

**BERDO PHASE 3 REGULATIONS
NOTES FOR WORKING SESSION ON HARDSHIP COMPLIANCE PLANS**

AUGUST 22, 2023

This document presents a summary of the comments, questions, and feedback received at a technical working session on Hardship Compliance Plans held over Zoom on August 22, 2023.

Regulations themes	Feedback and questions from the public
<p>Types of characteristics and circumstances that may lead to hardship with complying with the Emissions standards</p>	<ul style="list-style-type: none"> ● Categories of uses explicitly referenced in the list of characteristics and circumstances that could contribute to a hardship should include museums. ● ‘Critical services’ provided by buildings could include services other than life saving functions and affordable housing, e.g., could define actions that are critical to a building owner’s operation/mission as critical services. <ul style="list-style-type: none"> ○ Preserving art collections is a critical part of a museum’s mission. ● Additional suggested characteristics and circumstances that may lead to hardship: <ul style="list-style-type: none"> ○ Utility constraints / inability to get power (beyond lack of interconnection). ○ Delays in getting an energy project approved through MassSave. ○ Building closures to accommodate work
<p>Application requirements for Hardship Compliance Plans</p>	<ul style="list-style-type: none"> ● Issue of cost of technical studies and reports if required for applications: Affordable housing has previously benefited from assistance from the City of Boston to conduct technical studies and reports. This kind of assistance may be necessary and the City of Boston should consider this.

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	<ul style="list-style-type: none"> ● Asked if a potential means of substantiating a technical-based hardship could include failed pilot studies. ● A feasibility study doesn't typically have DD level calculations in it, so a clarification would be helpful. ● In demonstrating a hardship/feasibility of compliance-related work, how do we consider temporary building closures due to work? ● Is there a way to streamline applications for museums, including via a common form of relief?
<p>Forms of relief that may provided through Hardship Compliance Plans</p>	<ul style="list-style-type: none"> ● Include different “categorization” for purpose of Emissions standards. <ul style="list-style-type: none"> ○ Museums start off in a unique position, because we are categorized as assembly buildings. Museums, collection spaces, and labs have unique temperature and humidity constraints that should be considered differently from other assembly spaces and office buildings. ● Recognize timing of projects and potential phasing.
<p>Other considerations</p>	<ul style="list-style-type: none"> ● On the topic of financial incentive feasibility for adoption of new decarbonized technologies (i.e. Mass Save), consideration for if a technology is eligible in addition to the building would be important. For example, buildings associated with Private Power Plants do not take energy from Eversource / National Grid and thus do not have eligibility for rebates, even if the technology (i.e. Heat Pump) might be.