

BUILDING PERFORMANCE STANDARDS (BPS)

NONCOMPLIANCE PENALTY EXAMPLES

BPS laws require buildings to meet measurable performance standards or improvements, typically reduced energy consumption or greenhouse gas (GHG) emissions. The requirements, compliance pathways, & penalties for noncompliance vary greatly across different jurisdictions.

EXAMPLE PROPERTY & POTENTIAL ANNUAL FINES

For a multifamily building with the following features:

1. Gross Floor Area (GFA): 200,000 square feet (sqft.)
2. Energy Use Intensity (EUI): 55 kBtu / sqft.
3. Greenhouse Gas (GHG) Emissions: 0.009 tCO₂e / sqft.

Depending on which jurisdiction it falls under, the property could potentially be annually fined the following amounts for noncompliance with BPS laws:

NEW YORK CITY, NY

Penalty: **\$268 / tCO₂e over target**

Target: **0.00675 tCO₂e**

Potential fine: **\$120,600**

DENVER, CO

Penalty: **\$0.30 - \$0.70 / kBtu over target**

Target: **45 kBtu / sqft.**

Potential fine: **\$600,000 - \$1,400,000**

BOSTON, MA

Penalty: **\$1,000 / day until target met**

Potential fine: **\$365,000**

WASHINGTON, DC

Penalty: **Up to \$10 / sqft.**

Potential fine: **\$2,000,000**

Ready to learn how Conservice can support your BPS compliance?

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