

City of Boston BERDO Review Board
Public Meeting Minutes
Zoom Virtual Meeting
August 7, 2023 at 4:30 pm
[View recording here](#)

Board Members in Attendance: Rashida Boyd, Stephen Ellis, Councilor Kendra Lara, Gail Latimore, Lee Matsueda, Jack Nelson, Matt O'Malley, Kai Palmer-Dunning

Board Members not in Attendance: Lovette Jacobs

Staff Present: Diana Vasquez, Claudia Diezmartinez, Aladdine Joroff

Others: Approximately 10 members of the public attended this meeting.

Motion to Nominate Acting Chair

4:35 pm: Environment staff, D. Vasquez, led a vote for Acting Chair. Board Member O'Malley made a motion to nominate Board Member Lee to serve as Acting Chair. Councilor Lara seconded the motion. All board members in attendance (8) were in favor. The motion carried at 4:35 pm.

Call Meeting to Order

4:36 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 August 7, 2023 at 4:36 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, Councilor Kendra Lara, Gail Latimore, Lee Matsueda, Jack Nelson, Matt O'Malley, Kai Palmer-Dunning.

The following Environment Department staff were in attendance: Diana Vasquez, Claudia Diezmartinez, Aladdine Joroff

Others: Approximately 10 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 24, 2023 Review Board Meeting Minutes](#).

Councilor K. Lara made a motion to approve the meeting minutes. Board Member M. O'Malley seconded the motion. Seven board members (7) voted in favor and one (1) board member abstained. The motion passed at 4:40 pm.

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

4:42 pm: D. Vasquez and C. Diezmartinez reviewed Phase 3 of BERDO regulations development and introduced the topics of Hardship Compliance Plans and the Equitable Emissions Investment Fund.

4:54 pm: Board Q&A Session and staff responses if applicable:

- S. Ellis: My first question for the department, your section states that owners [with a hardship compliance plan] will receive an alternate emissions reduction target or timeline for compliance. I wanted to seek clarification about the target goals with respect to how an owner can achieve this. I'm not sure if it's a part of the Ordinance or a part of the regulation, but there's an aspect that requires owners to show a linear or better reduction. I wanted to get it cleared if this would allow an owner to not be subjected to that linear or better emissions reduction?
 - C. Diezmartinez: That requirement of having a linear or better emissions reduction is specific to the Individual Compliance Schedule (ICS), which is another flexibility mechanism. This will be determined in regulations, but one of the possibilities for hardship could be something similar to an Individual Compliance Schedule but perhaps without those requirements of fifty percent reduction by 2030 or the linear or better emissions reduction. So it's a possibility to have a different timeline without the restrictions of an ICS.
- S. Ellis: Thank you for the clarification. One second question that I have with regards to the environmental justice reporting requirements that are showing up within the regulation for pathway two and three, there's an aspect that you're requiring owners to provide a narrative about the plans to prioritize their distributions of work within EJ communities. I'm wondering if it's at all possible for our Board to utilize those suggestions to come up with potential plans or come up with potential pathways for us to utilize the Equitable Emissions Investment Fund. What I'm thinking about is not just having folks submit applications for consideration to be paid or funded by the fund, but also for us to take into account what owners are saying they might do in those communities and we can potentially discuss those being funding opportunities. Is that an opportunity?

- C. Diezmartinez: Is your question if the Review Board could proactively reach out to an owner and offer funding or if the Review Board can consider other documentation from the owner, from Building Portfolios or ICS, as part of the application?
- S. Ellis: The latter, but the former also sounds interesting.
 - A. Joroff: The proposal we're going to put forth on August 16th won't be draft language, it's going to be straw proposals. There will be an informal comment period where we appreciate more feedback on the suggestions, but a question would be should the applications for use of the fund be for the public to apply or would the Review Board issue RFPs that would be targeted at certain issues or neighborhoods that could vary by RFP to RFP. We're very open to suggestions on what that would look like. And as I said, we'll try to put a proposal that invites feedback around those questions.
- S. Ellis: Thank you, that's all for me.
- Councilor K. Lara: We just recently had our training and onboarding with Diana and I asked a lot of very detailed questions. I don't have additional questions right now, thank you.
- G. Latimore: I want to go back to what Board Member Ellis was asking and make sure I understand. So with a Hardship Compliance Plan, that means you do not necessarily, the Board could set a different time frame all together? Meaning the building doesn't have to meet 2030 or 2050 time frames for emissions reductions, is that the case? Am I understanding?
 - C. Diezmartinez: Yes, that's a possibility.
- G. Latimore: Okay, and that is indefinitely? Or is that at some point the idea is that the building will come into compliance? Or could it be indefinitely that a building might never come into compliance? Is that a possibility for a specific property for example with the Hardship Compliance Plan?
 - C. Diezmartinez: I think that's something where it would be great to get feedback on. On whether Hardship Compliance Plans should be on different time frames. Maybe there's temporary Hardship Compliance Plans, maybe there should be permanent, maybe there should be the option to have different types. That's something that would be definitely good to have feedback on.

