

City of Boston BERDO Review Board  
Public Meeting Minutes  
Zoom Virtual Meeting  
June 26, 2023 at 4:30 pm  
[View recording here](#)

**Board Members in Attendance:** Rashida Boyd, Lovette Jacobs, Lee Matsueda, Jack Nelson, Kai Palmer-Dunning

**Board Members not in Attendance:** Gail Latimore

**Staff Present:** Diana Vasquez, Claudia Diezmartinez, Aidan Callan, Aladdine Joroff

**Staff Not Present:** N/A

**Others:** Approximately 38 members of the public attended this meeting.

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#### **Motion to Nominate Acting Chair**

**4:36 pm:** Environment staff, D. Vasquez, led the vote for Acting Chair. Board Member K. Palmer-Dunning made a motion to nominate Board Member Lee to serve as Acting Chair. Board Member R. Boyd seconded the motion. All board members in attendance (5) were in favor and the motion carried at 4:36 pm.

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#### **Call Meeting to Order**

**4:37 pm:** A meeting of the Building Emissions Reduction and Disclosure Ordinance, hereafter referred to as (BERDO), within the Air Pollution Control Commission, was called to order on June 26, 2023 at 4:37 pm. This meeting was held virtually.

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#### **Roll Call**

**4:38 pm:** The following BERDO Review Board members were in attendance: Acting Chair Lee Matsueda, Rashida Boyd, Lovette Jacobs, Lee Matsueda, Jack Nelson, Kai Palmer-Dunning

The following Environment Department staff were in attendance: Diana Vasquez, Claudia Diezmartinez, Aidan Callan, Aladdin Joroff

**Others:** Approximately 38 members of the public attended this meeting.

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#### **First Agenda Item: Approval of Meeting Minutes**

**4:41 pm:** The Review Board voted on approving the [June 12, 2023 Review Board Meeting Minutes](#).

Board Member L. Jacobs made a motion to approve the meeting minutes. Board Member K. Palmer-Dunning seconded the motion. All board members in attendance (5) were in favor and the motion passed at 4:41 pm.

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### **Second Agenda Item: Updates and Discussion on Phase 3 of BERDO Regulations Development**

**4:42 pm:** D. Vasquez and C. Diezmartinez reviewed Phase 3 of BERDO regulations development and shared comments received during an informal comment period regarding preliminary proposals on Building Portfolios and Individual Compliance Schedules.

**4:56 pm:** Board Q&A Session and staff responses if applicable:

- R. Boyd: No comments at this time.
- L. Jacobs: I'm interested in the comments received regarding anti-gentrification. When will we get into more detail about them?
  - C. Diezmartinez: The BERDO team will publish our responses to each comment. We can share the letters, comments, and our responses with the Board once we publish them. The tentative goal right now is to respond to all of these comments and revise the regulations language by the July 19 APCC hearing. Hopefully by the next BERDO Review Board meeting (July 10) we can talk more about how to respond to these comments.
- L. Matsueda: I'm impressed by this set of feedback and comments received during the informal comment period. I'm also interested in the 'three additional topics.' A lot of our community partners work closely on affordable housing and tenants' rights issues and I'm really hoping there's something we can do regarding that issue. The workforce issue is also really important - we've talked about this creating around 500 jobs. I just want to make sure we're clear about how this ties to work opportunities for our residents and communities. I know we have the Community Advisory Group and there are conversations about their roles in community meetings with residents hopefully this summer. I want to make sure we have a process that builds on the expertise, knowledge, and relationships of those community organizations. I definitely support that, and if there's anything I can do to help out I'm happy to do so. The evaluation criteria in particular I have a lot of questions about and I look forward to digging into it.
- J. Nelson: Claudia, what is your process for drafting responses to received comments?

