

Implementation and Administration of Building Performance Standards

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Introduction

As building performance standards (BPS) gain traction across the US, jurisdictions large and small are faced with the challenge of implementing and administering these new policies. This guide is specifically tailored for jurisdictions that are ready to dive into the details of how to structure, implement and administer a newly enacted BPS, along with best practices from jurisdictions that are on the forefront of BPS implementation efforts.

1. Key Start-Up Responsibilities

- 1.1 Confirming the lead public agency**
- 1.2 Establishing a stakeholder advisory board**
- 1.3 Creating a "Covered Buildings List" (CBL)**
- 1.4 Developing a compliance web portal**
- 1.5 Establishing a help desk**
- 1.6 Creating reference/guidance materials**
- 1.7 Delivering initial notifications to covered buildings**
- 1.8 Creating & dispersing initial outreach/trainings**
- 1.9 Disclosing public data, as appropriate**
- 1.10 Coordinating with various building data entities**

1.1. Confirming the lead public agency

Establishing the lead public agency for both the implementation and administration of your BPS is one of the first items to consider. Departments of Buildings (DOB's) are a primary candidate as they usually maintain the best and most up to date infrastructure for the existing state of buildings and oversee code compliance across a jurisdiction. It should be noted that BPS compliance is distinct from other DOB engagement processes because they are administered

on a calendar year or multi-year basis, whereas most DOB engagements align with major construction projects at buildings. Several jurisdictions have chosen to administer their BPS as a new team under their mayor's/governor's offices, some through their environmental regulation office, and others have created new environmental regulation/sustainability offices. Regardless of where the team is established, it is very important that the team engages with agencies outside their office to foster communicative and cooperative relationships early in the process. If your jurisdiction is already administering a benchmarking ordinance, consider leveraging your existing infrastructure, as benchmarking teams have many of the core components and cycles needed to run a successful BPS.

1.2. Establishing a stakeholder advisory board

A stakeholder advisory board is a board of stakeholders like building owners, occupiers, vendors, trade groups, and NGO's who have a vested interest in the BPS implementation and administration. Stakeholder advisory boards are important well past the policy making process. Through policy making, rulemaking, implementation and administration, a stakeholder advisory board helps to ameliorate complex situations (vague policy language, calculation methods and parameters, etc.) and gets early buy-in on standard rule-making components. It should also be noted that stakeholder advisory boards can be useful across the entire life cycle of the BPS in helping to evolve the regulation as needed. Boards can meet at frequencies ranging from bi-weekly to quarterly, depending on external timelines and scope. The stakeholder advisory board can be successfully managed by internal leadership, an internal team member with stakeholder engagement responsibilities/experience, or by a third party NGO. All three of these models have proven effective across different jurisdictions.

1.3. Creating a "Covered Buildings List" (CBL)

Implementing a successful BPS requires accurate and standardized building data. The first step towards gathering standardized building data is developing a CBL. A CBL consists of all the buildings covered by the BPS.

The CBL should define what a "building" is in the context of the BPS policy and include key characteristics, itemized below, that will be used to determine the performance targets. In the development of the CBL, multiple data sources may be required and will vary depending on what buildings are

included, such as jurisdiction-owned buildings vs privately-owned buildings.

Data sources:

- Tax lot
- Parcel data
- Benchmarking submissions/CBLs

Data for the CBL should include:

- Unique building ID
- Physical address
- Owner, or manager contact information
- Gross floor area
- Year built
- Occupancy type
- Number of buildings
- Last renovation year

When matching data from different sources, a common identifier between the data files is necessary. The common identifier can be a previously established ID like tax assessors, audit/benchmarking, or, less ideally, street address. The common identifier can be newly established using the Department of Energy’s Unique Building Identifier (UBID)

Once the CBL is developed, data quality checks should be performed to determine potential errors such as duplicate buildings, buildings that fall outside the bounds of the BPS policy, inconsistent naming conventions, and inconsistent units. Erroneous data should be investigated and, if no corrections can be made, deleted. See the EERE Quick Guide “Considerations for Creating a CBL for a BPS or Benchmarking Program”.

1.4. Developing a compliance web portal

One of the biggest opportunities to create a streamlined and efficient compliance process is the development of a web portal for compliance submissions. Due diligence is critical at this stage, as certain development choices for your software platform and web portal will have long-term ramifications on the success and upkeep of your BPS and potential help desk capabilities (see section 1.5)

Two key design dimensions must be considered:

1) Customizability vs. ‘out-of-the-box’ software

An ‘out of the box’ software may be easier to implement but has limitations on customizability. Conversely, a more customizable platform requires initial investment in the programming and design but allows for more flexibility to tailor the system to your BPS needs.