- G. Latimore: Thank you. I have a question about Buro Happold. Can you say a little bit more about that entity and what other work they've done, if any, for the city similar to this?
 - C. Diezmartinez: I think I'm not the best qualified to talk about all of their experience. I feel I would do a disservice, but they will be present at the technical working session on Hardship Compliance Plans. I assume they will present all their experience and what they've been working on. So far, in terms of BERDO, we are working with them to be able to identify possible technical hardships that building owners might face in complying with BERDO and looking at different ways in which the Review Board can assess those hardship and build Hardship Compliance Plan from the technical perspective.
- G. Latimore: That means participating in one of those sessions to understand more. Are they working in any other part of the city in a similar way, in terms of regulations or review of certain things? Or is this the city's first time working with them?
 - C. Diezmartinez: They do have a lot of experience working with building and decarbonization projects in Boston. I'm unaware if they're working on other projects at the moment with the city, but they definitely demonstrated experience with that.
 - A. Joroff: For the record, they were selected through an RFP process, through the procurement process. But we can look into what other projects they may have done with the city, we just don't know offhand.
- G. Latimore: Thank you.
- L. Matsueda: I had a similar question about Buro Happold and started to look at them online and it seems like they have a bunch of experience in this area but I'm curious to know a little bit more. I had a clarifying question, or something that I'm not familiar with. It's regarding the Hardship Compliance Plans, and in the Ordinance it talks about them being available for among the list something that says 'pre-existing long-term energy contracts without reopeners.' Can someone just explain to me what that means?
 - A. Joroff: It is literally a contract that has a long-term, so perhaps 20 or more years for energy. By no reopeners, meaning there's no chance to renegotiate the price or the sourcing of the energy. That's what we mean there.

- L. Matsueda: To speak to the Equitable Emissions Investment Fund, I am particularly interested in who's eligible. And I guess to be clear when we talk about owners, we are talking about this being targeted to the owners of buildings or building portfolios that fit our criteria currently, correct?
 - A. Joroff: I think that's another area that we're open for feedback is who should be eligible to receive the funds? Should it be BERDO building owners, should it be open to any building owner or resident in the city? That's definitely a place where we'll seek input and what would be the decision making criteria? It could be one factor or it could be a qualifying factor.
- L. Matsueda: That's helpful because I'm thinking of projects that might not fit quite that 20,000 square foot threshold but have a lot of benefits and I think could be considered to be really good investments that line up with how a lot of different stakeholders articulated being an important use of the fund. I'm really excited to talk more specifically about how to open that up.
 - A. Joroff: I'll just flag a place where we'd appreciate feedback would be, when we're thinking about who can apply and how to select projects, does the Review Board want brightline tests or standards? And these evaluation criteria Claudia displayed and walked through, those are examples of ways that the Review Board could use to review applications. If you think there are others that should be included, we'd be open to those as well.
 - C. Diezmartinez: I just wanted to clarify that the main limitation in the Ordinance is that the funds need to be used for local carbon abatement projects. So there's an emissions reduction component and there's a local component.
- L. Matsueda: Thank you.
- J. Nelson: Thank you. I imagine there will be a high demand, or a lot of applications, for funding these energy and decarbonization projects. I know this might be difficult to predict, but those funds are through the collection of compliance payments. Do we have any sense of the balance between what the volume of compliance payments will be versus the need for funds to drive these projects?
 - C. Diezmartinez: I wanted to add that there is seed funding into the fund already. At the moment we don't have an estimate of exactly how much money will come into the fund after 2025. It's certainly something we can come back to in the future.
- J. Nelson: The seed money that you mentioned, who provided that?

