



Attention Government Affairs Council:

There has been a substantial amount of work, and amendments made to [HB1286](#) – Benchmarking & Performance Standards. HB21-1286 passed the House with the agreement from proponents to adopt amendments in the Senate to remove performance standards and instead have the performance standards process outlined through a taskforce as outlined in the bill for AQCC rule adoption – due to a substantial amount of negotiating by the opposition coalition, in conjunction with, the House Republicans. [Here's a link to the most update bill draft](#). Below is an overview of the main changes made through the process.

Based on these changes, we recommend that the Chamber **change our position from oppose to neutral**. With all the amendments, BOMA and NAIOP have moved to a support position. Please email Katie Wolf, kwolf@cochamber.com by COB today if you have concerns with moving to Neutral on HB 1286.

Overview of Changes:

- The 2026 performance standards will be removed.
- The taskforce previously established in the bill will meet starting in late 2021. The task force will consider a number of issues and develop recommendations that are sent forward to the Air Quality Control Commission. The recommendations must align with a 20% emission reduction by 2030 and an interim reduction of 7% in 2026.
- By May of 2023 the AQCC will finalize rules based on the recommendations of the task force.
- Added some specific directives to the task force for them to ensure they work on including how to help buildings comply.
- The task force will also make a recommendation for how the AQCC and CEO should work to reconvene them for future standards in this space.
- Task Force will make recommendations for standards that will meet interim and final emissions reduction goals, but AQCC retains authority to pass and implement these rules under their air quality enforcement authority.
- The task force will work to solicit feedback from a range of building types and industries and will specifically examine building types with unique energy needs including but not limited to airports and hospitals.
- Penalties - Clean up penalty language as it applies to 2026 performance standard (since there isn't a standard we wouldn't be applying the penalty as is but CDPHE would retain enforcement over rules once set by AQCC)

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