

City of Boston BERDO Review Board
Public Meeting Minutes
Zoom Virtual Meeting
August 12, 2024, at 4:30 pm
[View recording here](#)

Board Members in Attendance: Councilor Gabriela Coletta Zapata, Stephen Ellis, Hessann Farooqi, Lovette Jacobs, Gail Latimore, and Jack Nelson.

Board Members not in Attendance: Rashida Boyd

Staff Present: Hannah Payne, Diana Vasquez, and Zengel “Ziggy” Chin.

Others: Ari Sugerman on behalf of Fenway CDC. Approximately ten (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 H. Farooqi made a motion to nominate Board Member S. Ellis to serve as Acting Chair. Board Member J. Nelson seconded the motion. All Board Members in attendance (4) at the time were in favor. The motion carried at 4:36 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 12 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 Stephen Ellis, Councilor Gabriela Coletta Zapata, Hessann Farooqi, Lovette Jacobs, Gail Latimore, and Jack Nelson.

The following Environment Department staff were in attendance: Hannah Payne, Diana Vasquez, and Zengel “Ziggy” Chin.

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

First Agenda Item: Approval of Meeting Minutes.

4:39 pm: The Review Board voted on approving the [July 8 Meeting Minutes](#). Board Member J. Nelson made a motion to approve the meeting minutes. Board Member L. Jacobs seconded the motion. Six (6) Board Members voted in favor. The motion carried at 4:40 pm.

Second Agenda Item: Fenway CDC Building Portfolio Application

4:41 pm: Z. Chin presented information and details about Fenway CDC's Building Portfolio application.

4:44 pm: Board Q&A Session

- G. Coletta Zapata commented that this is why flexibility measures exist: to give folks like Fenway CDC, which provides affordable housing, opportunities for flexibility.
- S. Ellis asked what would happen if the applicant could not register the approval of the Building Portfolio with the Registry of Deeds in a timely fashion.
 - H. Payne answered that the process is pretty straightforward, and the Environment Department will be working with the applicant to assist them with the process if needed.
- H. Farooqi asked if all the buildings in the Building Portfolio are deed-restricted.
 - A. Sugerman confirmed all the buildings in the Building Portfolio are deed-restricted.
- H. Farooqi inquired into why Fenway CDC is seeking a Building Portfolio.
 - A. Sugerman shared that it would help with compliance since a building in the portfolio needs to be retrofitted to make it more energy-efficient. The Building Portfolio would give Fenway CDC some flexibility as they use funds to upgrade the building instead of paying Alternative Compliance Payments.
- H. Farooqi asked if there are additional places where Fenway CDC could use support to reach compliance targets.
 - A. Sugerman explained that there is a need to do decarbonization studies and retrofits on the other buildings that Fenway CDC owns. Significant staff time and funding are required to ensure all buildings comply with BERDO.
- J. Nelson asked if there is an opportunity for geothermal energy at any of the buildings to take advantage of funding from the IRA.

- A. Sugerman answered that Fenway CDC has not considered geothermal, but it would be a good idea since, in Fenway, the buildings are not eligible for solar.
- S. Ellis asked the Environment Department to share information about the IRA's funding for geothermal energy with Fenway CDC.
 - H. Payne shared that the City is meeting with somebody from the IRS to learn how to bridge the gap between building owners and the IRA so that they can take advantage of the tax credits available to them.

4:54 pm: Councilor Coletta Zapata made a motion to approve Fenway CDC's Building Portfolio application with standard conditions. Board Member G. Latimore seconded the motion. All board members in attendance (6) voted in favor. The motion carried at 4:55 pm.

Third Agenda Item: Request to authorize the Environment Department to discuss adjustments with applicants ahead of a hearing, including items such as proposed relief, supporting evidence, and proposed special conditions.

4:56 pm: H. Payne presented the request from the Environment Department to discuss modifications to flexibility measures applications with applicants before a Review Board hearing.

5:01 pm: Board Q&A Session

- G. Latimore asked if the Environment Department consulted legal counsel about the role of staff in the application process.
 - H. Payne answered that the role of staff has been discussed with attorneys and other boards and commissions, and the responsibilities being requested are standard practice.
- H. Farooqi asked how the caseload is going to increase for City Staff as emissions compliance standards start dates come into play.
 - H. Payne answered there will most likely be an uptick in flexibility applications as 2030 emissions standards approach as smaller buildings have to start to comply with their emissions and the emissions standards decrease in half from 2025. The Environment Department may have to increase staff capacity to handle the workload.

- S. Ellis expressed his concern about the September 1 Building Portfolio and Individual Compliance Schedule deadline as it falls on a Sunday of a holiday weekend.
 - H. Payne shared that the Environment Department is considering extending the application deadline by a few weeks, but further conversations need to be held. Since the deadline falls on a Sunday, the Environment Department will continue to accept applications through September 3 and that will be communicated to the public.

5:11 pm: Acting Chair S. Ellis opened a public comment period.

5:12 pm: Acting Chair S. Ellis closed a public comment period.

5:12 pm: Board Member J. Nelson made a motion to approve the City's request as presented. Board Member G. Latimore seconded the motion. All board members in attendance (6) voted in favor. The motion carried at 5:13 pm.

Fourth Agenda Item: Administrative Updates

5:13 pm: Z. Chin shared updates about the leadership in the Environment Department and an update that the nomination process for the two open seats on the Review Board is open until August 31. The Environment Department received the City of Boston's Building Portfolio application submitted via Pathway 2. Building Owners who have applied for a reporting extension request will automatically be given another 3-month extension until November 15, 2024.

D. Vasquez shared updates on the Hardship Compliance Plan applications and the Equitable Emissions Investment Fund 2024 grant application cycle.

The next meeting is scheduled for August 26.

- H. Farooqi asked how many nominations the City has received for the open Review Board Seats.
 - D. Vasquez answered that there has been one nomination so far and that she plans on sending out a reminder to the Community-Based Organizations about the open nomination process.
 - H. Farooqi asked what would happen if the City only received one nomination during this cycle.

- D. Vasquez explained that the application process will become a rolling basis after August 31, and the City will continue accepting nominations until all vacant Review Board seats are filled.
 - S. Ellis asked if the Alternative Compliance Payments (ACPs) will be subject to the Anti-Aid Amendment when they become part of the Equitable Emissions Investment Fund (the Fund).
 - D. Vasquez explained that ACPs will go directly into the Fund, and the City is researching if the ACPs will be subject to the Anti-Aid Amendment.
 - H. Payne added the reason why the Fund has the restrictions is because the Fund is seeded with the operating budget from taxpayer dollars. She believes that the ACPs will not be subject to the same restrictions as the money in the Fund right now but she is awaiting confirmation that the ACPs will not be subject to the Anti-Aid Amendment.
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Meeting Adjournment

5:24 pm: Board Member H. Farooqi made a motion to adjourn the meeting. Board Member J. Nelson seconded. All board members in attendance (6) voted in favor. The motion carried at 5:25 pm.