



## BUILDING PERFORMANCE IMPROVEMENT BOARD MEETING NOTES

February 1, 11 am to 1 pm

In attendance:

Name	In-Person	Virtual	Role
Emily Curley	X		DEP staff liaison
Stan Edwards	X		DEP staff support
Cuiyin Wu		X	DEP staff support
Rhett Tatum	X		Member
Daniel Cleverdon	X		Member
Amanda MacVey		X	Member
Andrew Rivas		X	Member
Lawrence Carroll	X		Member
Sheena Oliver		X	Member
Jill Goodrich		X	Member
Luke Lanciano	X		Member
Adam Landsman	X		Member
Mike Dieterich		X	Member
Julie Wolfington		X	Member
Josh McClelland	X		Member, Deputy Chair
Edward Musz	X		Member
Kevin Walton	X		Member, Chair
Gregory Goldstein		X	Member
Lindsey Shaw	X		Ex officio member (DEP)
Bryan Bomer		X	Ex officio member (DPS)
Dan McHugh	(has retired as of 11/30)		Ex officio member (DHCA)
Michael Yambrach			Ex officio member (DGS)
Kevin Carey		X	Member of the public

### Administrative items

Quorum present; meeting notes from 1/18 meeting approved.

## **Recap any actions from previous meeting**

Members were asked to provide written feedback on site EUI targets and under-resourced building considerations by 1/27, in advance of the board meeting on 2/1.

Eight members submitted written feedback. A summary of the responses was presented during the meeting on 2/1 (see slides 10 – 12 of the February 1 [meeting presentation slides](#)).

## **Site EUI target member input**

The Board reviewed member comments submitted in advance of the meeting and members were given the option to provide additional comments about the site EUI target options.

Members discussed the strategy of setting a target and reassessing later as additional performance data comes in via annual benchmarking reports. Members debated either adopting a less stringent target today and making it harder in the future and adopting a more stringent target today and adjusting if data supports the need to make it easier.

On adopting a less stringent site EUI target and then modifying it to be more stringent in the future: Some members supported adopting a less stringent target today as there may be less resistance to more stringent site EUI targets in the future as buildings start benchmarking, paying more attention to efficiency, and getting oriented to state BPS requirements. A less stringent target would allow owners to “start small” and do cost feasible projects while planning. Others argued this would create uncertainty for building owners and building owners may have already made decisions about their buildings that will have locked them into a certain level of performance. Additionally, with a lower target to begin with, owners may replace equipment within that time frame without considering the more stringent targets down the line.

Generally, on site EUI targets, members mentioned:

- The percent of buildings needing to take action to meet the proposed site EUI targets changes the most for multifamily buildings between the EE and ZNC options.
- While advantageous to take a poll on members’ support of the site EUI target options, it will be best to revisit after further discussing BPIP and Renewable Energy Allowance options for compliance.
- Adopting a target that is too aggressive will just create a negative reaction if it seems impossible to achieve.
- The energy efficiency target still spurs investment in energy efficiency and electrification.
- Even the ZNC target leaves buildings far short of net zero energy goals that are really what we need to curb climate impacts
- Modeled savings from an energy audit do not always yield those same reductions in a building post-implementation given, especially, how tenants choose to operate the new equipment. This leads to concerns about how achievable the modeled target options (especially ZNC) are.
- Multifamily building owners have less control over how a building or unit is operated.
- Some building types, like multifamily, could be provided with more time given the resource constraints.
- The County declared a climate emergency and BEPS is a function of that legislation, so a zero-net carbon target is best in keeping with the spirit and intent of overall county goals

Following discussion, members were polled to see which of the EUI target options they supported. Some members supported one EUI target across all building types, as captured below:

- EE target: 1 member
- EE/ZNC midpoint: 5 members
- ZNC target: 6 members

Other members supported different targets for different building groups:

- One supported EE for multifamily and ZNC for other building types
- One supported the EE/ZNC midpoint for multifamily and ZNC for other building types
- One supported EE for multifamily and houses of worship, the EE/ZNC midpoint for most other building types, ZNC for County-owned building group types like courthouse, library, and public order and safety, and custom targets for laboratories and manufacturing/industrial facilities
- 

Despite supporting one target across the board, some members noted that there needs to be major considerations for under resourced buildings, allowances for complex circumstances, and assurance that the BPIP process can accommodate buildings with economic or other infeasibility.

- **Under-Resourced Buildings member input**

The Board also reviewed input received about under-resourced buildings. In terms of additional building types to be considered under-resourced, one member noted that condo and co-op buildings should have a special carve out. There is no data source to help determine if they meet the naturally occurring affordable housing criteria and they often have trouble accessing utility incentives, C-PACE financing, and County property tax credits. Individually metered condo and multifamily buildings must go through residential utility programs, which are then very difficult to coordinate amongst all residents. As condo/co-op buildings have no shared tax burden, they cannot utilize C-PACE or apply for property tax credits.

One member noted that the law's wording of "other buildings as appropriate" suggests that additional criteria should be established to not just consider whole groups of buildings as under-resourced, but to also apply the criteria on a case-by-case basis to any building. This list of criteria should be clear and straightforward for DEP to vet buildings fairly and consistently.

Another member suggested that offering an alternative compliance pathway for these buildings is preferable to providing them a target adjustment or more time to comply. A forgiving alternative compliance path that allows under-resourced building owners to avoid penalties and show good faith by implementing feasible, cost-effective measures that are tied with the building's lifecycle, would be most ideal.

- **Action items:**

The Board collectively agreed that Building Performance Improvement Plans should be the next topic discussed and the Renewable Energy Allowance discussion will be delayed.

Members are asked to consider BPIP criteria details for “economic infeasibility” and “other items outside the building owner’s control” as noted in the [BEPS law](#) in advance of the next meeting on 2/15.

For additional information, please visit the Building Energy Performance Standards website at <https://www.montgomerycountymd.gov/green/energy/beps.html> or contact DEP at [energy@montgomerycountymd.gov](mailto:energy@montgomerycountymd.gov).