

# BERDO REVIEW BOARD PUBLIC MEETING



*June 12, 2023*

This public meeting will include opportunity for public comment. During public comment periods, members of the public may submit any comments or questions by “raising their hand” or by typing in the chat box.

# BERDO REVIEW BOARD



**Rashida Boyd**  
*Board Member*



**Lovette Jacobs**  
*Board Member*



**Gail Latimore**  
*Board Member*



**Lee Matsueda**  
*Board Member*



**Jack Nelson**  
*Board Member*



**Kai Palmer-Dunning**  
*Board Member*

# CITY OF BOSTON STAFF



**Diana  
Vasquez**

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*Environment  
Department*



**Claudia  
Diezmartinez**

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*Environment  
Department*



**Aidan  
Callan**

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*Environment  
Department*





# Phase 3 BERDO Regulations Update

*Timeline, Building Portfolios, and Individual Compliance Schedules*

# Review Board Updates

- **6 members seated**
  - *Rashida Boyd, HERS Energy Rater Trainee at New Ecology*
  - *Lovette Jacobs, Electrical Worker, IBEW Local 103*
  - *Gail Latimore, Executive Director of Codman Square Neighborhood Development Corporation*
  - *Lee Matsueda, Executive Director of Community Labor United*
  - *Jack Nelson, P.E., CEM Partner at CMTA engineering consulting firm*
  - *Kai Palmer-Dunning, Director of Equitable Building Transition at Home Energy Efficiency Team (HEET)*
- **1 member passed by City Council, yet to be sworn in**
  - *Stephen Ellis, Director of Data Analytics at Boston University Sustainability*
- **2 members pending City Council hearings**
  - *One seat reserved for the City Council's Environmental Justice, Resiliency, and Parks Commission Chair, Councilor Lara*
  - *One additional nominee*

# BERDO 2.0 Development & Implementation Timeline

**Fall 2021:** BERDO 2.0 Passed by City Council and Signed by the Mayor



**March 2022:** Phase 1 Regulations adopted on Data Reporting and verification requirements



**March 2022:** Buildings begin Data Reporting and Verification for 2022



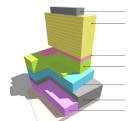
**December 2022:** Phase 2a Regulations adopted covering:



**December 2022:** Reporting and Verification Deadline (extensions granted until March if needed)



**Review Board** (Composition and Appointment Processes)



**Blended Emissions Standards**



**Designating tenant as owner** (Long-term commercial tenants)



**Change of ownership**



**Buildings in Special Circumstances** (Vacant buildings, Demolitions)

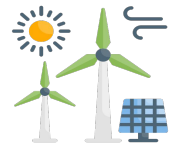
*Building owners work to collect, report and verify data 2021*

# BERDO 2.0 Development & Implementation Timeline

**January 2023:** Phase 2a Regulations adopted covering:



**Emissions Factors**  
(Grid Emissions, District Energy Systems)



**Renewable Electricity Purchases**  
(PPAs, RECs, SMART Program)

**March 2023:** Phase 3 regulations development process launched (currently underway)

**May 2023:** Straw Proposals submitted to the APCC on Building Portfolios and Individual Compliance Schedules; informal public comment period opened

**February 2023:** Review Board Nominations Open



**BERDO 2.0 Nominating Community-Based Organizations Qualification Form**

Please use this form to submit an application to qualify as a nominating Community-Based Organization (CBO) under BERDO 2.0. Qualified nominating CBOs will be able to nominate individuals to serve as members of the BERDO 2.0 Review Board, subject to the Mayor's selection and the City Council's approval.



**BERDO 2.0 Review Board Member Nomination Form**

Please use this form to nominate an individual to serve as a member of the Building Emissions Reduction and Disclosure (BERDO) Review Board. This form collects information to assess whether and how nominees meet the requirements for Review Board members defined by Section 7-2.2(s) of the Ordinance and adopted regulations.

**March 2023:** Review Board Nominations Close

**April 2023:** New data reporting platform launched

**April/May 2023:** Review Board Members appointed by Mayor, 7 approved by City Council, 2 awaiting hearings.

**May 15, 2023:** Data Reporting Deadline for 2022 data.



# Phase 3 Regulations: Topics to Address



## BUILDING PORTFOLIO COMPLIANCE

- *Two or more Buildings with the same Owner or that are part of an approved Institutional Master Plan may comply with BERDO through a Building Portfolio. Building Portfolios are approved by the Review Board.*



## INDIVIDUAL COMPLIANCE SCHEDULES

- *Alternative emissions standard reduction schedules based on a baseline year. Individual Compliance Schedules are approved by the Review Board.*