- C. Diezmartinez: I can send examples of what the Environment Department has done in past phases, it's going to be very similar. We take all of the comment letters and translate them onto a table and organize the comments by topic. For example, we would group all of the comments on the application process for Building Portfolios in one place. We then reply to each of those comments and clarify if we made changes to the language based on the comments or we explain why we could or could not make changes based on the comments. We'll also provide new draft language. It's usually a part of the APCC process, so we will present a summarized version of all of the comments and our responses to the APCC at a public hearing. All of those materials: letters, responses, slides are available on the [BERDO regulations website](#).
- J. Nelson: And the Review Board will review that language on July 19, or prior to that?
  - C. Diezmartinez: I do think we have time for another BERDO Review Board meeting prior to the July 19 APCC hearing. We can go through the updates we have at that time.
  - A. Joroff: A reminder that we would welcome your feedback via email or phone call before the next BERDO Review Board meeting too as we're working this. Because our process does include a lot of folks sitting down and thinking about all the comments from an administrative and technical perspective, the equity perspective, the legal perspective, to understand what's within our capacity to do, the implications, etc. So we welcome thoughts on how to address some of these issues.
  - C. Diezmartinez: I will add that this was an informal comment period so we will have opportunities even when we present revised language based on these comments, to revise again through the formal public comment period opened by the APCC. So there is certainly still more time to talk about these regulations.
- K. Palmer-Dunning: I share an interest around the questions and concerns regarding the equitable emissions investment fund. Specifically how we'll be crafting that, if we'll be creating a pipeline of projects to apply for it or if we'll be creating an RFP process for stakeholders to respond to for access to funding. Definitely interested in exploring how best to implement regulations around that. I also have a question. If possible, could you go into a little bit more detail about the concern of the misuse of the combination of individual compliance schedules and

hardship plans? I would like to get a little bit more context around what this person was concerned about in terms of the combination of those two.

- C. Diezmartinez: Sure, that was part of a public comment letter by a group of community-based organizations. I don't want to speak for them on all of the nuances of their concerns. At least at a general level, the concern is how flexibility mechanisms can be combined and if that can result in not advancing the goals of BERDO on a high level. But we'll also share these comment letters in more detail as well.

**5:07 pm:** Acting Chair L. Matsueda opens Public Comment Period

- D. Fava: I live in Lynn, MA but I work for Trained Technologies out of Wilmington. I was looking at the data collected for some of the buildings. I was just wondering if there are any plans to standardize this process of inputting their values for their buildings, so it can be more easily parsed and analyzed?
  - C. Diezmartinez: Just to confirm, you mean the general reporting of BERDO?
- D. Fava: Yes. They report their building type, intensity, addresses, etc. A lot of them are in different formats.
  - A. Callan: I'm sorry, I'm going to have to ask that you repeat the question one more time.
- D. Fava: No problem. I was wondering if there were plans to standardize the inputting of data that the buildings put in. So street addresses, building type, usage, intensity, that kind of stuff, so that it can be more easily parsed and analyzed.
  - A. Callan: I suppose there are a few different ways to come at this. We try to standardize the information that we collect as much as possible in terms of the data reported through the BERDO supplemental reporting form and Energy Star portfolio manager. As I'll get into shortly, that data is standardized and made consistent through our data disclosure process. But if there are specific areas, whether it be street addresses, how certain units are reported, we'd certainly want to take a look at that. Maybe we can dive into specifics about how we can better standardize this information and make it clearer. We sort of speak a language here, and we want to make sure when we say gross floor area versus living area, it's clear what that difference is and limit inconsistency as much as possible. We may have to take it on a case-by-case basis depending on how many different sources we're pulling from if that makes sense. I'd be more than happy to have a follow up call and dig into this further.

- D. Fava: Yeah, that'd be amazing, thank you so much.
- A. Krasner: I just wanted to make the group aware of a new UCLA brief, that's a Pritzker brief. It's written by UCLA and it was for the city of Los Angeles and it was just released in June of 2023. Just a couple of weeks ago. This brief is specifically looking at how to equitably decarbonize buildings. There are a number of recommendations in it that I think would be helpful for the Community Advisory Group to be aware of and this board to be aware of. So I've just given you one example as well as a link to that report.
  - C. Diezmartinez: Thank you, and we invite anyone to share resources that they think would be relevant to regulations to my email as well, or Diana's, or through the chat.
- L. Lawson: My name is Lindsay Lawson and I'm from Beacon Hill. I wanted to ask for BERDO data, could [the City] also add reporting on when the building was last renovated in addition to when it was built. I think it could be helpful in contextualizing.
  - A. Joroff: Thank you for the comment, if you have additional thoughts on what level of renovation or if you have specific projects in mind, that would be great.
- L. Lawson: Okay, I will think about that.