- C. Diezmartinez: The city.
- A. Joroff: I would flag that we're also going to try and continue to help direct people to other funding, such as federal and state funding as it becomes available to buildings that are subject to BERDO. Recognizing that this Equitable Fund will not be the only source of financial assistance.
- J. Nelson: I imagine there will be competing projects looking for the same funds. Is the Board going to have to compare project to project because there's limited funds?
 - A. Joroff: That is a possibility. I think that's why we want to set up some evaluation criteria, and if the Board wants some flexibility of directing what type of projects it might look for in a particular cycle. Again, that doesn't have to be an option, but we're open to feedback of what you think would make that process work well and what the public thinks.
- J. Nelson: We could be looking at dollars as compared to how many tons of carbon dioxide is reduced project by project. We may be required to look at things in that way. Okay, thank you.
- L. Matsueda: I thought the number was 20 million, is that accurate for the seed money? How much is it?
 - M. O'Malley: It's not 20 million, I think it's like hundreds of thousands of dollars.
 - G. Latimore: Half a million is what I think I heard when we were in our orientation.
 - A. Joroff: I think that 20 million you're thinking of is the APRA funds that went to affordable housing.
- L. Matsueda: Yes, I'm completely mistaking that. Thank you.
- M. O'Malley: Thank you again to the team, this is such a thorough overview. These two items that we're discussing today, in my opinion, are the most important things that we as a Board will do. So when you talk about drafting language for the APCC next week, I would just add there is extreme flexibility for this Board. First on the Hardship Compliance Plans, as Board Member Latimore said, this is something we should have strict oversight on. And it also should be rare, recognizing the fact that there are going to be some hardship compliance pieces that we accommodate but one thing I think we need to be crystal clear on is that it's a very bespoke process.

Any precedence it'll be up to the Board to decide. I don't want one 30,000 square foot building to get some Hardship Compliance, and then a building across the street to assume that they would then fall in. I think it's vital that the Board is able to make that determination for the Hardship Compliance Plan. For the Equitable Emissions Investment Fund, to Board Member Nelson's point, I remembered at a hearing on this, Commissioner Brizius said lightheartedly that we hope we generate no revenue for this because everyone's in compliance. That's obviously not going to be the case, but there will be scarce dollars for this. I'm delighted to hear that there could be other avenues for revenue so that we're able to do more. But I think it's very important for this Board to maximize the control and flexibility. Of course there should be guidelines, this is a partnership between the city and the environment department, and the mayor is our quarterback here, but I think it's very vital as you draft language that it allows us, as the Board, to have that flexibility to both determine what constitutes a Hardship and make sure that it's a very bespoke process for individual buildings. Also, with the Investment Fund, we wrote it crystal clear that it has to prioritize EJ communities, but we also want to make sure this Board is able to work with the neighbors, community, with the city to fund worthwhile goals.

- K. Palmer-Dunning: This is a great overview and I look forward to continuing the conversation to figure out these regulations. The technical working sessions on the 22nd and 23rd, will the Board members have the ability to participate in those working sessions to help determine regulations or is this our venue to do that?
 - C. Diezmartinez: Since they're public sessions, anyone is free to attend. But we also expect to come back to the Review Board once we have proposals and draft language, so that would definitely not be the only opportunity to engage with Hardship or the Fund.
- K. Palmer-Dunning: My second question is on the Hardship Compliance Plans, for owners it says they can propose strategies and the Review Board can set conditions. Will there be a suite of strategies and conditions building owners and the Review Board can pull from or will these strategies and conditions be considered building by building or portfolio by portfolio? Just so that there's parity, to Board Member O'Malley's point. We don't want certain strategies or conditions to be applied to one building and their assumption that those conditions and strategies could be used for another.
 - A. Joroff: I think the plan would be that each application would have to show characteristics relevant to its own building or building portfolio. And then, similarly for conditions, that will probably be unique. I think the goal in the

regulations is to provide an outline of the types of conditions that the Review Board can think about. We're very open to the feedback that we're already starting to hear about not making an exhaustive list, but to provide some guidance for building owners of what they should be thinking about as well, and tying to what the Ordinance does say about focusing on work in environmental justice communities. And then the general purpose of the Ordinance, which calls out other goals as well, such as affordable housing, public health, and highlighting those for people to be thinking about.

