

BERDO Flexibility Measures III: Hardship Compliance Plans

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Agenda

Today's webinar



- BERDO overview and requirements
- Hardship Compliance Plans
- Application process
- Resources and reminders
- Q&A session (30 min)

The background of the slide is a dark blue wireframe map of a city, showing the outlines of buildings, streets, and parks. The map is viewed from an elevated perspective, looking down at the city grid.

BERDO overview and requirements

Obligations under BERDO

Reminder



REPORTING

Annual reporting of total energy and water use from the previous calendar year



THIRD-PARTY VERIFICATION

Third-party verify reported data on their first year of reporting and every "Verification Year" thereafter.



EMISSIONS REDUCTIONS

Reduce annual emissions below a default emissions standard (emissions limit).



BERDO Emissions standards

Emissions standards set annual emissions limits based on different types of building uses

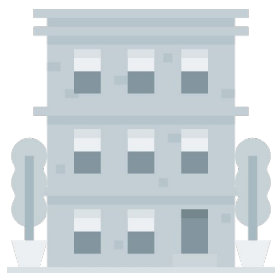
BUILDING USE	EMISSIONS STANDARD (kgCO ₂ e / sq. ft. / year)					
	2025-2029	2030-2034	2035-2039	2040-2044	2045-2049	2050-
Assembly	7.8	4.6	3.3	2.1	1.1	0
College / University	10.2	5.3	3.8	2.5	1.2	0
Education	3.9	2.4	1.8	1.2	0.6	0
Food Sales & Service	17.4	10.9	8.0	5.4	2.7	0
Healthcare	15.4	10.0	7.4	4.9	2.4	0
Lodging	5.8	3.7	2.7	1.8	0.9	0
Manufacturing / Industrial	23.9	15.3	10.9	6.7	3.2	0
Multifamily housing	4.1	2.4	1.8	1.1	0.6	0
Office	5.3	3.2	2.4	1.6	0.8	0
Retail	7.1	3.4	2.4	1.5	0.7	0
Services	7.5	4.5	3.3	2.2	1.1	0
Storage	5.4	2.8	1.8	1.0	0.4	0
Technology/Science	19.2	11.1	7.8	5.1	2.5	0



When will buildings need to meet an emissions standard?

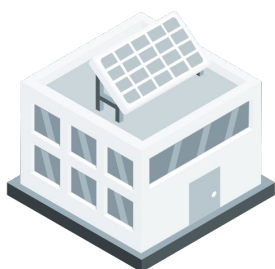
First year with an emissions standard	Non-Residential buildings	Residential buildings
2025	35,000 sq. ft. or larger	35 or more units
2030	20,000 - 34,999 sq. ft.	15 - 34 units

How can I comply with my emissions standard?



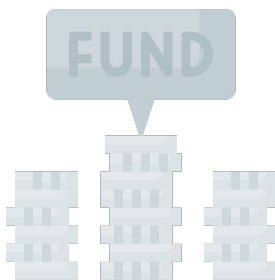
Implement direct emissions reduction efforts in buildings

Implement building retrofits or improvements. Examples include upgrading to high efficiency electric appliances and lighting, upgrading systems for heating, cooling, water heating, and cooking, improving insulation, tightening window seals, etc.



Use local renewable energy generation or purchase renewable energy

Use on-site or off-site local renewable generation (rooftop solar, community solar, etc.), enroll into Boston Community Choice Electricity, purchase and retire eligible Renewable Energy Certificates (RECs), or enter into eligible Power Purchase Agreements (PPAs)



Invest in your community through Alternative Compliance Payments

Mitigate emissions from electricity and fossil fuel use by making Alternative Compliance Payments (ACPs). ACPs are collected into the new Equitable Emissions Investment Fund to support building decarbonization projects that prioritize benefits to Environmental Justice communities in Boston.



Flexibility measures that require Review Board approval

BUILDING PORTFOLIOS

INDIVIDUAL COMPLIANCE SCHEDULES

HARDSHIP COMPLIANCE PLANS

Allows Owners of multiple BERDO Buildings to comply with a **single portfolio-level emissions standard** that is based on the mix of Building Uses present in the Building Portfolio. (kg CO₂e/ sq. ft / year).

Allows Owners to comply with an **alternative absolute emissions reduction schedule** that is based on baseline year(s)** (kg CO₂e / year)

Allows Owners to comply with an **alternative emissions reduction target and/or schedule**.

Requires:

- Default emissions standards and emissions reduction schedule in Table 1 of the Ordinance
- Use blended emissions standard if there are multiple Building Use(s)

Requires:

- Absolute emissions reductions that are linear or better
- By 2030: 50% reduction in absolute emissions from the baseline year.
- By 2050: 100% reduction in absolute emissions from the baseline year.

May allow:

- Less stringent emissions standards.
- Alternative emissions reduction schedule.

* Owners of Building Portfolios may also apply for an Individual Compliance Schedule or a Hardship Compliance Plan.

