

## **BUILDING EMISSIONS REDUCTION AND DISCLOSURE ORDINANCE FAQs**

*Last updated 2/25/2022*

### **Phase 1 Regulations Questions**

- 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.*
- How can I apply for a six-month reporting extension for 2022?
  - *We will be creating an online form to request a reporting extension. This form will be shared on the BERDO website and emailed to the BERDO email list once it is available. We anticipate that the form will be available in early February.*
- 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.*
- Does the six-month extension for 2022 require Review Board approval?
  - *No. A form will be available soon for owners to register for an extension.*
- What is the definition of an “Owner”? How are LLCs handled?
  - *"Owner" is defined in the ordinance and that same definition is copied into the Phase 1 regulations. If that definition does not provide enough clarity, please share your comments.*
- Where are the building use classifications from? And for the office classification, should it include medical office?
  - *The building type classifications were made based on analysis by Synapse Energy Economics and the Technical Advisory Group, combining Energy Star Portfolio Manager property types. Medical Office is included in "Healthcare."*
- What can we do if we have difficulties with data upload/download from utilities?
  - *We are aware of these issues and continue to explore solutions to facilitate better data access.*
- For buildings without whole building data, if significant partial data exists, why is a 150% multiplier used when the known Energy Use Intensity for some spaces is applied to unknown Energy Use Intensity in other spaces?
  - *This section is about how to estimate energy usage when whole building data is unavailable. The 150% multiplier is intended to account for discrepancies in energy usage between spaces with energy data and those without energy data and to discourage owners from not reporting data from spaces with higher energy use.*
- Where are the default energy use values from?
  - *The default values are based on 2018 BERDO data by building type and include a 150% multiplier.*

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- Buildings may use electricity obtained through the Boston municipal electricity aggregation program, and have the appropriate Emissions Factor applied to such electricity. How do buildings opt into this program?
  - *Electricity account holders can opt into the program by visiting [cityofbostoncce.com](http://cityofbostoncce.com).*
- Does the reported data need to be third party verified by the reporting date?
  - *Yes.*
- Are our in-house staff qualified for data verification?
  - *No, data must be verified by a third party that holds one of the credentials listed in the regulations.*
- Will the City be supplying a list of qualified energy professionals to do third-party data verification?
  - *The City is not allowed to recommend specific businesses. However, we are looking into options to make it easier for owners to identify QEPs.*
- Is there some specific checklist of items for the qualified energy professionals to review?
  - *Recommended procedures for third-party verification of data will be included in the guidance documents.*
- When will the supplemental reporting form for 2022 be available?
  - *We expect to have the supplemental reporting form set up in January. You can see a draft of the data we plan on collecting in the attached package of materials for the draft Phase 1 regulations, which includes information on the schedule, additional support that the City will provide, draft regulations language, and final ordinance language. The draft supplemental reporting form is on page 8. This is also posted on [boston.gov/berdo](http://boston.gov/berdo).*
- Does the City plan to address data reporting requirements for RECs and PPAs in Phase 1 of the regulations or will those will be deferred until later phases of the regulatory process?
  - *RECs and PPAs will be reported through the supplemental reporting form in 2022. However, because there is no compliance with emissions standards required for 2022 reporting, we are simply collecting the data. This will be useful for understanding where buildings stand in relation to their 2025 emissions standards. Future regulations phases will address more specific requirements for RECs and PPAs to be used with emissions standards compliance, but they will not change the basic requirements included in the Ordinance.*
- Are owners encouraged to calculate square footage or are owners expected to use tax assessment data?

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- *Owners may use tax assessment Gross Floor Area or calculate square footage according to section 1.04(b) of the regulations.*
- Is the reporting unit a building or an aggregate of buildings on a parcel?
  - *The reporting unit is a building, and if buildings aren't separately metered, total energy use should be apportioned based on the square footage of each building, as described in section 1.07(a) of the regulations.*

### **Education, Outreach, and Guidance Documents**

- Where is the website that shows which buildings currently comply with BERDO 1.0?
  - *The map showing 2021 compliance with BERDO 1.0 can be found at <https://boston.maps.arcgis.com/apps/webappviewer/index.html?id=7a0ec645c90a41fc89e7796739cbfc4c>.*
- How do I upload utility data into BERDO?
  - *Utility data should be uploaded into ENERGY START Portfolio Manager, which is used to report to BERDO. Forthcoming guidance documents will detail the data submission process.*
- When will guidance documents be published?
  - *We anticipate publishing initial guidance documents in February, and they will be updated as needed.*

### **Emissions Standards, Review Board and Future Regulations Phases**

- 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.*
- What will be the emissions limits for newly constructed buildings?
  - *The only adopted emissions standards to date are those included in BERDO. Newly constructed buildings will be required to determine their emissions standard based on their building use and may adopt a blended emissions standard. BERDO does allow for zoning to define more stringent emissions standards. This has been proposed as part of the Zero Net Carbon zoning process, but no zoning updates of this nature have been adopted. Should they be adopted, they will apply to new construction projects.*
- Can you explain the interplay between the Commission, the to-be-convened Review Board, and the Department of Environment, Energy, and Open Space?
  - *The Air Pollution Control Commission is responsible for adopting regulations for BERDO and is the body responsible for implementing the ordinance. Once the Review Board is established, they will provide regular oversight of compliance with BERDO emissions standards and oversight over the Equitable Emissions Investment Fund, among other responsibilities outlined in the*

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*ordinance and regulations. The later phases of the regulations will add more definition to the role of the Review Board. The Environment Department staffs the APCC and will support the Review Board.*