- K. Palmer-Dunning: My final question is one the Equitable Emissions Investment Fund. There is initial seed funding, but the Fund will receive its funding through Alternative Compliance Payments, which at this point we don't have a good sense of how much that will be. So I'm curious, in order to keep the fund sustainable and ensure that the funding can be used over the long-term rollout and implementation of BERDO, will there be any consideration around repayment? For instance, the importance of the fund is to cover upfront costs of emissions reduction strategies that communities and projects can use. So say that a building wants to implement a ground source heat pump to reduce its emissions, that has a 5 or 10 year payback. Will there be any expectation for that funding to be repaid in terms of savings? Or other types of things in order to make sure that in addition to the Alternative Compliance Payments that are being made, there is some level of sustainability to the fund?
 - A. Joroff: That's another area where we're going to be specifically soliciting feedback and comments from the public and from you all as well. There are different models, a grant versus a low-interest or no-interest loan, what a repayment schedule could look like. We welcome feedback on what people think the range of options should be.
- R. Boyd: I'm always concerned about the tenant, and making sure the tenant is not going to get evicted or the landlord is not going to make the tenant pay extra after the work is done. I'm really concerned about that.
- G. Latimore: To Board Member Boyd's point, I wondered about what is really possible for the Board when we're considering Hardship Compliance Plans and the Fund. It would be helpful to understand whether there are any legal issues in particular we need to pay attention to. I think it would be helpful for us to get some additional read. For example, do we have the right to ask someone applying to the Equitable Emissions Investment Fund their financial status? The other thing, there was a question about what long-term gas and other utility contracts might look like. Is there any data out there that speaks to the number of buildings that might

have some type of contract? I'm trying to get a sense. My final question is, with the Equitable Emissions Investment Fund, are there resources for federal money that could be used to seed the Fund?

- A. Joroff: I'm going to start with the easier one to answer, which is the long-term contracts. As you suspected, we don't have data on that. That's something that people would have to self-report and demonstrate for us. On the funding sources, looking at funds from federal, state, or other programs. I think it will be an interesting discussion whether that's put directly into the Fund, or if we continue to do what we've been doing which is using outside of the Fund to support buildings that are subject to the requirements. It's an interesting question about whether we use some of it directly into the Fund for the Review Board to then distribute. That's something for us to consider. Your broader question about what we can do. There are some limitations. As a city we have a lot of authority but we are subject to the realm of state law as well. I think it might make sense to come back to this point when we can look into some of the questions a bit more but I would flag there's a few things here. One is, here we have a little more leeway because these are incentives that we are giving, right? A hardship compliance plan and use of the fund money, so you're putting a condition on something that people are asking for, it's not a requirement but there's still some limits on what we can do. We'd also want to think about any requirement we put on, how do we enforce it? How do we assess whether it's being complied with and can enforce it? So we want to make sure we have the tools for the information up front but the long-term compliance observation and enforcement. Then another piece that we'll look into is when people do share information with the city it generally becomes a public record, so we would want to think about what that means. What type of information we'd be asking people to share. Are we comfortable with the possibility that that could become available to anybody and whether there are any exceptions to that? I think you raised a lot of good points that maybe we can come back to to discuss in more detail.

Questions/Comments via Zoom Chat:

- C. Diezmartinez: If you would like to provide comments on draft regulations, submit written comments to apcc@boston.gov or the Air Pollution Control Commission, Boston City Hall, Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201.

- C. Diezmartinez: You can also submit comments to this Google form:
<https://docs.google.com/forms/d/e/1FAIpQLSfcUvbsDQqySQKfR9WQVzB4OUY1aHlzJwN5nuwzmjAn2TT2Vw/viewform>
- C. Diezmartinez: Register here for the technical working session on hardship compliance plans:
<https://www.boston.gov/calendar/berdo-regulations-technical-working-session>.
Register here for the working session on the Equitable Emissions Investment Fund:
<https://www.boston.gov/calendar/berdo-regulations-public-working-session>.

5:25 pm: Acting Chair L. Matsueda opens Public Comment Period.

