

BERDO REVIEW BOARD PUBLIC MEETING



June 26, 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**

*Environment
Department*



**Claudia
Diezmartinez**

*Environment
Department*



**Aidan
Callan**

*Environment
Department*



**Aladdine
Joroff**

*Environment
Department*

Approval of Meeting Minutes

Board votes on approving previous meeting's minutes.

The background of the slide is a dark blue wireframe illustration of a city skyline, showing various building shapes and structures from an aerial perspective.

Phase 3 BERDO Regulations Update

Review Board, Timeline, Informal Comment Period.



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 Vote**
 - *One seat reserved for the City Council's Environmental Justice, Resiliency, and Parks Commission Chair, Councilor Lara*
 - *Matt O'Malley, Chief Sustainability Officer at Vicinity Energy, [hearing on June 16](#)*

Phase 3 Regulations: Tentative Timeline

Schedule subject to change



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)*

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.*
- **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.*
- **Held five Community Advisory Group meetings.**
- **Held focus groups on affordable housing (6/7/23) and Longwood hospitals (6/20/23) regarding Hardship Compliance Plans.**
- **Additional community meetings, technical working sessions, and focus groups (cultural institutions, other healthcare, etc) planned for the summer.**

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Informal Comment Period

Ended June 16 regarding Building Portfolios and Individual Compliance Schedules.

Reviewing Received Comments

Preliminary proposals for Building Portfolios and Individual Compliance Schedules

For Both Building Portfolios and Individual Compliance Schedules:

- Requests to define a timeline for the application process.
- Requests to define an appeal process.
- Seeking more clarity on the criteria that the Review Board will use to approve, approve with conditions, or deny a Building Portfolio or Individual Compliance Schedule.
- Seeking more clarity on the type of conditions that Review Board may set for Building Portfolios and Individual Compliance Schedules.

Reviewing Received Comments

Preliminary proposals for Building Portfolios

For Building Portfolios:

- Seeking more clarity on the eligibility criteria for Building Portfolios
 - *Definition of “same Owner”*
 - *Building Portfolios based on Institutional Master Plans*
- Seeking more clarity on the requirements of Emissions Standard Compliance Plans (Pathway 2 and 3).
- Seeking more clarity on the requirements of environmental justice reporting criteria (Pathway 2 and 3).

Reviewing Received Comments

Preliminary proposals for Building Portfolios and Individual Compliance Schedules

For Individual Compliance Schedules:

- Seeking flexibility for buildings that may not have complete historical data to establish a baseline year.
 - *Concerns for availability of retroactive Emissions Factors from District Energy Systems.*
- Seeking clarity on third-party verification requirements for historical data.
- Seeking more clarity on the level of detail required to describe emissions reduction efforts implemented in Buildings as part of the application.
- Concern with misuse and combination of Individual Compliance Schedules and Hardship Compliance Plans.

Reviewing Received Comments

Preliminary proposals for Building Portfolios and Individual Compliance Schedules

For Building Portfolios Applying for Individual Compliance Schedules

- Seeking more clarity on whether and how Owners will be able to apply for Building Portfolios and Individual Compliance Schedules concurrently.
 - *General support for streamlined processes that allow owners to submit applications concurrently.*
- Seeking more clarity on the ability of Building Portfolios to apply for Individual Compliance Schedules, if historical data is not available for all Buildings for the same baseline year.
- Seeking more clarity on the need to use blended emissions standards for Building Portfolios with Individual Compliance Schedules.

Reviewing Received Comments

Preliminary proposals for Building Portfolios and Individual Compliance Schedules

Additional topics

- Requests for tenant protections, affordable housing measures, and anti-gentrification measures throughout the regulations, and not only as conditions for flexibility mechanisms and the Equitable Emissions Investment Fund.
- Requests to create regulations related to workforce development and how BERDO compliance efforts will serve as a way to advance economic opportunity for the most marginalized.
- Requests for the City to work with community organizations to create and conduct community engagement to bring awareness on BERDO and involve tenants, residents, and other stakeholders in this discussion.