2) Self-managed vs. ‘as-a-service’ model

A self-managed web portal is hosted internally and would require sufficient internal IT infrastructure (including security and software updates) but can reduce costs relative to subscribing to a ‘as a service’ model. The ‘as a service model’ outsources this infrastructure to a third-party vendor. Therefore, it is typically much easier to implement but the drawbacks are higher ongoing costs and potential risks of relying on a third-party vendor.

	PROS	CONS
Customized	Flexibility to create completely custom solution(s)	More expensive/time consuming
vs		
Out-of-box	More affordable and efficient implementation	Lacks flexibility because it's a pre-made or templated solution
Self-managed	A long-term solution that saves money and will pay off it's costs over time	Initial start-up costs for developing the infrastructure for long-term operation/maintenance
vs		
As-a-service	The infrastructure is outsourced to a 3rd party with minimal up-front costs	More expensive in the long run to pay a third party and increasing fees

Ultimately, consider what dimensions are important to your jurisdiction and what amount of effort is realistic. It is strongly recommended that many vendors and software packages are evaluated in the process, across both design dimensions, to give multiple perspectives on the best decisions for your agency.

A well-designed web portal provides benefits such as automation, reduced staffing needs, data quality, data standardization, and data centralization. Further, the web portal design process forces an agency to consider standardization early in the implementation timeline. Special circumstances, alternative compliance paths, and custom calculations are all elements that can make a BPS more sophisticated, but also add administrative burden and are not as easily supported as native aspects of a web portal.

1.5. Establishing a help desk

A help desk provides a critical link between the BPS requirements and individual building owners. Help desks can increase compliance rates by preventing confusion and frustration amongst building owners new to the process requirements. It can also increase compliance rates by connecting building owners to resources, knowledge, and guidance.

Although agencies may separate BPS and benchmarking policies, many building owners may consider the BPS requirements as an extension of benchmarking. To that end, jurisdictions with existing benchmarking help desks may consider expanding their existing benchmarking help desk to cover the new BPS requirements.

1.5.1 Key help desk responsibilities & limitations

It is important to clearly and succinctly define the help desk's scope of responsibilities and limitations. The help desk may be a simple resource to address compliance questions or a fully staffed resource center to support the BPS compliance process. A common example of a limitation is that the help desk cannot assist with every step of BPS compliance due to the complexities of potential retrofits. The following is a list of key responsibilities that need to be considered when forming or partnering with an existing help desk.

Key responsibilities:

1. Handle inbound questions, concerns regarding compliance
2. Troubleshoot IT issues with portal, refer to EPA for ESPM support as needed
3. Referral programming: Escalate issues as needed to experts in different offices
4. Share reference materials

Defining your help desk scope

Complex

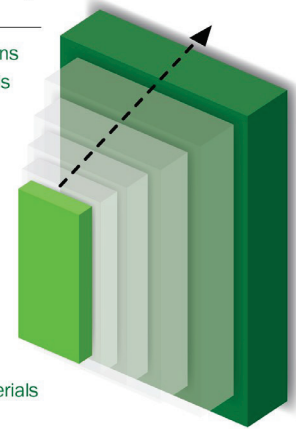
- Analyze specific retrofit recommendations
- Review draft scopes of work/vendor bids
- Ability to conduct on-site and/or virtual energy audits

Moderate

- Assistance connecting building owners to financial resources
- Benchmarking/target analysis
- Assistance with alternative compliance pathways

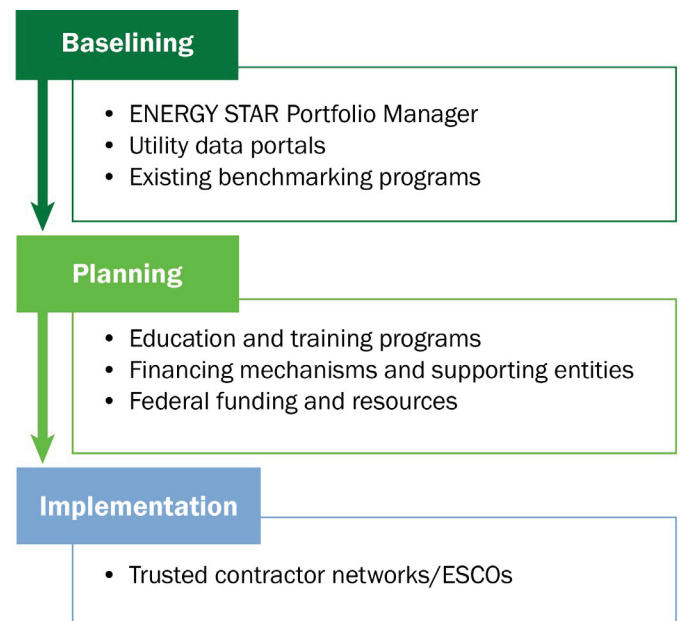
Basic

- Referral program
- IT troubleshooting
- Library of resources and reference materials



