

City of Boston BERDO Review Board  
Public Meeting Minutes  
Zoom Virtual Meeting  
July 24, 2023 at 4:30 pm  
[View recording here](#)

**Board Members in Attendance:** Rashida Boyd, Lovette Jacobs, Kendra Lara (joined at 4:42 pm), Gail Latimore, Lee Matsueda, Matt O'Malley, Kai Palmer-Dunning

**Board Members not in Attendance:** Jack Nelson

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

**Staff Not Present:** N/A

**Others:** Approximately 3 members of the public attended this meeting.

---

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

**4:36 pm:** Environment staff, D. Vasquez, led the vote for Acting Chair. Board Member M. O'Malley made a motion to nominate Board Member Lee to serve as Acting Chair. Board Member L. Jacobs seconded the motion. All board members in attendance (6) were in favor and one (1) board member was not in attendance yet, the motion carried at 4:37 pm.

---

#### **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 July 24, 2023 at 4:37 pm. This meeting was held virtually.

---

#### **Roll Call**

**4:38 pm:** The following BERDO Review Board members were in attendance: Acting Chair Lee Matsueda, Rashida Boyd, Lovette Jacobs, Gail Latimore, Lee Matsueda, Matt O'Malley Kai Palmer-Dunning. Councilor Lara joined the meeting at 4:42 pm.

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

**Others:** Approximately 3 members of the public attended this meeting.

---

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

**4:40 pm:** The Review Board voted on approving the [July 10, 2023 Review Board Meeting Minutes](#).

Board Member O'Malley made a motion to approve the meeting minutes. Board Member G. Latimore seconded the motion. All board members in attendance (6) voted in favor and one (1) board member was not in attendance yet. The motion passed at 4:41 pm.

---

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

**4:42 pm:** Councilor Lara joined the meeting and stated her name for the record.

D. Vasquez and C. Diezmartinez reviewed Phase 3 of BERDO regulations development and shared proposed regulation language regarding Building Portfolios presented to the [Air Pollution Control Commission on July 19, 2023](#).

At 4:47 pm, Board Member G. Latimore asked a clarifying question regarding the term 'common corporate control.'

- G. Latimore: I was reviewing the comments received from the various parties and as it relates to ownership there was a comment from Mass General Brigham. Their buildings are under what they called 'common corporate control' of Mass General Brigham. I didn't see clarification how ownership differs from common control, or is that spoken to in the Sponsor language? I'm trying to make sure I understand common corporate control means in the instance that Mass General Brigham mentioned in their comments.
  - A. Joroff: We have tried to address that in the definition of owner for building portfolio purposes focusing on common control and charitable corporations as well as special entities that are non-charitable. We are going to make sure we get feedback from hospitals and other building owners to make sure that does capture their point. Private companies that manage buildings would not qualify as an owner for this purpose - we just need to make sure we get the language right. But the intent is to have the language cover what they need it to cover.

At 5:00 pm, Board Member G. Latimore asked a question regarding regulations requiring a Building Owner to record an approved Building Portfolio with the Registry of Deeds.

- Board Member G. Latimore: I saw in the regs the timing and the requirement to record the building portfolio approval with the registry. I just wondered what the intent or benefit of doing that, recording with the registry? Also, is the owner reporting the portfolio approval as a whole or by individual properties?
  - A. Joroff: This happens with some other permits that we issue in the city. The recording would so that a future owner knows about the permit that's

been issued in case a seller forgets to tell an owner or it doesn't come up in the transaction. So it's on record when they go to search the title that they'll get notice of this. What we'd ask them to record is the written decision from the board, which would probably include a list of the buildings that are in the portfolio, any standard or special conditions. It would have things like if it has an environmental justice review that they have to do that report and schedule for that. It will put new owners on notice about their obligations under BERDO.

- Board Member G. Latimore: A follow-up, if for some reason it's not reported, the owner doesn't record, are there any implications to the owner in terms of the approval that they receive? I assume that even if it's not recorded, whoever is new owner still has to assume those responsibilities regardless of this recording.
  - A. Joroff: Exactly, it doesn't remove responsibility at all, it's just another mechanism for helping make sure they know. It does not change responsibility nor are we envisioning a mechanism where there's a penalty right now for not recording. That's something we're open to feedback on, but it would not change the responsibilities for a new owner.

