

City of Boston BERDO Review Board  
Public Meeting Minutes  
Zoom Virtual Meeting  
September 11, 2023 at 4:30 pm  
[View recording here](#)

**Board Members in Attendance:** Rashida Boyd, Stephen Ellis, Lovette Jacobs, Gail Latimore, Lee Matsueda, Jack Nelson, Kai Palmer-Dunning

**Board Members not in Attendance:** Councilor Kendra Lara, Matt O'Malley

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

**Others:** Approximately 9 members of the public attended this meeting.

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

**4:33 pm:** Environment staff, D. Vasquez, led a vote for Acting Chair. Board Member G. Latimore made a motion to nominate Board Member L. Matsueda to serve as Acting Chair. Board Member L. Jacobs seconded the motion. All Board Members in attendance (7) were in favor. The motion carried at 4:34 pm.

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#### **Call Meeting to Order**

**4:34 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 September 11, 2023 at 4:34 pm. This meeting was held virtually.

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#### **Roll Call**

**4:36 pm:** The following BERDO Review Board members were in attendance: Acting Chair Lee Matsueda, Rashida Boyd, Stephen Ellis, Lovette Jacobs, Gail Latimore, Jack Nelson, Kai Palmer-Dunning.

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

Others: Approximately 9 members of the public attended this meeting.

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

**4:37 pm:** The Review Board voted on approving [August 7 Meeting Minutes](#) and [August 21 Meeting Minutes](#).

Board Member G. Latimore made a motion to approve the [August 7 Meeting Minutes](#). Board Member S. Ellis seconded the motion. All Board Members in attendance (7) were in favor and the motion passed at 4:38 pm.

Board Member G. Latimore made a motion to approve the [August 21 Meeting Minutes](#). Board Member S. Ellis seconded the motion. Four (4) Board Members voted in favor and three (3) abstained. The motion passed at 4:40 pm.

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## **Second Agenda Item: Updates and Discussion on BERDO Reporting and Implementation**

**4:40 pm:** A. Callan reviewed the latest rates of BERDO reporting compliance, provided context surrounding current compliance rates, and shared outreach plans to reach Building owners who have not yet reported.

**4:47 pm:** Board Q&A Session and staff responses if applicable:

- G. Latimore: I want to make sure I understand the graph. The first graph is the number of buildings? So the gray, the blue, and the yellow represent different tranches in terms of time frame and I'm adding all of those or is it still just 46% that all three of those colors represent?
  - A Callan: The different colors represent different time periods since I last presented these numbers. If you add up all of the yellow, it would add up to 100% of the buildings that are covered by BERDO. If you add up all the blue, it would be the same, add up all the gray, it would be the same. Each of those bars next to each other is showing how that number changes over time.
- G. Latimore: These 3 bars are telling me that all 6,000 are reporting, or that only 46% are reporting?
  - A. Callan: 46% of buildings have submitted their data.
- G. Latimore: Which means 54% have not?
  - A. Callan: Exactly.
- G. Latimore: 54% still haven't submitted their data. And 'in compliance' means that there are a total of about 2,500 or 2,700 or so buildings that are in compliance out of the 6,000?
  - A. Callan: That's correct.
- G. Latimore: That's buildings as opposed to square footage correct?

