

BERDO REVIEW BOARD PUBLIC MEETING



July 24, 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



Kendra Lara

Board Member



Gail Latimore

Board Member



Lee Matsueda

Board Member



Matt O'Malley

Board Member



Kai Palmer-Dunning

Board Member

CITY OF BOSTON STAFF



**Diana
Vasquez**

*Environment
Department*



**Claudia
Diezmartinez**

*Environment
Department*



**Aladdine
Joroff**

*Environment
Department*



**Aidan
Callan**

*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, Regulation Proposals.



Phase 3 Regulations: Topics to Address



BUILDING PORTFOLIOS

- *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 Progress and Activities Thus Far

- **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 seven Community Advisory Group meetings.**
 - *Optional 'office hours' on July 26, 2023.*
 - *Next meeting scheduled for August 8, 2023.*

Phase 3 Progress and Activities Thus Far

- **Focus groups on *Hardship Compliance Plans* with the following stakeholders:**
 - *Affordable housing (6/7/23)*
 - *Longwood hospitals (6/20/23)*
 - *Healthcare (6/27/23)*
 - *Historic Preservation (7/6/23)*
 - *Green Ribbon Commission Cultural Institutions Working Group (7/11/23)*
- **Selected and meeting with a technical consultant to support the development of regulations regarding technical *Hardship Compliance Plans*.**
- **Starting discussions on *Hardship Compliance Plans* with Community Advisory Group.**
- **Additional community meetings, technical working sessions, and focus groups planned for *the summer*.**

Air Pollution Control Commission

On Building Portfolios and Individual Compliance Schedules

Building Portfolios and Individual Compliance Schedules

- The Commission voted to open a 21-day formal comment period. The comment period opened on **Friday, July 21** and closes on **Friday, August 11 at 12:00 p.m.**

Building Portfolios and Individual Compliance Schedules

Reminder of requirements set in Ordinance

Building Portfolios

- Building Portfolios allow Owners of multiple Buildings to comply with a single **portfolio-level emissions standard** that is based on the mix of Building Uses in the portfolio.
- 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**.
- Building Portfolios must be approved by the **Review Board**. The Review Board may set **conditions of approval**.

Individual Compliance Schedules (ICS)

- 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 **absolute 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 2.0 or (ii) any year from 2005 to the first required reporting year as a **baseline year**.
- ICS must be approved by the **Review Board** and the Review Board may set **conditions of the approval**.

The background of the slide is a dark blue wireframe illustration of a cityscape, showing various building footprints and structures from an aerial perspective. A semi-transparent dark blue horizontal band is overlaid across the middle of the image, containing the text.

Building Portfolios

Draft language.



Building Portfolios

Draft language



Draft definitions:

- **Deed-Restricted Residential Building** means any Residential Building that has and maintains a recorded deed restriction or covenant that restricts the occupancy of 50% or more of the units to households earning incomes below 80% of the Area Median Income, as defined by the U.S. Department of Housing and Urban Development. These recorded deed restrictions may be connected to funding provided by sources such as the U.S. Department of Housing and Urban Development, the Massachusetts Department of Housing and Community Development, or the City of Boston, including the federal Low Income Housing Tax Credit program.
- **Sponsor** means a nonprofit organization that: (i) is exempt from income taxation pursuant to section 501(c)(3) of the Internal Revenue Code; (ii) has material control over the operations of a Building; and (iii) either: (1) is a certified Community Development Corporation as defined in G.L. chapter 40H; (2) is a certified Community Housing Development Organization pursuant to 24 CFR section 92.2; or (3) has been determined by the Massachusetts Department of Housing and Community Development to have a history of successful development of affordable housing projects in the commonwealth.

Building Portfolios

Draft language



Draft eligibility criteria for Building Portfolios:

All Buildings have the same **Owner** as listed in the records of the Boston Assessing Department.

OR

All Buildings are Deed-Restricted Residential Buildings and have the same **Sponsor**.

OR

All Buildings have the **same majority owner of two or more special purpose entities or charitable corporations**, each owning a single Building.

OR

All Buildings are part of **one approved Institutional Master Plan**

Building Portfolios

Draft language



Draft eligibility criteria for Building Portfolios (Continued):

- The Building Uses, Energy Use, Gross Floor Area, and Emissions data of all Buildings were **third-party verified** during the last applicable Verification Year.
- All Buildings in the proposed Building Portfolio are **in compliance with the Ordinance and Regulations**.
- None of the Buildings in the proposed Building Portfolio are **vacant**.
- For any Building Portfolio that combines Buildings with Emissions standard requirements starting in 2025 and 2030, **the Owner shall meet the applicable 2025-2029 Emissions standards in Table 1 for the whole Building Portfolio until 2030**; and
- Any Building in the proposed Building Portfolio that is required to meet a net-zero Emissions standard prior to 2050 must meet its Building-specific Emissions standard every compliance year.

Building Portfolios

Draft language



Draft 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.

- Any Building Portfolio that contains Buildings with different Building Uses shall comply with a **blended Emissions standard**,
 - A blended Emissions standard is not required for Building Portfolios that are subject to an Individual Compliance Schedule.
- 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/power station Buildings located in Environmental Justice Populations, **(b)** a combination of Residential Buildings located in both Environmental Justice Populations and non Environmental Justice Populations, or **(c)** a combination of Deed-Restricted Residential Buildings and other Residential Buildings, Owners must:
 - Submit an **Emissions standard compliance plan within 2 years of the Review Board's initial approval of the Building Portfolio**.
 - Submit **annual progress reports** that identify any progress made on the Emissions standard compliance plan.
 - Submit an **updated Emissions standard compliance plan every Verification Year**.

Building Portfolios

Draft language



Draft application process for Building Portfolios:

- Applications for Building Portfolios may be submitted on a **rolling basis**.
- Applications must be submitted by **September 1** for approval for the following compliance year.
- Applications shall be made in accordance with any guidance or standard form issued by the Environment Department.
- Applicants shall follow one of the 3 applications pathways.