## HARDSHIP COMPLIANCE PLANS

- *Alternative emissions reduction targets and/or timelines. Available for buildings that experience a hardship in complying with BERDO. Hardship Compliance Plans are approved by the Review Board*



## EQUITABLE EMISSIONS INVESTMENT FUND

- *New investment fund that will collect all Alternative Compliance Payments (ACPs) and penalties made to BERDO and invest them in local building carbon abatement projects that prioritize environmental justice communities in Boston.*



## FINES AND ENFORCEMENT

- *Fines and penalties for non-compliance.*



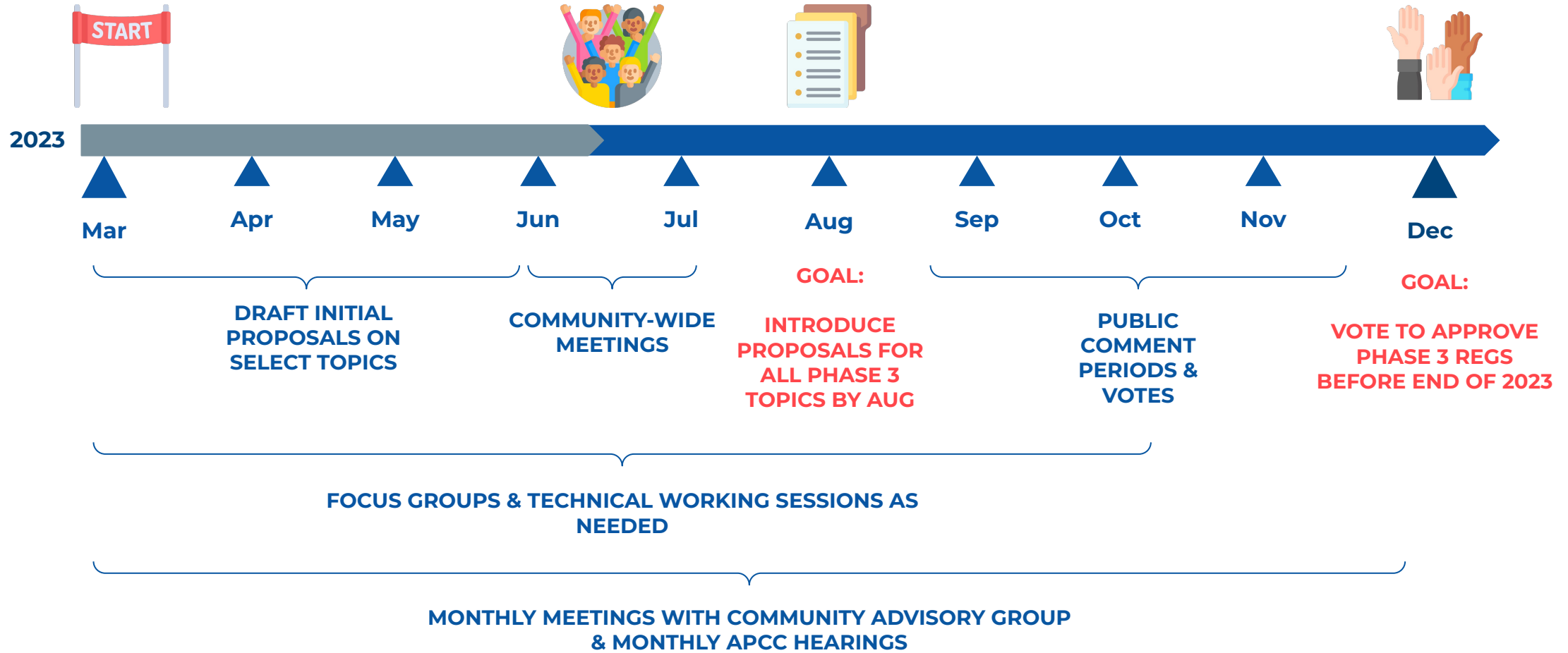
## COMPLIANCE WITH EMISSIONS STANDARDS

- *Compliance rules for buildings in special circumstances (e.g., vacant buildings, demolitions)*



# Phase 3 Regulations: Tentative Timeline

Schedule subject to change



# Updates on Phase 3 Process

- **Launched Phase 3 with Listening Session held on Zoom (3/6/23).**
  - *Slides and notes available on [boston.gov/berdo-regulations](https://boston.gov/berdo-regulations).*
- **Held two public technical working sessions focused on Building Portfolios (3/29/23) and Individual Compliance Schedules (4/5/23).**
  - *Slides and notes available on [boston.gov/berdo-regulations](https://boston.gov/berdo-regulations).*
- **Held four Community Advisory Group meetings.**
- **Held first focus group on affordable housing and Hardship Compliance Plans (6/7/23).**
- **Additional community meetings, technical working sessions, and focus groups (healthcare, cultural institutions, etc) planned for the summer.**