- A. Callan: That's correct.
- G. Latimore: So 54% of buildings [are in compliance], and 63% [are in compliance] on a square footage basis.
  - A. Callan: Yes, exactly.
- G. Latimore: How many total BERDO dedicated staff are there within the city, including the two that are about to be hired?
  - A. Callan: Within the city I would say, including the two, there would be seven to eight. That would include both the BERDO reporting and implementation team and the BERDO regulations development team.
- G. Latimore: How many are on the reporting and implementation side versus the development side?
  - A. Callan: With these two new BERDO Assistants, there will be five.
- G. Latimore: Five on the compliance and monitoring side. Thank you.
- S. Ellis: I'm glad to hear about the additional capacity that the City will have to do outreach and hopefully get some of these additional folks to report. I'm curious about the increase associated with the 'not submitted without extension.' I would expect that to go down, and I'm wondering if you can provide some clarity about that?
  - A. Callan: We had worked with Boston Housing Authority and with the State to create BERDO IDs to better align with their buildings, and a number of those are still not submitted at this time. That is my explanation for the increase and I admit that's the extent that I really looked into that. I believe that would be why the overall number of BERDO IDs not submitted would have increased. I can't speak to it any further than that and I think what I'd like to do on my side is to look into it a bit further. I would expect that number that we added to the covered Buildings list would be offset by the number that had reported over the last few months. If I can find a bit more context on it, I'll be sure to follow up and provide that.
- S. Ellis: Thank you. Two more questions. Speaking of the Boston Housing Authority, given the update that they need to do, I'm curious about the data disclosure. You stated that the data disclosure will be happening in October, and I'm wondering if the values associated with the buildings will be fixed or static for that time period.

Or if they manage to make their update in November, will the data disclosure on the map be updated to align with more recent information coming in?

- A. Callan: The automated map and disclosure data set will update with any newly submitted data. We don't want to disclose any data that is not accurate and so we only disclose information that has been verified and submitted to the City. We did not disclose any information that we had access to, because it was shared with us through Portfolio Manager, but the owner never hit submit. We still technically are able to see that information but we don't want to disclose anything that has not been fully submitted, so that won't be an issue. Should BHA's timeline not align with our disclosure timeline, the automation of the data set and the map should allow for that data to populate once it's ready.
- S. Ellis: My last question has to do with a request that I'd made in a previous meeting about potentially being able to see the compliance based on primary building types. Just curious if the department is prepared to share that today, or if that's something that we could see in the next meeting.
  - A. Callan: We are not prepared to share that today. I could share that in the next meeting but hope to send along some sort of version of it beforehand. The reason why it's difficult for us to run compliance numbers for each building use type is that we don't know exactly what the building use type is going to be until it's been submitted to our team. We have, through our Assessing Department, which buildings are multifamily and we know which ones are commercial but that's about the extent to which we're really confident in those two categories. If it's reported through Portfolio Manager, we know for example, that a building is a medical office building but our Assessing Department might just have that as a commercial space and not further specify. So the fact that we have so many buildings that have not yet submitted, we can't put a compliance rate to each specific building use type. We should be able to, at the very least, provide a commercial versus multi-family. I can have that information by the next view board meeting, I'll try to put that together sooner.
- L. Jacobs: I'm not sure if it was touched on, how long is the normal extension? Is it 90 days?
  - A. Callan: There were two rounds of extensions this year. The initial deadline is May 15. We allowed for an extension for everyone who requested it to June 15, so 30 days. Then allowed for an additional 60 days beyond that to August 15 for anyone who could provide a reason as to why they were unable to

submit by that June 15 deadline. We don't have a very standard extension timeframe that we put out each year. In 2021, the first year of BEDO 2.0, it was from June 15 to December 15, so that threw a lot of people off I think. We definitely understood that third party verification of everything took much longer. Overall for this year it ended up being 90 days past may 15, but I can't speak to whether or not we'll have an extension next year, and if so, what timeframe that will be.

