

City of Boston BERDO Review Board
Public Meeting Minutes
Zoom Virtual Meeting
January 8, 2024 at 4:30 pm
[View recording here](#)

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

Board Members not in Attendance: N/A

Staff Present: Diana Vasquez, Hannah Payne

Others: Approximately 16 members of the public attended this meeting.

Motion to Nominate Acting Chair

4:34 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 S. Ellis seconded the motion. All Board Members in attendance (8) were in favor. The motion carried at 4:35 pm.

Call Meeting to Order

4:35 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 January 8 at 4:35 pm. This meeting was held virtually.

Roll Call

4:37 pm: The following BERDO Review Board members were in attendance: Acting Chair Lee Matsueda, Rashida Boyd, Stephen Ellis, Lovette Jacobs, Gail Latimore, Jack Nelson, Matt O'Malley, Kai Palmer-Dunning.

The following Environment Department staff were in attendance: Diana Vasquez, Hannah Payne

Others: Approximately 16 members of the public attended this meeting.

First Agenda Item: Approval of Meeting Minutes

4:39 pm: The Review Board voted on approving [December 4, 2023 Meeting Minutes](#). Board Member M. O'Malley made a motion to approve the meeting minutes. Board Member J. Nelson seconded the motion. All Board Members in attendance (8) voted in favor. The

motion carried at 4:40 pm.

Second Agenda Item: Update and Discussion on BERDO Implementation

4:41 pm: H. Payne reviewed a [BERDO team organizational chart](#), key dates for building owners in 2024, and key goals from the BERDO team in early 2024.

4:52 pm: Board Q&A Session

- G. Latimore asked that links to open job positions be shared with Board members and suggested that the city team consistently remind and communicate with the public about deadlines and other upcoming events.
- S. Ellis asked how the no-cost reporting and verification services are being carried out.
 - H. Payne shared that the services will be paid through operating funds this year. Eligibility for these no-cost services will be limited to residential buildings that are self-managed, small nonprofit owners, and commercial buildings with small business tenants. Building owners with limited English proficiency, limited access to a computer or internet, limited financial resources, buildings located in Environmental Justice neighborhoods, and those who have made a good faith effort to report to BERDO but have encountered unusual challenges will also be prioritized. The consultant who will carry out this program will also develop a hand-off document.
- S. Ellis asked a clarifying question about the “tenant-focused meeting.” In this context, does tenant mean both commercial and residential?
 - H. Payne clarified that in this context, the tenant-focused Review Board meeting would be focused on residential tenants who live in BERDO buildings.
- L. Matsuedua asked if the Community Advisory Group will continue to be plugged-in in 2024, and could they be asked to help share upcoming events and deadlines?
 - H. Payne shared that the formal Community Advisory Group’s role in assisting in regulations development is in the process of wrapping up since regulations were adopted. The final CAG meeting will be on January 25. CAG will continue to be engaged, but the formal monthly meetings will conclude in January.

- L. Matsueda asked how the Review Board will identify potential technical topics to be discussed with the future technical consultant.
 - H. Payne believes topics and other issues that arise will be collected over time. An example that comes to mind is potential technical aspects of Hardship Compliance Plan applications. If the Review Board identifies particular projects, the technical consultant is also available to cover those.
- L. Matsueda shared that he would like to hear from others who have managed similar funds to the Equitable Emissions Investment Fund.
- J. Nelson asked who the chairs were for the Commercial Real Estate Working Group and Healthcare Institutions connected to District Energy Systems Working Group.
 - H. Payne replied that Kate Dineen, President & CEO of A Better City, will chair the Commercial Real Estate Working Group. Tim Cronin, Massachusetts Director of Climate Policy at Healthcare Without Harm, will chair the Healthcare Working Group.
- J. Nelson asked if the goal is for the first meetings of these working groups to be held in the first quarter?
 - H. Payne confirmed that the goal is for these meetings to be held in the first quarter.
- M. O'Malley asked a clarifying question about the working group focused on healthcare institutions connected to district energy systems. Does this mean healthcare institutions connected to commercial district energy systems or internal systems?
 - H. Payne replied that the working group is open to any healthcare institution connected to any type of district energy system, but really it's meant for healthcare institutions to think through common issues that arise for them when it comes to meeting emissions limits.
- M. O'Malley mentioned that he believed a successful tactic for sharing information widely in the past was the practice of placing an insert in Boston Water & Sewer mailings. Additionally, he mentioned MBTA ad space and translating resources as other avenues for sharing information.

5:11 pm: D. Vasquez reviewed application forms for Building Portfolios.

5:20 pm: Board Q&A Session

- J. Nelson asked how the city team envisions the review process for these applications and where does the Review Board plug in?
 - D. Vasquez responded that she has been reviewing common practices based on other city commissions and boards. She plans to create a standard, summary document that will cover key points that will be attached to each application and that the Review Board members will have access to ahead of public hearings.
 - H. Payne added that staff will review the applications for completeness as a first step.
- G. Latimore asked who on the Environment staff will be reviewing the applications?
 - D. Vasquez responded that she, as the Review Board Manager, and the Review Board Assistant will be the primary staff responsible for reviewing applications.
- G. Latimore asked what the timing is for opening the applications.
 - D. Vasquez shared that the city team is hoping to hear feedback from the Review Board before officially opening the [Flexibility Measures application page](#).
- S. Ellis asked the staff to remind the Review Board how they can establish streamlining practices or processes should they notice recurring elements in applications.

5:27 pm: D. Vasquez reviewed application forms for Individual Compliance Schedules and Hardship Compliance Plans.