**5:13 pm:** Board Q&A Session and staff responses if applicable:

- R. Boyd: To piggyback off of Gail's question in the chat, which I'm interested in, she said could MBE utilization for energy efficiency on a property be an environmental justice benefit? That's important to me because compliance is good as far as the energy efficient part, but what about the people? We're making a building all nice but how is this going to affect the people? I've seen it time and time again. I don't want to see it anymore, that's why I'm sitting here. How is this going to affect the tenant? Is the tenant going to be misplaced while - the tenant is going to have to move their stuff while it's being retrofitted. Once everything is up to par and energy efficient, can that same tenant still reside in that building or is it going to be a whole different group of people?
  - A. Joroff: These are some really great questions that we're thinking about how to address across the regulation, so with building portfolios, individual compliance schedules, and particularly with hardship compliance plans and the equitable emissions investment fund. Where can we attach conditions and kind of give credit for this type of work? I think with the MBE utilization, we're open to feedback if that should be part of what we look for as equitable allocation of benefits with building portfolios or should that be a focus more of the hardship pathways or getting funding from the equitable emissions investment fund. We're very open to feedback on how to use it across and to your point where the people are going. I think that could be

part of something we ask people to address in their emissions compliance plan. What is your plan for work? Maybe part of the work would be slower in some residential buildings because there needs to be accommodation to make sure people are not displaced or finding places to put them. I think these plans are a place for building owners and the board to think creatively about how we work around those concerns and address them. Again, we're very open to particular suggestions if you have them or how we can address that.

- R. Boyd: Is it possible that there will be a Phase four where we can just concentrate on that? These buildings are for the people. It seems like we're talking about the building, the building is not a person. It's for the people. I think it's important that we really discuss that and really take time to see where it can benefit everybody, not just a few. I've seen it happen, it's like a *deja vu*.
  - A. Joroff: We won't technically have a phase four of the regulations, but I think there's a lot of room in this phase to address these issues. So starting now, the next couple of meetings we're going to be talking about the Hardship Pathways and the Equitable Emissions Investment Fund. We should definitely focus on these issues as part of those discussions because those are opportunities to address them in the regulations so I'm glad you're raising it now. So that we keep elevating this as a focus point.
  - C. Diezmartinez: Just to add to that, while there may be limited avenues to address that through portfolios that is part of the reason why we have that proposal for tenants to be able to come to the review board and request a building portfolio to be terminated if there's any reason to believe that the building owner is not invested in environmental justice communities, affordable housing, or any of the benefits we mentioned. So that's just one avenue but we will definitely be thinking about these as we go through all the regulations topics.
- L. Jacobs: My question was answered by Board Member Boyd. For now I'm good.
- K. Lara: Thank you so much, it's been incredibly informative and it's been really helpful to me as I think about my role here as a Board Member. I don't have any specific questions right now, I think I have a grasp on what is here. I think as we move into the process, situationally, I think I'll have more questions as things come up. But right now this was really straightforward, if anything comes up in the future I'll make sure to reach out. Thank you so much for the presentation.

- G. Latimore: To my question about MBE utilization and in terms of the actual work to complete the energy efficiency and bring the building up to decarbonization standards, are there any limitations around certain things that this board can do? We certainly don't want to - I'm a developer, so I know it can be difficult to deal with affordable housing and do all kinds of retrofits and that kind of thing also. I don't want to make it overly complex for folks, but also this is about equity, as Lovette and Rashida have mentioned. What are those limitations, if any? What can the Review Board actually do in terms of including things like MBE utilization, not only in the build out of energy efficiency but also in the special conditions for approval of portfolios. I mean, are there any limitations? In that balance between what we ask owners to do, are there limitations to what we can put in those categories?
  - A. Joroff: There are some. Municipalities in Massachusetts obviously have a lot of authority to take their own actions but we are subject to certain state and federal laws that put a cap on what we can require. Labor is a piece I'm not an expert in, but where it can be difficult to specify things like who to hire or under what conditions. The reason we think it fits probably more easily in the hardship plans and in the Equitable Emissions Investment Fund is that we're really giving building owners an incentive. It's an extra, if you're getting that funding that's something you're applying and asking for, so it's easier to add conditions to that if it's about how they comply with the Ordinance. It's harder to put conditions on where we don't have authority in that space. So if we want to say a way of thinking about equity, this is one of many metrics, that may be something we have space for. But to say you have to do x when it's not an area where you have complete control, that gets more difficult. So we're constantly looking at that balancing from the legal perspective and then to your point, what's doable on a compliance side.
- Thank you. I would certainly suggest that we make those options - if there's a way to say we look more favorably on proving those types of portfolios and compliance plans that have those elements built into them. If there's a way to put that in there without a straight requirement I think that would be for me really helpful.
  - A. Joroff: We appreciate that input and we are constantly looking at what the balance is for what you can encourage owners to do, so thank you.
- L. Matseuda: My comments revolve around this and one angle I was thinking about this from - how do we work with folks in the city who talk about tenants rights and tenant protections and just figure out how to 1) make sure that we elevate what's already existing for those tenants, but 2) are there other things that we might be

