

Upcoming Energy Performance Requirements: CO, WA, and MD

ARTICLE | READ TIME 5 MIN

[← See All Insights](#)

Craig Walter
Principal Energy Advisor

[Building Performance Standards](#)[Energy Efficiency](#)[GHG Reduction Targets](#)

December 5, 2025

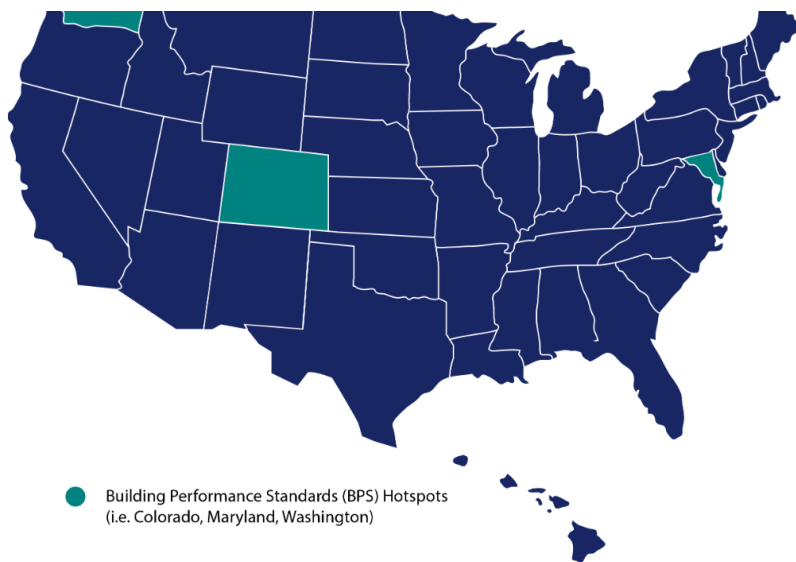
Building Performance Standards (BPS) are regulations that set specific energy or greenhouse gas (GHG) reduction targets for existing buildings over time. Their purpose is to improve building energy efficiency, reduce carbon emissions, and help meet broader climate goals. BPS regulations ensure that buildings are part of the solution to climate change and are put into place to improve health and comfort, save money, and create jobs, all while ensuring that progress benefits everyone fairly.

There are currently three jurisdictions of note, making them BPS “hot spots.” Colorado, Maryland, and Washington have all implemented statewide programs that require significant energy or carbon emissions reductions by 2030 and beyond for certain building types and sizes. These progressive markets emphasize performance and other programmatic activities that may require capital investments to implement.

With the impending performance dates on the horizon, organizations will likely be required to take some form of action—and soon. Putting reduction plans into action takes time, so organizations must understand where they need to comply.

Related

[Weekly Energy Market Watch](#)[Smarter Rate Optimization in Dynamic Energy Markets](#)[Regulatory Compliance Updates](#)



State of Colorado

Colorado's [Building Performance Colorado \(BPC\) program](#) is designed to reduce energy use and GHG emissions in large buildings, supporting the state's goal of net zero emissions by 2050. The BPC program was enacted with phased targets and flexible compliance pathways, emphasizing benchmarking, performance standards, and accountability.

House Bill HB 25-1269 recently addressed changes regarding performance targets, fees, and penalties.

- Buildings 50,000 square feet or more must meet weather-normalized site EUI targets or standard percent reduction by 2030 and 2040.
- GHG reduction pathways are also established alternatives.
- A new enterprise fund has been established to provide technical assistance and financial support for decarbonization efforts requiring a \$400 annual fee per building.
- Penalties for non-compliance with building performance standards can include \$2,300 monthly for the first offense and \$5,800 monthly for subsequent offenses until resolved.

Additionally, the deadline to select a compliance pathway without submitting a formal request has already passed. To request a timeline adjustment, standard target adjustment, or individualized targets, buildings must submit an application that includes an ASHRAE Level 2 Energy Audit by **December 31, 2025**.

State of Maryland

Established under the Climate Solutions Now Act of 2022, [Maryland's Building Energy Performance Standards \(BEPS\) program](#) aims to achieve net zero direct GHG emissions by 2040. The program mandates annual energy benchmarking and phased performance improvements for large buildings, with flexible compliance pathways and exemptions to accommodate diverse building types and circumstances.

- Buildings 35,000 square feet or more are required to meet both GHG emissions and EUI targets, which vary by property type.
- These targets are designed to achieve defined reduction milestones by 2030 and 2035 with the final target of net zero emissions by 2040.
- Non-compliance may result in alternative compliance payments of \$230 per metric ton of CO₂e that exceeds the 2030 limit, with the penalty increasing by \$4 annually and adjusted for inflation.