Why may you consider applying for a flexibility measure?

BUILDING PORTFOLIOS

- If you own multiple BERDO buildings.
- If you want to align your capital planning to target deeper building retrofits and other improvements in certain buildings first.

INDIVIDUAL COMPLIANCE SCHEDULE

- If you have good quality historical data that can be third-party verified.
- If you have implemented significant building retrofits or other emissions reduction efforts prior to 2021.
- If your current emissions are significantly higher than the average building in your default Building Use category.
- If you would prefer to plan emissions reduction efforts by benchmarking against your historical emissions, rather than based on your default Building Use category.

HARDSHIP COMPLIANCE PLAN

- If you face an unforeseen “hardship” that will not allow you to comply with emissions standards in the short-term (1 - 3 years).
- If you face a long-term “hardship” (4+ years) in complying with emissions standards.
- If you need an alternative emissions reduction schedule but you do not meet the requirements of an ICS.

The background of the slide is a dark blue wireframe illustration of a cityscape, showing various building footprints and structures from an aerial perspective. A semi-transparent dark blue horizontal band runs across the middle of the image, serving as a backdrop for the title text.

Hardship Compliance Plans (HCP)

What are Hardship Compliance Plans (HCP)?

According to Ordinance and adopted regulations

- A HCP is a flexibility mechanism that allows Building Owners to receive **alternative emissions reduction targets** and/or **timelines for compliance**.
- HCP are available for buildings that experience an **eligible hardship** in complying with emissions standards*.
- HCP are approved by the **BERDO Review Board**. The Review Board may set conditions on the approval of an HCP, including measures related to the distribution of **benefits to Environmental Justice Populations** and advancing the purpose of BERDO (e.g., green jobs, public health, equitable access to housing, etc.).
- Owners with Building Portfolios may apply for a HCP, but HCP **cannot** be combined with an Individual Compliance Schedule.

** There are no eligible hardships related to compliance with reporting or third-party verification requirements.*

Obligations under BERDO for an individual building with HCP



Reporting and third-party verification requirements remain the same



REPORTING

Annual reporting of total energy and water use from the previous calendar year



THIRD-PARTY VERIFICATION

Third-party verify reported data on their first year of reporting and every "Verification Year" thereafter.



EMISSIONS REDUCTIONS

Reduce annual emissions according to alternative targets and/or schedule of the HCP



Obligations under BERDO for a Building Portfolio with HCP

Reporting and third-party verification requirements remain the same as individual Buildings



REPORTING

FOR EACH BUILDING INDIVIDUALLY

Annual reporting of total energy and water use from the previous calendar year



THIRD-PARTY VERIFICATION

FOR EACH BUILDING INDIVIDUALLY

Third-party verify reported data on their first year of reporting and every "Verification Year" thereafter.



EMISSIONS REDUCTIONS

ONE EMISSIONS STANDARD ACROSS ALL BUILDINGS IN BUILDING PORTFOLIO

Reduce annual emissions according to alternative targets and/or schedule of the HCP

Types of HCP

Owners may apply for one of two types of HCP:

SHORT-TERM HCP

- *May grant relief for 1 - 3 years.*
- *Designed for unforeseen hardships that are not expected to be permanent.*
- *May be extended once due to extenuating conditions for up to 12 months.*

LONG-TERM HCP

- *May grant relief for 4+ years.*
- *Designed for foreseeable hardships that are expected to be long-term or permanent.*
- *Review Board shall reassess approved plans every 5 years.*

Types of relief that may be granted in a HCP

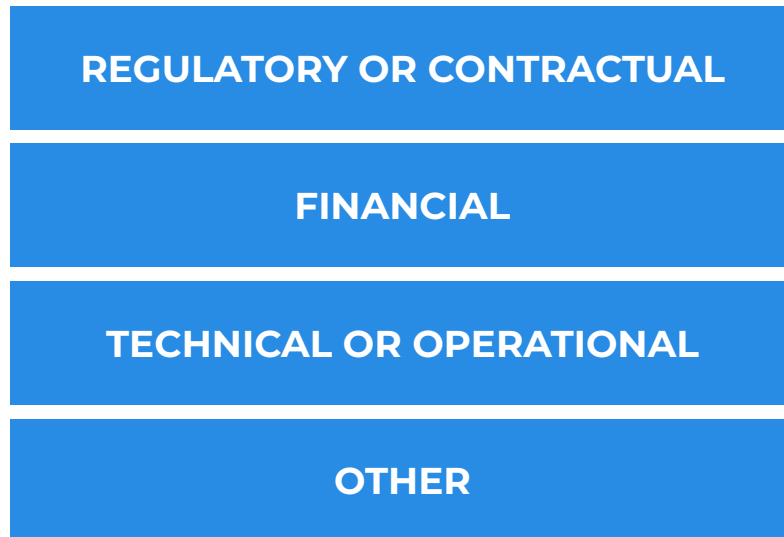
The Review Board may grant an applicant one or more of the following types of relief. Relief may apply to some or all of an Owner's compliance obligations.