able to add. I don't know what the limitations are here, but I just share some of the concerns that have been brought up. I appreciate the piece, I want to talk through that and think about that a little bit more. I think it seems like a good opportunity and a good thing to include. I am thinking a lot about as we go through this process, we obviously are talking a lot about building owners and how do we incentivize this and make this happen. At the same time, I appreciate the thinking about how do we ensure that tenants understand their rights just as tenants period, but also in the context of the work that might be done to their buildings as a result of this Ordinance. I have more thinking to do on that.

- A. Joroff: I would flag a few places where we would love input. One is on the narrative that would come with a building portfolio application - one of the pieces we've asked the owner to think about is how they would engage tenants in developing their emissions compliance plan, so that's another potential piece for tenant engagement. Let people know what's coming, get input. We can always think about more guidance on what that could look like, giving people suggestions about how to engage, what types of information to share with tenants. When it comes to tenant protections, it is another space where we operate within the limits of the state law but it's also a place where BERDO is not in isolation within the City. We have other initiatives in the City around affordable housing and protecting tenant rights.
- M. O'Malley: Great, thank you. Again, stellar work as always put by the Environment Team. Thank you for that very thorough overview. Thank you to my fellow board members for some really excellent and worthwhile points and comments of which I agree with all of them. I wanted to specifically call out in a very positive way the language relative to providing maps that overlay different respiratory issues as well as heat resiliency. I think that's super important so appreciate that, if that was before I joined this board, well done all around. Two quick questions I had, one was when you think about portfolios, there is going to be some cross jurisdictional issues you may have to think of with Cambridge specifically, which passed their own building decarbonization and we don't need to get into that now, but perhaps that's something that we could work with them to see how buildings that would otherwise qualify, although I suppose they'd wouldn't be registered with the City of Boston in Suffolk County. But that's going to be an issue I think for some of our colleges, universities, and health centers and life science centers. So that's one, cross jurisdictional buildings that would otherwise be in a portfolio. The second one is somewhat pedantic, but with the flowchart, which I think is super important because one thing that we came up against originally drafting BERDO and then now

I've heard from a number of folks is support but a lot of confusion about what the right steps are and what the right pathways are. I think these flow charts are super important and well done. For a visual learner like me it is very helpful. For the days associated with each step, be it petitioning the review board or having to appeal to the APCC, seven days, forty-five days, or ninety days, are those calendar or business days? The only reason I ask is because specifically as it relates to registering something with the Register of Deeds, and if we're talking about potentially fining that, the schedule of a county office can be constricted with holidays and what not. I'm curious about that issue.

- C. Diezmartinez: On the days question, it's calendar days at the moment, because that's how it's defined in the Ordinance. But we're definitely open to feedback if that should be changed specifically for those requirements.
- A. Joroff: An upcoming section of the regulations will focus on enforcement, we could always make it clear that there wouldn't be enforcement if that thirty day deadline falls on a Saturday. I think we could work that in. I think on the question about cross jurisdiction, we'd be very open to hearing your thoughts. At the moment we're not anticipating cross jurisdiction. The portfolio would be Boston buildings even if the Owner has some that straddles both cities. But happy to discuss that more.
- K. Palmer-Dunning: Thank you to the Environment Department staff for the really thorough presentation. I don't have any specific questions at this time. I think a lot of my concerns were covered by other board members.
- G. Latimore: I don't belabor it because I did put it in the chat, but wondering if there's any reason why we could not weigh or score the applications as it relates to our decision making process and put more weight in certain areas, like the equity pieces.
  - A. Joroff: We would welcome feedback on that but I think we saw from the comments last time was for applicants having an understanding of what the review process will look like so they have some certainty of how to prepare their applications, what materials. I think we'd want to be able to present what that would look like, so open to ideas on that.
- G. Latimore: And related to timing, I can't remember if we covered it here or if I read it in the revised regs, the timing of decision making for this review board as relates to the anticipated volume of applications - because as I understand starting September 1 of this year, or is it next year? This year that applications will start to be accepted?

