



Clean Buildings Standard Frequently Asked Questions

On May 7, 2019, the Clean Buildings bill (Chapter 285, Laws of 2019) was signed into law. The Washington State Legislature directed Commerce to establish a state energy performance standard for covered commercial buildings larger than 50,000 square feet (sf). Commerce was instructed by the legislature to maximize reductions of greenhouse gas emissions from the building sector. Commerce was directed to adopt the American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) [Standard 100-2018](#) as the model standard and to modify the standard to meet specific requirements of the law.

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On Oct. 30, 2020, Commerce adopted [WAC 194-50](#), clean commercial building program rules.

Here are a few frequently asked questions to better understand who needs to comply with the standard:

1) Who does this law apply to?

This mandatory standard applies to all *covered commercial buildings* located in the state of Washington. A *covered commercial building* is a building where the sum of nonresidential, hotel, motel and dormitory floor areas exceed 50,000 sf, excluding parking garage area. Exemptions apply as listed in WAC 194-50 [Annex Z4.1](#). The owner of a *covered commercial building* is required to document and report compliance with the standard to Commerce according to the following schedule and every five years thereafter. Exemption certificates are only valid for the cycle in which they were issued.

Compliance dates are by building size:

June 1, 2026 - over 220,000 sf

June 1, 2027 - 90,001- 220,000 sf

June 1, 2028 - 50,000- 90,000 sf

2) Does the law apply to public buildings, such as state owned facilities?

If the public building exceeds 50,000 sf of gross floor area, then yes, the building will need to comply with the law.

3) Are schools considered a covered commercial building by this standard?

Yes, all commercial buildings that exceed 50,000 sf of floor area shall comply with the standard. Commercial buildings are considered by Washington state building codes as all buildings not covered by residential definitions and code provisions.

4) Is student housing covered by law?

Yes, student housing shall comply with the standard if it is defined by Washington state buildings codes as dormitory regardless of whether it is publicly or privately owned.

5) Does the law apply to federal buildings?

No. Federal buildings are not required to comply with the standard.

6) How does compliance work for campuses that have multiple buildings below 50,000 sf (but in total are greater than 50,000 sf)?

The standard is based on the size of a single building and not the aggregate gross floor area of buildings on a campus. If a building on a campus exceeds 50,000 sf of gross floor area, then yes, the building will need to comply with the law.

7) How does compliance work for buildings that share a meter(s) with other buildings?

Buildings that are not independently metered from other buildings cannot measure energy use intensity (EUI). These buildings must meet the investment criteria of the Clean Building Performance Standard in lieu of meeting a target EUI.

8) Are there penalties for not complying?

Yes, Commerce is authorized to impose administrative penalties on building owners who fail to comply. Failure to comply by the scheduled reporting date will result in progressive penalties.

Building owners out of compliance will be issued a first and second notice. They can respond with a mitigation plan to avoid maximum penalty or they can respond by paying the maximum penalty. Penalties are assessed for each compliance period.

9) How is Commerce contacting buildings owners to let them know about mandatory compliance?

Commerce is identifying buildings that are over 50,000 sf throughout the state. Building owners can expect to receive a notification letter by July 1, 2021. The letter will include instructions on how to log into the Clean Buildings Portal to create an account, verify building characteristics and apply for exemptions and incentives.

10) What if I am notified as a *covered commercial building* owner in error, for example I sold the building?

You will be able to notify Commerce through the Clean Buildings Portal without needing to create an account.

11) My building data in the notification looks incorrect. What should I do?

Errors can be corrected through the Clean Buildings Portal. Instructions on how to create an account will be included in the notification letter.

12) Are there any exemptions for *covered commercial buildings*?

There are buildings that are eligible to apply for exemption. The list can be found in WAC 194-50 [Annex Z4.1](#). An exemption application can be submitted through the Clean Buildings Portal. Approved exemptions are only valid for the current compliance cycle.

13) How does the law apply to buildings with a mix of *covered commercial building* use and exempt use?

Exemption requirements vary. Refer to the exemption requirements in WAC 194-50 [Annex Z4.1](#) for specifics. If a building does not meet the exemption criteria of Annex Z4.1 full compliance is mandatory and shall meet the EUI performance metric or the investment criteria performance metric.

14) What can I do if I'm experiencing financial hardship?

Conditions of financial hardship is one of the exemptions listed in WAC 194-50 [Annex Z4.1](#). Buildings owners experiencing financial hardship can apply for exemption through the Clean Buildings Portal. Approved exemptions are only valid for the current compliance cycle.