

DOCKETED	
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CEC's Draft California Building Energy Performance Strategy Report, SB 48 Implementation Report

Please see attached.

Additional submitted attachment is included below.

People Organizing to Demand Environmental and Economic Rights (PODER) and Emerald Cities Collaborative, Inc. (ECC) Comments/Notes

By Chris Selig and Antonio Diaz of PODER and Megan Leary and Avni Jamdar of ECC

Executive Summary

- Include equity recommendations as central to recommendations.

Residents

- Equity and tenants and low income residents/building owners. The report indicates addressing preventing passthroughs and displacement of tenants. Equal weight should also be given to ensuring tenant and working class building owners access to building decarbonization and energy efficiency (including load shifting).

Accountability Board

- Where is the accountability board proposal? Did we miss it?

Workforce Stakeholders

- Recommend that some portion of fees collected for non compliance be used to build the capacity of workforce stakeholders and contractors to be able to implement BPS-related retrofits - training & education, capacity building, demonstration projects, etc.
 - “Workforce” = training necessary to build the nongovernmental workforce; community colleges, union apprenticeships, prevailing waged, high-road jobs
- Who is the workforce that will be doing the BPS compliance work?
- Benchmarking - energy assessors

- Compliance planning (electrification. retrofits) - contractors? (BPS)
 - Development of a Building Performance Action Plan - who would be responsible for the drafting of a plan of this nature? Who would be involved in its implementation? It appears that a variety of workforce stakeholders are necessary to implement an effective statewide BPS (contractors, engineers, architects, energy assessors). An analysis of these opportunities and how they can be leveraged to create high road opportunities is a valuable endeavor moving forward
 - To what extent can building inspectors be utilized in this capacity? Could this be done by building inspectors that are trained up? Need capacity building for building inspectors to enforce BPS – could be a training/ workforce opportunity

Compliance

- In favor of the use of “check points” and interim targets - Support the trajectory approach with periodic reporting and final compliance year being 2045 i.e. all buildings of the same performance type would achieve the same level of performance by that date
- On-site verification (BPS) in addition to data verification - advocate that this is a necessary step to enforce compliance and verify that actual retrofits have been implemented. A building performance action plan is a customized, phased compliance strategy, accommodates extenuating circumstances, binding agreement between building owner and jurisdiction; energy audit report, proposed energy conservation measures, capital improvements with implementation timeline. The occurrence and effectiveness of these steps over the course of the policy’s trajectory (5 year increments) would be served well by the use of on site verification, particularly during capital improvements in a given timeline. We recommend the inclusion of this step in the compliance process
- Obstacles or difficulty obtaining benchmarking data from large retailers – CEC's plan to address that?
- While these recommendations and the research provided in the report clearly make a valid case for the CEC having authority over the enforcement of a statewide BPS policy, it remains unclear who would be responsible for establishing baseline performance based on available benchmarking data

Benchmarking

- Report stipulates that higher rates of compliance with energy benchmarking = higher rates of compliance with building performance policy
- Compliance rate for benchmarking has increased since 2020; 2025 62% of covered buildings compliant

- Do we know what percentage of each building type is compliant with benchmarking requirements/ Where is the biggest gap?
- How can we increase benchmarking compliance in order to drive BPS adoption?
- Benefits of benchmarking (per CEC)
 - Reduced energy use (2.4% reduction annually when benchmarking every 3 years) and increase energy efficiency
 - Lower operation/ utility cost compared to no benchmarking required
 - Data informs policy, local and state
 - Benefits to occupants

Further Engagement of housers

- Direct feedback from affordable housers - This rule would apply to roughly 50,000 commercial and residential buildings across the state. Property types: multifamily housing, office, warehouse, retail, industrial, K-12 schools. Multifamily housing is the most common. The majority of eligible properties being in LA county (disclosable), more than any other CA county. Given this we recommend engagement with and collection of feedback from community housers on compliance with a statewide BPS
- Technical assistance, support for compliance (monetary)
- Tenant Protections
 - Prevention of penalty passthrough critical for residential and small commercial tenants
 - Does additional legislation need to be introduced related to the qualifications for capital improvements? Can a BPS state that anything enacted under the standard cannot qualify as a capital improvement (allowing for passthrough)?

Equity concerns

- Portfolio-wide management strategy for building owners - there are varying views on this, and while there is a benefit for community housers or portfolios that contain older properties that cannot be fully electrified, concerned that this approach may provide a loophole for corporate landlords with properties across multiple geographies and create inequities amongst home quality (based on income of renters and building owners viewed that they can recoup costs). common ownership should not be a singular reason for baseline adjustments when unnecessary
- Cost-effectiveness has been a difficult strategy for addressing concerns equitably
- Equity considerations should be in the priority recommendations. To not exacerbate equity due to BPS, and to have resources flow to equity priority n'hoods