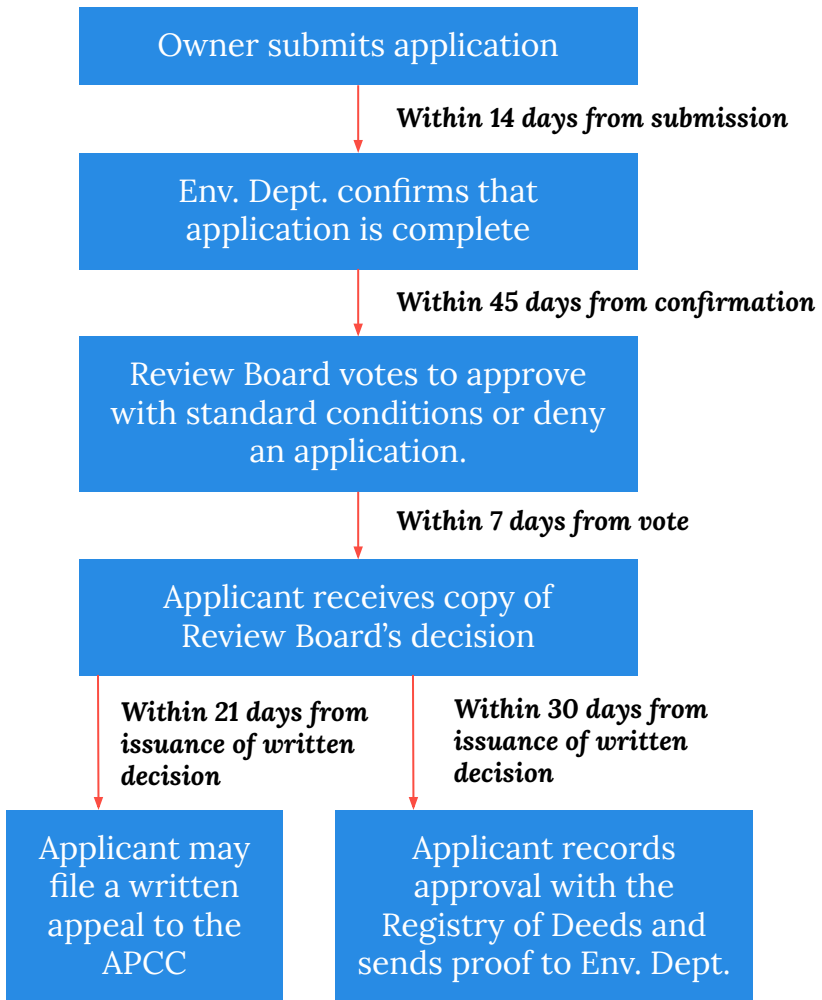


Summary of draft application process for Building Portfolios

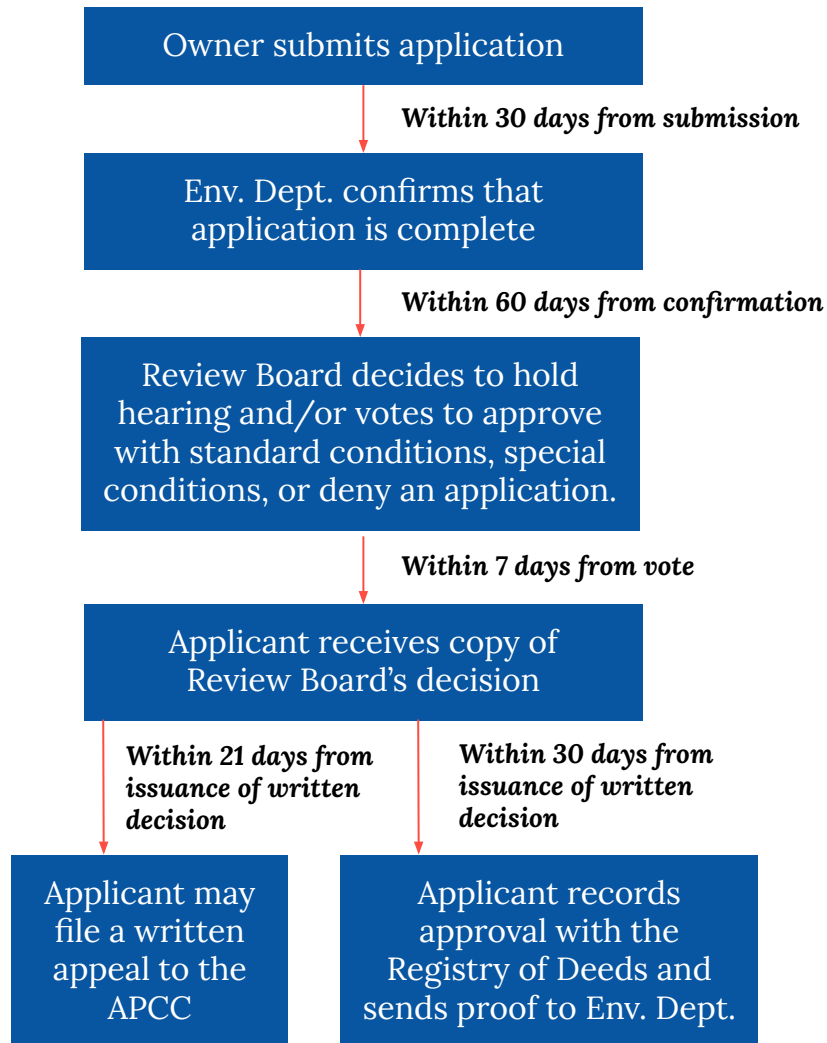
	WHO?	APPLICATION REQUIREMENTS	APPLICATION REVIEW PROCESS
PATHWAY 1	For Building Portfolios without Buildings that trigger an environmental justice review.	<ul style="list-style-type: none">• Confirmation of eligibility criteria• List of Buildings	<ul style="list-style-type: none">• No hearing needed• Approval based on whether the applicant meets the eligibility criteria.
PATHWAY 2	For Building Portfolios with Buildings that trigger an environmental justice review.	<ul style="list-style-type: none">• Confirmation of eligibility criteria• List of Buildings• Map with EJ criteria• Brief narrative description of any near-term actions and preliminary ideas for developing Emissions Standard Compliance Plan	<ul style="list-style-type: none">• Review Board may request hearing• Approval based on whether the applicant meets the eligibility criteria and on consideration of potential impacts on and benefits to EJ Populations based on information from the application and, if applicable, any public hearing.
PATHWAY 3	For Building Portfolios that (i) do not meet eligibility criteria or (ii) are unable to calculate blended emissions standards as required in Section XX.b.i., or (iii) are concurrently applying for an Individual Compliance Schedule (ICS). Building Portfolio may or may not contain Buildings that trigger an environmental justice review.	<ul style="list-style-type: none">• List of Buildings• Explanation of why applicant cannot meet eligibility criteria or is unable to calculate a blended emissions standard, if applicable• Requirements for ICS, if applicable• Map with EJ criteria, if applicable• Brief narrative description of any near-term actions and plans to develop Emissions Standard Compliance Plan, if applicable	<ul style="list-style-type: none">• Review Board shall hold hearing.• Approval based on:<ul style="list-style-type: none">○ Applicant provided a reasonable basis for not meeting one or more of the eligibility criteria.○ Applicant provided a reasonable basis for not using a blended Emissions standard,○ Applicant meets the eligibility criteria for ICS○ Consideration of the potential impacts on and benefits to EJ Populations based on information from the application and any public hearing.