- A. Joroff: They can be accepted probably it will be near to the beginning of next year once all of the regulations are final. But the September 1 deadline in 2024 would be for a decision effective in 2025. So we hope they'll be staggered, but there could be a large number submitted around that time.
- G. Latimore: I know this is something that staff has probably thought about, but for board members, there's like six thousand buildings in BERDO. How do we stay on target within those decision making timeframes given the volume? I wanted to see if the staff had thought about what that might look like in terms of volume for this body.
  - A. Joroff: I should clarify that these applications could even start in 2023 if the relevant sections of the regulations are finalized earlier. I think a piece that we'll be doing with it is helping to create the standard forms for applications, some review metrics for the review board to help that process. But yes, we recognize it's potentially a lot.
  - C. Diezmartinez: And the proposed timelines right now consider being able to deliver a decision in a timeline where there could be multiple hearings to make that decision. But open to feedback if review board members feel that would still not be enough time for some of these applications.
- G. Latimore: There's something to analyze at the right point, sooner than later in terms of anticipated volume for this body.

Questions/Comments via Zoom Chat:

- D. Vasquez, BERDO Review Board Manager: Slide Deck and materials from July 19 APCC hearing available at <https://www.boston.gov/departments/environment/berdo-regulations-development>
- D. Vasquez, BERDO Review Board Manager: Under Phase III: Past Meeting Materials
- G. Latimore: Could MBE utilization in the energy efficiency of the property be an EJ benefit?
- G. Latimore: Is there a way to weigh/score the applications? More weight to the equity part of the application?

**5:32 pm:** C. Diezmartinez shared proposed regulation language regarding Individual Compliance Schedules that were presented to the [Air Pollution Control Commission on](#)



[July 19, 2023](#). C. Diezmartinez and D. Vasquez reviewed next steps regarding Phase 3 regulations development.

**5:41 pm:** Board Q&A Session and staff responses if applicable:

- R. Boyd: I want to know what does compliance mean beyond energy efficiency. I would really like to focus on that in the near future, sooner rather than later possibly.
  - C. Diezmartinez: Do you mean when we say it's a requirement that they're in compliance with the Ordinance? Is that the question?
- R. Boyd: I want to know more so about how it affects the people. How can we throw in the clause when it comes to environmental justice. I know we can't force everyone because we're dealing with different tiers of portfolios, but when it comes to environmental justice I just really want to make sure that the people are protected in that area. I really want to focus on that.
  - A. Joroff: I would flag that when we talk about compliance with any requirements in the Ordinance, in the regulations, or in the standard or any special conditions to the approval of a building portfolio or an individual compliance schedule. So if those conditions talk about environmental justice issues or others that would be part of what is compliance in meeting those conditions.
  - C. Diezmartinez: Also to clarify, any building portfolio that has an individual compliance schedule and is required to have that EJ review will also have that EJ review. So that doesn't disappear just because of having an individual compliance schedule.
- L. Jacobs: No questions at the moment.
- K. Lara: No questions from me (typed in the chat)
- G. Latimore: No questions.
- L. Matsueda: Again, I appreciate the presentation and clarity on where the language was drafted. I also don't have any specific questions right now. I'm going to pass it to board member O'Malley.
- M. O'Malley: Thank you Claudia again for a great overview obviously we anticipate a significant number of folks looking to create their own individual compliance schedule and we want to be clear that there are guidelines in place. And the default numbers were put in for a reason but I think it'll be really well regarded and well

received by folks that we've laid out a clearer pathway here, particularly allowing for the narrative piece which I think is important for an individual building owner to tell their story. To be clear when we render our decision, the building owner can then appeal it to the APCC and that's the final, they're the Supreme Court of the United States for all intents and purposes? There's no appeal after APCC, is that correct?

- A. Joroff: That's how it is written now, yep. Within the City, the last appeal would be the APCC.
- K. Palmer-Dunning: No questions at this time, thank you.