1.5.2. Referral programming

One of a help desk's most important tools is the ability to refer building owners to other entities that can best support their needs. The following represent entities that can support building owners at various phases of the compliance process.



Case Study: Denver, CO

Denver compiles a directory of Benchmarking and Energize Denver Service Providers. The directory lists individuals that have completed the city's benchmarking training and/or Energize Denver training. The city notes that the service providers' qualifications have not been vetted by the city and the list is not an endorsement of their services.

1.6. Creating reference/guidance materials

Robust reference and guidance materials are another important aspect of managing the administrative load of your program. Besides being core to initial outreach and building owner engagement, these materials serve as the first line of communication for potential questions. Reference and guidance materials can consist of frequently asked questions, technical manuals, shortened PDF instructions on different topics, full-length training videos, and shortened topical videos. Robust and intuitive materials can significantly reduce the workload of your help desk and core team.

Example guidance materials:

- ↶ ↷ [Washington, D.C. help desk](#)
- ↶ ↷ [Washington State document library](#)
- ↶ ↷ [Denver, CO technical materials](#)

1.7. Delivering initial notifications to covered buildings

Getting support from a communications team is recommended to properly notify buildings that are subject to the BPS. The notification should be clear on which building is being referred to and what deadlines are relevant. Proper procedures should be utilized to deliver initial notifications to buildings like using multiple delivery channels and notifying registered agents in addition to building owners. Examples of delivery channels include newsletters, email blasts, and standard mail. Each delivery channel may have challenges like undeliverable mail in the case of standard mail or outdated email contacts in the case of email blasts.

Case Study: Undeliverable mail in Washington State

Because Washington State did not have email addresses for building owners, they decided to send hard copy notification letters via USPS. The state considered sending the notification letters to the building addresses but decided against that approach due to significant cost increases and wanting the notification letters to go to building owners as opposed to building occupants. Extensive quality assurance was done on the covered buildings list, including validating building owners' addresses, however there was still a large volume of returned notification letters that were deemed undeliverable. Of about 12,000 letters sent, approximately 10% were returned to sender. Washington State found additional public data sets that were cross referenced to update addresses. And in some instances, the state individually tracked down addresses through business licenses or county permit offices.

1.8. Creating & dispersing initial outreach/ trainings

Initial outreach, training materials, and training sessions are critical to early adoption and proper compliance of individual buildings covered by BPS. The target audience should be building owners, building managers, designers, contractors, and vendors. Robust and well-attended training sessions can also lead to fewer inbound inquiries during compliance deadlines.

1.9. Disclosing public data, as appropriate

Many jurisdictions plan to utilize data gathered from their BPS ordinance (and/or from associated benchmarking programs) to create public reports or data disclosures. Consider the additional effort associated with annual or periodic delivery of such datasets and reports. Also consider collaboration with local academic institutions on the development of output reports/disclosures (e.g. – NYU Collab on NYC Energy + Water Performance Map)

1.10. Coordinating with various building data entities

1.10.1 Benchmarking departments & audit programs

If the jurisdiction already has a benchmarking or audit program established, the information collected for those programs will be extremely useful for developing the BPS. Existing benchmarking ordinances and audit programs can help inform the covered building list for the BPS as well as provide building energy consumption and equipment information for performance target setting.

1.10.2. Utility companies

Building Energy Consumption Data: One method for obtaining building energy consumption data is through the utility company. This data can be entered manually into a tracking system but automated collection from the utilities is preferable. To automate the data collection and input process, the utility must have that capability. Utility companies may also offer aggregated whole building data. For example, EPA's ENERGY STAR has a [map of utilities](#) that will provide "web services" to connect to the ENERGY STAR Portfolio Manager web platform. Depending on the utility, they may be able to provide interval data (such as 15 minute) or aggregated data (monthly or yearly).