- W. Waldstein: My experience with the city with fees with penalties being paid has been with the Boston Residents Jobs Policy where literally for decades no one had to pay. I would be interested in considering whether this is actually going to be a viable source of funds. What complicates it in my mind is that the penalty can be for deterrence in order to get people to comply or it can be here's the penalty and we're going to raise money to do what we need done based on those penalties. Those really have very different purposes and given that the city has historically not shown a willingness with the Boston Residents Jobs Policy to assess any penalties, I think it's worth the board thinking really hard about decoupling them and treating them as having separate intents, separate needs. I wanted to flag that City experience because it seems relevant.
- K. Palmer Dunning: I just have a quick comment to Weezy's point about decoupling penalties and access to the fund. I think that the goal is for all the buildings in BERDO to be in compliance and not have to face a penalty, and pay into the fund. I do also think there is real value in having this because of our capacity to decide how funding is used as well as the flexibility for how it can be used. I really do think that in addition to being a penalty for buildings that are out of compliance, there does need to be some incentive to get money into the fund. The people or properties and owners that we want to be using this funding and need this funding most might have difficulty applying for federal and state funding to do the similar projects. This fund allows an easier way for them to get funding to do those types of things than applying for a federal or state grant. While all buildings should be in compliance with BERDO and shouldn't pay a penalty because they're in compliance, this fund still needs to be funded so that property owners can use it.
- M. O'Malley: I wanted follow up on the question in the chat because I think it's an excellent one and just you know so folks watching are clear, if you look at section F of the ordinance which talks about the Equitable investment fund, it talks about using funds to support carbon abatement projects, then there's about a six or eight

bullet points. It specifically calls out local air quality improvement as well as reduced energy burdens and then the last bullet point says any further environmental addition. I think most people would agree growing a tree canopy, planting more trees could be considered a carbon abatement project but again it underscores my earlier point that allowing flexibility for this board and for the Environment Department as well is crucial. As we think about fine-tuning what regulations and guidelines look like, because there's some no shortage of really worthwhile projects that we could be implementing. Some would be very costly, others would be less. So it's finding that right balance.

Questions/Comments via Zoom Chat:

- T. Maurer: From the environmental justice perspective, there are issues of urban heat islands that cause heat strokes, peak demand, stresses on the grid, risking blackouts, marginal emissions that cause asthma heart problems, Etc. Can there be consideration of addressing these issues in funding. Also can you describe the role of RECs and additionality amid this funding capability?
 - C. Diezmartinez: I assume they're asking in reference to the Equitable Emissions Investment Fund - there needs to be an emissions reduction component to projects that are funded through the fund. But we can go through regulations and add certain considerations that the review board may consider, in addition to emissions reduction. So, for example, components of climate resilience, or urban heat islands. For example, if the location of a project is in an urban heat island, or something like that. That is certainly something that we could consider. And we welcome to feedback on whether and how issues of heat resilience be considered as part of the criteria for the Review board. Buying RECs is a compliance pathway that's available to building owners. So building owners could definitely come into compliance by buying RECs, reducing emissions, or entering into CCE, rather than paying into the fund. That is correct.
- T. Maurer: In your projections on the funding, do you believe REC availability will be lower the environmental justice funding? And what will the concept of "additionality" which limits availability of RECs have in impacting the potential funds.
 - A. Joroff: We don't have predictions on how many people will utilize the alternative compliance payment versus using a compliance mechanism like buying RECs. We don't have that kind of analysis at this point. For RECs, the ordinance and regulations do specify that RECs do have to satisfy the class one eligibility requirements from the renewable portfolio standard that the

state. Then there are additionality requirements if you are using a power purchase agreement, so there are some requirements around that in the ordinance and regulations.

5:35 pm: Acting Chair L. Matsueda closes Public Comment Period.

5:36pm: D. Vasquez presents specific sections of the proposed regulations regarding Building Portfolios and Individual Compliance Schedules to hear thoughts and comments from the Review Board.

Regarding proposed timelines of applications:

- G. Latimore: I'd say, on the face of it, those time frames look fine. It's hard to determine the volume right? The only thing I could think of is the Zoning Board of Appeals. They have thousands of buildings I assume every year that they review and make decisions on. Do you know what their time frames are? How does this compare with their timeframe? It's a body that has to look at materials, make decisions in a somewhat timely manner, etc.
 - A. Joroff: I would flag another model we've looked at is the Wetlands Conservation Commission for the City, because they also have a large volume of applications with a state requirement about how quickly they have to respond. We have suggested a little bit more time here than what they're subject to, but it is another comparison in terms of potential volume.
- G. Latimore: And how long has that Commission been in play? How are they managing their time frames? They're able to keep up? How many people are on that body?
 - A. Joroff: They are also a volunteer commission with a staff in the environment department to assist them. So it's a similar setup
- L. Matsueda: If for some reason we're overwhelmed with any one of these pathways, is there some recourse? If we go in with the current draft language, are these sort of set? We have to meet these time frames?
 - A. Joroff: : Yeah, it's a great question. So as currently drafted this is the pathway that we would want to hold ourselves to. We have not specified what the outcome would be if the Board couldn't meet the timeframe, but there would be an expectation of meeting it, so we're welcome to feedback about. I would say some committees use a default that if a Commission or Board doesn't vote that it's deemed an approval, we did not put that in, but

there's also the possibility of complaints coming if we don't meet the timeline.