5:46 pm: Board Q&A Session

- S. Ellis sought clarification on whether the City will accept an institution's fiscal year for the baseline year.
 - H. Payne responded that the city team will need to review the regulations and can add clarifying language to the application form on this.
- S. Ellis asked when applications are being accepted for all three flexibility measures.
 - D. Vasquez shared that application forms can start being shared widely and accepted immediately after the Review Board meeting if there are no major changes recommended by the Board.

- H. Payne clarified that the city team was not seeking a formal vote by the Review Board, and technically owners can submit applications now since regulations have been adopted, but the team was seeking feedback by the Review Board before sharing the forms widely and publicly.
- S. Ellis sought clarification about a preferred order of operations in terms of submitting applications for Hardship Compliance Plans, Individual Compliance Schedules, and Building Portfolios.
 - D. Vasquez shared there is not an official preference for the order in which applications are submitted, but if an owner is intending to apply for a Hardship Compliance Plan for a portfolio of buildings, it would be advised to apply for a portfolio first.
- G. Latimore sought clarification about when the application cycle for the Equitable Emissions Investment Fund shall open.
 - D. Vasquez clarified that the regulations state that the Review Board shall open the Equitable Emissions Investment Fund at least once a year. When that falls this year will be a topic that will need to be decided by the Review Board.
- G. Latimore asked D. Vasquez her sense of when the Review Board should launch the Equitable Emissions Investment Fund application.
 - D. Vasquez shared that she hopes to start discussion on the Fund in the upcoming subsequent Review Board meetings.
- L. Matsueda asked if there are approaches to condense the Hardship Compliance Plan applications on the front-end and ways the city can help support owners as they plan to apply.
 - H. Payne agreed that Hardship Compliance Plans applications are complex but added that they provide the greatest possibility for relief. She also shared that the team is planning a series of webinars, one of which will focus on Hardship Compliance Plans. The city is also meeting with different sectors to discuss compliance options, of which Hardship Compliance Plans will be a big topic. The city has been meeting with the Green Ribbon Commission's Cultural Institutions Working Group as they've expressed interest in putting together shared components of a Hardship Compliance Plan application. The city has heard similar interest from hospitals. The city has also heard that it would be helpful to have a list of qualified professionals related to Hardship Compliance Plan applications. The city has committed to

conducting a request for information asking for qualified professionals who can provide services related to a Hardship Compliance Plan application and share the list of providers who respond with the public.

- J. Nelson asked about the logistics for accepting applications for flexibility measures.
 - D. Vasquez shared that the city team will first review for completeness on applications for Building Portfolios and Individual Compliance Schedules and then the Review Board will vote via simple majority to accept, accept with conditions, or reject. The voting mechanism will be the same for Hardship Compliance Plans.
- J. Nelson asked what flexibility is granted with an Individual Compliance Schedule if a recipient has to reduce total emissions by 50% by 2030 and 100% by 2050 on a linear or better basis?
 - D. Vasquez shared that it allows for 'early adopters' who committed decarbonization work prior to BERDO 2.0 to select a baseline year that would take into account their decarbonization work. For owners with a Building Portfolio, it also allows the option to simplify their emissions by focusing on total emission versus emissions per square foot.
 - H. Payne added that she does not imagine that ICS will be the most popular measure because it may not provide a ton of flexibility, but in some circumstances it may be a good option for owners.
- M. O'Malley stated that it seems okay that Hardship applications are a bit more work because they should be given sparingly. O'Malley asked if flexibility measures applications are considered public record.
 - H. Payne believes that anything that is sent to the city is considered public record. She does believe private information can be redacted if the city received a records request. She also mentioned that decisions by the board will need to be recorded on a property's deed but it won't include the full application, just a summary of a decision.
- M. O'Malley asked if the Review Board will accept public testimony when deliberating future applications.
 - D. Vasquez confirmed that the team anticipates applicants will provide public testimony at future Review Board hearings.

6:09 pm: Acting Chair L. Matsueda opened a public comment period.

- Y. Torrie asked whether applications would be reopened for public input.
 - H. Payne shared that the goal is to have applications for Building Portfolios and Individual Compliance Schedules open and available for owners as soon as possible. Applications for Hardship Compliance Plans can be updated based on feedback received but there is no plan to open a formal public input period on the application form itself. If there are things in the application that are confusing, the city team would like to hear that and will take that feedback into consideration.
- Y. Torrie wanted to confirm that if people find parts of the application confusing, they should reach out to the BERDO team directly.
 - H. Payne confirmed this was correct.
- W. Waldstein shared that it would be helpful to think through how to best identify patterns that arise during the tenant-dedicated meetings. For example, the Review Board could produce an annual report. In the report, patterns of issues faced by tenants and remedies implemented could be highlighted.
- A. Esten asked what the expectations are in terms of timing for Review Board meetings.
 - L. Matsueda shared that the Review Board meetings are scheduled to meet from 4:30 to 6:30 pm.
 - D. Vasquez added that Review Board meetings are scheduled for the second and fourth Mondays of each month.
 - H. Payne shared that agendas are posted on [boston.gov/public-notices](https://www.boston.gov/public-notices) to get an idea ahead of what will be discussed ahead of time, and added that there may be some meetings that go beyond the usually slated two-hour window.

6:19 pm: Acting Chair L. Matsueda closed the public comment period.

Third Agenda Item: Administrative Updates

6:20 pm: D. Vasquez reviewed that the new City Council is planning to establish their committee chairs in the month of January so the Review Board should know who the new Review Board member is soon. D. Vasquez also shared that Board Member K.

Palmer-Dunning will be stepping down as a Board Member because he is moving to Washington DC. The following meeting is scheduled for January 22, 2024.

Meeting Adjournment

6:23 pm: Board Member M. O'Malley made a motion to adjourn the meeting. Board Member G. Latimore seconded. All Board Members in attendance (8) were in favor and the motion carried at 6:24 pm.