Utility Energy Efficiency Upgrade Programs: Many utilities also have Energy Efficiency (EE) programs that can provide rebates or incentives for upgrading a building for improved energy performance. It is important to coordinate with utilities to understand where these programs stand today and how they may evolve over the course of the BPS timeline. Cooperation with utility programs also presents an opportunity to target incentives towards disadvantaged communities and others that may face financial barriers to BPS implementation.

1.10.3. Tax assessment departments

When creating a covered buildings list (see section 1.3 “Creating a “Covered Building List” (CBL) above), a good place to start is the local Tax Assessors office. They can help with CBL creation by providing a list of buildings that fit the BPS criteria, share their records of building floor area and building type, and may have an electronic copy of the parcels.

Tax assessor departments may differ from one jurisdiction to the next so some may have more detailed building information like land use category and property sub-type. Others may not have that and a the lack of detail may be a potential issue in determining if the building should be included in the BPS. A second limitation is that the tax assessor’s parcel files may not cover cases of multiple buildings on one parcel or one building spanning multiple parcels.

1.10.4. Permitting departments

Data from permitting departments may be useful for obtaining information about a building’s energy efficiency upgrades. This information can help characterize building types and help establish reasonable BPS targets for those buildings.

2. Key Ongoing Responsibilities

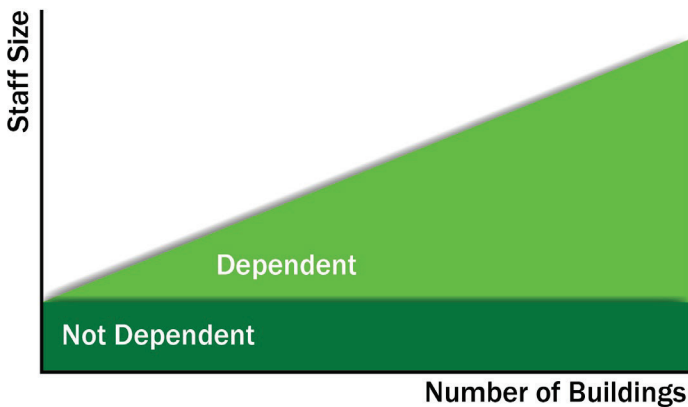
- 2.1. **Overseeing BPS implementation**
- 2.2. **Annually assessing building performance**
- 2.3. **Internal technical resourcing**
- 2.4. **Maintaining & updating compliance web portal**
- 2.5. **Ongoing program & policy outreach**
- 2.6. **Supporting equity & responsibilities**
- 2.7. **Handling inbound inquiries & supporting building owners**
- 2.8. **Auditing & validating building performance reports**
- 2.9. **Reviewing exemptions, alternative compliance pathways, & special cases**
- 2.10. **Enforcement**

The following topics go into detail on the core ongoing responsibilities associated with implementing a BPS and should be carefully considered when developing a long-term staffing plan for your BPS implementation.

The following responsibilities have been divided into two buckets:

- 1) those that are *not dependent* on the number of covered buildings and
- 2) those that *are dependent* on the number of covered buildings

For example, if your BPS policy has a covered building list that changes over time, resourcing for tasks in bucket 2 may need to increase accordingly.



2.1. Not Dependent on Number of Covered Buildings

2.1.1. *Overseeing BPS implementation*

Oversight of the implementation process requires leadership, strong organization skills, strong time management skills, and continuous engagement with key stakeholders.

2.1.2. *Annually assessing building performance*

Establishing and administering protocols for annual energy assessment is always done in coordination with existing benchmarking protocols. Jurisdictions without a benchmarking ordinance must budget significant additional effort for benchmarking implementation.

2.1.3. *Internal technical resourcing*

Methods for calculating building performance and calculating targets can vary significantly between jurisdictions and needs to be considered as part of internal technical resourcing. This could include the development and distribution of tools, integration of calculations into web portals, and QA/QC/Auditing processes to ensure accuracy.

2.1.4. *Maintaining & updating compliance web portal*

Once a compliance web portal has been established, ongoing maintenance and updates requires support by a contractor or internal IT team. The web portal team should also have the bandwidth to update the compliance web portal with new guidance, deadlines, and any changes to the ordinance.

2.1.5. *Ongoing program & policy outreach*

Ongoing program outreach is important and should utilize any existing communication channels like contact lists from benchmarking ordinances, press releases, and leave behinds at building departments. Time and resources should be devoted to deadline reminders, dispersing updated guidance materials, outreaching to newly eligible buildings, etc.