- C. Diezmartinez: And as a background for the Review Board Members, this proposal came after many comment letters stating the desire to have some certainty on the timeline for these applications. So that's how these proposals came about.
- L. Matsueda: I think I'm comfortable with the timeline. We've been at a current pace of two meetings a month, and we talked about going to one, but I feel like we should always be willing to do more, especially if needed right. I would say let's hit this timeline, and then the board is going have to adjust as needed. If that means two meetings, we do it.
- S. Ellis: The only thing that I would add is that I am suspecting or potentially expecting that pathway one should be something that we flow through easily. I believe during our orientation process it was mentioned to us that we could set a clause to say, if this is the type of application that comes through, we can essentially say 'just approve it, we're not really interested.' I wanted to call that out.
- K. Palmer-Dunning: Earlier, staff had discussed being able to kind of batch some of these applications. and I'm assuming it'll be a lot harder to batch those that are coming through the hardship compliance strategy, giving them the longer timeline for that makes sense. But I think as much as possible, being able to batch the applications so that we can get through them on a timely basis to meet the deadline makes sense.

Regarding Environmental Justice Reporting Criteria:

- K. Palmer-Dunning: Based on the Massachusetts EJ criteria, most of Boston falls under EJ, so could that just be a basic requirement to provide these details?
 - C. Diezmartinez: In the draft language, this is part of Pathway two. This is for building portfolios that have buildings that produce local emissions. So power plants, industrial and manufacturing buildings, district energy systems, and so on, or that have a combination of affordable housing and market rate housing. Or a combination of housing in ej and non ej populations. So the goal of that was to sort of capture those portfolios that can either produce high emissions in a certain location or that could have the potential of having disparities in investments between EJ and non EJ populations and affordable versus non-affordable housing. So that was an

effort to also specify even more who would go through the pathway. Because as you mentioned 80% of Boston is EJ.

- S. Ellis: My first comment is going back to the Equitable Emissions Fund. Section 6-B is what I was referring to when I was talking about projects that could be considered. Perhaps I have a suggestion that the narrative that is provided by an owner be something that the city can extract for potential projects that the Review Board could consider. I saw this as an opportunity where we may miss an opportunity to get additional projects or opportunities for projects that building owners are providing their narrative. This might be one area that the city might want to really take a moment to highlight, or take a moment to say we may want to put this before the board whenever we're discussing a layer of flexibility with how we go about using the equitable emissions fund. My first question is about the maps. Is there an expectation that the owner must use these two maps here when they're fulfilling this requirement? Meaning, are they expected to give you a map? What are they expected to give you the criterias of the map that the buildings are lining up with. I'm a little bit confused about what is expected by the owner in terms of provide maps. Just a snapshot? So on and so forth.
 - C. Diezmartinez: All of the maps and criteria that are mentioned are maps that currently exist either by the State of Massachusetts, the EPA, or the city of Boston directly. Our goal would be to be able to provide owners a platform where all those maps are integrated. We're currently working with the city to see if that is a feasible thing that we can offer. It's something that we're working on.
- S. Ellis: You're trying to layer multiple maps from different sources all together. Is that correct?
 - C. Diezmartinez: Yes.
- S. Ellis: My second question is, for the environmental justice populations in Massachusetts map, I'm wondering, should that be included here? Or based on what you just stated a second ago maybe it's not worthwhile to include, since you're actively working to create this later map, correct?
 - C. Diezmartinez: So the definition of EJ populations we use for BERDO is the same as the State. So the map we're referring to with EJ criteria is the same as the state. The question is, can we put it together with other maps, so that it's easier for building owners. And that's something that we are trying to work on.

Regarding Portfolio Standard Conditions:

- S. Ellis: Quick clarification point on the Emissions Standard Compliance Plan. The details of that have not been decided yet correct?
 - C. Diezmartinez: So there are some details that were in the proposed policies. And those are in the same folder as the proposed regulations are.
- M. O'Malley: Just briefly for the onsite campus district energy system. That would be a number of buildings with their own district and energy system? That wouldn't be a part of MATEP or my company or another?
 - C. Diezmartinez: Yeah, that is correct. Campus district energy system is defined in adopted regulations and it refers to buildings connected to the same power plant. For example, a university that has its own CHP, things like that.