# Phase 3 Regulations: Topics to Address



## BUILDING PORTFOLIO COMPLIANCE

- *Two or more Buildings with the same Owner or that are part of an approved Institutional Master Plan may comply with BERDO through a Building Portfolio. Building Portfolios are approved by the Review Board.*



## INDIVIDUAL COMPLIANCE SCHEDULES

- *Alternative emissions standard reduction schedules based on a baseline year. Individual Compliance Schedules are approved by the Review Board.*



## HARDSHIP COMPLIANCE PLANS

- *Alternative emissions reduction targets and/or timelines. Available for buildings that experience a hardship in complying with BERDO. Hardship Compliance Plans are approved by the Review Board*



## EQUITABLE EMISSIONS INVESTMENT FUND

- *New investment fund that will collect all Alternative Compliance Payments (ACPs) and penalties made to BERDO and invest them in local building carbon abatement projects that prioritize environmental justice communities in Boston.*



## FINES AND ENFORCEMENT

- *Fines and penalties for non-compliance.*



## COMPLIANCE WITH EMISSIONS STANDARDS

- *Compliance rules for buildings in special circumstances (e.g., vacant buildings, demolitions)*



An aerial view of a city grid rendered as a white wireframe on a dark blue background. The buildings are represented by simple rectangular outlines, creating a sense of depth and perspective. The grid is dense, with many small blocks and a few larger, more prominent structures.

# **Building Portfolios**

*Preliminary proposals*

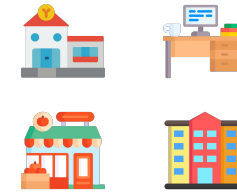
# Building Portfolios

Introduction to the topic



## What the Ordinance says:

- Building Portfolios can be formed with two or more Buildings that share the **same Owner** or that are part of an approved **Institutional Master Plan**.
- Building Portfolios must still **report** energy, emissions, and water data **for each individual Building**, but rather than ensuring that each Building complies with an individual emissions standard, Building Portfolios will be able to **comply with a single portfolio-level emissions standard**.
- Building Portfolios must be approved by the **Review Board**. The Review Board may set **conditions on the approval of a Building Portfolio**, including prioritizing emissions reductions in Buildings located in or near **environmental justice populations**.



### Individual Buildings:

- Building level reporting
- Building level compliance

### Building Portfolio:

- Building level reporting
- Portfolio level compliance

## The regulations and policies will establish and clarify:

- Definition of “same Owner” for the purposes of Building Portfolios
- Process to apply for a Building Portfolio
- Process through which the Review Board will assess and approve Building Portfolios
- Conditions the Review Board may set to approve Building Portfolios

# Building Portfolios

*Preliminary proposals*



## Proposed eligibility criteria for Building Portfolios:

To confirm eligibility for a Building Portfolio, Owners must attest to the following:

1. All Buildings in the proposed Building Portfolio have the **same Owner** as listed in the records of the Boston Assessing Department or:
  - a. Sponsor, pursuant to [MGL ch. 62 sec. 6I\(a\)](#), of two or more Residential Buildings, each with 50% or more units with affordable housing covenants or deed restrictions, which are financed through the U.S. Department of Housing and Urban Development Section 8, Section 202, or Section 811 programs, or Low Income Housing Tax Credit programs may be considered the Owner of record for purposes of creating a Building Portfolio.
  - b. The same majority owner in two or more special purpose entities, each owning a single Building, may be considered the Owner of record for purposes of creating a Building Portfolio; provided, however, that a Building may not be in more than one Building Portfolio.



# Building Portfolios

Preliminary proposals



## Proposed eligibility criteria for Building Portfolios (Continued):

2. For Building Portfolios based on Institutional Master Plans, all Buildings in the Building Portfolio are part of **one approved Institutional Master Plan**. Multiple Institutional Master Plans may not be combined into a single Building Portfolio.
3. The Building Uses, Energy Use, and Emissions data of all Buildings in the proposed Building Portfolio were **third-party verified** during the last applicable Verification Year.
4. All Buildings in the proposed Building Portfolio are **in compliance with the Ordinance**, including the payment of any applicable past penalties; and
5. None of the Buildings in the proposed Building Portfolio are **vacant\***, as defined in policies and procedures adopted by the Commission.

