PORTLAND, OR · CODE CH. 17.104 + OR HB 3409

Portland Building Energy & Carbon

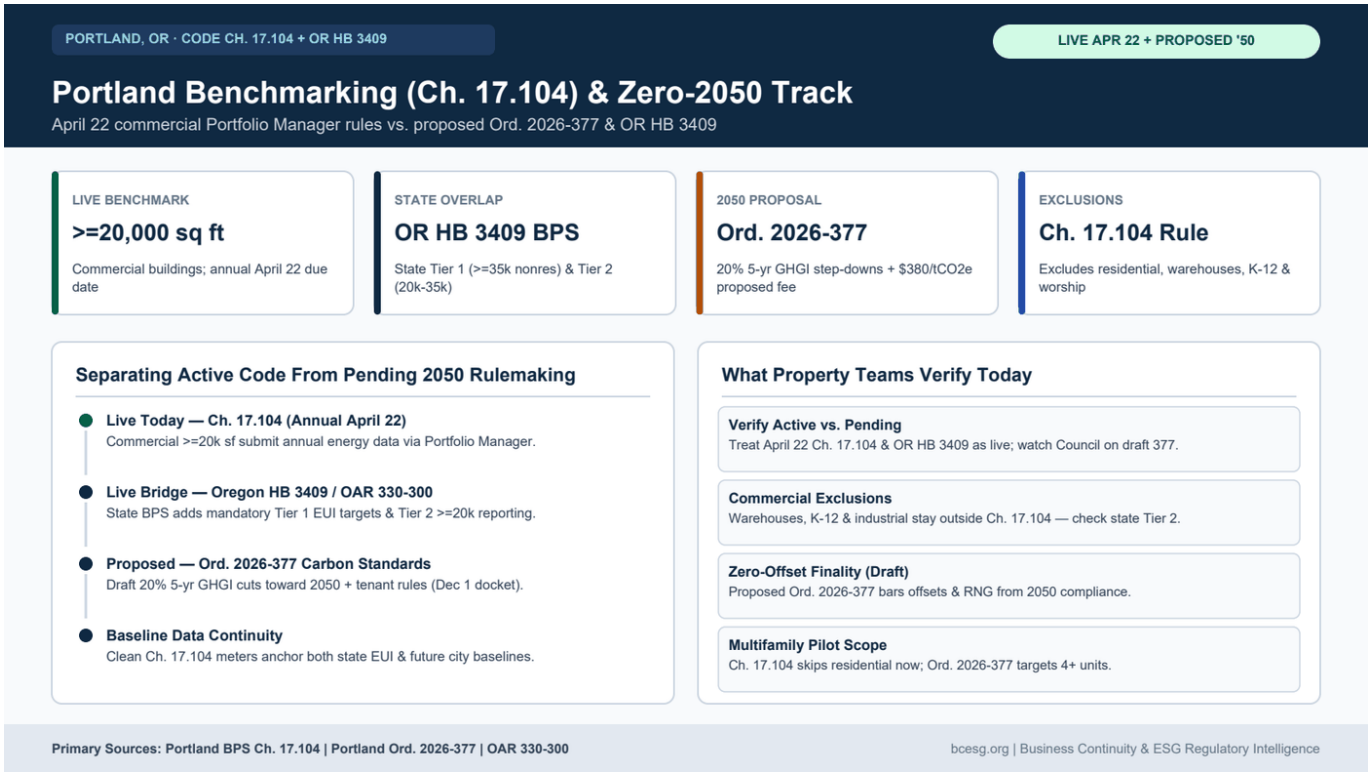
Active April 22 Ch. 17.104 benchmarking, Oregon HB 3409 bridge & proposed Ord. 2026-377

1. Statutory Scope, Thresholds & Key Dates

Instrument & Status	Covered Buildings	Deadlines / Targets	Core Obligation
Portland Ch. 17.104 (LIVE)	Commercial >=20,000 sf (no res/whse/K-12)	Annual April 22	Portfolio Manager energy reporting
Oregon HB 3409 / OAR 330-300 (LIVE)	Tier 1 nonres >=35k sf; Tier 2 >=20k/multi	2028 Tier 1 EUI / Tier 2 data	ODOE EUI targets & O&M / benchmarking
Portland Ord. 2026-377 (PROPOSED)	Comm + res >=4 units (>=20k sf)	Draft 2028 Rpt -> 2030–2050 20% cuts	$380/tCO2e fee (pending Council decision)

2. Operational Requirements & Enforcement

- **April 22 Ch. 17.104 Is Active Today:** Commercial buildings >=20,000 sq ft owe annual Portfolio Manager benchmarking under current Portland code.
- **Oregon HB 3409 Already Captures Excluded Tiers:** Warehouses and multifamily >=20,000 sq ft skipped by Ch. 17.104 still face ODOE statewide HB 3409 rules.
- **Ord. 2026-377 Remains Proposed:** Its 20% five-year GHGI step-down and $380/tCO2e fee stay pending Council review — not yet live enforceable penalties.



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Portland Active Filing & 2028–2050 Readiness Checklist

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

Step	Owner / Team	Auditable Deliverable
1. April 22 Ch. 17.104 Filing	Property Ops	Submit annual PGE/NW Natural energy data in Portfolio Manager for >=20k comm.
2. HB 3409 State Cross-Check	Oregon Compliance Lead	Confirm whether asset triggers ODOE Tier 1 (>=35k) EUI or Tier 2 (>=20k) rules.
3. Watch Dec 1 Ord. 2026-377	Legal / Sustainability	Monitor Portland City Council markup for $380/tCO2e fee & 2028 multifamily rules.

Key Questions & Edge-Case Rules

- **What Portland building energy law is actually enforceable right now?** Portland City Code Chapter 17.104 (annual April 22 ENERGY STAR Portfolio Manager reporting for commercial buildings >=20,000 sq ft) and Oregon's statewide HB 3409 / OAR 330-300 Building Performance Standard are live today. Ordinance 2026-377 (zero-by-2050 GHGI step-downs) remains a pending proposal.
- **Are Portland multifamily apartment buildings required to benchmark today?** Under existing Ch. 17.104, residential buildings are excluded from Portland city reporting, though multifamily assets >=35k/20k fall into Oregon's statewide HB 3409 Tier 2 cohort (starting 2028) and proposed Ord. 2026-377 would cover >=4-unit buildings >=20,000 sq ft.

Primary Sources & Statutory Citations

- City of Portland BPS — Commercial Building Energy Reporting (Ch. 17.104)
- City of Portland Council — Proposed Climate and Health Standards Ordinance (Ord. 2026-377)
- Oregon HB 3409 / OAR 330-300 Statewide BPS Guide

Canonical Guide: https://bcesg.org/portland-building-carbon-standards-step-down-to-zero-2050/

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