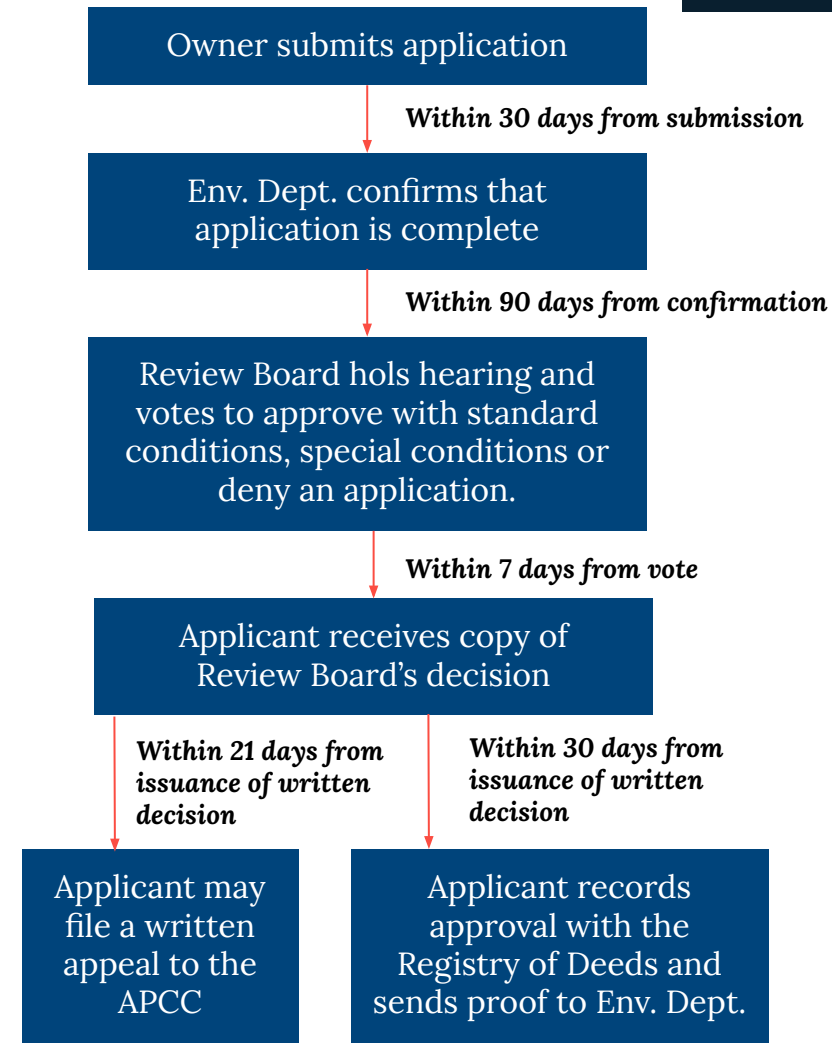
PATHWAY 1



PATHWAY 2



PATHWAY 3



Summary of Environmental Justice Review Requirements

Draft language

AT THE TIME OF APPLICATION

Application will require **EJ map** and **brief narrative** on anticipated near-term compliance actions and plans to develop Emissions Standard Compliance Plan



WITHIN TWO YEARS OF APPROVAL

Submit **Emissions Standard Compliance Plan**.

Review Board may decide to hold public hearing to evaluate plan and add special conditions.



EVERY YEAR THEREAFTER

Submit **annual progress report** by July 15.



EVERY VERIFICATION YEAR THEREAFTER

Submit **updated Emission Standard Compliance Plan**

Building Portfolios

Draft language



Draft requirements for environmental justice map:

- The required map must identify (i) each Building included in the Building Portfolio and (ii) **any EJ Population criteria at the location of each Building**.
 - Owners shall use the most recently updated Environmental Justice Populations Map created by the Massachusetts Executive Office of Energy and Environmental Affairs.
- Owners shall highlight (i) **any on-site Campus District Energy Systems, industrial or manufacturing Buildings, energy/power station Buildings located in EJ Populations**, (ii) **any Deed-Restricted Residential Buildings**, and (iii) **Residential Buildings in EJ Populations**.
- Owners shall provide maps that overlay **asthma rates**, the **Air Toxics Respiratory Hazard Index**, and **heat resilience metrics**.
 - Owners shall use the metric “asthma among adults aged 18 or older” included in the most recently updated Environmental Justice Screening and Mapping Tool created by the U.S. Environmental Protection Agency.
 - Owners shall use the metric “Air Toxics Respiratory HI” included in the most recently updated Environmental Justice Screening and Mapping Tool created by the U.S. Environmental Protection Agency.
 - Owners shall use the metric “Urban Heat Island Intensity (UHII) Index” included in the most recently updated Climate Ready Boston Map Explorer created by the City of Boston.

Building Portfolios

Draft language



Draft requirements for Emissions standard compliance plan and progress reports:

- Any initial or updated Emissions standard compliance plan shall include, at minimum, the following:
 - An **update of the map** submitted with the Building Portfolio application.
 - A narrative description of **plans to prioritize distribution of benefits in Environmental Justice Populations and affordable housing**. Examples of benefits include, but need not be limited to:
 - Affordability, including as it relates to rents, energy bills and energy burdens.
 - Quality of life, such as public health, indoor air quality and thermal comfort.
 - Climate resilience, such as access to cooling, reliable access to affordable energy, and backup systems in case of climate shocks.
 - Investments in emission reduction strategies, such as energy efficiency and renewable energy projects.

Building Portfolios

Draft language



Draft requirements for Emissions standard compliance plan and progress reports (continued):

- A narrative description of **any planned Emissions standard compliance efforts** that are expected to be implemented across the Building Portfolio over the next two compliance cycles. This may include, but need not be limited to, narrative discussions of the following:
 - Timeline and type of expected Emissions reduction measures and compliance mechanisms to be implemented across the Building Portfolio. Such measures may include, but are not limited to, energy efficiency improvements, retrofits, weatherization, electrification, appliance replacements, and installation of local renewable energy.
 - Where applicable and feasible, a narrative description of any expected strategies to reduce emissions from on-site Campus District Energy Systems, Combined Heat and Power plants, industrial or manufacturing Buildings, and energy/power station Buildings.
 - The types of heating systems, cooling systems, stoves, ventilation, and any air quality monitoring and filtration systems that are currently in operation for each Building.
 - Any plans regarding the maintenance, upgrade, or replacement of existing heating and cooling systems, stoves and other fossil fueled appliances, fossil fueled machinery, and industrial equipment.
 - Plans to incorporate energy efficiency or decarbonization measures into regular operational and maintenance procedures, e.g., insulating pipes when they are exposed due to repair or maintenance work.
 - Any plans to perform energy audits in Buildings, including through the Mass Save Energy Audit program or other third-party program.