*\* According to [BERDO policies](#) adopted by the Commission, “a vacant building shall be demonstrated by one or more of the following: demolition permits, insurance policies, no active water or gas utilities, transfer of all utilities to a construction company with an active construction permit, or if energy use is less than 5% of previously reported annual BERDO data.”*

# Building Portfolios

Preliminary proposals

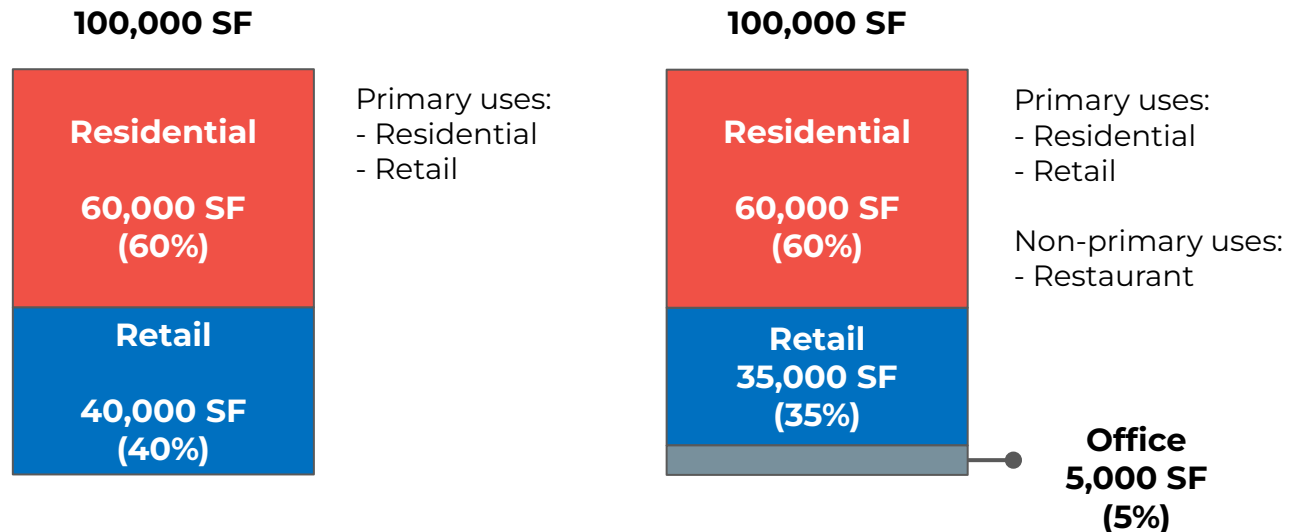


## Proposed requirements for Building Portfolios:

Owners must maintain compliance with (i) any conditions attached to approval of a Building Portfolio and (ii) the following requirements; failure to do so may result in revocation of the Building Portfolio:

1. Any Building Portfolio that contains Buildings with different Building Uses, shall comply with a **Blended Emissions Standard using each Building's reported primary Building Uses and corresponding square footage to determine the Building Portfolio's primary uses.**

*A Building Use constitutes a primary use if it occupies at least 10% of a Building's square footage or more than 10% of the Building's energy use or CO2e emissions.*



# Building Portfolios

*Preliminary proposals*



## Proposed requirements for Building Portfolios (Continued):

2. For any Building Portfolio that includes (a) on-site Campus District Energy Systems, on-site Combined Heat and Power plants, industrial or manufacturing Buildings, or energy or power station Buildings located in Environmental Justice Populations, (b) Residential Buildings located in both Environmental Justice Populations and non Environmental Justice Populations, or (c) Both residential Buildings with 50% or more deed restricted affordable housing and Residential Buildings with less than 50% deed restricted affordable housing, Owners must:
  - a. Submit a **portfolio Emissions standard compliance plan within two (2) years of the Review Board's initial approval of the Building Portfolio**. Such Emissions standard compliance plan must comply with any requirements in the regulations or guidance adopted by the Commission.
  - b. Comply with any **environment justice reporting criteria required by the Review Board** as a condition of approval of the Building Portfolio.
3. The Commission or its designee may inspect any Building that is part of an approved Building Portfolio, at reasonable times and with reasonable notice, in order to assess compliance with the terms and conditions of said Building Portfolio.



