

**WSR 22-23-136**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF COMMERCE**

[Filed November 21, 2022, 11:45 a.m.]

Subject of Possible Rule Making: Implementation of 2022 legislation (SSB 5722, chapter 177, Laws of 2022) directing commerce to adopt a state energy management and benchmarking requirement for "tier 2 covered buildings." Requirements will relate to energy management planning, operations and maintenance planning, and energy use analysis through benchmarking and associated reporting and administrative procedures (including exemptions for financial hardship and an appeals process for administrative determinations, including penalties imposed by the department).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.250, 19.27A.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2022 legislation (in part codified in RCW 19.27A.250) requires commerce to adopt energy management and benchmarking requirements for covered commercial and multifamily buildings. Requirements will relate to energy management planning, operations and maintenance planning, and energy use analysis through benchmarking and associated reporting and administrative procedures (including exemptions for financial hardship and an appeals process for administrative determinations, including penalties imposed by the department).

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Liz Reichart, 1011 Plum Street S.E., phone 360-515-8194, email [buildings@commerce.wa.gov](mailto:buildings@commerce.wa.gov), website <https://www.commerce.wa.gov/growing-the-economy/energy/buildings/>.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

November 21, 2022  
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