Building Portfolios

Draft language



Draft requirements for Emissions standard compliance plan and progress reports (continued):

- By July 15 of each year, Building Owners shall submit **annual progress reports** that include a **narrative description** of any progress towards achieving the measures described in the Emissions standard compliance plan. If relevant, Building Owners shall include information on any efforts that have been delayed or stopped due to extenuating circumstances beyond their control. Building Owners are encouraged to submit, and the Review Board may request, documentation to support the narrative.
- The Review Board may request more information or hold a hearing to evaluate a Building Portfolio's Emissions standard compliance plan and progress reports.

Building Portfolios

Draft language



Draft conditions of approval for Building Portfolios:

- The Review Board may include the following **standard conditions** on the approval of any Building Portfolio:
 - Timely compliance with reporting and third-party verification requirements in the Ordinance.
 - Timely compliance with the requirements in Section XX.b, including, when applicable, the submission of a satisfactory Emissions standard compliance plan.
 - The Review Board 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

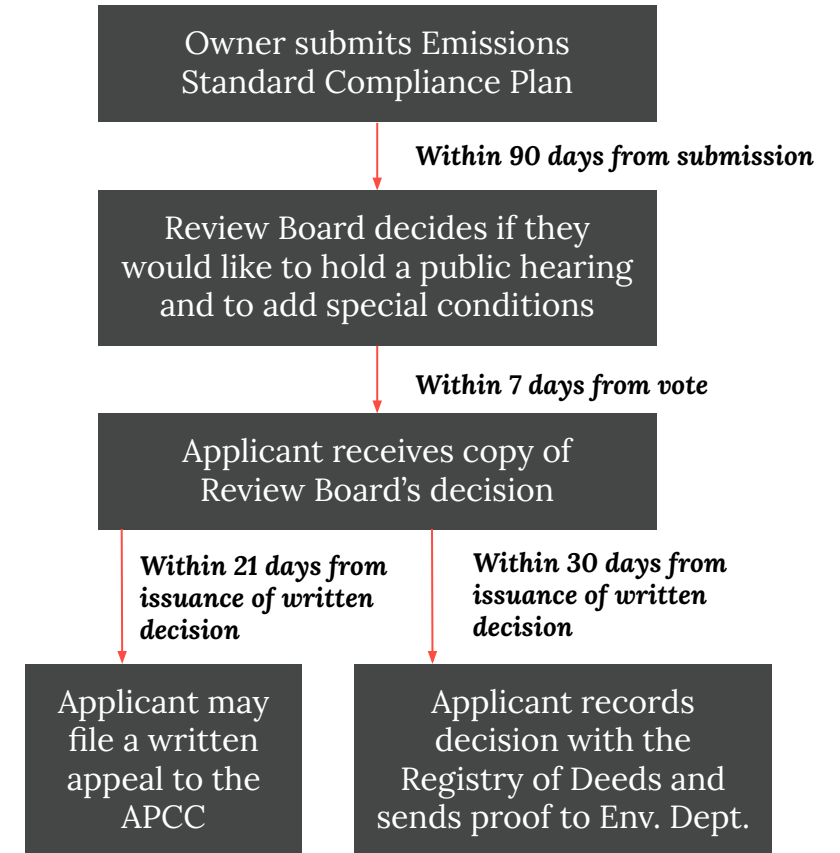
Draft language



Draft conditions of approval for Building Portfolios (continued):

- For Building Portfolios that are required to complete an Emissions standard compliance plan, the Review Board may include **special conditions relevant to the distribution of benefits to Environmental Justice Populations**.
- Such conditions may be added to the approval of a Building Portfolio **at the time of the initial approval** or **following an Owner's submission of their first Emissions standard compliance plan**.
- Any proposal to add special conditions shall be discussed at a public meeting of the Review Board. The Review Board may hold a public hearing at its discretion.

Timeline for adding special conditions after submission of Emissions standard compliance plan



Building Portfolios

Draft language



Draft modification process for approved Building Portfolios:

Notifications and requests to modify an approved Building Portfolio must be submitted by **September 1** for the modification to be reflected for the following compliance year. For Building Portfolios using a blended Emissions standard, the Owner must **update the blended emissions standard** to reflect any modification to the Building Portfolio according to the requirements in Section IX.b.

- **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.
- **Approval** from the Review Board is required to remove any Building from an approved Building Portfolio for any reason other than in (e)(i) or to add any Building. Any Building added to an approved Building Portfolio must meet the eligibility criteria and requirements for Building Portfolios in Section XX.
- For Building Portfolios that are required to complete an Emissions standard compliance plan, Building Owners must submit a **short update to their Emissions standard compliance plans** to reflect any modification to the Building Portfolio. The update shall be submitted at the time of notice or application to modify the Building Portfolio. Any modifications to the Building Portfolio must also be reflected in any subsequent progress reports and updates to the Emissions standard compliance plan.

Building Portfolios

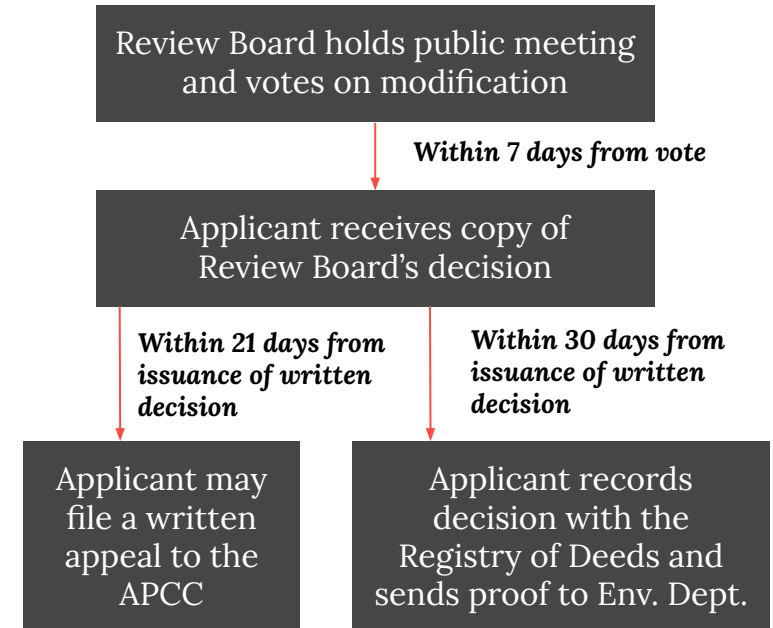
Draft language



Draft modification process for approved Building Portfolios (continued):

- The Review Board shall vote to approve or deny a requested modification at the next regularly scheduled public meeting.
- **A decision shall be based on whether the Building Portfolio is, at the time of the request, in material compliance with the Ordinance and any requirements in Section XX, including any standard or special conditions set by the Review Board.**