# Building Portfolios

*Preliminary proposals*



## Proposed portfolio Emissions standard compliance plan requirements:

1. The portfolio Emissions standard compliance plan shall include the following:
  - a. **Identification of all Buildings located in Environmental Justice Populations. Owners shall highlight all Buildings located in areas that meet two or more of the eligibility criteria of the Environmental Justice Population definition.** Owners shall use environmental justice maps and tools made available by the Massachusetts Executive Office of Energy and Environmental Affairs or any other tools otherwise determined by the Environment Department.
  - b. **Description of any planned Emissions standard compliance efforts that are expected to be implemented across the Building Portfolio for the next two compliance cycles.** This may include emissions reduction measures such as energy efficiency improvements, weatherization, electrification, and appliance substitution, as well as renewable energy purchases and Alternative Compliance Payments. Where feasible, plans should include any strategies to reduce emissions from each Building type in the Building Portfolio, including on-site Campus District Energy Systems, Combined Heat and Power plants, industrial or manufacturing Buildings, and energy or power station Buildings.
  - c. The type of heating systems, cooling systems, stoves, ventilation, and any air quality monitoring and filtration systems that are currently in operation for each Building located in Environmental Justice Populations.

# Building Portfolios

*Preliminary proposals*



## Proposed portfolio Emissions standard compliance plan requirements (continued):

2. Owners shall present an **updated Emissions standard compliance plan to the Review Board every Verification Year**. This updated plan shall also include a **progress report** that identifies any progress made on the plan to date.
3. When reviewing a Building Portfolio's Emissions standard compliance plan and progress reports to assess its potential environmental justice impacts, **the Review Board will consider the distribution of investments, emissions reduction efforts, and other compliance actions that benefit Environmental Justice Populations, including among the following:**
  - i. **Census blocks that meet two or more eligibility criteria of the Environmental Justice Population definition.**
  - ii. **Residential Buildings with 50% or more deed restricted affordable housing.**
4. The Review Board may request a hearing to evaluate a Building Portfolio's Emissions standard compliance plan and progress reports.
5. The Review Board may impose additional conditions or terminate an approved Building Portfolio if the Review Board determines that the Building Owner has disproportionately directed investment to Buildings outside of Environmental Justice Populations or to Residential Buildings with less than 50% deed restricted affordable housing across compliance cycles, as demonstrated by the Building Portfolio's Emissions standard compliance plan and progress reports.

# Building Portfolios

*Preliminary proposals*



## **Proposed application process for Building Portfolios:**

- Applications for a Building Portfolio must be submitted by **September 1** to qualify as a Building Portfolio for the following compliance year. Owners shall utilize one of the following three application pathways.

# Building Portfolios

Preliminary proposals



## Proposed application process for Building Portfolios (Continued):

- Owners shall utilize one of the following three application pathways:

Building Portfolios that **do not** include the following:

- On-site Campus District Energy Systems, on-site Combined Heat and Power plants, industrial or manufacturing Buildings, or energy or power station Buildings located in Environmental Justice Populations,
- Residential Buildings located in both Environmental Justice Populations and non Environmental Justice Populations, or
- Both residential Buildings with 50% or more deed restricted affordable housing and Residential Buildings with less than 50% deed restricted affordable housing

### PATHWAY ONE

1

Owner sends application with:

- Confirmation of compliance with the eligibility criteria for Building Portfolios.
- A list of all Buildings included in the Building Portfolio.

2

Environment Department reviews each application for completeness and recommends approval or denial to the Review Board.

3

The Review Board may vote to approve, approve with conditions, or deny the application at its next scheduled public meeting.

# Building Portfolios

Preliminary proposals



## Proposed application process for Building Portfolios (Continued):

- Owners shall utilize one of the following three application pathways:

Building Portfolios that include the following:

- On-site Campus District Energy Systems, on-site Combined Heat and Power plants, industrial or manufacturing Buildings, or energy or power station Buildings located in Environmental Justice Populations,
- Residential Buildings located in both Environmental Justice Populations and non Environmental Justice Populations, or
- Both residential Buildings with 50% or more deed restricted affordable housing and Residential Buildings with less than 50% deed restricted affordable housing

### PATHWAY TWO

1

Owner sends application with:

- Confirmation of compliance with the eligibility criteria for Building Portfolios.
- A list of all Buildings included in the Building Portfolio.
- A list of all on-site Campus District Energy Systems, Combined Heat and Power plants, industrial or manufacturing Buildings, energy or power station Buildings, Residential Buildings located in Environmental Justice Populations and Residential Buildings with 50% or more deed restricted affordable housing (narrative and map).
- (Optional) information on plans to achieve compliance with Emission standards across the proposed Building Portfolio.

2

The Environment Department reviews each application for completeness and for potential impacts on Environmental Justice Populations, and recommends approval or denial to the Review Board.

3

The Review Board **may hold a hearing** to evaluate the application. The Review Board may vote to approve, approve with conditions, or deny the application at said hearing or at its next scheduled public meeting.



