BUILDING EMISSIONS REDUCTION AND DISCLOSURE ORDINANCE LISTENING SESSION
MEETING NOTES
JANUARY 7, 2022

The purpose of this listening session was to get feedback and to hear questions about phase 1 regulations focused on reporting and data verification under the amended ordinance. The City presented an overview of the regulations development process, followed by a listening session where participants shared their questions, comments, and concerns. The Listening Session had 110 participants.

The below notes are comments and questions made by participants.

Timeline
- When will buildings have to comply with these regulations?
  - The first reporting deadline is May 15, 2022, but building owners can apply for a one-time six-month extension.
- At what point is the energy action requirement being phased out?
  - The energy action or assessment requirement from BERDO 1.0 has been replaced with the emissions targets from BERDO 2.0.
- Will the extension be one time only or could multiple extensions be applied for?
  - The six-month extension for 2022 reporting is one time only.

Covered Buildings
- Are letters replacing a covered buildings list, or is a covered buildings list forthcoming?
  - A covered buildings list is coming soon

Square footage
- Tax assessment data is often inconsistent and building square footage can change over time.

- Square footage counting can vary from building to building. Also, in a condominium the residents indirectly own the common space, usually on a percentage-interest basis, so I wonder whether that square footage is included in a unit/tenant allocation.
- We often see discrepancies in tax assessment square footage. Having a method to correct that would be helpful.
- Square footage in the assessing data can be problematic. Some campuses have buildings that are located across multiple parcels. Or multiple buildings on a single parcel.
- In data centers the usual measure of capacity is megawatts, not square feet, so I am not sure how data centers fit into the energy use standard.

Individual building or portfolio
- Can we still report as a campus or do we have to report individual buildings if they're separately metered? Do meters have to be utility grade meters?

Utility data requests
- You need to more clearly define the role of utilities.
- Where do we get the data to report?
- Are the utility companies prepared to provide required information to owners for timely reporting/scoring? We are experiencing delays.

Renewable energy reporting
- Will there be a means to report eligible renewable energy purchases that are made through a supply contract other than Boston's Community Choice Aggregation?
    - Yes, through a supplemental reporting form that will be available soon.

Disclosure
- What are the plans for disclosure? Will there be a database of compliance information?
- What is the disclosure requirement with a deadline of October 1?
    - That is an annual requirement for the city to publicly disclose data that's been reported.

Third-Party Data Verification
- Third party-data verification could be costly for large portfolios or campuses. The third-party requirement disincentivizes owners from staffing up. Legal attestations

and random audits should be sufficient. There's already a precedent in 1.09 to preserve records for audits.
- Some credentials are geared toward new construction as opposed to existing buildings.
- Are our in-house staff qualified for data verification?
- Does the reported data need to be third party verified by the reporting date?
  - Yes.
- My company could be a third-party verifier. We also help buildings submit data. Can we help buildings submit their data and be their third-party verifier? We typically have an analyst do the report and a qualified engineer (CEM) who could do third-party verification.
- As a CEM, I have been doing verifications for other programs (Chicago + Montgomery County) successfully in the last year and a half. The program qualifies participants up to the point of being able to conduct full audits. I also agree that the same company should be able to do the verification, provided the verifier is not the same individual who put together the report.
- The reason advocates have pushed for third-party verifiers to be independent is that there's an obvious conflict of interest or financial gain to be had from gaming the reports.
- Another credential to consider for verifiers would be LEED AP for Existing Buildings (O&M), not just new construction.

Review Board
- I understand that the Review Board will be a focus of future phases, but for the 6-month reporting extension, our understanding is that extension applications would need to be approved by the review board. Can you speak to the timing of the launch of the review board and if it will be operational in time to approve these 6-month extensions for reporting in 2022?
  - The one-time six-month extension doesn't require review board approval.

Condos
- Could this be expanded to include new leases to make sure data is provided before a lease is signed?
- How does it work when the role of tenant and owner are intermingled, like condos?

Tenants

- How can we target larger tenants to be more collaborative through a more formal role in data reporting?

New construction
- What is the interplay between Zero Net Carbon zoning and BERDO? Can the city provide mock case studies for new buildings?
  - If zero net carbon zoning for new construction is implemented, that will set new emissions targets for new buildings.
- Does reference to certificate of occupancy mean final certificate of occupancy or temporary certificate of occupancy?

Preservation of Records
- Preservation of records should be longer than two years, because it can take longer to discover a violation, especially repeated violations.

Default Values
- How were default values determined?
  - BERDO data was used to calculate average emissions for each building type, to which a 150% multiplier was added.

Back-up generation
- In a campus, we typically have large storage tanks, and the generators feed off those, so we don't know how much the generators use, just how much we fill them on a monthly/yearly basis. We have 10 generators and several fuel oil tanks that are cross-connected. There are regularly scheduled tests. We're required to run generators to ensure their operation, but we may run them half an hour or an hour. I'm not sure we can get the operation time. We might be able to get a logger on the generator.
- In a typical office building the generators are used for life safety purposes. There's typically no metering in place, and while the units are exercised on a routine basis, they're not providing any load to the building, and there's no data capture.
- We include emissions and fuel use from generators at our facilities. Natural gas will be included in use, most include non-rolled-back meters. Diesel generators may overestimate the amount of fuel that they use, because if you take that meter run and the size of the engine, you might not be using it at full tilt.

Misc.

- We need an increase in staff capacity at the city.
- A building with poor energy quality would paradoxically seem to be more able to show improvements than a building with already good energy quality. How do you address this disadvantage against the already-good building?
  - Because BERDO has emissions targets, rather than a percent reduction from a baseline, well-performing buildings should be under the targets, at least for the first one or two targets.
- Do you have any idea if BERDO will be expanding to the rest of the state, specifically Norwood?
  - There is proposed legislation that may do so (H.3366/S.2232).
  - Some other municipalities, e.g., Newton, are looking at their own BERDOs along the lines of Boston's.