- A. Joroff: The beginning years we had some special circumstances as new buildings came in, but the ordinance does provide that the Review Board can develop a procedure for establishing alternative reporting dates for building owners who supply timely notification of extenuating circumstances. For years going forward, that's an issue the review board could choose to address.
- L. Matsueda: I think we knew how hard the reporting and compliance piece was going to be and like Board Member Ellis, I'm actually very glad to hear that there's new staff that will be coming on. Are they full-time?
  - A. Callan: Yes, they will be okay. We have two BERDO Fellows which were year long positions, and those have been converted into full-time BERDO Assistant positions.
- L. Matsueda: Looking at that at that bar graph, it's clear there are 2,000 buildings still not submitted without extension. Are there additional needs that the staff has identified or that you've gathered building owners might have? Are there any other things that you want to share with us that are helpful to understand about how we can get closer to getting more and more buildings there? I know it's going take time and it's good to have the new staff, but other other things that you would share, other needs that you have?
  - A. Callan: Generally, I think it does start with increased capacity and with BERDO reporting deadlines. Our staff can at times be in more of a reactive state. We're pretty encouraged by the increase in our team size and so we want to make sure that we're separating out the non-compliant properties by district so we can work with City Councilors, neighborhood liaisons, and then different ownership groups, property management companies, etc. In terms of identifying groups that might know these buildings, we will have a full list of non-compliant properties, addresses, parcel owner names that we'll be able to share out and and hope that folks that are more engaged with these communities will be able to recognize certain addresses, certain

owner names and say, 'Oh, I know that person. Let me reach out to them.' I think we're going to have to get pretty creative with these approaches.

- L. Matsueda: I want to keep hearing if there are other needs that the staff has, and on the list thing, I think there are probably other contacts or groups of folks that we could help identify that also might be helpful on a neighborhood or district level. I'm trying to balance thinking through a little bit about how you use it as an opportunity to Educate people, engage them, get feedback, and also say here's something that we need your help with. If you're doing a lot of community work, you can't just drop it on a neighborhood association. I think there needs to be something that you're also providing. I'll think a little bit more about that, but I do think there's expertise and knowledge through this Review Board.
- J. Nelson: I know you're still working on compliance rates by sector, but do you have any feel for what the rates are for some of the larger sectors, such as healthcare and colleges and universities? Are the compliance rates much higher for those entities?
  - A. Callan: Yeah, they are. Universities and healthcare institutions within Boston, we work with each of them closely. Through my experience on the BERDO reporting side, I can say yes to that with confidence. They're much higher than the average overall rate of compliance for commercial properties, for example.
- J. Nelson: So hospitals as high as 100%?
  - A. Callan: I can't speak to that exactly. I know that the hospitals I've been working with, it's my understanding that they're all across the finish line for this year. But there might be other parcels out there or ownership I simply haven't worked with yet, and we haven't been able to kind of break down their categorization. I can't say that they're at 100% but I can say the largest institutions that I've been working with personally within Boston have been reporting.
- K. Palmer-Dunning: For the noncompliant parcels that contain multiple buildings, are there any buildings within the parcels that are reporting and others that aren't?
  - A. Callan: Not in my experience. Typically it's all of them reporting or none of them are reporting. We have certain checks in our reporting process where an owner with ten different buildings within their parcel is reporting everything as one building. Our data quality checks will flag that and we'll reach back to them and say you have to report each building individually. In

certain cases we're able to consolidate BERDO IDs where owners aren't unable to report building by building, but at least in the cases that I've worked with, it's been an all or nothing.

- K. Palmer-Dunning: In terms of next steps, working with City Councilors and neighborhood liaisons, who are those neighborhood liaisons? And has there been any thought given to any kind of cross agency collaboration? Say like, with BPDA and the community engagement managers there doing additional outreach.
  - A. Callan: I can't speak to exactly what our next plan or steps are, I know we're looking to reach out on this as soon as possible. We've reached out to [neighborhood liaisons](#) earlier this year to give them an overview of BERDO and provide them each with a list of non-compliant buildings that they oversaw but have yet to follow up on that work with them. We really need to re-engage and it's up to us to make sure that they have an updated list of noncompliant buildings. I can't speak to City Councilors and exactly what our plan is going to be for that. I just don't have those finer details.
- G. Latimore: The original ordinance that started in 2013/2014, was there any way to identify building typologies then?
  - A. Callan: As owners reported back in 2013, 2015, they still would have reported through Energy Star Portfolio Manager, through which they need to select an exact building use type. We would have received the building use types for each submission for each BERDO reporting year. What we still wouldn't have had, even back then, was exactly which building use type under Portfolio Manager the buildings that didn't report would have selected had they reported.
- G. Latimore: Compliance is just reporting compliance, separate from emissions compliance, correct?
  - A. Callan: Correct, yes.
- G. Latimore: Okay, one thought would be thinking about the Mass Housing Partnership and other agencies that give money out to small landlords. Just a thought about what other city and state programs there are that have been working with the type of owners that are reporting required owners. I'm curious about the question about who isn't reporting that the other Board members have raised. I would imagine that some of them are relatively small landlords. What kind of training on reporting can be, has been, or could be offered? I think it could be intimidating for some. When we were uploading the data, it's not an easy thing to