# Building Portfolios

Preliminary proposals



## Proposed application process for Building Portfolios (Continued):

- Owners shall utilize one of the following three application pathways:

### PATHWAY THREE

Building Portfolios that:

- Do not meet the eligibility criteria for Building Portfolios, **or**
- Want a waiver from the required blended emissions standard (no blended emissions standard, blended emissions standard based using emissions or energy to determine primary uses)

1

Owner sends application with:

- A list of all Buildings included in the Building Portfolio.
- An explanation of why the Owner is unable to meet the eligibility criteria for Building Portfolios or comply with the required blended emissions standard.
- A list of all on-site Campus District Energy Systems, Combined Heat and Power plants, industrial or manufacturing Buildings, energy or power station Buildings, Residential Buildings located in Environmental Justice Populations and Residential Buildings with 50% or more deed restricted affordable housing (narrative and map).
- (Optional) information on plans to achieve compliance with Emission standards across the proposed Building Portfolio.

2

The Environment Department reviews each application for completeness and for potential impacts on Environmental Justice Populations, and recommends approval or denial to the Review Board.

3

The Review Board **shall hold a hearing** to evaluate the application. The Review Board may vote to approve, approve with conditions, or deny the application at said hearing or at its next scheduled public meeting.

# Building Portfolios

Preliminary proposals



## Proposed application process for Building Portfolios (Summary):

Pathway 1	Pathway 2	Pathway 3
Building Portfolio <u>does not</u> include any of the key Building types with environmental justice interests.	Building Portfolio includes any of the key Building types with environmental justice interests.	Building Portfolio may or may not include the key Building types with environmental justice interests.
Building Portfolio meets eligibility criteria. If needed, uses the required blended emissions standard (based on primary uses determined by Gross Floor Area).	Building Portfolio meets eligibility criteria and. If needed, uses the required blended emissions standard (based on primary uses determined by Gross Floor Area).	Building Portfolio <u>does not</u> meet eligibility criteria or requires a waiver from using the required blended emissions standard (based on primary uses determined by Gross Floor Area).
Does not require a hearing by the Review Board.	Review Board may hold a hearing to evaluate the application	Review Board shall hold a hearing to evaluate the application
Review Board may set conditions of approval.	Review Board may set conditions of approval, including environmental justice reporting.	Review Board may set conditions of approval, including environmental justice reporting.
	Owner must submit portfolio Emissions standard compliance plan within 2 years of the Review Board’s initial approval of the Building Portfolio.	If needed, Owner must submit portfolio Emissions standard compliance plan within 2 years of the Review Board’s initial approval of the Building Portfolio.

# Building Portfolios

*Preliminary proposals*



## **Proposed modification process for approved Building Portfolios:**

Notifications and requests to modify an approved Building Portfolio must be submitted by **September 1** for the modifications to be reflected for the following compliance year.

1. Notice to the Review Board is required to remove a Building from an approved Building Portfolio due to (a) change of Owner of an existing Building or (b) vacancy of an existing Building.
2. Approval from the Review Board is required to remove a Building from an approved Building Portfolio for any reason other than in point (1).
3. Approval from the Review Board is required to add an additional Building to an approved Building Portfolio. The additional Building must meet the eligibility criteria and requirements for Building Portfolios.

# Building Portfolios

*Preliminary proposals*



## **Proposed termination process for approved Building Portfolios:**

1. The Review Board may, by a majority vote, revoke an approved Building Portfolio or amend the conditions of an approved Building Portfolio if the Review Board determines that **(a)** an Owner does not comply with the requirements for Building Portfolios or **(b)** the Owner has not equitably distributed investments and improvements to Environmental Justice Populations, as specified in policies and procedures adopted by the Commission. Any proposed revocation must be subject to a public hearing.
2. An Owner may terminate an approved Building Portfolio with notice to the Review Board by **September 1** for the termination to be reflected for the following compliance year.

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are light blue and create a complex, geometric pattern.

# Board Q&A

*Board members may discuss and ask staff questions.*



The background of the slide is a dark blue aerial wireframe rendering of a city. The buildings are represented by white and light blue lines, creating a complex, three-dimensional grid of urban structures. The perspective is from a high angle, looking down on the city.

# Individual Compliance Schedules

*Preliminary proposals*



# Individual Compliance Schedules (ICS)

Introduction to the topic

### What the Ordinance says:

- ICS are **alternative emissions reduction timelines** that allow Owners to decrease their emissions based on a baseline and at a different rate than the schedule set in the Ordinance.
- All ICS must establish **emissions standards with 5-year increments**. Those standards must (i) **decline on a linear or better basis**, (ii) **reduce emissions by 50% by 2030**, and (iii) **reduce emissions by 100% by 2050**.
- ICS may use (i) the first year that the Building was required to report to BERDO 1.0 or 2.0 OR (ii) any year from 2005 to the first required reporting year as a **baseline year**.
- Any Owner that meets these requirements may apply for an ICS. ICS are approved by the **Review Board** and the Review Board may set **conditions on the approval** of an ICS.