1. **Alternative schedules** for complying with the Emissions standards in the Ordinance.
2. **Alternative Emissions standards** than those in the Ordinance.
3. **Exemption of specified Energy use(s), in whole or in part**, from a Building Owner's compliance obligations.
4. Adjusted compliance obligations in light of third-party barriers or delays to significant energy efficiency or electrification projects, provided that such third-party is unrelated to the Owner.
5. Additional compliance mechanisms that the Review Board determines are consistent with achieving the purpose of BERDO.
6. Other relief the Review Board deems appropriate on a case-by-case basis.

What creates an “eligible hardship”?

Building owners must demonstrate that they experience one or more **circumstances and characteristics that could create an eligible hardship** in complying with emissions standards, even if the owner uses all combinations of compliance mechanisms and other flexibility measures.

Step 1. Demonstrate existence of one or more circumstances and characteristics



Step 2. Evaluate all options to achieve compliance



Step 3. Demonstrate how 1 & 2 create one or more eligible hardship(s)



Circumstances and characteristics that could create a hardship

REGULATORY OR CONTRACTUAL

- **Long-term Energy contracts signed prior to October 2021** without reopeners for a significant portion of a Building's or Building Portfolio's Energy demand.
- **Long-term leases without reopeners signed prior to October 2021** that prohibit any significant compliance-related work at a Building.
- **Delays in delivery of Renewable Energy Certificates pursuant to executed Power Purchase Agreements** because of delays in initial commercial operation for reasons beyond a Building Owner's control.
- **Delays in electric system interconnections or adequate delivery of electricity** for reasons outside of a Building Owner's control, provided that requests for interconnections and notification of anticipated electricity demands were made in a timely manner in light of planned work and Emissions standard compliance deadlines.
- **Denial or significant delays in government permits or approvals**, including delays in Mass Save determinations or any equivalent state energy efficiency program, for significant compliance-related work, provided that applications for such permits or approvals were made in a timely manner in light of planned work and Emissions standard compliance deadlines.
- **Government regulations affecting minimum Energy use**, provided, however, that any resulting hardship arises from reducing Emissions from such Energy use.
- **Accreditation/certification standards affecting minimum Energy use**, provided, however, that any resulting hardship arises from reducing Emissions from such Energy use.

Circumstances and characteristics that could create a hardship

FINANCIAL

- **Owner bankruptcy** for all or part of a year in which an Emissions standard must be met.
- **Schedule of compliance-related costs** do not align with long-term schedules for capital expenditures that cannot be changed or are beyond the control of the Owner.

TECHNICAL OR OPERATIONAL

- **Building and/or site space constraints** that limit significant compliance-related work.
- **Equipment** needed for significant compliance-related work is not adequately demonstrated or available in the United States, including due to supply chain constraints.
- High process loads, provided, however, that any resulting hardship arises from reducing Emissions from such Energy use.

OTHER

- **Low-income Owners of Building(s) that provide affordable housing to low-income tenants.**
- Delays in significant compliance-related work due to a **natural disaster or declared state of emergency.**
- Other circumstances and characteristics that, in its discretion, the Review Board deems relevant on a case-by-case basis.

What are the “eligible hardships”?

There are three eligible hardships. An eligible hardship arises when, **due to the circumstances or characteristics of an Owner, Building or Building Portfolio**, complying with Emissions standard **through all combinations of compliance mechanisms and flexibility measures** authorized by BERDO would result in any of the three following cases:

1

Emissions compliance would require space, equipment, or electric service that is not available.

2

Emissions compliance would significantly interfere with or significantly increase the cost to provide services that are critical to community health and safety. This includes life saving services, affordable housing, and other services the Review Board may deem critical on a case by case basis.

3

Emissions compliance would create an undue burden by resulting in costs that would:

- Be significantly higher
- Interrupt financial ability to operate a Building or its primary Building Uses;
- Have a more than merely negligible effect on a State agency’s or State-created entity’s ability to fulfill an essential government function; or
- Cause other significant effects that the Review Board determines should be mitigated in light of benefits provided by and/or greenhouse gas Emissions avoided by the Building or Building Portfolio

Key steps for HCP application

- ❑ Check that you meet eligibility criteria to apply.
- ❑ Consider your compliance options under BERDO.
- ❑ Demonstrate eligible hardship.
- ❑ Identify what type(s) of relief you need and propose alternative emissions standards and/or timeline.
- ❑ For long-term HCP: identify conditions that provide benefits to environmental justice populations or advance the purpose of BERDO.

