OREGON STATE · HB 3409 & OAR 330-300

Oregon Statewide Building Performance Standard (BPS)

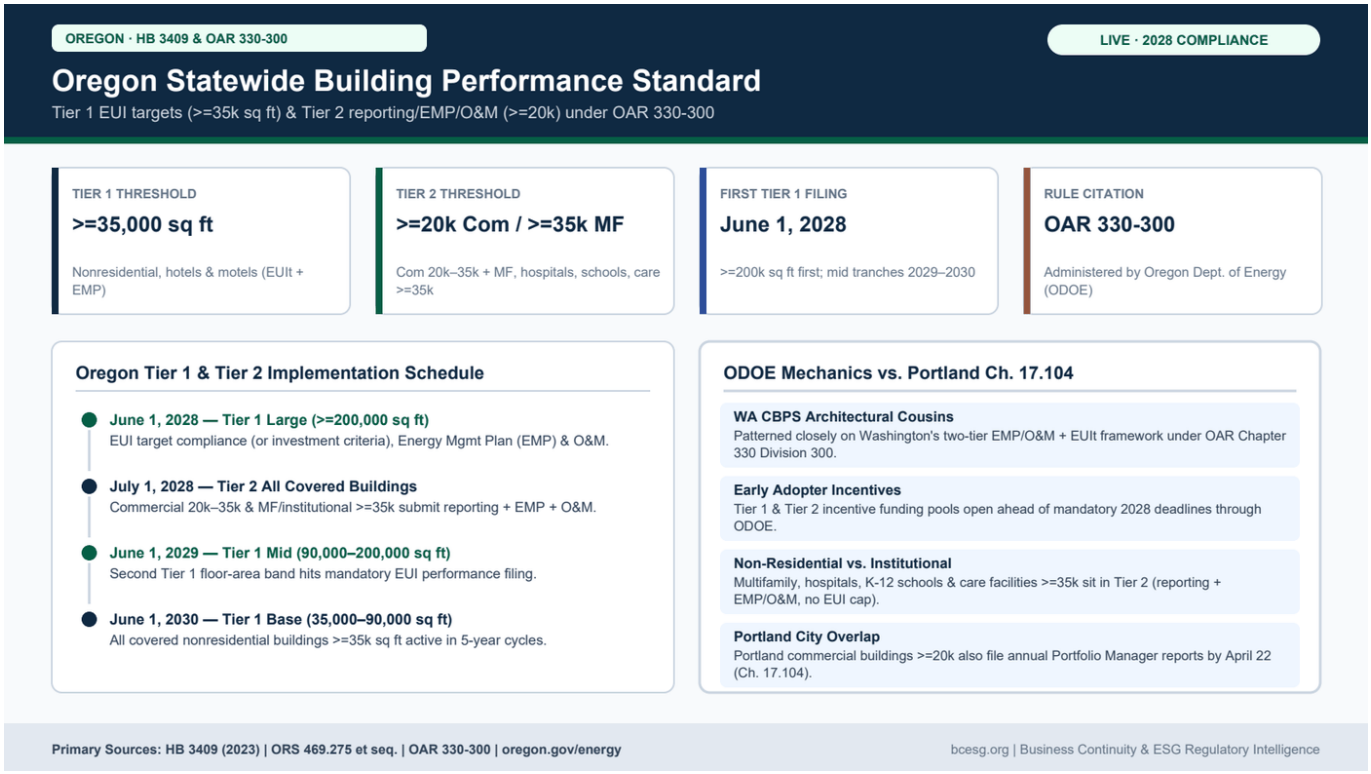
Tier 1 EUI targets (>=35k sq ft) & Tier 2 reporting/EMP/O&M (>=20k) under ODOE OAR 330-300

1. Statutory Scope, Thresholds & Key Dates

Oregon BPS Tier	Building Types & Square Footage	First Compliance Date & Core Duties
Tier 1 — Largest	Nonresidential, hotels, motels >=200,000 sq ft	June 1, 2028 — EUIt / LCCA + EMP + O&M
Tier 1 — Mid	Nonresidential, hotels, motels 90,000–199,999 sq ft	June 1, 2029 — EUIt / LCCA + EMP + O&M
Tier 1 — Base	Nonresidential, hotels, motels 35,000–89,999 sq ft	June 1, 2030 — EUIt / LCCA + EMP + O&M
Tier 2 — Com & Inst/MF	Commercial 20k–35k sq ft; MF/hospitals/schools >=35k	July 1, 2028 — Energy reporting + EMP + O&M

2. Operational Requirements & Enforcement

- **Lower Tier 1 Floor Than WA:** Oregon Tier 1 captures nonresidential buildings down to 35,000 sq ft (versus >50,000 sq ft in Washington).
- **Tier 2 Institutional Placement:** Hospitals, schools, care facilities, and multifamily buildings >=35,000 sq ft sit in Tier 2 (reporting + EMP/O&M starting July 1, 2028).
- **Correct Rule Citation:** Always track OAR Chapter 330, Division 300 (OAR 330-300) at ODOE—distinct from Portland Ch. 17.104.



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Oregon Building Portfolio Preparedness Checklist

Step-by-step workflow from utility data verification through filing & compliance proof

Step	Owner / Team	Auditable Deliverable
1. Tier Verification	Asset Mgmt	Classify each OR property >=20,000 sq ft under Tier 1 (>=35k nonres) vs Tier 2 under OAR 330-300.
2. Incentive Screen	Finance / ESG	Check ODOE Early Adopter Incentive eligibility before 2028 funding windows close.
3. EMP & O&M Build	Operations	Stand up written EMP and 12 months of logged preventive O&M records at least 18 months pre-deadline.
4. Portland Sync	Compliance Lead	Pair statewide ODOE preparation with Portland April 22 Ch. 17.104 annual Portfolio Manager filings.

Key Questions & Edge-Case Rules

- **Where are Oregon's binding BPS rules codified?** Oregon Department of Energy (ODOE) implements HB 3409 (ORS 469.275 et seq.) inside Oregon Administrative Rules Chapter 330, Division 300 (OAR 330-300).
- **Are Oregon multifamily buildings subject to numeric Tier 1 EUI caps?** No. Multifamily residential buildings of 35,000 sq ft or larger fall under Tier 2, requiring energy use reporting, an Energy Management Plan (EMP), and an O&M program starting July 1, 2028.
- **Does complying with Portland Ch. 17.104 satisfy Oregon HB 3409?** No. Portland City Code Chapter 17.104 governs annual April 22 commercial energy reporting in Portland, whereas OAR 330-300 enforces statewide Tier 1 EUIt targets and Tier 2 EMP/O&M governance through ODOE.

Primary Sources & Statutory Citations

- Oregon Department of Energy — Statewide Building Performance Standard (HB 3409)
- Oregon Secretary of State — OAR Chapter 330, Division 300 Administrative Rules
- Portland Building Carbon Standards & Energy Reporting — BC ESG
- Washington CBPS Dual-State Comparison Guide — BC ESG

Canonical Guide: https://bcesg.org/oregon-statewide-building-performance-standard-hb-3409-oar-330-300/

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