Timeline for modifications for Building Portfolios



Building Portfolios

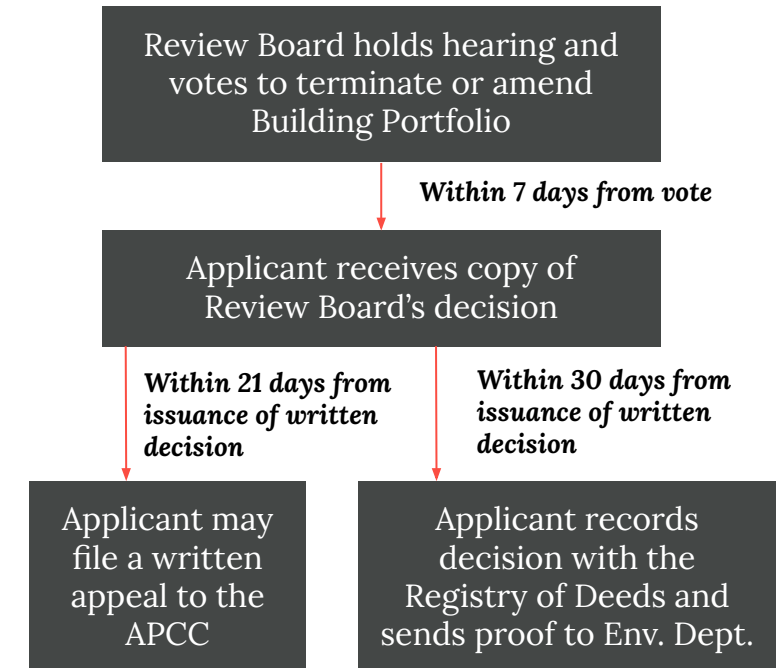
Draft language



Draft termination process for approved Building Portfolios:

- 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 Review Board may initiate a proceeding to terminate a Building Portfolio at its **own initiative** or **upon a petition from the greater of 20% of tenants or 5 tenants of a Building included in a Building Portfolio**.
- The Review Board may revoke an approved Building Portfolio or amend the special conditions of an approved Building Portfolio if the Review Board determines that:
 - **An Owner does not materially comply with the requirements in Section XX or the conditions of a Building Portfolio**, or
 - Absent extenuating circumstances beyond an Owner's control, **an Owner has not prioritized distribution of benefits to Environmental Justice Populations** as proposed in the Building Portfolio's Emissions standard compliance plan.
- Any proposed revocation or amendment shall be discussed at a public hearing of the Review Board. Owners shall be provided notice of such hearing at least 30 days in advance.

Timeline for proceedings to terminate a Building Portfolio



Building Portfolios

Draft language



Draft termination criteria for approved Building Portfolios:

- **Indicators of a failure to prioritize distribution of benefits** may include, but are not limited to, **disproportionate allocation across multiple compliance schedules** of benefits, investments in BERDO compliance and/or improvements to
 - Buildings located outside of Environmental Justice Populations,
 - Buildings in areas with lower rates of asthma, Air Toxics Respiratory Hazard exposure, or urban heat island intensity, or
 - Residential Buildings that are not affordable housing.

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. A semi-transparent dark blue horizontal band runs across the middle of the image, serving as a backdrop for the text.

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.

Individual Compliance Schedules

Draft language.

Individual Compliance Schedules (ICS)

Draft language



Draft 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 and provide supporting documentation upon request:

- 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**.
- 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.
- 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**.
- All Buildings are currently **in compliance with the Ordinance and Regulations**

Individual Compliance Schedules (ICS)

Draft language



Draft data sources for baseline year:

- **Building Owners may use a baseline from any year starting in 2005 to 2021**, provided that the Owner provides documentation of the Building or Building Portfolio data required by the Ordinance.

Energy use	<ul style="list-style-type: none">• Historical utility data or utility bills• Public reports meeting a third-party standard or accreditation, including internally produced sustainability reports,• Any other records proposed by the Owner and deemed acceptable by the Review Board.
Emissions Factors for electric grid	<ul style="list-style-type: none">• Historical Emissions Factors published by ISO New England. If available, Owners shall use Emissions Factors including net imports to the ISO New England grid.
Emissions Factors for District Energy Systems	<ul style="list-style-type: none">• Operators may provide third-party verified historical Emissions Factors.• Emissions Factors reported by ENERGY STAR Portfolio Manager.• Owners may propose alternative Emissions Factors to the Review Board. The Review Board shall have the discretion to accept or deny alternative Emissions Factors.
Gross Floor Area (GFA)	<ul style="list-style-type: none">• Records of the Boston Assessing Departments• Calculate the historical Gross Floor Area pursuant to Section IV.b.

Individual Compliance Schedules (ICS)

Draft language

Draft application process:

- Applications for Individual Compliance Schedules may be submitted on a **rolling basis**
- Applications must be submitted by **September 1** for approval for the following compliance year.
- Applications shall be made in accordance with any guidance or standard form issued by the Environment Department.
- Applicants applying for a Building Portfolio and an Individual Compliance Schedule concurrently must follow the application requirements in Section XX.

Individual Compliance Schedules (ICS)

Draft language



Draft application requirements for individual buildings:

- The **baseline year** for emissions.
- An **alternative CO2e Emissions standard reduction schedule**.
- A **brief narrative** description of (a) any significant emissions reduction efforts completed in the Building from the baseline year to date and (b) any cumulative increase of Gross Floor Area of 10% or more from the baseline year to date that did not significantly increase Energy use or Emissions.
- A **brief narrative description** of expected methods to meet the alternative CO2e Emissions standard reduction schedule.
- If relevant, an **explanation** for any inability to meet the eligibility criteria in Section YY.a.

Individual Compliance Schedules (ICS)

Draft language

Draft application requirements for Building Portfolios:

- The **baseline year** for emissions. Buildings in a Building Portfolio may have different baseline years.
- An **alternative CO2e Emissions standard reduction schedule for the Building Portfolio**. The Individual Compliance Schedule must cover all Buildings in the Building Portfolio and shall supersede the Building Portfolio's blended Emissions standard.
 - For Building Portfolios with multiple baseline years, the alternative CO2e Emissions standard reduction schedule must be **verified by a third party**. Third party verification is not required for Building Portfolios with a single baseline year.
- A brief **narrative description** of (a) any significant emissions reduction efforts completed across the Building Portfolio from the baseline year to date, and (b) any cumulative increase of Gross Floor Area of 10% or more from the baseline year to date that did not significantly increase Energy use or Emissions.
- For Building Portfolios that are required to complete an Emissions standard compliance plan, **a copy of such plan**. If the Emissions standard compliance plan is not completed at the time of application, submission upon completion is required.
- For Building Portfolios that are not required to complete an Emissions standard compliance plan, a **brief narrative description** of expected measures to meet the alternative CO2e Emissions standard reduction schedule.

