

City of Boston BERDO Review Board
Public Meeting Minutes
Zoom Virtual Meeting
March 11, 2024 at 4:30 pm
[View recording here](#)

Board Members in Attendance: Rashida Boyd, Stephen Ellis, Lovette Jacobs, Gail Latimore, Jack Nelson, Matt O'Malley

Board Members not in Attendance: Lee Matsueda

Staff Present: Diana Vasquez, Hannah Payne

Others: Approximately 8 members of the public attended this meeting.

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 S. Ellis to serve as Acting Chair. Board Member M. O'Malley seconded the motion. All Board Members in attendance (6) were in favor. The motion carried at 4:34 pm.

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 March 11 at 4:34 pm. This meeting was held virtually.

Roll Call

4:35 pm: The following BERDO Review Board members were in attendance: Acting Chair Stephen Ellis, Rashida Boyd, Lovette Jacobs, Gail Latimore, Jack Nelson, Matt O'Malley.

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

Others: Approximately 8 members of the public attended this meeting.

First Agenda Item: Approval of Meeting Minutes

4:37 pm: The Review Board voted on approving [February 26 Meeting Minutes](#). Board Member M. 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. The motion carried at 4:37 pm.

Second Agenda Item: Discuss and Vote on Procedures for 2024 BERDO Reporting and Verification

4:38 pm: H. Payne presented updates on the BERDO reporting and verification. H. Payne asked for the Board's approval to allow the Environment Department to approve extensions for reporting and verification after sharing her proposed process to request an extension.

4:48 pm: Board Q&A Session

- S. Ellis asked if the change to the approval process for extensions would be for the foreseeable future .
 - H. Payne answered that the new procedure would only be for this year (2024).
- S. Ellis asked what the expected process is for first time reporters of an existing building, particularly in relation to the data requirements the owner would be dealing with.
 - H. Payne explained if the building is newly constructed or had an assessment change the owner would have to report the building's characteristics, all of the energy use, and water data. The data would have to be verified.
 - S. Ellis further specified that he was asking about the reporting and verification requirements for owners that recently purchased a BERDO building .
 - H. Payne stated that there is not currently any procedure for that specific scenario. However, there is a procedure for owners who have issues with gathering energy use and water usage data as stated in the presentation.
- G. Latimore asked when did BERDO reporting initially start.
 - H. Payne answered that reporting for the largest buildings started in 2014. The first year for reporting under the new ordinance was 2022.
- G. Latimore inquired if the BERDO team is available to help owners who are working on reporting, but are facing a challenge. Would that scenario be an acceptable circumstance for approval of an extension?.
 - H. Payne confirmed that the BERDO team is available to help with folks who are trying to report their data and want people to reach out to them. The

City reaches out to people via letters, emails, etc. and includes phone numbers and emails. A BERDO staff member also hosts office hours every Friday.

- G. Latimore wondered if there is an offline option for requesting an extension.
 - H. Payne answered that the reporting needs to take place online, but there are resources to help folks with reporting and extension applications.
 - G. Latimore asked a follow up question if there is any trend in the demographics of those who are not compliant with reporting.
 - H. Payne answered that the trend for non-compliance includes smaller size buildings and buildings which are not part of a larger building portfolio.
- G. Latimore asked for clarification on who a verifier is.
 - H. Payne answered that there are certain credentials that make a person eligible to be a third-party verifier.
- M. O'Malley asked for updates on the number of extension applications weekly in the future.
 - H. Payne agreed the BERDO team can do that.
- S. Ellis requested clarifying that the proposal is only applicable for this year and that the City provides updates on how many applications for extensions are being approved.
- G. Latimore suggested adding that there are resources available for local outreach to building owners that need it.

5:08 pm: Board Member L. Jacobs made a motion to approve the proposal made by H. Payne. Board Member M. O'Malley seconded the motion. All Board Members in attendance (6) voted in favor. The motion carried at 5:09 pm.

Third Agenda Item: Update and Discussion on the Equitable Emissions Investment Fund

5:10 pm: D. Vasquez provided an update on the Equitable Emissions Investment Fund survey the Review Board had requested.

5:14 pm: Board Q&A Session

- M. O'Malley asked for clarification about the definition of a "long-term" tenant in question 3 of the EEIF survey.
 - D. Vasquez answered that for that option to apply the tenant would need to have an agreement with the owner.
 - H. Payne added the information about some tenants having long-term leases that allow for the tenant to make changes to the structure of the building.
- J. Nelson suggested adding an estimate of the project energy savings to the EEIF application.
- G. Latimore suggested adding clarifying information to make the language in the survey more clear.
- S. Ellis recommended changing the question about how much funding (question 7) to be a single choice and adding an "unsure" option.
- S. Ellis reiterated G. Latimore's suggestion of defining certain words to make it easier for the applicants to understand.
 - H. Payne suggested switching the order of questions and rewording questions into plain language.

5:24pm: Acting Chair S. Ellis opened the floor for any Board comments about the EEIF application form, evaluation form, or survey.

- G. Latimore added the caveat that the Board should consider the impact decarbonization has on environmental justice communities even if the reduction in emissions are less than those in non-environmental justice communities.
- G. Latimore asked how the Board will know that a recipient will have enough financial resources to finish the project they propose for the Fund.
- G. Latimore suggested that under the evaluation criteria to add the MWBE utilization to the highly advantageous category.
 - G. Latimore suggested defining "clearly defined" in each category.
- G. Latimore asked if the evaluation form will be included with the application form at the time of the application.
 - H. Payne asked if the Board would rather send out the forms to the public as is or wait for revisions to send out the forms.

- D. Vasquez suggested adding the language from the ordinance which makes it clear that the funds have to go to help environmental justice populations.
- S. Ellis commented on the issue of language that will come up in the form, application, and survey.

5:37 pm: Acting Chair S. Ellis opened a public comment period.

- T. Williams raised a concern regarding how the Board will make sure that communities that are the most impacted will actually benefit from the fund and how the Board is ensuring the projects proposed will be finished.
 - H. Payne states that BERDO will take a look at the draft application and look where there can be an emphasis on environmental justice and workforce pieces in the purpose of the Fund.
- S. Ellis wonders if there needs to be a ranking of criteria of the equitable aspects of the form.
- D. Vasquez reminds the Board that they can choose a theme for the application each year.

5:45 pm: Acting Chair S. Ellis closed the public comment period.

- G. Latimore asked what the time frame is for an application to the Fund.
 - D. Vasquez states that there is no time frame for the application, but it will be open at least for 30 days.
 - H. Payne adds the Environment Department is continuing conversation with the law department about the limitations of this first round of funding which could take time. She adds that the funding most likely will need to be limited to nonprofits for this round.
- The Board agrees to release the EEIF evaluation form, application outline, and survey to the public at 5:48 pm.

Fourth Agenda Item: Administrative Updates

5:49pm: D. Vasquez provided an update on Councilor Coletta joining the Board and the open Board seat nomination.

The next meeting is scheduled for March 25.

Meeting Adjournment

5:51 pm: Board Member G. Latimore made a motion to adjourn the meeting. Board Member M. O'Maley seconded. All Board Members in attendance (6) were in favor and the motion carried at 5:51 pm.