



State of Oregon

Energy Performance Standards (HB 3409)

Under the Oregon Energy Performance Standards (HB 3409), large commercial (Tier 1) buildings are required to meet weather normalized site energy use intensity (EUI) targets. They must also implement Energy Management Plans (EMPs) and associated Operations and Maintenance (O&M) programs. Smaller commercial and residential (Tier 2) properties will also be required to submit documentation, beginning in 2028, but do not need to meet EUI targets.

Learn More: [Program Website](#) [Regulation Text](#)

Covered Buildings

Tier 1 covered buildings include commercial properties over 35,000 sq. ft. Tier 2 covered buildings include commercial properties 20,000 – 35,000 sq. ft. and multifamily properties, hospitals, schools, dormitories and university buildings over 35,000 sq. ft. Compliance cycles begin in 2028 – 2030 and run for five years.

Compliance Pathways

Tier 1 Compliance Requirements

Before their compliance due date, Tier 1 Buildings are required to perform operations and maintenance (O&M) and create an energy management plan (EMP). In addition, Tier 1 covered buildings must meet an energy performance standard through one of the following:

1. **EUI Target Pathway:** Properties are compliant if their weather-normalized site EUI (kBtu/ft²/yr) is at or below the threshold.
2. **Investment Criteria Pathway:** Properties that cannot meet their EUI targets are required to conduct audits and implement cost-effective efficiency measures (EEMs) to reduce EUI.

Compliance Pathways, Continued

Tier 2 Compliance Requirements

Tier 2 building owners must submit forms to calculate their EUI and EUI target, but they are not required to submit an Operations and Management (O&M) plan, an Energy Management Plan (EMP) or take any action if the property's EUI is above the target.

Exemptions & Provisions

New Construction

Energy use intensity targets for recently constructed buildings will be based on the energy codes that were in effect at the time of construction.

Other Conditions

Certain property types, including manufacturing, agriculture and industrial buildings and qualifying historic properties, are not covered under the law. Tier 1 buildings may be eligible for exemptions under certain conditions, including low or no occupancy and financial hardship. Tier 2 properties are not eligible for exemptions.

Penalties & Enforcement

Written notices will be issued before any civil penalties are assessed. Failure to complete reporting for a Tier 1 building may result in a penalty of up to \$5,000, with additional fines of up to \$1 per square foot per year. Failure to meet BPS targets for Tier 1 properties may result in a penalty of up to \$1,500, with additional fines of \$0.20 per square foot.

Yardi Energy Solutions®

Yardi offers a comprehensive suite of energy solutions that simplify compliance, enhance operational efficiency, and reduce energy costs. Our offerings include:

- [Utility Invoice Processing](#) – Simplify the process of collecting and managing utility consumption data.
- [ENERGY STAR® Services](#) – Streamline benchmarking, verify whole-property data and achieve ENERGY STAR Certification for your properties.
- [Building Performance Standards](#) – Track, monitor and streamline BPS compliance.
- [Energy Procurement](#) – Optimize energy costs and reduce carbon emissions.
- [Energy Efficiency](#) – Improve building energy performance with real-time data and timely alerts, detect HVAC system issues and reduce energy waste.

Disclaimer: This document is intended for informational purposes only and does not constitute legal advice or a comprehensive compliance guide.