

**BERDO 2.0 PHASE 3 REGULATIONS
NOTES FROM LISTENING SESSION OF MARCH 3, 2023**

Topics	Questions and ideas from the public
<i>Regulations development process</i>	<ul style="list-style-type: none"> ● Is the idea to work through each of the Phase 3 regulations topics sequentially, or at the same time? <ul style="list-style-type: none"> ○ <i>Some topics are likely to be addressed first, but a lot of work will be done simultaneously.</i>
<i>Building Portfolios</i>	<ul style="list-style-type: none"> ● The regulations need to be clear about how building portfolios will interplay with Individual Compliance Schedules and Hardship Compliance Plans. ● Will building portfolios be allowed to include different building types? If so, how are requirements going to be set? ● Building portfolios must have the same Building Owner. However, ownership is very complex. It depends on the contracts and arrangements between entities. For example, there are Building Owners that have multiple properties, but who do not show up as Owners on BERDO due to LLC and co-ownerships structures. There's a lot of complexity with building ownership and going off the owner listed in Assessing may not always be the best. ● Consider organizational boundaries from the WRI GHG Protocol when establishing portfolios.
<i>Individual Compliance Schedules</i>	<ul style="list-style-type: none"> ● Will building owners with an Individual compliance Schedule be free from the Alternative Compliance Payments requirements? ● Have you considered a waiver for 2025 compliance if there are a lot of requests for Individual Compliance Schedules and Hardship Compliance Plans and the Review Board is not able to answer them on time? ● There needs to be a way that the Review Board can verify the reasons why someone is requesting an Individual Compliance Schedule. ● Individual Compliance Schedules allow the use of historic data to set a baseline year. Building Owners with sustainability or ESG reporting practices should have access to this type of historical data.
<i>Hardship Compliance Plan</i>	<ul style="list-style-type: none"> ● Will there be an option to integrate applications for a Hardship Compliance Plan with applications to get funding from the Equitable Emissions Investment Fund?

	<ul style="list-style-type: none"> ● Are there any ways you are considering the hardships faced by historic buildings versus new buildings? ● The regulations should outline how Hardship Compliance Plans and Individual Compliance Schedules might interact with each other. For example, can a Building Owner apply for both? Is the eligibility for one more restrictive than another? ● If you created a Hardship Compliance Plan or an Individual Compliance Schedule, and due to a reason that you don't have control over, you don't meet the timeline and requirements according to said plan, would you still need to pay the Alternative Compliance Payment? ● A Hardship option that would be very helpful is if the building is under a gift restriction.
<p><i>Equitable Emissions Investment Fund</i></p>	<ul style="list-style-type: none"> ● Will Alternative Compliance Payments be tracked to qualify as offsets for other institutions? ● The City should consider third party verification of emissions reductions funded through the Equitable Emissions Investment Fund. ● Will the Equitable Emissions Investment Fund be used towards any incentive programs? For example, programs giving rebates for heat pumps or weatherization measures for renovations? ● The Review Board could have a rubric to rank different criteria to compare projects. For example, emissions reductions, climate resiliency benefits, air quality improvements, and any other priorities from the City and rating them 1 to 5 based on the strength of the proposals. There could also be a requirement about the funds being directed to Environmental Justice census blocks. ● The Fund should be open for public-private partnerships. Some universities may be interested in this to be a good neighbor. ● Thinking of logistics, applications to the Fund could be organized on an annual basis rather than a rolling basis. This may help to reduce the workload for the Review Board and may allow them to create a package of projects that can balance and hit all of their targets.
<p><i>General questions related to regulations</i></p>	<ul style="list-style-type: none"> ● Is it reasonable that the Review Board will have so many responsibilities? ● What role will third-party verifiers play going forward with decisions related to Phase 3 regulations?