Eligibility criteria

- ❑ Owner demonstrate the **existence of one or more eligible hardships**. If a HCP is for a Building Portfolio, an **eligible hardship must be shown to exist at the Building Portfolio level**.
- ❑ The Building or Building Portfolio **does not have an Individual Compliance Schedule** or is requesting to replace an Individual Compliance Schedule with a HCP.
- ❑ For a Building Portfolio, **the requested HCP would apply to all Buildings in the Building Portfolio**.
- ❑ The Building or Building Portfolio is **in compliance** with the Ordinance and Regulations.
- ❑ The Owner **has not previously been denied a HCP** for the same Building or Building Portfolio, provided, however, that Owners may submit a new application if there are material changes to the circumstances or characteristics of an Owner, Building, Building Portfolio, or the hardship they create.

Highlights from application process

- **Short-term HCP applications must be submitted at least 3 months before the first year in which the HCP would be used.**
 - Owners who experience unexpected or unforeseeable events or conditions outside the Owner's control after this deadline may apply for a short-term HCP during a compliance year.
 - An Owner's failure to plan for compliance shall not constitute a cause to submit an application during a compliance year.
- **Long-term HCP applications must be submitted at least 9 months before the first year in which the HCP would be used.**
 - For a long-term HCP to be effective in 2025, applications must be submitted by **July 1, 2024.**
- Applications may be submitted in advance of the start of an anticipated hardship, but the Review Board may prioritize applications based on the year that the anticipated hardship would begin.

Highlights from application process

- The Review Board shall hold a **public hearing** for all applications.
- Owners must provide the Environment Department proof that **the Owner provided Tenants written notice about the hearing at least 7 days before the hearing.**
- Most applications will require **information and supporting documentation prepared by third parties and/or qualified professionals.**
 - Applications that do not include the required supporting material will be deemed incomplete.
 - The Review Board may continue a hearing if additional materials are necessary to make a final decision.

Consultant review

- **The Review Board may request payments to secure a third-party consultant to evaluate applications.**
- The Review Board shall determine the scope of the consultant review **in consultation with the applicant.**
- **In deciding whether to request a payment, and the amount, the Review Board may consider:**
 - The number, size and uses of Buildings to which the HCP would apply;
 - The number and type of circumstances and characteristics that the application asserts contribute to a hardship;
 - The type(s) and amount of relief requested;
 - The extent to which application material was provided by a third-party not related to the applicant.
- The Review Board **may waive** the consultant payment for applications from government agencies or for applicants that demonstrate financial difficulty in making the payment.
- The Review Board shall develop, and may periodically update, guidance regarding limits on payments that may be requested from applicants for the purpose of securing outside consultants.

Standard conditions of approval

The following **standard conditions of approval** apply to **all HCP**:

- For any Building that is required to meet a more stringent or net-zero Emissions standard prior to 2050 pursuant to zoning requirements, an Owner must comply with that Building-specific Emissions standard every year regardless of any relief granted in a HCP.
- For long-term HCP, the Review Board shall reassess approved plans every 5 years
- The Review Board or its designee may inspect any Building that is subject to a HCP in order to assess compliance with the terms and conditions of said Hardship Compliance Plan.

Special conditions of approval

On a **case-by-case basis**, the Review Board may include **special conditions** relevant to the **distribution of benefits to Environmental Justice Populations** and **advancing the purpose of BERDO**.

- This could include measures related to e.g., equitable workforce development, housing affordability and stabilization, energy cost- and benefit-sharing, public health, and climate resilience.
- Any proposal to add special conditions shall be discussed at a public meeting of the Review Board.
- Owners of long-term HCP are required to propose special conditions for the approval of a requested HCP. At the time of application, Owners shall:
 - Indicate the type(s) of special conditions being proposed.
 - Provide a brief description of each proposed special condition.
 - Identify the anticipated beneficiaries of each proposed special condition.
 - Indicate the anticipated timeline in which the benefits would be experienced.
 - Explain why such benefits are appropriate given they type and scale of relief being requested.

Periodic review of long-term HCP

- **Every 5 years**, Owners shall provide the Review Board an update of the information provided in the application for the HCP, including:
 - Any changes to (i) circumstances and characteristics contributing to a hardship for an Owner, (ii) relevant technology, (iii) applicable regulatory requirements, and (iv) other relevant factors.
 - A narrative description of any efforts to resolve or mitigate any circumstance, characteristic or hardship that contributed to the original Hardship Compliance Plan.
- **If the Review Board determines that there has been a material change** in (a) the circumstances, characteristics or hardship that were the basis for the Hardship Compliance Plan, (b) relevant technology, (iii) applicable regulatory requirements, or (iv) other relevant factors, **the Review Board may amend the relief and conditions of a Hardship Compliance Plan.**

An aerial view of a city grid rendered as a white wireframe on a dark blue background. The buildings are represented by simple rectangular outlines, creating a sense of depth and perspective. The grid is dense, with many small buildings interspersed with larger structures.

Application process

Application forms



- [BERDO Flexibility Application website](#) is now online. This website contains online forms for Building Portfolios and Individual Compliance Schedules.
- An application packet is required for Hardship Compliance Plans. The packet includes [the application form](#) in addition to supplemental documents.
- Plan to migrate to BERDO Reporting Form Portal (Touchstone IQ), current BERDO reporting platform.

