

BERDO 2.0 Phase 1 Regulations Listening Session

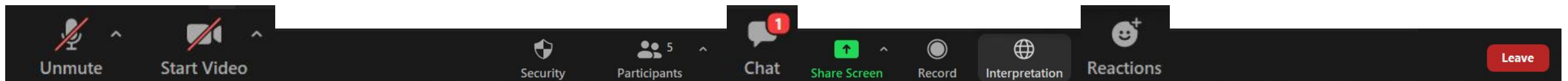
January 7, 2022



WELCOME



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- You can use non-verbal feedback options. Raise your hand or leave a message in the chat box if you would like to contribute to the discussion. If you called into the meeting, use ***9** to raise your hand.
 - When speaking, please make sure to introduce yourself.
- Note: due to the volume of participants, we will not be answering individual questions in the chat.



AGENDA



- **Introductions**
- **Presentation on Phase 1 Regulations**
- **Listening Session**
- **Next Steps**

TEAM MEMBERS

City of Boston Staff



**HANNAH
PAYNE**

*Carbon Neutrality
Program Manager*



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*Advisor to the
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REGULATIONS PROCESS

Building Emissions Reduction and Disclosure Ordinance



Regulations Process

Proposed phased approach

- **Phase 1: early 2022**
 - *Reporting and data verification requirements*
 - *Enable reporting and disclosure in 2022*
- **Future phase(s): 2022-2023**
 - *Review Board regulations*
 - *Emissions Standards regulations (hardship compliance plans, individual compliance schedules, custom emissions factors, etc.)*
 - *Equitable Emissions Fund regulations*
 - *Additional regulations as needed to implement and enforce the ordinance*

NOTE: If anyone has feedback on regulations content or process at any time, they may use the following feedback form: bit.ly/berdo-regs-feedback

Feedback from Dec. 1st Listening Session

Full notes are posted on boston.gov/berdo

Topics to be covered in Phase 1:

- Questions about reporting through Portfolio Manager and other means
- Third party verification
 - *Who will be a qualified professional?*
 - *Need for clarity on requirements of verification process and schedule*

Topics to be addressed in guidance and engagement:

- Need for transparency on process and clearly communicated reporting requirements
- Desire for opportunities to engage
- Challenges obtaining data
 - *Utility data requests*
 - *Tenant and condo account data*

Topics raised that will be covered in future phases:

- Reporting and complying with emissions standards as a portfolio
- How to use renewable energy to comply with emissions standards
- Emissions factors
 - *Future electricity emissions*
 - *Using custom factors*
- Review Board
 - *Nomination process*
 - *Processes for individual & hardship compliance*

NOTE: If anyone has feedback on this content, prior to any draft content being released for public comment, or at any other time, they may use the following feedback form:

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PHASE 1 DRAFT REGULATIONS



Headers and Subheaders for Phase 1 Regulations

Draft outline, subject to change

- 1. Introduction**
- 2. References**
- 3. Definitions**
- 4. Reporting Process**
 - a. Energy and Water use
 - b. Calculation of Gross Floor Area
 - c. Building Use Classifications
 - d. Vacant Space
 - e. Buildings without Whole-Building Data
 - f. Contextual Information
 - g. New Information
- 5. Obligation to Request and Report Information from Building Tenants**
 - a. Delegating reporting duties to a single tenant
 - b. Tenant non-response
- 6. Requesting Alternative Reporting Dates**
- 7. Special Conditions**
 - a. Multiple Buildings on Single Tax Lot
 - b. Buildings on Multiple Tax Lots that Share Systems.
 - c. Newly Constructed Buildings
 - d. Change of Ownership
- 8. Third-Party Data Verification**
 - a. Qualified Energy Professionals
 - b. Data to verify
 - c. Corrections to Report
- 9. Preservation of Records**
- 10. Disclosure of Records and Information**
- 11. Enforcement and Penalties**
 - a. Penalties

Main changes from BERDO 1.0 Regulations

What's roughly the same

- Reporting energy and water consumption
- When an owner does not obtain whole building data
- Tenant reporting obligations
- Special conditions

What's new in Phase 1

- Removes:
 - *Energy Assessment and Energy Action requirements*
 - *Procedures to apply for an exemption for EAA*
- Adds:
 - *Third-party verification*
 - *Building use classifications*

BERDO Phase 1 Regulations Schedule

All future dates are subject to change per the recommendations of the APCC

- **Notice letter mailed to all buildings that are required to report this week**
- **Informal Public Comment Period on Phase 1 Regulations**
 - December 20 - Release draft Phase 1 Regulations
 - January 7 - Listening Session
 - January 12 - APCC public meeting @ 1pm
 - January 14 - First informal public comment closed
 - January 19 - APCC Special Hearing @ 1 pm
- **Proposed Formal Comment Period**
 - Jan. 21 - Feb. 11 - **Proposed** Formal Comment Period on revised Phase 1 regulations
 - February 14 - **Proposed** APCC Hearing and possible Vote
- **Goal of promulgating Phase 1 Regulations after two comment periods by mid-February**

Forthcoming Guidance Documents and Support

The City will make every effort to provide transparent information and support to building owners with BERDO compliance.

Guidance documents will detail at a minimum:

- *Step-by-step instructions to report through Portfolio Manager and through the supplemental reporting form*
- *How to obtain utility data*
- *Specific guidance for condo buildings and buildings with tenants*
- *How to report renewable energy purchases and exempt energy uses*
- *Specifics on data verification process and requirements, including verifier checklist*

- *Emissions factors to be used for planning purposes*
- *FAQs*

City will provide additional support for building owners:

- *Optional 6-month extension on 2022 reporting*
- *Webinars on reporting*
- *Drop-in office hours for reporting help*
- *Retrofit Resource Hub*
- *One-on-one assistance (email energyreporting@boston.gov)*



Listening Session

We want to hear from you

Listening Session

Please provide your comments, questions and suggestions

- Feedback will inform revisions to the draft regulations, next steps with the process, guidance documents, and FAQs

Suggested Topics

- Reporting Process
- Requesting and reporting information from tenants
- Special Conditions
- Third-party data verification
- Preservation of records

How to Participate

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Next Steps

- **Please share additional feedback via [Google Form](#)**
 - bit.ly/berdo-regs-feedback
- **Slides, recording, and meeting notes will be posted on boston.gov/berdo.**
- **Air Pollution Control Commission Hearings:**
 - *January 12th at 1pm on Zoom - boston.gov/public-notices for meeting information*
 - *January 19th at 1pm on Zoom - boston.gov/public-notices for meeting information*
- **Phase 1 Regulations Formal Comment Period**
 - *To be determined by the Air Pollution Control Commission*
- **Reporting guidance documents will be posted online and shared via the BERDO newsletter.**

Resources

- **[Boston.gov/berdo](https://www.boston.gov/berdo) will be updated regularly with guidance on reporting.**
 - *Sign up for the BERDO newsletter to be notified of latest updates.*
- **Environment Department will host webinars in the winter about BERDO compliance.**
 - *Let us know if you have a network that you'd like us to present to.*
- **The [Retrofit Resource Hub](#) is your one stop resource for reducing energy use and emissions.**
 - *Find technical and financial resources about renewable energy, electrification, and efficiency measures.*

Adjourn

Thank you for your participation!