2.1.6. *Supporting equity & responsibilities*

Resourcing for equitable and just delivery of a BPS is often underestimated but presents an important opportunity for jurisdictions to ensure that all buildings covered by the BPS policy reaps the benefits of energy efficiency improvements. Three of the most important policy mechanisms that have been used to drive equitable BPS implementation are enhanced help desk support for disadvantaged communities, equity-targeted financial incentives, and revolving green funds.

The city of Denver established equity priority buildings that receive additional help desk guidance and support throughout their compliance cycles. The city of Boston, through their BPS legislation, established the Equitable Emissions Investment Fund which is funded by having fines and compliance payments that are then allocated to environmental justice projects. Washington, D.C.'s Affordable Housing Retrofit Accelerator supports affordable multifamily buildings with BPS compliance by offering financial assistance and 1-on-1 technical guidance for eligible buildings. Washington State is leveraging their early compliance program by reserving half of the funding for first come, first served and reserving the other half for buildings and/or owners that meet certain equity criteria. Some criteria they are using are affordable multifamily housing, buildings in rural communities, buildings in communities with the highest risk score on Department of Health's environmental health disparities map, and buildings with the highest energy use. These mechanisms, and others not mentioned, require oversight and administration and therefore resources within your BPS team.

2.2. Dependent on Number of Covered Buildings

2.2.1. Handling inbound inquiries & supporting building owners

The importance of handling inbound inquiries from building owners, especially early in the BPS implementation process, cannot be overstated. This is typically handled by a help desk, as described in section 1.5, which may be run either internally by your BPS team, externally by a third party, or a combination of the two. Regardless of the help desk's make up, they should be supported by the BPS team who are the experts in the BPS legislation and can fill in any gaps in knowledge or resourcing that the Help Desk may encounter.

2.2.2. Auditing & validating building performance reports

Technical review of building energy/emissions reports is typically performed at two levels: 1) High level data quality checks that are performed on every submission and 2) detailed audits. The first process can largely be automated while the second requires a closer look. Detailed audits might be performed on QC-flagged submissions, a random sampling of submissions, or be required at a lower frequency (e.g. once every five years). This second level of technical review is significantly more labor intensive and requires energy benchmarking expertise.

The BPS team should consider how stringent their data auditing and validation process is and how many detailed audits are estimated to be done each year. A jurisdiction can also consider putting the responsibility for the detailed audits on the building owners, through third party review protocols.

Case Studies: Supporting Equity

Denver, CO: Established equity priority buildings that receive additional help desk guidance and support throughout their compliance cycles.

Boston, MA: Through their BPS legislation, established the Equitable Emissions Investment Fund which is funded by having fines and compliance payments that are then allocated to environmental justice projects.

Washington, D.C.: The Affordable Housing Retrofit Accelerator supports affordable multifamily buildings with BPS compliance by offering financial assistance and 1-on-1 technical guidance for eligible buildings.

Washington State: Leveraging their early compliance program by reserving half of the funding for first come, first served and reserving the other half for buildings and/or owners that meet certain equity criteria. Some criteria they are using are affordable multifamily housing, buildings in rural communities, buildings in communities with the highest risk score on DOH's environmental health disparities map, and buildings with the highest energy use. These mechanisms, and others not mentioned, require oversight and administration and therefore resources within your BPS team.

2.2.3. Reviewing exemptions, alternative compliance pathways, & special cases

Exemptions, alternative compliance pathways, and special case considerations are important for a nuanced and equitable BPS policy but can also increase the required administrative effort significantly. Even simple exemptions require paperwork to be filed and reviewed. Each alternative compliance pathway may require unique elements for both submission and review – Furthermore, certain alternative compliance pathways may require in-house building energy expertise for robust review of submissions.

2.2.4. Enforcement

The future enforcement of your BPS policy should also be considered. Enforcement could involve a variety of mechanisms based on the details of your BPS policy, so it is important for the compliance administrator(s) to have a wide range of experience with the included mechanisms to ensure a streamlined process. If your jurisdiction has existing enforcement infrastructure for programs like building energy codes, building permitting, and/or environmental health and safety, determine if there are opportunities to leverage the systems or procedures.

3. Staffing

3.1. Skillset recommendations

3.2. Full-time employees (FTE's) & resourcing

3.3. Examples of BPS staffing

Section 3.1 serves to outline the recommended skillsets that the members of your BPS implementation staff should encompass. The number of full-time employees (FTE's) and names of roles are at the jurisdiction's discretion because they are dependent on the candidate pool, skillsets of the eventual hires, and the nuances of your BPS policy. Section 3.2 highlights important considerations that should be made when determining the number of FTE's.