ICS require reduction in absolute emissions (not emissions intensity)

### Emissions reductions with ICS \*

	BERDO Schedule (kgCO2/year)	Individual Compliance Schedule (kgCO2/year)	
Baseline (2010)	NA	550,000	← Baseline emissions
2025 - 2029	410,000	450,000	
2030 - 2034	240,000	275,000	← 50% emissions reduction by 2030
2035 - 2039	180,000	200,000	
2040 - 2044	110,000	110,000	
2045 - 2049	60,000	60,000	
2050	0	0	← Net zero by 2050

**The regulations and policies will establish and clarify:**

- Process and rules to apply for ICS
- Process through which the Review Board will assess and approve ICS.
- Conditions the Review Board may set to approve ICS.

\* These are fictitious numbers used to simplify analysis.

# Individual Compliance Schedules (ICS)

*Preliminary proposals*



## Proposed eligibility criteria for ICS:

To confirm eligibility for an Individual Compliance Schedule, an Owner of a Building or approved Building Portfolio must attest to the following:

1. For all Buildings, the Energy use, Gross Floor Area, Building Use(s), and Emissions Factors data for the year selected as the baseline have been third-party verified.
2. For an individual Building, the total Gross Floor Area has not been reduced from the baseline year **by more than 10%** and **the largest primary Building Use remains the same.**
3. For a Building Portfolio, the Building Portfolio's total Gross Floor Area has not been reduced from the baseline year **by more than 10%** and **the three largest Primary Building Use(s) across the Building Portfolio remain the same.**
4. All Buildings are currently in compliance with the Ordinance, including the payment of any applicable past penalties.

# Individual Compliance Schedules (ICS)

*Preliminary proposals*

## **Proposed application process for individual Buildings:**

Applications to approve an Individual Compliance Schedule must be submitted by **September 1** to qualify for the following compliance year. An application for an Individual Compliance Schedule for a Building shall include the following information and any other material required by standards issued by the Review Board.

1. An alternative CO<sub>2</sub>e Emissions standard reduction schedule that meets the requirements set in the Ordinance.
2. A description of any emissions reduction efforts completed in the Building from the baseline year to date, if any.
3. A description of the expected compliance measures to be implemented to meet the alternative CO<sub>2</sub>e Emissions standard reduction schedule.

# Individual Compliance Schedules (ICS)

*Preliminary proposals*

## Proposed application process for Building Portfolios:

Initial applications to approve an Individual Compliance Schedule must be submitted by **September 1** to qualify for the following compliance year. An application for an Individual Compliance Schedule for a Building Portfolio shall include the following information and any other material required by standards issued by the Review Board.

1. An alternative portfolio CO<sub>2</sub>e Emissions standard reduction schedule that meets the requirements set in the Ordinance. The Individual Compliance Schedule must cover all Buildings in the Building Portfolio.
2. A description of any emissions reduction efforts completed across the Building Portfolio from the baseline year to date, if any.
3. For Building Portfolios that are required to complete an Emissions standard compliance plan, a copy of such plan, provided, however, that if the Emissions standard compliance plan is not completed at the time of application, submission upon completion shall be a required condition of the Individual Compliance Schedule.
4. For Building Portfolios that are not required to complete an Emissions standard compliance plan, a description of the expected compliance measures to be implemented to meet the alternative CO<sub>2</sub>e Emissions standard reduction schedule.



# Individual Compliance Schedules (ICS)

*Preliminary proposals*

## Proposed review process for ICS applications:

1. The Environment Department shall review each application for completeness and recommend approval or denial to the Review Board.
2. The Review Board **shall hold a hearing to evaluate applications for Building Portfolios** and **may hold a hearing for applications for Individual Buildings** seeking an Individual Compliance Schedule. The Review Board may vote to approve, approve with conditions or deny the application at said hearing or at the next scheduled public meeting. A decision shall require a majority vote by the Review Board.
  - a. If an Owner fails to comply with an Individual Compliance Schedule, or with any condition of an Individual Compliance Schedule, the Review Board may revoke approval of said Individual Compliance Schedule, effective at the start of the next compliance year.