For Your Consideration

We are currently working on new language on these topics

Application Timeline(s)

- Defining when applications for Building Portfolios or Individual Compliance Schedules should be responded by (keeping in mind September 1 of each year would be the deadline to submit applications so that the decision is reflected in the following year)

Application Evaluation Criteria

- Defining relevant criteria to evaluate and decide when an application for a Building Portfolio or Individual Compliance Schedule should be approved, denied, or approved with conditions.

Potential Standard Conditions of Approval

- Defining potential default or standard conditions that could be set for the approval of a Building Portfolio or Individual Compliance Schedule

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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.

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Regulations Next Steps

Review of regulations next steps.

Proposed Next Steps

Building Portfolios and Individual Compliance Schedules



For Building Portfolios and Individual Compliance Schedules

- **July 10 BERDO Review Board Meeting:** City team will present updates on regulations ahead of the July APCC Hearing.
- **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.
- **July 24 BERDO Review Board Meeting:** City team will present updates on regulations after the July APCC Hearing.
- **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.

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BERDO Reporting and Disclosure Updates



BERDO Reporting Updates



2023 Reporting was due May 15

- Three-month extensions granted for:
 - All buildings reporting to BERDO for the first time this year
 - Buildings unable to report due to extenuating circumstances

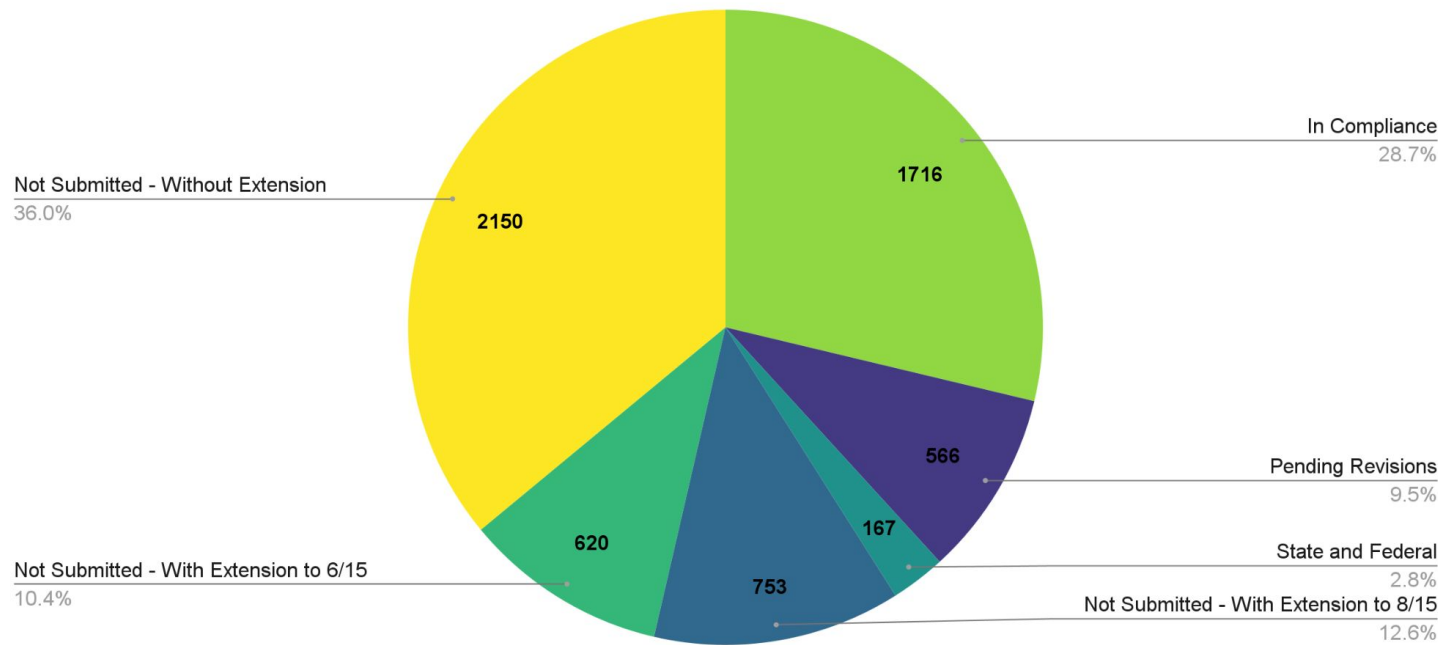
2022 Reporting is past due

- Properties that have not been third-party verified are not in compliance with 2022 reporting
- Disclosed 2021 data has been posted to [Analyze Boston](#)