3.1. Skillset recommendations

3.1.1. Leadership

It is important to have leadership in place to own the implementation process and garner buy-in from key stakeholders both inside and outside of the organization. A leader should have experience with policy making, stakeholder engagement, and project management to ensure all pieces of the BPS implementation are developed in strong coordination. The leadership staff should oversee program direction and management.

3.1.2. Energy analysis and/or energy benchmarking

This staff member requires someone experienced in managing and analyzing benchmarking data for the purposes of delivering actionable insights to policy makers and/or building owners. An individual with this skillset should have direct experience with benchmarking buildings and comparing those benchmarks to peers via benchmarking datasets. While they may not be able to deliver a comprehensive roadmap that allows a building to meet a compliance target, they should be able to tell a building or portfolio where to focus their time, based on submitted energy data.

Staff that have worked on benchmarking help desks are well suited to fit this role for a jurisdiction. A background in data analysis/statistics has also been proven to be very valuable for this position based on jurisdictions that were interviewed for this guide.

3.1.3. Building performance

Successful BPS implementation requires experience in the topic of whole building energy/environmental performance. While someone with building energy analysis/benchmarking expertise can support and deliver a benchmark or score for a building, building performance expertise focuses on *improving* that energy score through energy audits, retrofit management, retro-commissioning/tune-ups, and major retrofit work at a building.

On-site experience working with chief engineers or building operators is extremely valuable, as this helps define substantive pathways for building compliance with BPS targets. Experience with energy modeling at individual buildings is a definite plus.

3.1.4. Compliance administration

This staff does not necessarily require subject matter expertise around building energy or building performance but should have experience in regulatory compliance processes and stakeholder engagement.

For jurisdictions with larger covered building lists or complex compliance pathways, consider compliance administration staff that can manage an enforcement team, drive outreach, and facilitate policy communications. For jurisdictions that have small to moderate sized covered building lists, this skillset can be combined with the others and assigned to a cross-functional team member.

A detail-oriented candidate with experience in operations, data management, and/or process management may be able to satisfy your compliance administration needs and take on other responsibilities. Strong candidates may have prior subject matter expertise, communications experience, or are willing to learn on the job.

3.2. Full-time employees (FTE's) & resourcing

Each BPS implementation and jurisdiction is unique so the total resourcing needed to deliver a successful BPS compliance program will vary significantly based on the factors described throughout this document.

3.2.1. Assigning tasks & roles

In order to assign an appropriate level of effort, review the Key Ongoing Responsibilities section and take note of how each task will manifest in your jurisdiction. This can be quantified in either work hours per year or full-time employees (FTE's). Once you understand the tasks required and the associated level of effort, you should assign roles to

each task to define three responsibilities: 1) who is primarily responsible for the task, 2) who supports the task, and 3) who is tangentially involved with the task. This effort will give you a bottom-up idea of the time commitments and roles within your BPS implementation team.

The visual below is an example of how responsibilities can be assigned to skillsets:

	Leadership	Energy analysis and/or energy benchmarking	Building performance	Compliance Administration	Help Desk Support
Oversee BPS implementation	Primary	Involved	Involved	Involved	Involved
Annually assessing building performance	Support	Involved	Primary	Support	Support
Internal technical resourcing	Support	Involved	Involved	Primary	Primary
Maintain/update we portal for building BPS submission + review	Support	Involved	Involved	Primary	Primary
Ongoing outreach about program/policy	Support	Primary	Support	Involved	Involved
Equity support and responsibilities	Primary	Support	Involved	Involved	Involved
Handling inbound inquiries/building owner support	Involved	Support	Support	Primary	Primary
Auditing/validation of building emission reports	Involved	Support	Support	Primary	Primary
Review exemptions, alternative compliance submissions, special cases	Involved	Involved	Primary	Support	Support
Enforcement	Involved	Involved	Involved	Primary	Primary

- Primary
- Support
- Involved

Dependent on number of covered buildings

3.2.2. Important policy components that impact resourcing

There are several policy components that potentially have significant impacts on BPS administration and associated resources. If your BPS policy includes any of the following, plan for additional resourcing accordingly:

Policy components to consider when resourcing

1. Alternative compliance pathways (Number of pathways and how many buildings could potentially apply them)
2. Provisions for timeline adjustments
3. Prescriptive pathways (Energy Audits, Re-Tuning/Retro-Commission, implementation of certain ECMs)
4. Renewable Energy Credit (REC)/ Greenhouse Gas (GHG) Offset accounting / management
5. Custom normalization methods
6. Custom emissions factors for district systems, electricity
7. Building stock exemptions

