



Clean Buildings Performance Standard (CBPS)

A Guide for Washington Private Schools – Dec. 2025

Compliance, Support, and Next Steps for Private Schools

This is an overview to help private schools understand the **Washington State Clean Buildings Performance Standard** requirements, deadlines, available support, and other considerations. It outlines the key obligations that schools with more than 20,000 sq ft must implement to ensure compliance and avoid financial penalties.

Checklist for Private Schools

- Determine if Tier 1 or Tier 2 status applies to your school
- Review compliance requirements & deadlines
- Consider applying for the BEACON Fellowship support
- Enroll facilities staff in QEM Training
- Consult CBPS Helpdesk as needed
- Review/update leases for compliance responsibilities
- Begin data entry in the Clean Buildings Portal

Why Clean Buildings Matter

Buildings are Washington State’s **second-largest source of greenhouse gas emissions**, after transportation. The Clean Buildings Act (2019) and its amendments (2022-2023):

- Reduce emissions from existing buildings
- Improve energy efficiency
- Encourage responsible energy management

Schools—whether owning or leasing their facilities—must understand these obligations to comply with the law to improve energy efficiency. There are penalties for building owners who do not comply.

Do the Clean Buildings Requirements Apply to Your School?

*Tier classifications typically **exclude parking**.

Tier Level	Building Size	Key Requirement	Compliance Deadline
Tier 1	50,000+ sq ft	Meet Energy Use Intensity Target (EUI) or investment criteria	Varies, extensions possible for meeting targets
Tier 2	20,000+ sq ft	Benchmark energy usage only	Minimum of 12 months data submitted before July 1, 2027

Compliance Requirements

Tier 1 school buildings must meet an **energy performance metric** by either:

1. **EUI Pathway** - This metric represents a site-based energy use intensity (EUI) average for similar building types and **does not** represent achieving “net-zero” or other green building certifications.
 - Implement **Energy Management Plan (EMP) & Operations & Maintenance (O&M) Plan** programs (defined below)
 - Complete Forms A (energy management & O&M) and C (measured EUI)

2. **Investment Criteria Pathway** - This compliance route includes performing an energy audit and implementing all cost-effective efficiency measures (EEM).
3. **Conditional Compliance Pathway** - This is a temporary method that allows applicants additional time to verify and document compliance with the law. An ASHRAE II energy audit is required.

Tier 1 needs a **Qualified Person** (defined below) as the point of contact. Each building will need to be evaluated by a **Qualified Energy Auditor** (defined below).

Tier 2 schools must designate a **Qualified Energy Manager** (defined below) to fulfill:

- **Benchmarking:** Tracking and measuring the building's energy use ((total annual energy used per square foot) over 12 months using the EPA's ENERGY STAR Portfolio Manager.
- **Energy Management Plan (EMP):** Developing a strategic plan for energy efficiency improvements.
- **Operations & Maintenance (O&M) Plan:** Documenting a routine for maintaining HVAC, lighting, and other systems efficiently.
- **Energy Audit:** Conducting an audit to find cost-effective strategies.
- **Report:** Submitting documents via the Commerce Department's portal by July 1, 2027.

*Tier 2 currently doesn't have to meet an energy use *performance requirement*, but one is expected around 2029.

Building a team for Tier 1 and Tier 2 schools

Begin by appointing a point of contact for all compliance-related efforts on behalf of the school. This can be someone already on staff; however, **Tier 1 Compliance** requires a **Qualified Person (QP)** to complete forms and enter data into the Energy Portal.

For Tier I buildings, a QP is an individual with:

- Relevant training and expertise in building energy analysis or auditing.
- **Minimum 3 yrs experience** in energy auditing, commissioning, or similar work.
- At least **one approved QP credential** (below):
 - WA State Licensed Architect or Engineer
 - ASHRAE Building Energy Assessment Professional (BEAP)
 - AEE Certified Energy Auditor (CEA)
 - Building Operator Certification (BOC) Level II
 - Certified Commissioning Professional (CCP)
 - ACG Commissioning Authority (CxA)
 - AEE Existing Building Commissioning Professional (EBCP)
 - Bachelor of Applied Science in Sustainable Building Science Technology

Tier 2 Compliance requires a **Qualified Energy Manager (QEM)**

For Tier 2 buildings, a QEM must have two years of educational or professional experience in commercial building operations or building energy management, in addition to successful completion of the Clean Buildings Tier 2 Training (program certification).