Information required for HCP applications

1. A brief narrative description of how the Owner has used, plans to use, and/or **considered the use of all the compliance mechanisms and flexibility measures** in BERDO, other than direct Emission reductions.
2. A description and supporting documentation of the existence and scope of the **circumstance(s) or characteristic(s)** in that could create hardship that apply to the Owner, Building, or Building Portfolio.
3. A description and supporting documentation of the **hardship** resulting from the combination of the compliance actions described in 1 and the circumstances and characteristics described in 2.
4. An evaluation of **opportunities, feasibility, costs and financial support for direct compliance-related work** in the Building or Building Portfolio.
5. A brief narrative description of **significant Emissions reduction efforts** and work on heating/cooling systems and high-energy systems/process loads in the Building or Building Portfolio **prior to the time of application**.
6. The requested type, scope and length of **relief** the Owner is requesting for a Building or Building Portfolio.
7. For applications for long-term HCP for Building Portfolios with an Emissions standard compliance plan, a description of how a HCP will impact the development and implementation of such Emissions standard compliance plan.
8. For applications for long-term Hardship Compliance Plans, **proposed conditions for the approval** of the HCP that provide benefits to Environmental Justice Populations and/or advance the purpose of BERDO.

Step 1: Before starting your application

STEP 1: Confirm Eligibility Criteria

1) Determine if you meet the eligibility criteria for Hardship Compliance Plans.

Select all that apply to your Building or Building Portfolio.

- The Building or Building Portfolio is in compliance with the Ordinance and Regulations, including:
 - If applicable, any fines issued for failure to comply with reporting requirements have been paid.
 - If applicable and where feasible, missing required reporting data has been submitted.
 - If applicable, any fines issued for failure to comply with Emissions standards have been paid.
 - Select this box if you would like to request a waiver or reduction of fines by the Review Board due to financial reasons. Please elaborate below.
 - If applicable, any compliance mechanisms in the amount required to correct any failure to meet an Emissions standard have been submitted.
 - Select this box if you like to request a waiver or reduction of compliance mechanisms needed to correct any failure to meet a past Emissions standard due to financial reasons. Please elaborate below.
 - If applicable, requirements for an approved Building Portfolio have been met.
- The Building or Building Portfolio does not have an Individual Compliance Schedule or the Owner is requesting to replace an existing Individual Compliance Schedule.
- Due to the unusual circumstances or characteristics of the Owner, Building or Building Portfolio, meeting the applicable Emissions standard through all combinations of compliance mechanisms and flexibility measures authorized by the Ordinance would result in an eligible hardship (as demonstrated pursuant to Section VII and Appendix B of this application).

Step 2: Select application type

- Short-term HCP
- Long-term HCP

We will be releasing a separate short-term HCP application form soon.

Step 3: Complete application form

APPLICATION OUTLINE:

1. Owner's contact information
2. Building information
3. Evaluation/Consideration of all BERDO compliance mechanisms and flexibility measures
4. Emissions reduction efforts to date
5. Evaluation of opportunities, feasibility, costs, and financial support
6. Demonstration of circumstances or characteristics that create hardship
7. Demonstration of eligible hardship(s)
8. Proposed relief
9. Proposed benefits to Environmental Justice populations
10. Signature and submit

The following slides show the application form for long-term HCP.



1. Owner's contact information

2. Building information

3. Evaluation of all BERDO compliance mechanisms and flexibility measures

- Building Portfolios
- Individual Compliance Schedules
- Boston's municipal electricity aggregation
- Local renewable energy
- Power Purchase Agreements
- Renewable Energy Certificates
- Alternative Compliance Payments

I. Owner's Information

1. Name of Owner
2. Contact for Owner:
 - a. Email
 - b. Phone number
 - c. Mailing address

II. Buildings Covered by Hardship Compliance Plan

1. Are you applying for a Hardship Compliance Plan for a single Building or an approved Building Portfolio?
 - Single Building
 - Approved Building Portfolio
2. Please input the information in the table below or provide a spreadsheet with the following information for the Building(s) for which you are applying for a Hardship Compliance Plan. You can confirm your BERDO and Parcel IDs on the [BERDO Covered Buildings List](#)

BERDO ID	Owner's Name	Parcel ID	Address
111111	Example Name	222222222	111 Main St Boston, MA 02201
...	

III. Evaluation of All BERDO Compliance Mechanisms and Flexibility Measures

Please include a brief narrative description of how the Owner has used, plan to use, or considered the use of the following compliance mechanisms and flexibility measures authorized by the Ordinance. If any of the listed compliance mechanisms or flexibility measures are not feasible or applicable to the Owner, please briefly explain why. Please include total Emissions (kgCO₂) and the Emissions intensity (kgCO₂/SF) for your Building or Building Portfolio during your last reporting year in your response.