3.2.3. Complementary staffing options

In addition to internal staff, successful BPS teams can rely on third parties and supportive entities. External support may also make the BPS implementation more cost-effective for the jurisdiction. The following are examples of third parties that can help minimize internal staffing needs and bring skillsets that may be missing internally:

Example of external organizations that may support your BPS needs

1. Resource hubs, financing hubs
2. NGO Partner Organizations
3. Regional Academic Institutions
4. Fellowship Programs (e.g. - FUSE)
5. Equity support groups, affordable housing departments
6. Other building owner support hubs

	Leadership	Energy analysis and/or energy benchmarking	Building Performance	Compliance Administration	Help Desk Support	
Washington, D.C.	2 Employees	3 Employees	3 Employees	2 Employees	N/A	Total Full Time Employees: 10
	1 x Branch Chief 1 x Program Manager of Equity Programming	2 x Engineering/ Building Science Expert 1 x Benchmarking Support Specialist	2 x Senior Inspectors 1 x Junior Inspector (to support energy auditing and other technical needs)	1 x Enforcement Administrator 1 x Outreach/Engagement Coordinator	In-House (cross-functional)	Third party support: Tracking platform provides direct user support.
Denver, CO	2 Employees	1 Employee	2 Employees	4 Employees	N/A	Total Full Time Employees: 9
	1 x Lead Program Manager 1 x Equity Administrator (to assist equity priority buildings)	*Supported by Operations + Data Administrator	1 x Manufacturing/Agricultural/Industrial Administrator (designing all for this specific sector) 1 x Small Building Program Administrator (to manage prescriptive program)	1 x Compliance Administrator (to focus on ACP, support and plan stakeholder engagement, design target and timeline adjustment processes, and manage nuanced buildings) 1 x Municipal position for municipal buildings 1 x Operations + Data Administrator (to manage the vendor contracts, bills, procurement, data analysis etc.)* 1 x Part-time communications; ~33% of FTE 1 x Intern; ~50% of FTE (to perform equity outreach and assist small building program) 1 x Enforcement Administrator (to be hired in 2026)		Third party support: Help desk is contracted out. Compliance administration third party processes annual benchmarking reports, applications for target and timeline adjustments, and do the analysis to determine compliance status. They also create mailing lists for compliance notices, benchmarking citations, and future BPS penalties.
Montgomery County, MD	2 Employees	1 Employee	3 Employees	N/A	1 Employee	Total Full Time Employees: 7
	1 x Energy & Buildings Section Chief 1 x Building Energy Performance Programs Manager	1 x Building Data Analytics Manager	1 x Multifamily Energy Performance Programs Manager 1 x Technical Compliance Manager/Senior Engineer* 1 x Building Energy Performance (BEPS) Stakeholder Engagement	*Supported by building performance engineer	1 x Admin Support/Hotline Program Specialist	

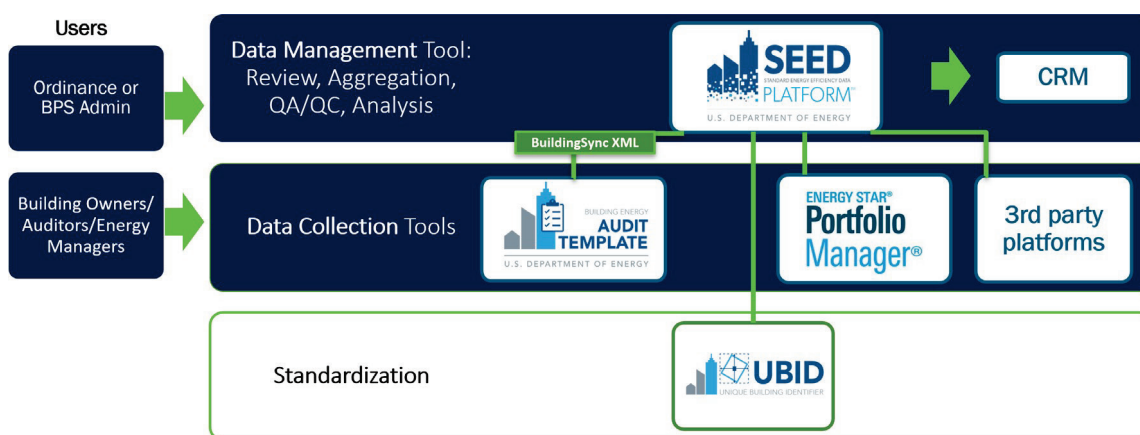
4. Best Practices + Tips

Prepare for surges around compliance deadlines

The annual cycle associated with BPS compliance creates time management challenges for full-time staff members as deadlines approach. Try to get ahead of tasks (stakeholder engagement, IT/Portal work, trainings, etc.) that can be completed outside of the deadline period, so that staff time can be fully focused on deadline-specific tasks when the time comes. Also consider supplementary/temporary/seasonal staffing ahead of compliance deadline periods.