Individual Compliance Schedules (ICS)

Draft language

Draft review process for ICS applications:

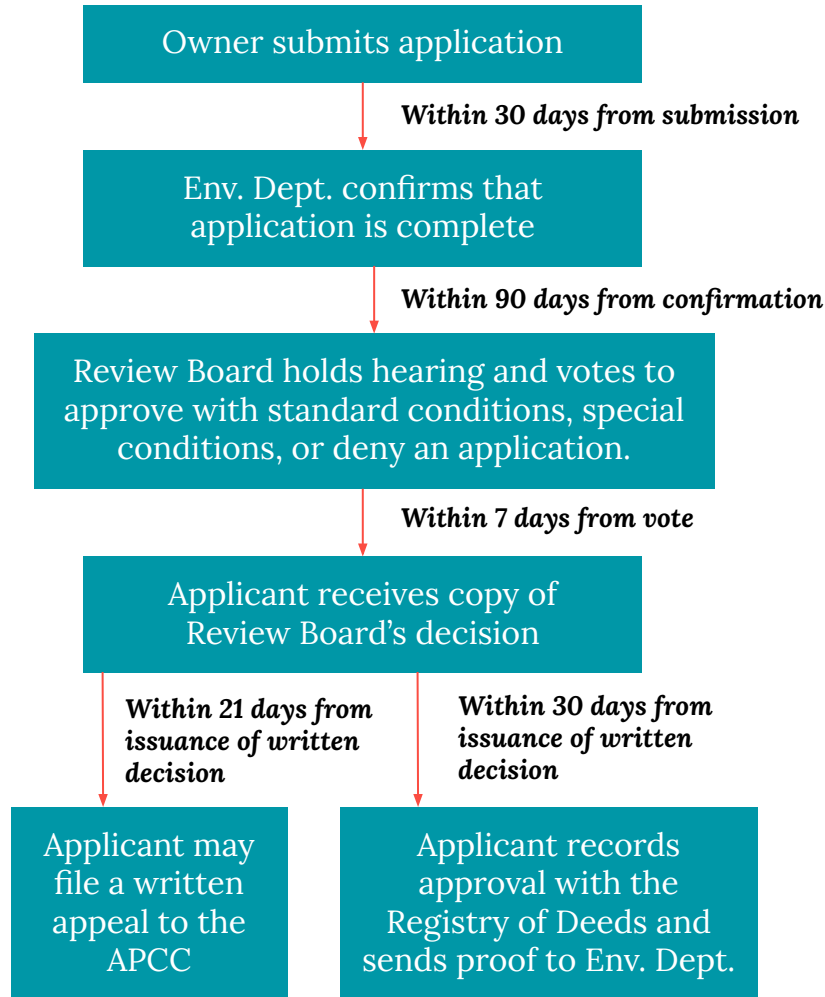
- The Environment Department shall review each application for **completeness** and **technical accuracy** and recommend approval or denial to the Review Board.
- The Review Board **shall hold a hearing to evaluate applications for Building Portfolios and may hold a hearing for applications for individual Buildings** seeking an Individual Compliance Schedule. The Review Board shall consider whether an application demonstrates that:
 - A Building or Building Portfolio should have an Emissions standard different than the one applicable under the Ordinance
 - There have been significant Emission reductions at the Building or Building Portfolio since the baseline year
 - There are extenuating circumstances that support the need for an Individual Compliance Schedule, and/or
 - If relevant, the reason for and impact of any inability to meet the eligibility criteria in YY.a.
- The Review Board may vote to deny or approve applications with standard conditions regarding **(a)** timely compliance with reporting and third-party verification requirements in the Ordinance, and **(b)** timely compliance with the requirements in Section YY. The Review Board may include special conditions for Individual Compliance Schedules that do not meet the eligibility criteria in Section YY.a.

Individual Compliance Schedules (ICS)

Draft language



Draft timeline for ICS applications:



Individual Compliance Schedules (ICS)

Draft language

Draft 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:

- 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**.
- 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**.
- Changes to an approved alternative CO₂e Emissions standard reduction schedule because of the addition of a Building to a Building Portfolio or Institutional Master Plan that has an Individual Compliance Schedule.

The Review Board shall approve requests for modifications that adjust approved alternative CO₂e Emissions standard reduction schedules using the standard methodology adopted in guidance provided by the Commission. The Review Board may hold a hearing for requests for applications that use a different methodology and may approve a proposed methodology and outcome that the Review Board determines is reasonable.



Individual Compliance Schedules (ICS)

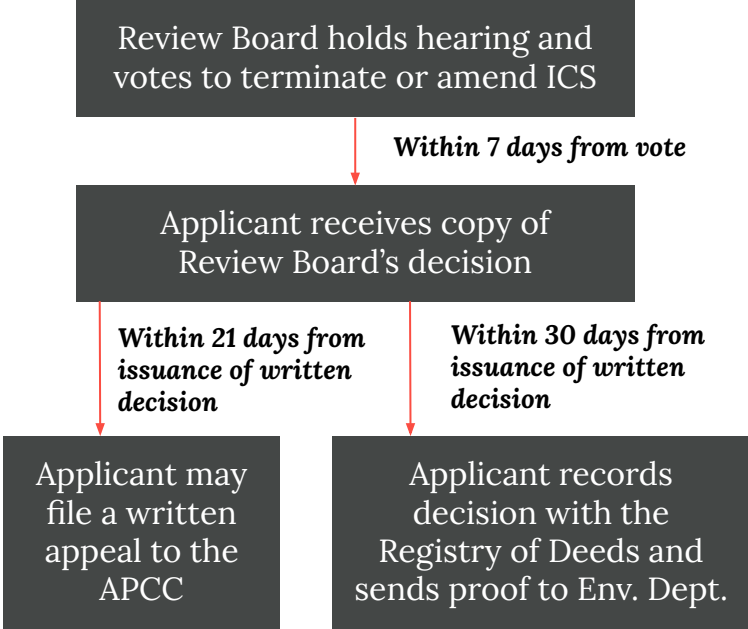
Draft language

Draft termination process for an approved ICS:

Upon termination of an Individual Compliance Schedule, the Building or Building Portfolios will be subject to the Emissions standards in Table 1 of the Ordinance.

- An Owner may terminate an approved Individual Compliance Schedule. **Notice** must be provided to the Review Board by **September 1** for the termination to be reflected for the following compliance year.
- An Individual Compliance Schedule for a Building Portfolio shall be automatically terminated if the associated Building Portfolio is terminated in accordance with Section XX.
- The Review Board may initiate a proceeding to revoke or amend an approved Individual Compliance Schedule if the Review Board determines that **an Owner does not materially comply with the requirements in Section YY or the conditions of an Individual Compliance Schedule**. Any amendment shall be at the Review Board's discretion and based on a finding that the material noncompliance was due to unique circumstances beyond the Owner's control.
- Any proposed revocation or amendment shall be discussed at a public hearing of the Review Board. Owners shall be provided notice of such meeting at least 30 days in advance.