Regarding Tenant Ability to Petition:

- G. Latimore: I want to make sure I understand. In another document I read the tenant can serve as owner, is it that tenant that we're referring to here? Or are we referring to tenants who are not happy with the way things are going, the way things have been reported, or the way the building is? Is it the actual tenant, not the tenant as owner? tennis will have the ability to request.
 - A. Joroff: Yes, this is the broader meaning of tenants.
- S. Ellis: And when you say the broader meeting of tenants, so this goes beyond residential tenants. Is that correct?
 - That's correct. Could be any tenant.

Regarding Indicators of Inequitable Distributions:

- G. Latimore: I assume that this means that the Review Board will have access to EJ benefit measures. Meaning measures on how buildings are performing in EJ communities. Or how are they benefiting EJ communities? Especially if we're going to initiate a hearing to terminate a portfolio. It assumes that there's a body and data that we have access to.
 - A. Joroff: Yes, and currently it would be based on the requirement for the owners of portfolios to submit annual reports and tie it back to what they've said they would be doing. And then the inspection authority if it was needed.

Additional Comments from Board Members:

- G. Latimore: Have we thought about how tenants get information, how they get informed of any of this?
 - A. Joroff: Yep. We were thinking that it's possible in conditions for a portfolio, that the Review Board could choose to require a certain level of communication or disclosure with tenants of a building. That might be based on something the Board would want to do for all portfolios, or based on the types of buildings and tenants that they have. That could be a condition. We'll also have the city website with reporting, but that will obviously be at a higher level.
- G. Latimore: I think we should consider something similar to Community Choice Electric (CCE). The city has a campaign working with nonprofits and other local agencies, as well as through the city directly to get the word out. Is there a similar process that we can make up here? I know it's easier said than done.
 - A. Joroff: I would say that ties in with ongoing thinking about community education and engagement. We appreciate thoughts.
- K. Palmer-Dunning: In terms of tenants petitioning to terminate a portfolio, would the burden of proof show that there is an inequitable distribution of benefits on the tenants or the portfolio owner when they come before the Review board?
 - That's a great point. I think we should think about addressing that, whether it's in the regulations or in the petition form itself. This is a place where I think we'd want to provide a form for people to utilize just as we would for many of the applications. Thank you for that thought.

6:05 pm: Acting Chair accepted a question from the public.

- T. Wu (she/her): There is this database for energy and water usage on the Boston website, and I think there are 4,800 buildings that were mentioned. On BERDO's 2022 Covered Buildings list, I think there are 5,300. I was curious if it was because they were part of a portfolio or tax parcel, and that's why the slight discrepancy? Or are they already accounted for under, say, an alternative compliance pathway?
 - A. Joroff: We don't have our mapping expert on the call at the moment, but I will say I think part of this may have been that there were some buildings where their reporting has evolved to become more sophisticated as we went year from year. So that's probably what it was. We do not yet have any building portfolios or alternative compliance mechanisms. Those will probably be open for application next year if we get the regulations done by the end of this year.

Questions/Comments via Zoom Chat:

- T. Wu: Hi! On the 2022 reported energy and water usage database (<https://data.boston.gov/dataset/building-energy-reporting-and-disclosure-ordinance>), I believe there were several hundred fewer buildings listed than on the 2022 BERDO covered buildings list. Is this because some of them were counted as a part of a portfolio / tax parcel or were they already accounted for under alternative compliance pathways? Thank you!
 - A. Joroff: We don't have our mapping expert on the call at the moment but I will say I think part of this may have been that there were some buildings that since their initial reporting, we evolved to become more sophisticated as we went year to year. That's probably what it was. We do not yet have any Building Portfolios or alternative compliance mechanisms. Those will probably be open for application next year if we get the regulations done by the end of this year.

6:06 pm: D. Vasquez reviewed next steps regarding Phase 3 regulations development.

Third Agenda Item: Administrative Updates

6:09 pm: Next tentative meeting is scheduled for Monday, August 21 and the Review Board will meet once in September (September 11).

Meeting Adjournment

6:14 pm: Board Member G. Latimore made a motion to adjourn the meeting. Board Member S. Ellis seconded. All (8) were in favor and the motion carried at 6:14 pm.