Plan your software infrastructure as early as possible

Your software ecosystem is a key driver of resourcing needs and early consideration of your infrastructure will allow for the biggest gains in efficiency. Early consideration gives you the runway to tailor your BPS policy/rules around system constraints and allow you to fully leverage existing infrastructure (internal and external to the organization). Spreadsheet-based approaches can fall short when it comes to the volume and complexity of the data management requirements and consideration of DOE tools should be done. Early and thorough consideration also decreases the chance of having to migrate software later which can often be time and energy intensive.



Build a referral network for inbound inquiries from building owners

Great resources and assistance networks exist both nationally and regionally that can provide day-to-day support for your BPS policy. You should expect large amounts of inbound inquiries immediately when the ordinance is first communicated to building owners and again when compliance deadlines near. Having a strong referral network is crucial to inquiry load management and to ensuring all buildings get the support they need for compliance. Locally, consider partnering with regional energy centers, state energy programs, utilities, and existing benchmarking help desks. Nationally, consider partnering with groups like the Better Buildings Initiative (Better Climate Challenge) and the Building America Solution Center.

Craft your job titles and requirements carefully

BPS policies are still new so candidates may not have direct experience in BPS implementation. Therefore, job titles and descriptions should be aligned with desired skillsets as opposed to BPS-specific tasks or responsibilities. Furthermore, be sure to separate the experience truly required for a position from what can be taught. These two tips will allow you to cast a wider net for recruitment.

Engage with legal support early in the process

Legal interpretation of ordinance or rule language is a key driver of what is and is not possible relative to your implementation process. Early legal review of ambiguous language/stipulations can help jurisdictions anticipate and address potential challenges in the implementation process. It can also avoid spending time on policy elements that ultimately cannot be included in final passage.

Consider geographically nested policies

While not applicable to all jurisdictions, the proliferation of BPS policies across the country has led to certain circumstances where a state-level policy may overlap with a city-level policy. Geographically nesting or overlapping BPS policies on the state, county, or city level should be considered for several reasons. For one, coordination of rule-making processes and implementation processes can prevent confusion and frustration with building owners. Nested policies also present an opportunity for sharing support and systems between jurisdictions.

Workforce development & training programming

A successful BPS will foster an expanded workforce across all stages of the building life cycle as personnel will be required to implement, maintain, and improve performance at the building level. This workforce is typically made up of building managers with energy expertise, energy/MEP engineers, energy auditors, commissioning professionals, contractors, energy modelers, etc.

Fostering this workforce can be done through training programming like in person trainings, recorded webinars, and reference guides.

Connection to energy codes program offices

Even if your BPS team is separate from your energy codes office, collaboration is crucial to ensure alignment between building code enforcement and BPS requirements. Coordination with your energy codes office is an opportunity to support cost-effective BPS compliance because the new BPS requirements will have implications that can be planned for during new construction and major renovation projects.

Early compliance is a powerful tool

Early compliance, or early adoption, is a mechanism in which jurisdictions offer buildings an opportunity to submit their compliance reports early, sometimes in return for an incentive. This pathway typically targets buildings that are not in compliance at the time the standards are set but proactively choose to take early action. It is recommended that early compliance pathways be considered as part of the initial rollout of the BPS for several reasons. First, early compliance filings mitigate the administrative load on submission reviews during deadline periods since some buildings submitted ahead of the deadline. Second, it provides feedback on your new compliance submission process and unearths frequently asked questions. This helps identify bottlenecks in the process or special circumstances that can be addressed prior to the first compliance deadline.

Case Study: Washington State Early Adopter Incentive Program

As part of Washington State's Clean Buildings Law, an Early Adopter Incentive Program was enacted to allow for buildings to comply ahead of the main compliance years.

An eligible building owner that demonstrates early compliance with the Clean Buildings Standard may receive a one-time base incentive payment of \$.85 per gross square foot of floor area.