# Individual Compliance Schedules (ICS)

*Preliminary proposals*

## Proposed modification process for an approved ICS:

Review Board approval is required to make any modifications to an Individual Compliance Schedule. Requests to modify an approved Individual Compliance Schedule must be submitted by **September 1** for the modifications to be reflected for the following compliance year. Situations for which modifications are required include:

1. Individual Compliance Schedules for individual Buildings if the **Building's total Gross Floor Area is reduced by more than 10%** or the **largest primary Building Use changes**.
2. Individual Compliance Schedules for Building Portfolios if the **Building Portfolio's total Gross Floor Area is reduced by more than 10%** or **the three largest primary Building Use(s) across the Building Portfolio change**.

The Review Board may hold a hearing for requests to modify an approved compliance schedule.

# Individual Compliance Schedules (ICS)

*Preliminary proposals*



## **Proposed rules for transfers of an approved ICS:**

- Approved Individual Compliance Schedules for individual Buildings or whole Building Portfolios are transferable upon change of ownership.

# Individual Compliance Schedules (ICS)

*Preliminary proposals*



## **Proposed termination process for an approved ICS:**

1. The Review Board may, by a majority vote, revoke an approved Individual Compliance Schedule or amend the conditions of an Individual Compliance Schedule if the Review Board determines that an Owner does not comply with the requirements for Individual Compliance Schedules. Any proposed revocation must be subject to a public hearing. The Commission or its designee may inspect any Building that is part of an approved Individual Compliance Schedule, at reasonable times and with reasonable notice, in order to assess compliance with the terms and conditions of said Individual Compliance Schedule.
2. An Owner may opt-out of an approved Individual Compliance Schedule with notice to the Review Board by **September 1** for the modifications to be reflected for the following compliance year. Upon opting-out, Buildings and Building Portfolios will be subject to emissions standards in Table 1 of the Ordinance.

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are light blue and create a complex, geometric pattern.

# Board Q&A

*Board members may discuss and ask staff questions.*



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# Public Q&A

*The public may discuss and ask staff questions.*



The background of the slide is a dark blue wireframe illustration of a city skyline, viewed from an elevated perspective. The buildings are represented by white and light blue lines, creating a complex, geometric pattern of rectangular shapes and heights. A semi-transparent dark blue horizontal band runs across the middle of the image, serving as a backdrop for the text.

# Regulations Next Steps

*Tentative schedule*

# Informal Public Comment Period

*Proposed Next Steps*

## For Building Portfolios and ICS:

- **May 23 - June 16:** Informal public comment period. The public may send feedback on the preliminary regulations proposals to [claudia.diezmartinez@boston.gov](mailto:claudia.diezmartinez@boston.gov)
- **July 19 APCC Hearing:** City team will present draft regulations language based on public feedback received during the informal public comment period. At its discretion, APCC may vote to open a 21-day formal public comment period.
- **August 16 APCC Hearing:** City team will present revised regulations language based on public feedback. At its discretion, APCC may vote to open a second 21-day formal public comment period or vote to adopt the regulations.

# BERDO Regulations Tentative Goals

*Proposed Next Steps for remaining Phase 3 topics*



## For remaining Phase 3 topics:

- **Summer:** Continued engagement with Community Advisory Group, technical working sessions, focus groups and community engagement.
- **August:** Present first proposals for all remaining Phase 3 topics.
- **December:** Finalize APCC voting on all Phase 3 regulations.



The background of the slide is a dark blue wireframe illustration of a city skyline, viewed from an elevated perspective. The buildings are represented by white and light blue outlines, creating a complex, geometric pattern. A semi-transparent dark blue horizontal band runs across the middle of the image, serving as a backdrop for the title text.

# **BERDO Reporting Updates**





# BERDO Reporting Updates



## New BERDO Reporting Form

- *Launched new platform for reporting and data management (Touchstone)*
- *Reporting steps remain the same:*
  - **BERDO Reporting Form**
    - *Touchstone: contact info, supplemental questions*
  - **Energy Star Portfolio Manager**
    - *Reporting: building characteristics, energy and water data*
  - **Third-party verification** (if not completed in 2022) is submitted through the BERDO Reporting Form

## 2023 Reporting was due May 15

- *One-month extensions granted for all buildings*
- *Additional extensions granted to August 15 for buildings unable to report due to extenuating circumstances*

## 2022 Reporting is past due

- *Properties that have not been third-party verified are not in compliance with 2022 reporting*
- *We expect to publicly disclose the 2021 reported data this week*

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are light blue and create a complex, geometric pattern.

# Board Q&A

*Board members may discuss and ask staff questions.*



The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are white and light blue, creating a technical, architectural feel.

# Public Q&A

*The public may discuss and ask staff questions.*



# Admin Update

*Staff will present administrative updates.*



# Adjourn

*Thank you for your participation!*