* **Tier 2 school building owners** must consider whether to hire outside support OR ask existing personnel to complete the Qualified Energy Manager Training.

Leased Buildings & Lease Guidance

Why Leases Matter

- Building owners are responsible for compliance
- Schools must coordinate and provide data
- Lease review recommended to clarify responsibilities
 - Define landlord/tenant responsibilities
 - Protect schools from unexpected compliance obligations or penalties
 - Building Owners cannot pass these penalty costs directly to tenants.

Key Considerations within a Lease

1. What is the compliance language specifying CBPS obligations?
2. Are there energy budgets for tenants?
3. What is the allocation of capital expenditure costs? (see *Capital Expenditure Costs pg 6*)
4. How will data collection, reporting, and confidentiality agreements be managed?
5. Who is responsible for penalties/fines?
6. What are the lease term contingencies for evolving performance requirements?

Action for Schools Leasing Property

- Review current leases
- Update language for energy budgets, data sharing, capital costs, and penalties
- Communicate with landlords and tenants
- Seek expert/legal guidance

What is the Cost Allocations Breakdown in a Leased Building?

Capital Expenditure Costs (CapEx) are property upgrades that benefit the building long-term, not just within day-to-day operations.

Capital Expenditure Costs

- **Generally, Landlord's Responsibility:** CapEx (new roof, major HVAC replacement, system upgrades) are usually the landlord's expense, as these investments extend the building's life and are not routine maintenance (OPEX) like cleaning or utilities.
- **Tenant Contribution (Negotiated):** Tenants often pay a portion of CapEx through operating expenses (CAM charges) if the lease allows.
- **How it's Shared:** If included, costs are typically amortized over the asset's useful life, often allocated by tenant square footage.
- **Exceptions for Tenants:** Costs are often limited to:
 - Improvements mandated by new laws (e.g., fire codes).
 - Upgrades that create documented energy savings (to the extent of the savings).

Why Tenants Prefer to Outline CapEx in Their Lease

1. **Avoid Double Payment:** Tenants argue base rent already covers the depreciation and replacement of building components, so paying CapEx is a duplicate cost.
2. **Budget Control:** Prevents large, unexpected spikes in operating costs from major projects, offering financial predictability.
3. **Fairness & Transparency:** Ensures tenants aren't funding significant owner improvements or modernization projects that are for the landlord's long-term asset value.
4. **Defining "Capital":** Clearly defining CapEx separates it from regular Operating Expenses (OPEX), preventing landlords from passing off large investments as standard maintenance.

5. **Amortization & Caps:** Tenants can negotiate to amortize costs over time and cap how much they pay, rather than paying the full cost upfront.

Support Opportunities

Qualified Energy Manager (QEM) Training

- Prepares facilities staff for Tier 2 compliance
- [Free On-Demand Virtual Training, Virtual Group](#) (April 2026), In-Person (March 2026)
- Certification awarded to qualified participants

BEACON Fellowship Program

- Free, statewide remote support for Tier 1 & 2 schools
- Assistance with CBPS education, benchmarking, energy management, O&M programs, and exemption applications
- 10-month term—submit a **project interest form early**
- Check out the [BEACON Fellows webpage](#). An energy fellow may be able to assist with finding support personnel and taking steps toward compliance

CBPS Helpdesk

- Technical assistance for compliance, benchmarking, training, and reporting
- [Schedule a consultation](#)

What Triggers Penalties?

- Failing to meet mandated Energy Use Intensity (EUI) targets for Tier 1.
- Missing reporting deadlines to the Commerce Department for Tier 1 & Tier 2.
- Not having an approved operations & maintenance (O&M) plan in place for Tier 2.

Penalty Breakdown by Tier

Tier 1 (Over 50,000 sq. ft.): \$5,000 base fine, plus up to \$1.50 sq. ft. for each year of non-compliance.

Tier 2 (20,000 - 50,000 sq. ft.): Up to \$0.30 per square foot for each 5-year compliance period.

Resources used to create this document

- [CBPS Program Guidance Document](#) – Outlines ALL obligations & qualifications.
- [Clean Buildings Portal](#)
- [Clean Buildings FAQ document PDF](#)