- Building Portfolios
- Individual Compliance Schedules
- Boston's Municipal Electricity Aggregation Program
- Local Renewable Energy
- Power Purchase Agreements
- Renewable Energy Certificates

4. Emissions reduction efforts to date

- Narrative of known significant emissions reduction efforts, work heating/cooling systems, and work on high-energy systems since 2013.
- Description of Building(s) physical characteristics

IV. Emissions Reduction Efforts to Date

1. Provide a brief narrative description of known significant emissions reduction efforts and work on heating/cooling systems and high-energy systems/process loads in the Building or Building Portfolio since 2013.
2. To the best of your ability, provide a brief narrative description for each of the following existing physical categories (Structure, Envelope, Systems, and Other) for the Building or each of the Buildings included in the Building Portfolio covered by the requested Hardship Compliance Plan.
 - Structure
 - Each Building(s) structure (e.g. steel, original from 1940) and its condition (e.g. no visible issues, minor repairs).
 - Envelope
 - Each Building's existing envelope type (e.g. curtainwall or masonry, insulation type, glazing, etc.) and its condition and performance (e.g. original, leaky, airtight with proven test results).
 - Include information on major renovations to the envelope made since the Building was built (e.g. window replacements, repointing, reroofing) and for each renovation describe the impact on the envelope performance (e.g. single to double pane windows, additional roofing insulation).
 - Systems
 - A brief narrative description of each Building's HVAC system (e.g. gas-condensing boilers, centrifugal chillers, cooling tower), domestic hot water system, and miscellaneous (e.g. humidification process) systems, including relative locations of equipment/systems (e.g. enclosed penthouse, rooftop, basement).
 - Approximate operating schedule (e.g. Monday-Friday 8a-6pm, Monday-Sunday 24/7).
 - For buildings with multiple uses or process loads, a description of the Building's energy end-use and for each of these end-uses, provide an estimated percentage of the end use to the total Building energy use.
 - Indication of whether the end-use is currently utilizing electricity, district steam or fossil fuels (e.g. natural gas, propane, oil).
 - Indication of which end-uses are the subject of the hardship application, and for these uses:
 - The age of the relevant equipment/materials, with reference to the industry standard for end of useful life.

5. Evaluation of opportunities for direct emissions reductions, feasibility, costs, and financial support

- On-site opportunities to reduce emissions
- Funding availability
- Scheduling and phasing

V. An Evaluation of Opportunities, Feasibility, Costs, and Financial Support

Provide a detailed evaluation of opportunities, feasibility, costs and financial support for compliance-related work in the Building or Building Portfolio, including, where applicable, opportunities for conducting compliance-related work in phases to reduce or avoid hardships. This description should include, but need not be limited to, the following information.

On-Site Opportunities to Reduce Emissions

1. The Owner must have a qualified professional complete an energy audit and feasibility assessment of options to reduce energy use and emissions. The results of the audit and assessment must be included in this application. (This can be a no-cost Mass Save audit or other equivalent audit).
2. Has the Owner performed any feasibility studies to evaluate the installation of on-site renewable energy systems at any of the Building(s) covered by the requested Hardship Compliance Plan?
 - Yes
 - No
 - a. If Yes, please provide a copy of the assessment.
3. Has the Owner performed any other relevant feasibility studies to evaluate different compliance-related work in the Building or Building Portfolio (e.g., Building systems and appliance substitution and replacements, envelope upgrades, electrification, etc.)?
 - Yes
 - No
 - a. If Yes, please provide a copy of the assessment and any additional relevant analysis.

Funding Availability

1. Has the Owner applied, or plan to apply, for any available financial support or incentives (Mass Save, Massachusetts Department of Energy Resources, Inflation Reduction Act Investment Tax Credits, etc.) to implement compliance-related work? For more information on possible funding sources, you may visit the [retrofit resource hub website](#).
 - Yes

6. Demonstration of circumstances or characteristics that create hardship

Select, describe, and provide supporting documentation for all applicable circumstances and characteristics that create hardship

- Regulatory or contractual
- Financial
- Technical or operational
- Other

Characteristic or Circumstance	What is the Supporting Documentation?*
expenditures that cannot be changed or are beyond the control of the Owner.	
Regulatory or Contractual	
The Owner has a long-term energy contract without reopeners for a significant portion of a Building's or Building Portfolio's energy demand.	
The Owner has a long-term lease without reopeners signed prior to 2019 that prohibits any significant compliance-related work at a Building.	
The Owner has delays in delivery of renewable energy credits pursuant to executed Power Purchase Agreements because of delays in initial commercial operation for reasons beyond a Building Owner's control.	
The Owner experiencing delays in electric system interconnections or adequate delivery of electricity for reasons outside a Building Owner's control. <i>Provided that requests for interconnections and notification of anticipated electricity demands were made in a timely manner in light of planned work and Emissions standard compliance deadlines.</i>	
The Owner experiencing denial or delays in government permits or approvals, including approvals through the Mass Save program, for significant compliance-related work. <i>Provided that applications for such permits or approvals were made in a timely manner in light of planned work and Emissions standard compliance deadlines.</i>	
The Owner has to meet government regulations affecting minimum energy use. <i>Provided that any resulting hardship arises from reducing Emissions from such energy use.</i>	
The Owner has to meet accreditation/certification standards affecting minimum energy use. <i>Provided that any resulting hardship arises from reducing Emissions from such energy use.</i>	
Technical or Operational	
The Owner has Building and/or space constraints that limit significant compliance-related work.	