Questions/Comments via Zoom Chat:

- D. Fava: Are there any plans to standardize the data collection process so it can be more easily parsed and analyzed?
- A. Krasner: UCLA recently wrote a brief for LA on how to equitably decarbonize buildings. The report is LA specific but some of the ideas presented in the report may be helpful. For example, the recommend requiring landlords receiving decarb subsidies to agree to tenant protections - the way Pennsylvania operationalized this is the subsidies are provided as a loan and are forgiven once the landlord has demonstrated that they didn't raise rents.  
<https://law.ucla.edu/sites/default/files/PDFs/Publications/Emmett%20Institute/Tenant-Friendly%20Building%20Decarb%20in%20LA%20-%20Final%20Digital%2006-14.pdf>
- L. Lawson: Quick comment, can you request that buildings report when their latest renovation was?

**5:14 pm:** Acting Chair L. Matsueda closed the public comment period.

C. Diezmartinez and D. Vasquez reviewed next steps regarding Phase 3 regulations development.

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### **Third Agenda Item: Updates and discussion on BERDO Disclosure**

**5: 16 pm:** A. Callan presented on 2021 BERDO disclosure data.

**5:22 pm:** Board Q&A Session and staff responses if applicable:

- K. Palmer-Dunning: Thanks Aidan for sharing this data, it's really interesting. I think it's good that, in terms of square footage, we're seeing larger buildings comply with the Ordinance versus the smaller ones. Still, it's kind of alarming that for 2021 data there is still a large portion of buildings that haven't been claimed. For 2023, buildings that haven't submitted without extension - is there any understanding of the building types that are in compliance and out of compliance?
  - A. Callan: To speak on a very high-level, those that are out of compliance are mostly smaller buildings that had to report for the very first time in 2021. They are typically smaller. As a result of being smaller, they may not have as much bandwidth as larger properties do to have someone on staff to do BERDO reporting for example. Building types - we're seeing a lot of condo properties, condo associations. They make up a lot of the newer properties, between 15 units and 35 units, 20,000 square feet and 35,000 square feet. Once we release the map, I think it will be telling. As we branch out from downtown and get to smaller buildings in more suburban areas, we're seeing a lower compliance rate there.
- K. Palmer-Dunning: Great, thank you.
- J. Nelson: No questions.
- L. Matsueda: I'll pass.
- L. Jacobs: No questions at the moment.
- R. Boyd: There is a shortage of third-party verifiers. It's new, in demand, and it's a lot of work that has to be covered. I'm sure that is one of the reasons [for lack of compliance]. It has to be mainly done, it has to be verified, and there's not a lot of us. Thank you.
- L. Matsueda: Do we have a sense of how many third-party verifiers there are?

- R. Boyd: There's not a lot. I can do a little more research and send you something. It's new, even HERS rating just to be for single-families, and now it's mandatory that everyone is granted this. There are a lot of projects and BERDO is bringing more, which is a good thing. It's a manual thing, it's a data collecting thing, and process. We have to give people time to make the change. It will get done, but I want everyone to keep in mind that this isn't something that's been around. It's new, a lot of people aren't aware of it, and people have to learn it.
- C. Diezmartinez: I want to add that for the information of the board and the public, as part of the BERDO how-to report guide, there is a list of third-party verifiers that responded to a request for information. So there is a list there that I can share, but it's not exhaustive of all third-party verifiers that may exist in the City. [I'll share that in the chat for your information.](#)
- A. Callan: Thank you Claudia. That is just a request for information and we're just passing along the information that's been submitted to us. We don't endorse or recommend anyone specifically on that list. We're just having a resource available for folks to have their services known and for folks who don't know anyone with the qualifications needed to be a third-party verifier, we can at least point them in that direction.