Montgomery County, MD, is committed to achieving net zero GHG emissions by 2035. The [Montgomery County BEPS program](#), enacted in 2022, is a key initiative to support this climate action goal. The program mandates energy benchmarking and phased performance improvements for large buildings, offering flexible compliance pathways and exemptions to

ensure inclusivity and feasibility.

Buildings that participate in this program are exempt from the statewide benchmarking and BEPS program requirements and need only to comply with county-specific requirements.

- Properties 25,000 square feet or larger must meet either an assigned EUI performance target or achieve a minimum of 30% reduction.
- The final target is due as early as **December 31, 2033**.
- Non-compliance or providing false information may result in fines starting at \$500 per day, potentially increasing to \$750 with a maximum fine of \$5,000.
- Recent changes to legislation, HB 29, could enable penalties to resemble those of the State of Maryland's Alternative Compliance Payments.

State of Washington

The Clean Buildings Performance Standard (CBPS), established by the [Washington State Department of Commerce](#), aims to reduce GHG emissions and energy use in large buildings. The CBPS is based on ANSI/ASHRAE/IES Standard 100-2018 and mandates phased benchmarking and performance improvements with flexible compliance pathways and exemptions tailored to building types and conditions.

- Tier 1 buildings, which include nonresidential, hotel, motel, and dormitory properties 50,000 square feet or more, are **required to meet EUI targets starting as early as June 1, 2026**, with updated targets every five years.
- These buildings must also submit an Energy Management Plan (EMP) and an Operations and Maintenance (O&M) Plan according to CBPS guidelines to remain compliant. The O&M Plan must be in place for at least one year before the compliance date, and the EMP must be fully implemented by that date.
 - Non-compliance can result in penalties up to \$5,000 and continuing fines of up to \$1 per square foot per year.
- Tier 2 buildings, which include multifamily and nonresidential buildings between 20,000 and 50,000 square feet, as well as multifamily buildings over 50,000 square feet, are not required to meet EUI reduction targets.
- However, they must submit the same documentation to comply. Both the O&M Plan and the EMP must be fully implemented by the compliance date.
 - Failure to do so may result in penalties of up to \$0.30 per square foot for documentation-related violations.

Next Steps

Benchmarking deadlines have already come and gone. Now, the focus has turned toward meeting upcoming performance targets within the next few years—Washington state deadlines are as early as 2026.

- **Colorado:** Deadlines to submit benchmarking reports and fee payments have already passed this year. However, **you have until December 31, 2025, to request an adjustment to meet the required 2030 standard.**
- **Maryland:** The deadline to submit benchmarking has already passed for 2024 energy data. **Final standards must be met by 2040.** In the meantime, interim targets should be met to stay on track.

Montgomery County: The benchmarking deadline to submit 2024 data has already passed. Benchmarking reports are due annually, and final standards must be met as early as 2033.

- **Washington:** Deadlines to comply begin in 2026–2028, with subsequent five-year cycles expected to become increasingly stringent. Performance standards must be met by these deadlines

scenarios.

Now is the time to determine where in your portfolio you need to comply, map your deadlines, understand your benchmarking requirements, build and update your roadmap, and determine your next steps. Meeting these standards requires years of planning and execution, as well as a variety of stakeholder involvement. This takes time, and even finding exemptions is a very detailed process. [Make sure you have the expertise](#) to avoid costly fines and invest in your organization's energy efficiency.

For more information on energy benchmarking, visit [ENERGY STAR® Portfolio Manager®](#).

[Reach out to ENGIE Impact](#) to work with dedicated experts on these next steps.

About the Author

[Craig Walter](#), Principal Energy Advisor at ENGIE Impact, has 30 years of experience in the energy management industry, using total energy and sustainability management programs to help clients reduce their consumption and cost, from individual sites to large, multi-site commercial portfolios. Craig now guides program development and solutions for ENGIE Impact's energy management services.

Get in Touch

Talk to our experts about optimizing your building energy compliance and BPS roadmap.

[Contact Us →](#)

Explore More



Building Performance Standards: What You Need to Know

Building Performance Standards are laws designed to reduce carbon emissions from existing buildings. Failure to meet these standards could mean significant financial setbacks.

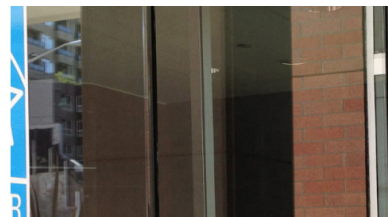
[Read Article](#)



Leveraging the EU Energy Efficiency Directive into an Actionable Sustainability Strategy

To expedite progress toward this goal, the EU has established the Energy Efficiency Directive (EED), which serves as a regulatory framework which is central to the corporate sustainability agenda.

[Read Article](#)



High Performance Buildings with ENERGY STAR® Certification

ENERGY STAR certified buildings consume less energy, save money, and reduce carbon emissions.

[Read Article](#)

[Sign up for updates](#)

