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*Comment Received From: USGBC California*  
*Submitted On: 8/21/2026*  
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**USGBC-CA Comments on BPS Report, Docket No 24-BPS-01**

*Additional submitted attachment is included below.*



August 21, 2026

California Energy Commission  
Docket No. 24-BPS-01

**RE: California Building Energy Performance Strategy Report, Docket No. 24-BPS-01**

On behalf of USGBC California, I am writing to express our appreciation for the Energy Commission's work on the California Building Energy Performance Strategy Report ("BPS Report") and support of a statewide building performance standards (BPS) policy for California. We appreciate the opportunity to comment on the BPS Report.

USGBC California's deep bench of members is made up of sustainability and green building professionals with a strong commitment to addressing climate change and other local, state, and international environmental issues. Our members are designers, engineers, public agency and utility staff, consultants, product manufacturers, and service providers. Our mission is to transform California through the built environment into a more sustainable, resilient, and equitable place for all. Our goals include advancing environmental justice by developing diverse talent and systemic change based on impactful solutions to address the urgent environmental and social challenges of our time.

For more than two years, USGBC California has convened the California Building Performance Standards Peer Learning Collaborative (CalBPS PLC), a forum where more than 50 cities and counties across the state come together to learn about BPS, share ideas, and get implementation support. With input from the CalBPS PLC, we have launched the California Building Performance Hub and developed policy guidance for local BPS policies.

We support many of the conclusions and recommendations in the BPS Report, including that BPS are the most cost effective way to reduce emissions from large existing buildings. We respectfully focus the rest of this letter on areas where we have suggestions on how to strengthen the BPS strategy.

**Feedback on Metrics**

We agree with your recommendation to use both on-site GHGI and on-site EUI metrics. Using on-site metrics reflects California's strong renewable electricity standards,

simplifies reporting, and allows building owners to focus on the metrics they have the most control over.

We believe that both metrics should be required, but that on-site EUI should be considered a secondary metric that is used to discourage inefficient electrification and encourage cost saving improvements in the most inefficient buildings.

Having a more achievable EUI target avoids the potential for a number of unintended consequences, such as penalizing the addition of cooling for buildings that don't currently have it. The EUI target should be set based on the assumption that buildings will have properly functioning ventilation systems and appropriate cooling for their climate zone.

In establishing EUI targets, the CEC should consider additional normalization factors that have an impact on a building's energy use intensity, including unit density for multifamily residential buildings (more densely occupied buildings can be expected to have higher EUI and higher density should be encouraged for affordability and emissions reasons), on-site laundry facilities for hotel/motel properties, and on-site pools. These are especially important for the EUI targets.

We also believe that the on-site EUI metric should reward onsite generation and storage of clean energy by only counting energy imported from the utility distribution system toward a building's energy use intensity. This would give building owners an additional flexibility option to reduce their EUI by installing rooftop solar and maximizing use of that energy through load shifting, battery storage, and/or electrification. Pairing electrification and behind-the-meter solar and storage may be more cost effective over the long-term than electrification by itself, so building owners should be encouraged to explore this strategy. The current proposal discourages this by counting behind the meter electricity production toward total energy consumption.

We support the CEC's recommendation to explore a peak load metric. While there are many details to be worked out, this could reduce impacts of electrification on the grid that drive up costs for both the building occupants and ratepayers more generally. We believe this metric should be explored as an optional alternative to the On-Site EUI metric, rather than a required third metric. It should be designed to reward buildings that reduce electricity usage at times of peak demand for the local distribution system, either through general efficiency improvements or through demand flexibility.

### **Feedback on Size Thresholds and Preemption of Local Policies**

We agree with the CEC that building owners should only be required to comply with one BPS policy and that a statewide policy providing consistent rules for building owners with multiple buildings across the state supports fairness and lower costs of compliance.

We believe that BPS policies can be effective for buildings smaller than 50,000 square feet and would prefer a statewide policy that expanded coverage to more buildings by lowering this threshold. We understand the benefits of requiring BPS for buildings already covered by AB 802, however, and believe even the recommended 50,000 sf threshold will be a very impactful policy.

We appreciate the CEC's desire to allow, and even encourage, local policies that cover buildings below 50,000 sf (and above 50,000 sf until a statewide policy is adopted). We would like the state to do more to support these local jurisdictions and encourage consistency across local policies.

We like the idea for the CEC to establish policy regulations for a local BPS as a voluntary measure that local jurisdictions can adopt to cover buildings not covered by the statewide BPS, with flexibility for local jurisdictions to select size thresholds and compliance timelines that fit their community. This would accelerate the process for local governments to adopt local BPS while providing guardrails that improve policy consistency (e.g. which metrics to use). The CEC should also share technical resources with local governments that adopt BPS to assist implementation and enforcement.

Even with this support, a challenge of having a division of responsibilities between state and local governments is that smaller buildings typically require relatively more government resources to support. One possible solution that the CEC could explore, which would encourage local governments to adopt BPS and help them overcome this resource gap, would be for local jurisdictions with BPS policies that meet certain criteria to get access to all non-compliance penalty payments generated by state-covered buildings in their jurisdiction to aid compliance by locally-covered buildings in their jurisdiction.

### **Feedback on Compliance & Enforcement**

We applaud plans to increase enforcement of AB 802 benchmarking requirements to increase compliance above the current level of about 70%. The purpose is not to punish building owners, but to motivate them to develop accurate baseline data and to begin preparing for compliance with performance targets. Because one of the key benefits of a BPS is that it gives building owners long-term horizons to plan cost-effective compliance strategies, it is especially important to establish consistent enforcement of BPS from the start so that building owners are not tempted to take a wait and see approach, losing the benefit of those key planning and implementation years.

To aid compliance, the CEC should work to establish clear guidance where needed, for example on how to report a property's gross floor area (GFA). The legislature should also streamline access to benchmarking data. Utilities are currently required to provide at least one year of whole building data upon request; this timespan should be increased to several years to allow building owners who are missing some benchmarking data to catch up. The CEC should work with utilities to streamline access to this data and advise the legislature where additional authority is needed.

We support the need for periodic third-party verification of benchmarking data by qualified professionals to improve accuracy of the data and fairness of the policy. We recommend that the state additionally audit a percentage of all submissions (to accurately gauge the accuracy of benchmarking data) and penalize building owners and third-party verifiers who report results with significant inaccuracies. This will encourage honest, accurate reporting. These audits should cover energy use data as well as key building characteristics such as property use type and GFA.

Thank you for considering this feedback and for all your hard work and leadership in getting us this far.

Sincerely,  
Ben Stapleton,  
Chief Executive Officer  
USGBC California