**5:29 pm:** Acting Chair L. Matsueda opens a public comment period.

- W. Waldstein: Thank you, Weezy Waldstein from Action 4 Equity. Thank you Acting Chair Matseuda. I wanted to make sure I understood the chart, whether it was numbers of buildings or square footage? And it was answered that it was the number of buildings. Building sizes are so wildly different from each other There's a process where it's useful to know how many buildings in each category, but would it be difficult to convert this into square footage in each category? And then see how far the City's gotten?
  - A. Callan: Thank you and that's something that we can work to attempt to pull for the next BERDO Review Board meeting. That should be achievable. This compliance rate is looking at building-by-building. At the City we do have square footage information about these properties that haven't been reported because those that haven't been reported don't have square footage yet. But we only have it at the parcel level, not building-by-building. So if there are multiple buildings, let's say five or six, within a single parcel, we don't have that level of granularity. But we should still be able to pull that parcel level square footage. That should be doable. Based on the fact that there are a lot of smaller properties that are non-compliant, the numbers

would look a lot better and more in line with the compliance of the overall emissions within these large buildings.

- D. Heimann: This is David Hemiann at Jamaica Plain Cohousing. I heard in the middle of the discussion that some properties don't have a large staff to respond. We want to point out that some properties, especially small ones like us, have no staff to respond. It may be a resident, maybe two residents, and these residents are not landlords. So we have to keep that in mind.
- L. Matsueda: David, really great point. It's helpful to hear that. Many of us completely understand that and want to make sure we're working with you and other smaller buildings to make sure the whole process is clear, that yall have access you need to the resources. That we can be super clear about what's needed.
- A. Joroff: This is Aladdine. I'll just add that we encourage folks to use City resources too as assistance, working through the process.
- L. Matsueda reading S. Ellis' question aloud: Can you explain "state and federal"? Are they in compliance, not, or exempt?
  - A. Callan: Great question Stephen. We've separated them into their own category because they have not yet reported any data. I will note that we're engaged with these properties. They are starting to work to gather data for BERDO. They're coverage under BERDO is still unconfirmed as they have their own state and federal carbon emissions targets that they are subject to. As we continue to work out their coverage under BERDO, we're just making sure they're at the very least reporting their data as we further confirm. I did want to separate that out while there is that uncertainty.
- D. Vasquez prompting if Y. Torrie would like to ask her question aloud.
  - Y. Torrie: Thank you. Aladdine is actually going to respond to me via email. She doesn't have the information. It was just about the other working groups.
- K. Palmer-Dunning: It's more of a comment to David's question earlier. In terms of smaller properties not necessarily having the staff or resources for reporting, often smaller towns and cities in rural areas that don't have capacity for sustainability directors use a kind of shared sustainability director across municipalities. This might be something to consider to help smaller properties that don't have the capacity to have an in-house person reporting, to have somebody to share across multiple properties to help them report their properties to BERDO.



Questions/Comments via Zoom Chat:

- Y. Torrie: When are the commercial real estate and higher education working groups happening?
- S. Ellis: Can you explain "State and Federal"? Are they in compliance, not, or exempt?
- W. Waldstein: Is the pie chart graph of # of building or # of sq footage?
- D. Heimann: A quick comment on the statement that some properties don't have a large staff to respond -- Some properties, especially the smaller ones, have \*no\* staff!

**5:38 pm:** Acting Chair L. Matsueda closes public comment period.

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**Fourth Agenda Item: Administrative Updates**

**5:39 pm:** D. Vasquez shared that the next tentative BERDO Review Board meeting is scheduled for July 10, 2023.

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**Meeting Adjournment**

**5:41 pm:** Board Member L. Jacobs motioned to adjourn the meeting. Board Member R. Boyd seconded. All in attendance (5) were in favor and the motion carried at 5:41 pm.