

Answers from Webinar

These questions were answered in the presentation recording.

- Can you explain section 3.2.2.1 in more detail? How is DOEE going to ensure consistency with the 2021 scoring method?
 - **Answered at 13:36 – 14:40**
- Concerned about the properties who do not currently meet the BEPS standards - what is the likelihood of fines or penalties in 2027 and what is the expected timing of when a penalty might be issued?
 - **Answered at 14:52 – 18:45**
- Could you explain the financial distress definition and documentation for exemptions?
 - **Answered at 23:23 – 32:00**
- What does the guidance on potential exemptions for distressed properties look like?
 - **Answered at 28:37 – 29:10**
- How will the good faith efforts plan work?
 - **Answered at 32:01 – 36:30**
- What are the next steps if we're not able to meet our BEPS score despite attempts to get there?
 - **See Good Faith Efforts; Answered at 32:01 – 36:30**
- How can buildings best prepare? What should I be thinking about BEPS that I'm not currently thinking about?
 - **Answered at 36:35 – 42:21**
- When will BEPS standard be released for cycle 2?
 - **Answered at 42:00 – 42:23**

Additional Questions

- What are the key changes that will have the biggest impact? [As covered in the presentation slides, the sections where DOEE made the most updates are within Chapter 6 \(Exemptions\), Appendix D \(Financial Distress\), and Chapter 7 \(Building Improvement Agreements\).](#)
- How was a DSCR of 1.15 established? [This threshold was determined after discussion with industry experts, researching other jurisdiction's financial distress](#)

guidance, and making adjustments after collecting comments during the open public comment period from November 2025-January 2026.

- How is DOEE going to account for the new weather data which will be soon published by NOAA? DOEE is working closely with EPA on this effort. We will have more updates as we gather more information from EPA, and we will ensure that we keep our stakeholders updated.
- Are you looking for the EEM to just be implemented or is the performance/results going to be evaluated? The majority of buildings are on a performance-based pathway, which means that they will need to hit specific performance targets that are connected to their compliance pathway. The major exceptions are any properties that are on alternative compliance pathways, under which a building's specific target or milestone would be described within the executed agreement that they received from DOEE.
- What are the most common documentation mistakes that lead to BEPS noncompliance? DOEE has yet to enforce the BEPS energy efficiency requirements that are due at the end of the compliance cycle. However, based on experience throughout the compliance cycle, DOEE can say that many owners' ability to track compliance properly begins with the quality of the data that they are tracking, as well as not responding to requests from DOEE to clarify any questions we have about your data. The best way to stay up-to-date on your compliance status is by creating an Owner Portal account, as well as ensuring that all of your contact information is updated on a semi-regular basis. This ensures that owners (and their representatives) are receiving the necessary correspondence to stay in compliance with DOEE's requirements.
- What is the absolute best way to gauge your current progress towards meeting a performance pathway goal? Creating an account in the Owner Portal is the best way to get up-to-date information on how your building(s) is tracking against its pathway requirements.
- Are there additional, new considerations for my historical building? The new version of the Guidebook does not necessarily add any new considerations for a building that is deemed a historic site, but there were already considerations included in the Guidebook for these types of buildings. Please review Chapter 4.4 (Baseline Adjustments) and Chapter 5 (Delay of Compliance) where DOEE specifically talks about the flexible compliance options available to owners of buildings that are included in the DC Inventory of Historic Sites.
- Could you review the penalties and timeline for establishing the baseline? The evaluation for BEPS Cycle 1 will begin after May 3, 2027, once all of the CY2026 data and other required reports are due. DOEE will then evaluate buildings to determine if

they met the targets of their chosen pathway and whether they submitted all required reports: 1) Complete and accurate CY2026 benchmarking report, 2) Third-party verification on the CY2026 benchmarking report, and 3) Complete Actions Report. Owners that are missing any of these reports can expect some sort of enforcement action somewhat quickly following the May 3, 2027 deadline. DOEE will then take time to evaluate buildings in relation to their pathway targets and then formally communicate any assessed payments to the owners. This process will most likely take several months, so owners can anticipate communication regarding assessed payments later in the year.

- What are owners required to submit in the event of a sale? We suggest reviewing the DOEE Building Performance Knowledgebase [here](#) to get a full description of what is required when a building is sold during the compliance cycle.
- What vehicle is going to be used to capture payments? DOEE will formally communicate the assessed payments to the building owners through official correspondence, and then owners will be given the opportunity to indicate whether they wish to settle the payment through a payment reduction or a Building Improvement Agreement. Once both parties have come to an agreement on the assessed payment, DOEE will provide the options for payment. You can review more about our general fine and enforcement process on our website [here](#).
- How long does the benchmarking compliance process take? This really depends on the owner's access and ability to collect the necessary data to enter into Portfolio Manager. Once the data has been collected, the process of creating a property and entering the data into Portfolio Manager does not take very long. If you are new to benchmarking, DOEE has created a [new section of its website](#) dedicated to walking you through the process of benchmarking.
- How will this affect Cycle 2 targets and the related compliance timelines? The current version of the Guidebook describes the process for implementation and enforcement of the BEPS program in Cycle 1 only. This guidance is subject to change for Cycle 2, and as such, the updates made to the Guidebook do not directly impact BEPS requirements or compliance processes for Cycle 2. In terms of how the process for determining targets will occur for Cycle 2, DOEE will first set the BEPS (standards) at the beginning of the cycle on or before January 1, 2029. Any building that does not meet those standards will be required to choose a compliance pathway by which they must meet specific energy efficiency requirements at the end of the 5-year compliance cycle. DOEE is still determining what year of data will be used to evaluate whether someone meets the 2029 BEPS, but we will make sure to communicate with the regulated community once that process has begun.

- If our property has a projected substantial change in occupancy in 2028 (such as we're losing an anchor tenant or our entire first-floor retail stock), how would this impact our BEPS Cycle 2 baseline? This really depends on the type of space that is being vacated, as well as the other property use types that will remain, the current efficiency of the building, as well as other factors. Please read the ENERGY STAR guidance on how to properly account for vacant space. Additionally, an owner could create a test or "modeled" building in ENERGY STAR that duplicates the property with the proper spaces excluded to see the impact of the change.
- Are the next BEPS performance thresholds released? No, they have not been released, but will be published on or before January 1, 2029.
- For BEPS-2, will the standards be set on Jan 1, 2029 based on CY2027 scores/data or CY2026? The standards will be set on or before January 1, 2029 and may be based on calendar year 2027 data. The specific year of data DOEE will use to set the standards has yet to be determined, but will be communicated to the regulated community when we begin the process of determining the 2028 BEPS.
- Please provide clarity as to which calendar year's benchmarking data will be used to set a property's baseline for BEPS-Cycle 2. DOEE has not yet determined what year of benchmarking data will be used to set the standards for Cycle 2, but that will be communicated when DOEE begins developing the standards over the course of calendar year 2028.
- If you meet the new score requirement for cycle 2 at the benchmarking, you are again exempt from the cycle, no after action required, etc.? DOEE will release the standards for Cycle 2 on or before January 1, 2029. The standards will most likely be based on the benchmarking data that we collect for calendar year 2027 (due May 1, 2028). If a building meets the standard for its property type, then the building will not be required to enter a compliance cycle, choose a compliance pathway, or meet any energy efficiency requirements of a given pathway. The building will then be re-evaluated in Cycle 3, which will begin January 1, 2035.
- Will the standard be set as the median or mean or is it decided by DOEE? DOEE is required to set the standards "no lower than the District median" for buildings of each property type.