7. Demonstration of eligible hardship(s)

Select, describe, and provide supporting documentation for all applicable eligible hardship(s)

VII. Demonstration of Eligible Hardship(s)

1. Please select the following eligible hardships that apply to the Owner's Building or Building Portfolio. See **Appendix B** for information on demonstrating each of the eligible hardships.

- Compliance requires space that is not available.
- Compliance requires equipment or electric service that is not available.
- Compliance would significantly interfere with or significantly increase the cost to provide services that are critical to community health and safety.
- Compliance costs would be significantly higher due to the unusual circumstances or characteristics.
- Compliance costs would interrupt the financial ability to operate a Building or its primary uses.
- Compliance costs would have a more than merely negligible effect on a State agency's or State-created entity's ability to fulfill an essential government function.
- Compliance costs would cause other significant effects that the Owner believes should be mitigated in light of benefits provided by and/or greenhouse gas emissions avoided by the Building or Building Portfolio.

2. For each Hardship selected in question 1, provide a brief, narrative description, accompanied with supporting documentation, of the hardship resulting from the combination of:

- The compliance actions described in Section III of this application, and
- The circumstances and characteristics described in Section VI of this application.

See **Appendix B** for required supporting documentation.

8. Proposed relief

Select and describe the proposed relief measure(s)

VIII. Proposed Relief and Alternative Compliance

1. If the Owner has an approved Building Portfolio, do they have to develop an Emission standard compliance plan?
 - Yes
 - No

If you selected Yes to question 1, please answer questions 2 - 4. If you selected No skip to the next section (Proposed Alternative Compliance).
2. If Emissions standard compliance plan has not been developed, please describe how the requested Hardship Compliance Plan would impact the development of the plan? Please include an attached response if your response does not fit within the designated text box.
3. If the Emissions standard compliance plan has been developed, how would the requested Hardship Compliance Plan impact the compliance efforts described in the plan? Please include an attached response if your response does not fit within the designated text box.
4. If applicable, has the Owner notified tenants about the requested Hardship Compliance Plan and/or any changes to the Emissions standard compliance plan?
 - Yes
 - No

Proposed Alternative Compliance

1. Which of the following relief measures is the Owner seeking?
 - Alternative schedules for complying with the Emissions standards in the Ordinance.
 - Alternative Emissions standards than those in the Ordinance.
 - Exemption of specified Energy use(s), in whole or in part, from a Building Owner's compliance obligations.
 - Adjusted compliance obligations in light of third-party barriers or delays to significant energy efficiency or electrification projects, provided that such third-party is unrelated to the Owner.
 - Additional compliance mechanisms (that the Review Board must determine are consistent with achieving the Purpose set in Section 7-2.2.(a)).
 - Other relief the Review Board may deem appropriate on a case-by-case basis.
2. For each of the selected proposed relief measures, provide a description of the requested relief(s) and the proposed alternative compliance. Please include type, scope, and length of the relief. Please include an attached response if your response does not fit within the designated text box.



9. Proposed benefits to Environmental Justice populations

Identify and describe proposed benefits to Environmental Justice populations. This will be the starting point for the Review Board to set special conditions of approval.

Proposed Benefits to Environmental Justice Populations

1. Please describe how the proposed relief and alternative compliance will provide benefits to Environmental Justice Populations and/or advance the purpose of the Ordinance in Section 7-2.2.(a), including through proposed conditions related to issues such as, but not necessarily limited to, equitable workforce development, housing affordability and stabilization, energy cost- and benefit-sharing, public health, and climate resilience. This is required for long-term Hardship Compliance Plans, but may also be included for short-term Hardship Compliance Plans.
2. Please fill out the table below describing your proposed conditions.

Type of Benefit	Brief Description	Anticipated Beneficiaries	Anticipated Timeline	Why Benefit is Appropriate with Scale of Relief
...



10. Signature and submit

SIGNATURE

The Owner of the proposed Building Portfolio must sign the application and attest to the following:

I hereby certify under penalties of perjury that all information and supporting data provided in this application is true and complete to the best of my knowledge.

Signature of Building Owner

Date

If you are submitting this application on behalf of a Building Owner, please check the box below and provide your contact information.

- I am submitting this application on behalf of the Building Owner and questions should be directed to me.