**5:46 pm:** Acting Chair L. Matsueda opens Public Comment Period.

- W. Waldstein: I apologize if this is something that's been asked before or if this isn't an appropriate place to ask Chairman Matsueda but I'd like to ask if the City has ever done an analysis of the potential impact on tenants of the BERDO law.
  - A. Joroff: We don't have a formal analysis per se but there were several years of engagement with community groups and stakeholders throughout the city in the development of the ordinance and it is still an ongoing part of conversations with various Community groups and others. So it's definitely an issue of attention.
- W. Waldstein: May I clarify my question? I really appreciate the engagement with the community and I've tracked back through a lot of it, I'm more asking, and I wasn't clear I apologize, whether Sheila Dillon of the housing department, anybody who's housing specialist in the city, was engaged with this for potential the of what could happen to residents in the city? Whether that engagement included going to people in the city responsible for keeping people from losing their housing?
  - The housing department was engaged in the development process. I personally don't have a lot of details, I wasn't at the City yet but I do know that they were engaged.
- W. Waldstein: It gives us something to learn from, to gather information and learn from them. Thank you.
- M. O'Malley: Mr. Chair, if I may just add? Sheila Dillon and her team were absolutely involved in the initial Ordinance. Obviously the regs came after I left the council but there's language relative to affordable housing, tenants protections. I'm inferring your question is to make sure that we don't see wholesale displacement of tenants because of cost associated. Fair point, that absolutely led a lot of our

conversations and the collaborative approach to drafting this. I think it's something that we all as board members care very very deeply about and believe that you can certainly solve for both, make sure that we're able to protect affordability while at the same time making sure that we lead the nation with the most resilient buildings. But I appreciate the point.

- T. Green-Williams: Thank you. I have a question on portfolios, is there a point where we're going to talk about which neighborhoods are going to have larger projects or which buildings specifically are going to be a part of this process? I'm trying to figure that out as a resident who lives in Dorchester - I know that it's for 15 units or more, but really wanting to know is there going to be a conversation about neighborhood impacts and where would that take place? And will we have a specific list of these buildings on this street at any point in this process?
  - A. Joroff: That's a great question. So for the building portfolios in particular that will be up to building owners to identify which buildings they'd want to put into a portfolio. Part of the information we've asked them to provide in that application is a map of where the buildings are located overlaid with information about environmental justice populations, some of those health impacts that we talked about. That will be the point where we have an idea of the specific location of portfolios and then they'll develop their emission compliance plans that will talk about how they'll comply across those buildings that may spread across different neighborhoods.
  - C. Diezmartinez: I can add to that, I think Aidan will talk about this later but we do have a BERDO map that shows where all the BERDO covered buildings are. Even with that map we don't know which buildings will be applying for a building portfolio because it's not mandatory for building owners to choose that. That could give you an idea perhaps of where the BERDO buildings are located in the city but we won't know where building portfolios will be until we get applications if that makes sense.
- T. Green-Williams: Can I ask a follow up question? You said unless they get applications, so if a building doesn't ask for a portfolio or an application they won't be a part of this process? Or does that get decided somewhere else?
  - C. Diezmartinez: No, so building portfolios are a flexibility mechanism, so building owners can choose to apply for them but they're not automatic. You don't get a portfolio automatically, you have to choose and apply for it.
  - A. Joroff: To further clarify if they don't get a portfolio their building is still subject to BERDO and they'll still have to meet the requirements. They'll just

do it one building at a time. That's kind of the default is that each building complies on its own. If they want to apply for a building portfolio as Claudia said, that's the flexibility mechanism that the review board would review and approve.

- T. Green-Williams: To my previous question as to knowing the buildings, we will only know the buildings of those who apply for a portfolio at this current time? The individual buildings we will find out later?
- A. Joroff: No, I think that's where Claudia had the point that Aidan will show us a map that shows where all the buildings subject to BEDO are in the city. You can see that now.
- K. Palmer-Dunning: I have a question, it's a bit in the weeds so I apologize if there isn't an answer right now. Say there's a building that's seeking an ICS and it is a couple of years into the life cycle of its HVAC system and over the course of the next seven years it takes every emissions reduction measure that it can, but it's still within the life cycle of its current HVAC system. It doesn't make sense from a financial standpoint to upgrade that, will there be flexibility built in for those types of buildings?
  - A Joroff: It's a great question and I think we'd love feedback on the criteria we've proposed for the review board to review and approve an ICS. If you think those are broad enough and remember that another compliance option for a building might be a hardship if they have a reason that they want to delay compliance. A pathway for hardship or relief could be an alternative time frame of compliance. As another reminder, direct compliance is just one of the compliance pathways under BERDO. We'd probably want to think about what else that building could be doing in the interim. It could play a role in ICS, it could play a role in hardship, but we'd love your thoughts on whether the criteria for reviewing ICS are flexible enough.