- Penalties for non-compliant emission standards are \$1,000 per day. Does this assume a maximum annual penalty of \$365,000/year for non-compliance?
  - *The fine of \$1000/day is for buildings 35,000 and over or with 35+ units that are non-compliant with the emissions standards. For smaller buildings subject to BERDO, the fine is \$300/day. Buildings will also have the option to come into compliance with the emissions standards by making Alternative Compliance Payments per ton of CO<sub>2</sub>e they are over the emissions standard. The ACP is set at \$234 per metric ton of CO<sub>2</sub>e. The expectation is that buildings that are over their emissions standard will use the ACP to come into compliance rather than be subject to penalties. As a reminder, the first year that buildings must comply with emissions standards is either 2025 (reporting in 2026) or 2030 (reporting in 2031) depending on the size.*
- How will emissions factors for district steam be developed?
  - *More to come on this in later phases.*
- For owners requesting an individual compliance schedule, what kind of documentation will be required to use 2005 as a baseline?
  - *Individual compliance schedules will be addressed in future phases of regulations development, but 7-2.2(k) of the ordinance states that documentation must be provided for energy use, gross floor area and relevant emissions factors for the selected baseline year and the year in which an individual compliance schedule is requested.*

### **Additional questions received during the Phase 1 Regulations informal comment period**

- BERDO 2025 benchmark compared to NYC emissions benchmark for multifamily housing is 4.1 compared to 6.25 kgCO<sub>2</sub>e/SF. NYC has set a 4.0 benchmark for the year 2030. What has caused Boston to be more aggressive than NY in a colder region that will be harder to achieve? Where did the benchmarking numbers come from?
  - *[The Technical Methods Overview](#) provides a summary of the analysis conducted to determine the emissions standards for BERDO.*
- How will BERDO/City of Boston hold utility company's accountable for providing reporting data in a timely manner and what measures will be implemented to

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enforce this. Will timelines be extended if delays in utility data continue to be a hinderance in reporting?

- *City staff are working closely with the utilities to address data reporting issues. Additionally, the Regulations provide opportunities for reporting and verification extensions to add flexibility for extenuating circumstances, including delays in data reporting.*
- Will the City be hiring energy consultants to peer review and assist in facilitation of requirements on the City's behalf? (Tim Scarpa, Avalon Bay Maintenance Director)
  - *The City has not hired energy consultants at this time.*
- Will the City be hiring 3rd party engineers and consultants currently to assist administration and 1st phase of BERDO 2.0? (Tim Scarpa, Avalon Bay Maintenance Director)
  - *The City does not have plans to hire engineers or consultants for the remainder of FY22.*
- Is there any discussion/plan to upgrade the electrical grid to handle the required retrofit/redevelopment to all electric utilities?
  - *Grid upgrades are beyond the jurisdiction of the City of Boston. These discussions are happening.*
- If owners are penalized for the utilities' generating emissions, where is the benefit of switching to all electric building systems? (Tim Scarpa, Avalon Bay Maintenance Director)
  - *Utilizing efficient electric systems can reduce building emissions today and will further reduce emissions over time as the grid adds more renewable energy over time. Additional purchases of renewable energy coupled with electrification create a clear pathway to decarbonization.*
- Residents make up most of the electric usage in multifamily buildings. How does the city plan to get residents involved in this process? There are restrictive tools owners can install to prevent simultaneous heating and cooling, but more legislative measures aimed at individually sub-metered tenants will need to be involved as well.
  - *Building owners can request whole building data from the utilities. Multifamily buildings will have different pathways depending on their ownership structures. We are working on developing additional resources and guidance for condo buildings and green leasing opportunities.*
- Rebate programs from utility companies help with electrical transitions. Has a plan been developed with utility companies to reward early adopters?
  - *The utilities (Program Administrators) update the Mass Save incentives and programs every three years. Each three-year plan is developed with rigorous oversight and input. More information about the planning process and the three-year plan can be found at <https://ma-eeac.org/plans-updates/>.*

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- Has there been any discussions to allow extensions of deadlines if a building increases their allotment of affordable housing?
  - *There are no such plans at this time.*
- In conversations with the utilities; specifically Eversource in this case, is there a way for them to indicate in their year end whole building usage data the percentage of electricity delivered (used) that was supplied by another source, such as the CCE program. Each Eversource bill does state the supply source.
  - *The Environment Department will get whole building CCE usage data directly from the CCE provider. This data will be used to calculate whole building emissions.*
- What do you estimate the costs of Third Party Verification to be? Will it be similar to an audit process -- someone to visit the property, review usage docs, analyze them and then prepare a report? What do you envision as the general turnaround time between initial contact and receipt of the verification report?
  - *Third-party verification should be able to be completed with desktop analysis and will not require a visit to the property. The time and level of effort required by the verifier will depend on the quality of the initial report and the availability of documentation provided by the owner (i.e. floorplans and meter numbers).*
- The building performance standards shown in Table 1 of the BERDO 2.0 ordinance are based on a table (Table 3) from a report from Synapse Energy Economics prepared for the City of Boston around a year ago (February 2021). However, the standards in BERDO Table 1 are slightly lower than the standards in Synapse Table 3. How did they come to be reduced, and how and how frequently does the City plan to update this table in the future?
  - *The standards are from table 4 (page 15) in Synapse's Technical Methods Overview report. Synapse had modeled multiple versions of the standards during the Technical Advisory Group process, and this version was chosen because it allowed for an individual compliance pathway while still meeting the City's 2030 and 2050 goals. The City has not committed to a strict timetable to update the standards. The ordinance states that "Upon recommendation from the Environment Department, the Review Board shall propose to the Commission an update to the CO2e Emissions standards".*

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