authorization.
- Have each person who requires access [set up a SAW Account](#).
- [Add the Clean Buildings Service](#) using the first option; **I have been given a code by an agency**. Then enter the code **CBPS21**.
- Shared access will be granted when steps (above) have been completed by the applicant and verified by Commerce staff.

Do churches or other non-profits need to comply with the Standard?

If a building owned by a church or non-profit meets the definition of a Tier 1 or Tier 2 covered building, it will need to comply.

My building participates in the City of Seattle's Benchmarking and Tune-Up program, does it still need to comply with the Standard?

Yes, the Clean Buildings Performance Standard is more stringent than Seattle's Building Tune-Up program, although certain elements are similar.

The CBPS requires Tier 1 covered buildings to meet a performance metric:

- the building(s) energy use intensity (EUI) meet the target EUI metrics shown in [Annex Z, Table 7-2a](#), or;
- investment in all cost-effective energy efficiency measures as determined by the Standard.

The CBPS requires Tier 2 covered buildings to benchmark the building energy use intensity (EUI).

All Tier 1 and Tier 2 covered buildings must implement an energy management plan and operation and maintenance program as specified by the Standard.

My building is a senior care facility, does it need to comply with the Standard?

Nursing homes (skilled nursing facilities) and senior care/assisted living facilities are considered institutional occupancies according to Washington state building codes. Institutional occupancies are considered Tier 1 covered buildings by the standard.

- A Tier 1 building is a building where the sum of nonresidential, hotel, motel and dormitory floor areas exceeds 50,000 gross square feet, excluding the parking garage area.

- Nursing homes and senior care/assisted living facilities shall comply with the Clean Buildings Performance Standard:
 - Tier 1 covered buildings requirements if the area of institutional occupancy is greater than 50k square feet or
 - Tier 2 covered buildings requirements if the area of the institutional occupancy is greater than 20K square feet, but does not exceed 50K square feet.
- See CBPS Table 7-2a line 54 Healthcare – Residential care facility, and line 55 Healthcare – Senior care community

Senior living residential communities intended for retirement communities that offer independent living are considered a multifamily residential occupancies according to Washington state building codes. Multifamily occupancies are considered Tier 2 covered buildings by the standard.

- A Tier 2 building is a building where the sum of nonresidential, hotel, motel and dormitory floor areas exceeds 20,000 gross square feet, but does not exceed 50,000 gross square feet, excluding the parking garage area. Tier 2 covered buildings also include multifamily residential buildings where floor area exceeds 20,000 gross square feet, excluding the parking garage area.
- Senior living residential communities shall comply with the Clean Buildings Performance Standard:
 - Tier 2 covered buildings requirements if the area of the multifamily occupancy is greater than 20K square feet.

The building’s occupancy permit should list the occupancy designation. You may also check with the building department if you cannot find the record on-site.

If you are still uncertain about the designation of your facility, please [contact us by filling out the customer support form](#).

Does my building need to be sub-metered in order to comply with the Standard?

No, a building is not required to be sub-metered to comply with the Standard. Please review the [submetering documentation](#) for additional information.

If Tier 1 covered buildings subject to the Standard, that are not independently metered and thus cannot measure an energy use intensity (EUI), may either use the Section 5.2.1.1 connected building reporting pathway, or comply with the [investment criteria](#).

My building has multiple tenants. How do I create an ESPM account and create and EUI for the buildings when I don't have access to tenant utility data?

State law requires utilities to report utility data to building owners with three or more tenants. If you have two or fewer tenants, you will need to have them sign a waiver provided by the utility to release the data to you, or the tenant can obtain the data from the utility provider.

In accordance with [RCW 19.27A.170 \(8\)](#), for any Tier 1 building with three or more tenants, an electric or gas utility must, upon request of the building owner, provide the building owner with aggregated monthly energy consumption data without requiring prior consent from tenants.

Exemptions

What is the list of exemptions for the Clean Buildings Performance Standards?

The complete list of exemptions and details can be found in [RCW 19.27A.210\(7\)\(c\)](#) and Section Z4.1 of the Standard. Learn more about each exemption in guidance documents 21(a)-(g) in the [CBPS Document Library](#).

Exemptions include:

- No certificate of occupancy
- At least 50% of conditioned floor area is unoccupied
- Less than 50,000 square feet of conditioned space
- More than 50% of floor area designated as Factory Group F or High Hazard Group H by the Washington state edition of the International Building Code (WA IBC)
- Agricultural structures
- Building is pending demolition
- Financial hardship

My building is exempt. How do I let Commerce know?

Exemption applications may be submitted to Commerce through the [Clean Buildings Portal](#):

- Three years prior to Tier 1 covered buildings compliance deadlines, and
- Two years prior to the Tier 2 covered buildings compliance deadline

Initial access to the Clean Buildings Portal requires an access code found in the building owner notification letter, or the Clean Buildings staff may grant you shared access upon request.

For Tier 1 covered building, within six months before the compliance date, building owners who have received exemption approval must certify that the building still meets the eligibility qualifications for the exemption and that there have been no material changes to qualifying conditions. Commerce will provide a one-page declaration for exempted building owners to sign.

What supporting documentation do I need to apply for an exemption?

A list of acceptable documents can be found in:

- Specific exemption guidance documents in the [CBPS Document Library](#) OR
- [Clean Buildings Performance Standard](#), Annex Z6.7(4)

Are my agricultural structures “covered buildings” requiring the submittal of an exemption application for the Clean Buildings Performance Standard (CBPS) compliance?

Yes, if your agricultural structures meet the definitions of a “building” and either “Tier 1 covered building” (more than 50,000 sf) or “Tier 2 covered building” (more than 20,000 sf to 50,000 sf), then it is considered a “covered building” and requires submittal of an exemption application to qualify for the agricultural structures exemption. Successful exemption applications satisfy CBPS compliance, for each five-year compliance cycle.

However, if your agricultural structures are not enclosed, (e.g. a canopy or carport, roof without walls; or a pen or stalls, walls without roof) then the structure would not meet the definition of a “building” and would be considered not covered. In these situations, the Clean Buildings Team requests you contact us in order to correct your records in our database. Buildings that are not covered do not require submittal of an exemption application.

If you have questions, or need assistance to determine whether your structures are “covered buildings” or buildings that are not covered, please email buildings@commerce.wa.gov.