Timeline for proceedings to terminate an 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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Proposed Next Steps

Regarding Phase 3 regulations.

Tentative Timeline and Next Steps

On Building Portfolios and Individual Compliance Schedules

Building Portfolios and Individual Compliance Schedules

- The Commission voted to open a 21-day formal comment period. The comment period opened on **Friday, July 21** and closes on **Friday, August 11 at 12:00 p.m.**
- After reviewing comments received during the formal public comment period, BERDO team will work to present a summary of comments and any revised regulations to APCC at **August 16** public hearing.
 - At its discretion, the APCC may open a second formal public comment period for 21 days or vote to approve the regulations.

Tentative Timeline and Next Steps

On Remaining Phase 3 Topics

Hardship Compliance Plans

- Currently drafting regulations proposals on hardship compliance plans based on CAG conversations, focus groups, and technical assistance from contractor.
- Current tentative goal is to present preliminary regulations proposals to APCC at **August 16** public hearing.

Equitable Emissions Investment Fund

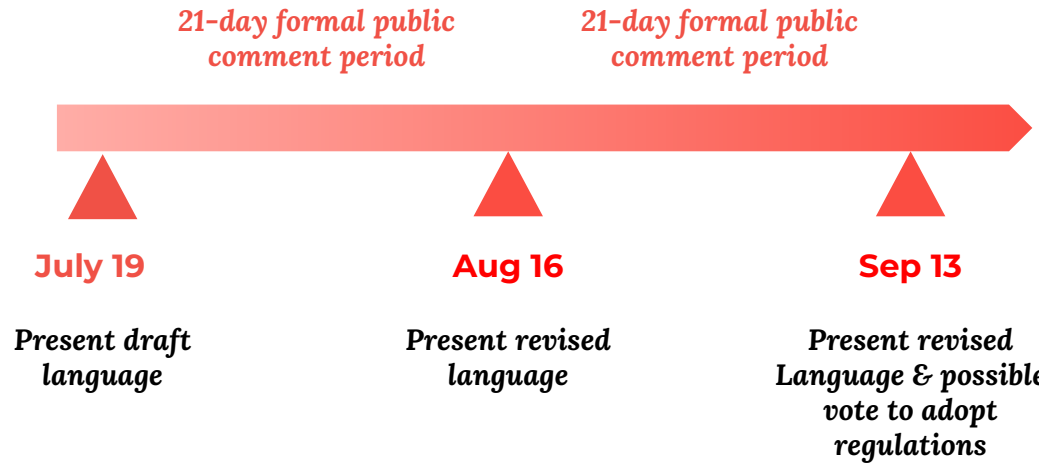
- Starting to think through questions related to the Fund with CAG.
- Current tentative goal is to present preliminary regulations proposals to APCC during **August 16** public hearing.

Fines and Enforcement

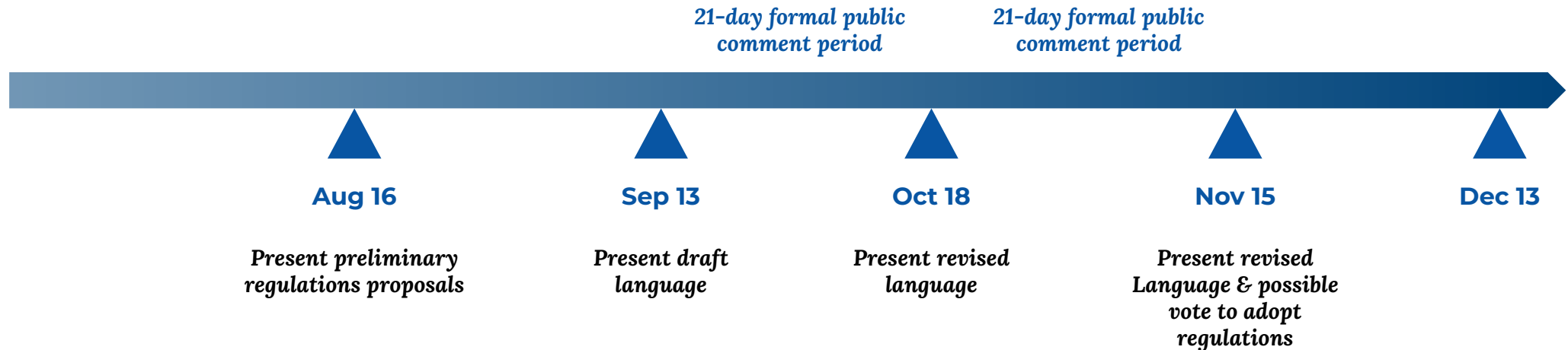
- Starting to think through questions related to fines and enforcement.

Tentative Timeline for APCC Hearings

Building Portfolios & Individual Compliance Schedules



Other Phase 3 topics



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. A semi-transparent dark blue horizontal band runs across the middle of the image, serving as a backdrop for the text.

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 light blue and create a complex, geometric pattern.

BERDO Reporting and Disclosure Updates

Staff presents BERDO reporting 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](#)

2021 BERDO Reporting Compliance Map



[Link to Compliance Map](#)