**5:58 pm:** Acting Chair L. Matsueda closes Public Comment Period.

Questions/Comments via Zoom Chat:

- K. Lara (she/her/ella): No questions from me. (Sorry, just doing a diaper change)

**5:59 pm:** D. Vasquez reviewed next steps regarding Phase 3 regulations development.

**6:00 pm** Board Q&A Session and staff responses if applicable:

- G. Latimore: With the comment period I assume board members can also make comments similar to questions and comments that we've had here during the comment hearing and or is there an opportunity for board members to flesh out some of the issues that we've talked about collectively here tonight? Should we just submit to the comment period any comments that we have?
  - A. Joroff: I think we welcome comments individually. If the board wants to work together on comments, we do have the open meeting law, so we could set up a special meeting where you could all have that discussion. If we want to follow up, we are happy to arrange that opportunity.
- G. Latimore: Thank you, I will consider individual comments for sure. I will try my best to get them in before that August 11 deadline.
  - A. Joroff: We can also add it an agenda item for the next meeting, that should be sufficient time.
- R. Boyd: I'm all set, but I would love to piggyback on what Gail said and follow through with that.
- L. Jacobs: All set, no comments.
- K. Lara: No questions either, thank you.
- G. Laimore: No questions.
- L. Matsueda: I think we're going to have to confirm when our next meeting is in our administrative updates sections. That'll help us determine whether or not we can just include it in that meeting because it makes the most sense if we got stuff on the calendar to include further conversation on the issues that were brought up in advance of the next APCC meeting.
- M. O'Malley: None for me, thank you.
- K. Palmer-Dunning: No questions at this time.

---

### **Third Agenda Item: BERDO Reporting and Disclosure Updates**

**6:03 pm:** A. Callan presented reminders on 2023 and 2022 reporting data progress and on a [newly updated BERDO compliance map](#).

**6:06 pm** Board Q&A Session and staff responses if applicable:

- R. Boyd: No, thank you Aidan, that's helpful.

- L. Jacobs: No questions.
- K. Lara: No questions either, thank you so much. The map is incredibly helpful. I'm going to take a look at it and look at where things are in my district as well.
- G. Latimore: No questions. I'm trying to find my properties and I might follow up with you Aidan.
- L. Matseuda: I think it's super helpful to have the visual of the map. I was also just looking at some of the other ways to access data that have been already accumulated. I'm going to be doing some thinking or maybe providing some more specific comments about ways to make that as accessible as possible. I know the visuals in general are really helpful but there might be other data sets or specific things in there that I have some recommendations or questions on specifically. Again, I appreciate the map and it was nice to see the updates because I think the older version I looked at, I was having some problems with for whatever reason. But this is super helpful.
  - A. Callan: I would say that the map is meant to be pretty high level in terms of the actual data that we report here. If you are looking to really dive in and really get a better sense of where a particular property stands, I would just have that actual spreadsheet, that disclosure data set, open alongside it.
- M. O'Malley: No questions. This is great, well done team. My comments would just echo that you will absolutely see more and more buildings who haven't reported anything rectify that because as we all know, sunlight's the ultimate disinfectant. This is great work and I look forward to playing around with it.
- K. Palmer-Dunning: Yeah this is great. Thank you for showing this to us Aidan. Will the shape file be available for this? I think it'd be interesting to see this overlaid with other um GIS mapping tools for instance like the state's environmental justice track tool as well as other GS tools that show different factors.
  - A. Callan: That is my understanding. I can't speak to it with certainty right now unless anyone else on the team knows. It's my understanding that we do want this map to be overlaid with other information like environmental justice communities, urban heat island effect. Happy to talk about different ways in which we can kind of overlay that data. Beyond that I can't speak to its flexibility right now in overlaying with those data sets.
  - A. Joroff: I would just echo that is the goal because it can also then be a tool for building owners that are applying for portfolios that do the EJ review to

have a tool where they can go to help with those overlays. If we can figure that out it would be great and again for the review board's use as well.