2023 BERDO Reporting Progress as of 6/26



2023 BERDO Compliance Status (2022 Data)

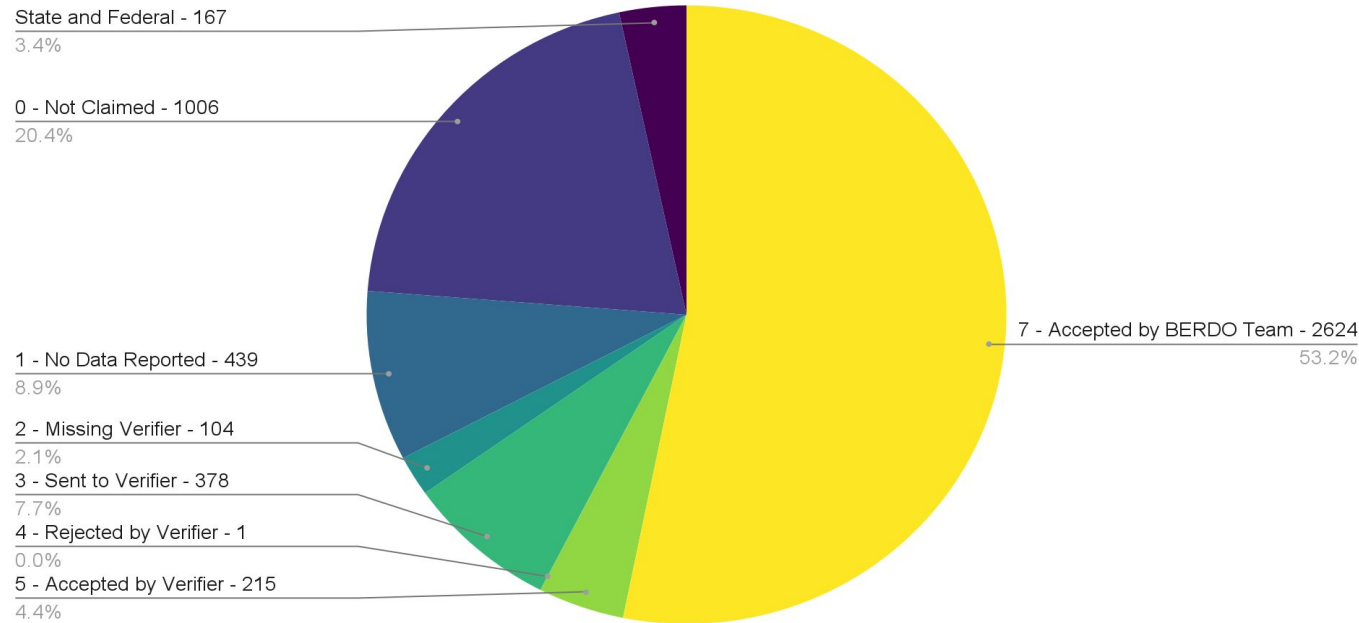


- **In Compliance:** 2022 data has been submitted and accepted by the BERDO Team.
- **Pending Revisions:** 2022 data has been submitted to the BERDO team, but acceptance by the BERDO Team is pending further corrections or clarification of submitted data.
- **Not Submitted:** 2022 data has not been submitted to the BERDO team.

2022 BERDO Disclosure (2021 Data)



2022 BERDO Compliance Status (2021 Data)



- **Not Claimed** - Building owner has not initiated reporting in our platform
- **No data reported** - Building owner has 'claimed' building in our system but hasn't fully reported data
- **Missing verifier** - Data has been reported but needs to be sent to a third-party verifier
- **Sent to verifier** - Awaiting review by third-party verifier
- **Accepted by verifier** - Verifier has completed review and data is under review by BERDO team
- **Accepted by BERDO Team** - Data quality checks have been completed and reporting is approved

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Additional Administrative Updates

Staff presents administrative updates.

Adjourn

Thank you for your participation!