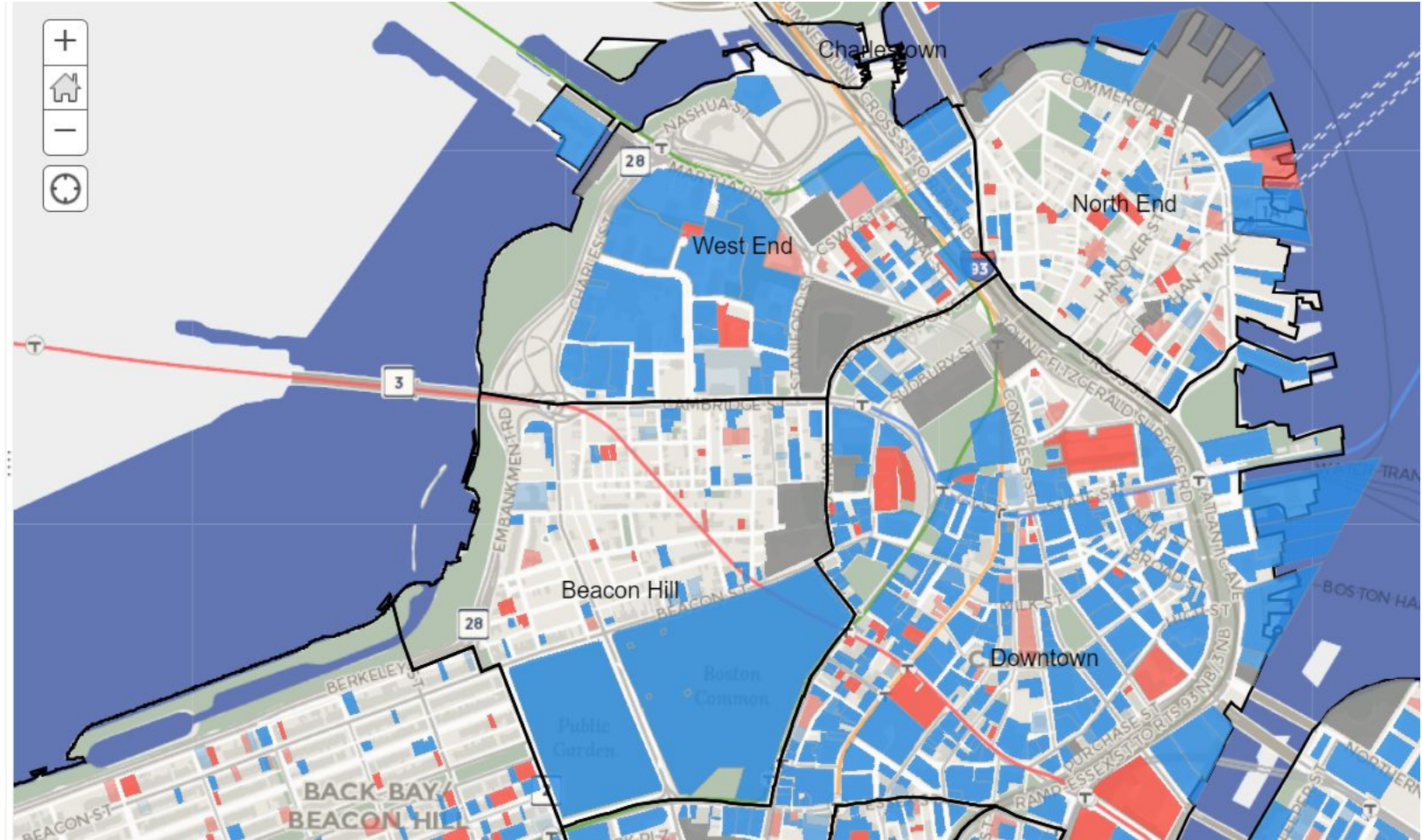
[About](#) [Content](#) [Legend](#)

Legend

BERDO 2022 static

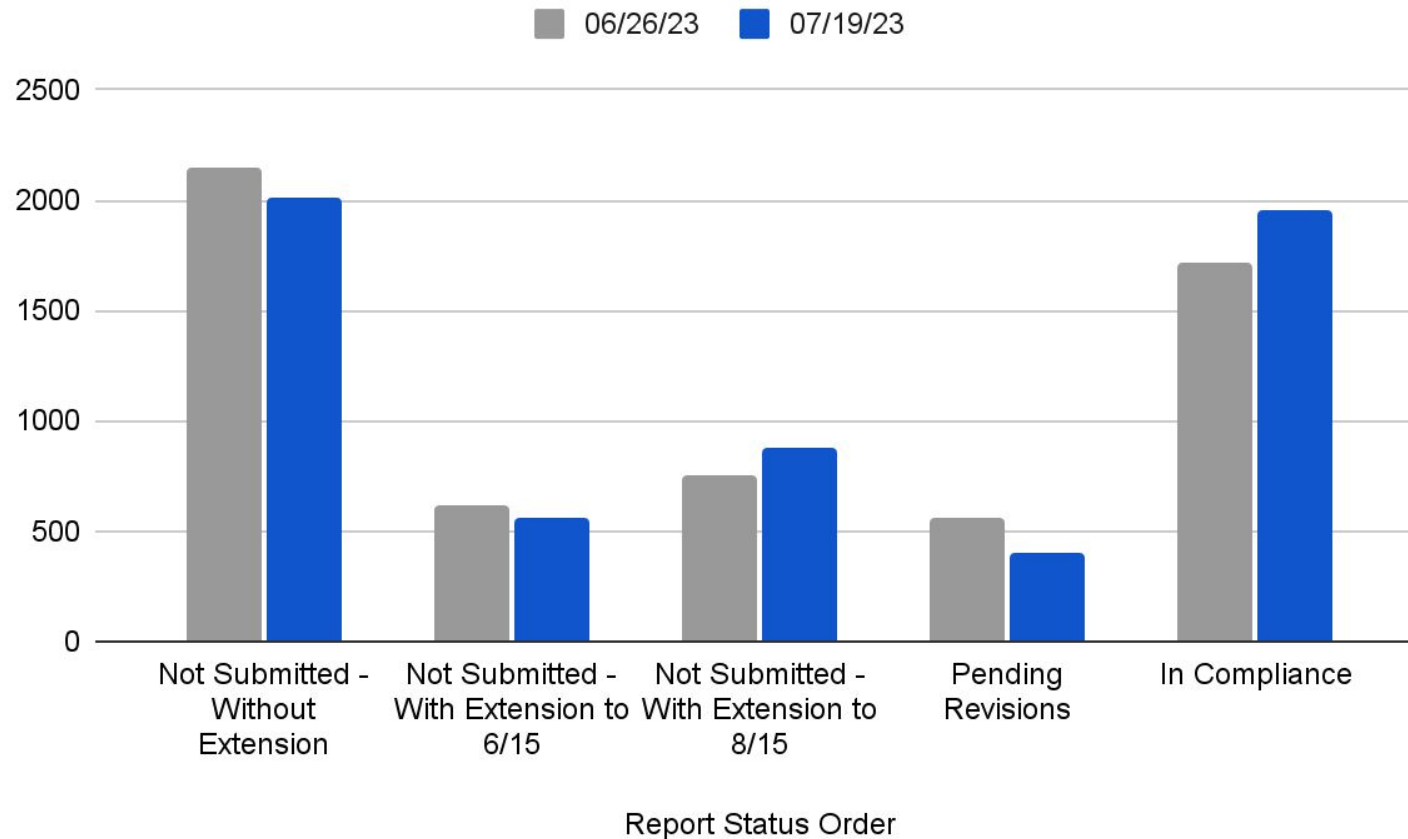
- 7 - berdo accepted
- 5 - verifier accepted
- 4 verifier rejected
- 3 - sent to verifier
- 2 - missing verifier
- 1 - no data reported
- 0 - not claimed
- federal
- state

Boston Neighborhood Boundaries





2023 BERDO Reporting Progress as of 7/19



- **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.

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Additional Administrative Updates

Staff presents administrative updates.

Adjourn

Thank you for your participation!