do and it's a costly thing to do. So I wondered about trainings. Have there been any? Is there any thought to providing some?

- A. Callan: Yes. We had hosted a few webinars throughout last year and into early this year. It's something that we will look into starting back up. Especially now that we have more capacity on our team. We've put together a few recordings of those webinars, and in some cases we email those recordings out. But we recognize that isn't how a lot of people like to learn and interact. So, we will aim to have a number of different types of trainings. Whether it be how to request your aggregate utility data from Eversource. How to enter your data into Portfolio Manager. And eventually how to best prepare to meet your upcoming Emissions standards. We'll aim to reintroduce that in addition to potentially opening up BERDO office hours again, where anyone can join or schedule 10-15 min of a staff member's time. And talk through any ongoing questions that they might have. Of course, they can email or call us at any time, but having that time available is helpful as well.
- G. Latimore: That is good to hear. How many people took advantage of that type of training?
  - A. Callan: I recall it being well attended. I don't recall exactly how many people there were, we did have a few different webinars throughout the year. And the office hours were very well attended.

**5:17 pm:** Acting Chair L. Matsueda opened a public comment period.

- W. Waldstein: Weezy Waldstein, Action for Equity. I have a clarification question. Could you put that graph back up on the screen again? Am I reading it correctly? It looks like is there's approximately 2,000 buildings that have not been in compliance each year, that haven't submitted and haven't come in for an extension. Am I reading it properly?
  - A. Callan: There are about 2,000 buildings this year that have not requested an extension and are not in compliance. They may have reported last year, they may have reported in previous years. They may be engaged in the BERDO process right now, in some way, but just never requested an extension. Each of those bars is from this year. The gray is from June, the blue is from July, and the yellow is from just last week, early September.



- W. Waldstein: Is there a way to check which of these have ever reported before? How many are just completely not engaged in the BERDO process versus they're in there somewhere?
  - A. Callan: That's a great question. We do know a pretty large number of buildings that have not yet submitted this year that have been engaged at some point within the last two years. Maybe they reported last year, maybe they've shared their data through Portfolio Manager but just haven't yet reported for the year. We can pull together the engagement from the last two years. Beyond that, before what we call BERDO 2.0, we're dealing with a much smaller set of buildings and they had to report data in a slightly different way. In some cases, they reported at the property level or the parcel level instead of building by building. It's a little bit different in how they reported so if we did pull together those numbers they might not be the cleanest, might be of rough estimate. But it would be a good way to get an understanding of who has at least engaged with BERDO in the past. We can look into pulling those numbers together in some way. If we're able to do it in a way that makes sense, I think that would be a good idea.

5:22 pm: Acting Chair L. Matsueda closed the public comment period.

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

5:23 pm: D. Vasquez reviewed activities completed in Phase 3 of Regulations Development thus far and proposed next steps. C. Diezmartinez reviewed key takeaways from a public technical working session on [Hardship Compliance Plans \(8/22/23\)](#) and a public working session on [the Equitable Emissions Investment Fund \(8/23/23\)](#).