**6:16 pm:** Acting Chair L. Matsueda opens Public Comment Period.

- T. Green-Williams: Tarshia, Dorchester resident. I have a question on what is happening or going to happen to either incentivize or to get the buildings that are not reporting to report? I don't know if I missed that in the conversation but I got the link so I automatically went and looked to my neighborhood. The City of Boston, it says, is not in compliance for Franklin Field. If the city's not setting an example as to reporting and things like that, who's going to make sure that those buildings are reporting? Is there a plan for that or does that happen outside of this space?
  - A. Callan: In terms of the city compliance, each city of boston-owned parcel has reported for 2021 data. There were a few cringe cases where the property owner name was the city Boston but the city didn't actually own the building on that parcel. Happy to take a look at any specific cases there. For outreach and engagement, for increasing the number of properties that are in compliance there are definitely a few different approaches that we're trying to take here. Councilor Lara noted that she's going to take a look at her district and see which properties are out of compliance. We intend to work directly with City Councilors and neighborhood liaisons, the Mayor's Office of Housing to increase the compliance rate. Then externally with community-based organizations and other organizations with that wider reach. We have that full list of addresses and properties that are simply out of compliance at this time. Beyond that we do know there are a handful of properties that are receiving our letters and simply not taking any action so we will eventually get to the point where we're issuing fines. There are still some processes to work out internally on as to how we're going to move forward with that, but that is our intention. We expect to see an increase in compliance rate through that process.
  - C. Diezmartinez: I'll add to that a reminder that fines and enforcement is part of Phase 3 of the regulations process. We need to work through those regulations during this phase so that we can move to penalties and fines and enforcement as well.

**6:20 pm:** Acting Chair L. Matsueda closes Public Comment Period.

- K. Palmer-Dunning: For reporting, 2024 and 2025 are really key years for phase three of the regulations, is there any thing that we can discuss around incentivizing early reporting?
  - A. Joroff: I think in a sense that early reporting isn't so much an issue right now as the reporting requirements are already out there. But to phrase it as yes, how we could think about outreach to reach those buildings that haven't reported yet, or might need you know additional assistance in figuring out how to do so. We'd welcome thoughts on best coordination and outreach.
  - A. Callan: I would also add that when folks can report their data is dependent on the efficiency of the reporting process itself. There are a number of areas that we're continuing to work to improve upon. One of which is requesting data from the utilities. This is a pretty consuming and burdensome process that those that have reported BERDO are potentially intimately familiar with. We're working with them to make sure that we're smoothing out any inefficiencies within the reporting process itself. We know this is a huge factor in terms of when people can actually report their data. And of course moving forward, they're going to have a lot more decisions to make than just reporting their data. We want to make that process as easy as possible.
  - A. Joroff: To clarify my earlier response too, as Aidan said we're trying to create pathways and tools to make reporting easier. Building owners can't report early, they have to wait until the full year is over to collect and report their data. I think your point is how do we make sure they're well positioned to do so, and that's what we're working on.

Questions/Comments via Zoom Chat:

- G. Latimore: Can you add the link to this map?
  - W. Waldstein: If the link is within the slide show, can the slide be put in the chat or emailed please?
  - A. Callan:  
<https://boston-hub.maps.arcgis.com/home/webmap/viewer.html?webmap=970af23ee9f3419db894113140ae2751&extent=-71.1937,42.2679,-70.9622,42.3756>
  - A. Callan: The map will be posted here.  
<https://data.boston.gov/dataset/building-energy-reporting-and-disclosure-ordinance>
-



#### **Fourth Agenda Item: Administrative Updates**

**6:24 pm:** D. Vasquez asks board members if they would like to shift meetings to be on the same week as the APCC. Board members decide to leave the meeting schedule as is, except for the meeting that lands on September 4. Board members would like to move that meeting to September 11.

Diana also shared that the email used for the review board has been changed from [brb@boston.gov](mailto:brb@boston.gov) to [BerdoReviewBoard@boston.gov](mailto:BerdoReviewBoard@boston.gov).

---

#### **Meeting Adjournment**

**6:29 pm:** Board Member G. Latimore made a motion to adjourn the meeting. Board Member O'Malley seconded. All in attendance (7) were in favor and the motion carried at 6:29 pm.