5:28 pm: Board Q&A Session and staff responses if applicable:

- L. Matsueda: How is the process with the Community Advisory Group? How have those meetings been going? Is there an open invite in terms of participation to that group? It feels like it's a very important group. I know at least one of the groups has been submitting comments formally through the process. Any details from you all about the Community Advisory Group, how that's functioning? Again about increasing participation, if that's a goal or something that seems helpful.
  - C. Diezmartinez: The meetings with the Community Advisory Group are held more or less once monthly, and then we have another monthly 'office hours.' Depending on the topic, what we discuss might be the proposals that we had for a certain topic. We ask questions, hear reactions, see gut checks

of what we're thinking about. We work with a consultant to facilitate those meetings. And generally there are meeting notes that are taken and we have a feedback chart where we collect all of the feedback and comments that community advisory group members provide us for continuity of what we've been speaking about. Some of those members also send formal public comment letters to the APCC formal process. There's also the opportunity, of course, to have feedback during those meetings without the need for a letter. This Community Advisory Group is from a similar group that we had in Phase two of the regulations development process. We invited more groups to participate this year. Generally organizations that are focused on environmental justice, climate action, social justice more broadly, workforce development, and affordable housing. They're not open to the public but if there are any suggestions or community groups that would be helpful, we would love that feedback as well.

- A. Joroff: The only thing I'd add is that the agendas for the meetings do also include topics that members of the Community Advisory Group raise. Either things that they've been thinking about or that they're reacting to the proposals so that we can bring them additional data and discussion on those points.
- L. Matsueda: Can you share the consultant? Is it the same consultant that we've worked with in the past?
  - C. Diezmartinez: The consultant is Collective Insight. It's a different consultant from the Ordinance process if that's who you were thinking about. And it's a different consultant from the technical consultant for hardship compliance as well.
- G. Latimore: My understanding is by the end of the year the goal is to complete all of Phase 3 regulations. Is that correct?
  - A. Joroff: Yes, the goal is to have everything done by the end of the year, but we are prioritizing the pieces that will allow building owners to start applying for Building Portfolios or think more about their compliance pathways. So that's reflected in the order in which we're addressing them.
- G. Latimore: So fines and enforcement and compliance with the emissions standards have not been put in the regs yet at this point?

- C. Diezmartinez: No, we haven't introduced them as a formal topic. Sometimes people have mentioned fines and enforcement, but formally we have not started with them either.
- S. Ellis: I have two questions seeking clarification. Has any of the feedback from the working sessions been incorporated into the updated drafts? I want to make sure that I'm paying attention to what I need to be paying attention to. Has any of the feedback been addressed so far?
  - C. Diezmartinez: We haven't presented any revised regulation language, but there will be once we present them to the APCC which is on the next special hearing on September 27.
  - A. Joroff: I would flag that that reflects the pattern from previous meetings on earlier topics. It's just with Hardship and the Equitable Investment Fund, we're still in the revising to reflect input stage.
- S. Ellis: Does the city track impacts on funded projects? I know that was one of the recommendations about the Equitable Emissions Investment Fund. Does the city do that at all? Track their impacts and how that funding is affecting the city as a whole. Is there any example that you could point me to?
  - A. Joroff: I think what you're asking is beyond BERDO, if in other funding programs. I suspect yes, but let us follow up with that so I don't just answer off the cuff on that.

**5:38 pm:** Acting Chair L. Matsueda opened a public comment period.

**5:39 pm:** Acting Chair L. Matsueda closed the public comment period.

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

**5:39 pm:** D. Vasquez reviewed that the Review Board will only meet once in September and the following meeting will be on October 2. She also provided an update on working groups for hospitals connected to district energy systems and commercial real estate.

- S. Ellis: If you don't mind sending the decision [regarding Board Members joining Community Advisory Group meetings] out to the board across all of us? I'd like to get a sense of what the community is talking about, but I don't want my head to get chopped off because I'm not supposed to be there.
- G. Latimore: The office hours, I participated in all those which have been also very informative. Staff, let me know if that's an issue.

- A. Joroff: We will address both for you.
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### **Meeting Adjournment**

**5:45 pm:** Board Member G. Latimore made a motion to adjourn the meeting. Board Member K. Palmer-Dunning seconded. All (7) were in favor and the motion carried at 5:45 pm.