Appendix A and B



- Appendix A: Evidence for circumstances and characteristics that may create hardship
- Appendix B: Evidence for eligible hardships

Appendix A - Evidence For Circumstances And Characteristics That May Create Hardship
 Owners must submit supporting documents to provide evidence of the existence of circumstances and characteristics that may create hardship. Table 1 below includes recommended supporting documentation and Table 2 includes a list of potential qualified professionals who can provide the necessary supporting documentation for certain circumstances and characteristics. Neither list is exhaustive. Owners may submit other additional or alternative documentation that the Review Board deems appropriate.

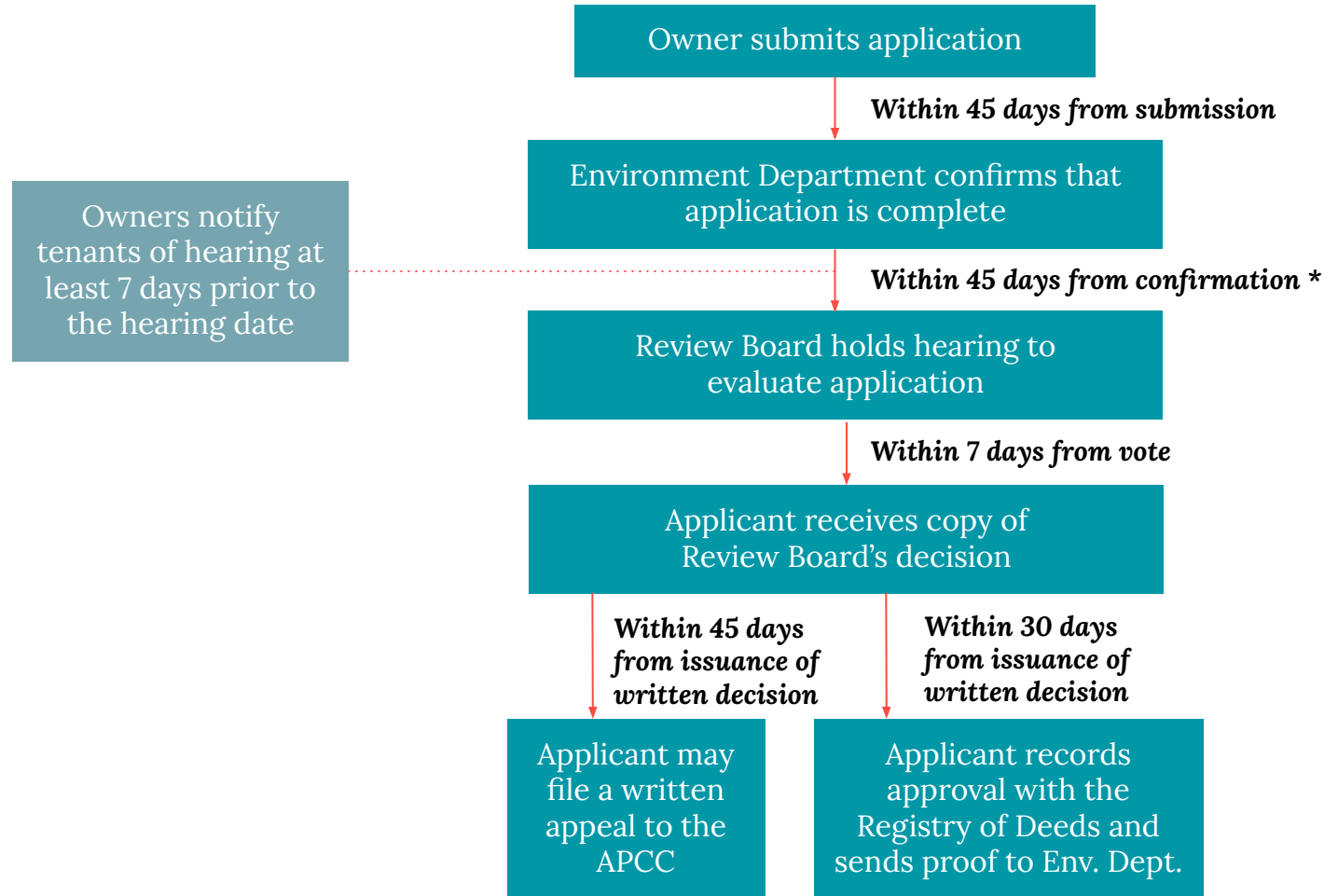
Table 1. Recommended Supporting Documentation

Category	Circumstances or characteristics	Supporting documentation	Requires qualified professionals?
Financial	Owner bankruptcy for all or part of a year in which an Emissions standard must be met.	<ul style="list-style-type: none"> Evidence that the Owner has filed for bankruptcy. 	Not required
	Schedule of compliance-related costs do not align with long-term schedules for capital expenditures that cannot be changed or are beyond the control of the Owner.	<ul style="list-style-type: none"> A narrative explaining the constraint(s) created by existing long-term schedules for capital expenditures and why the existing schedule cannot be changed. If applicable, a copy of any funding contracts, loan terms, or any other contract(s) that create the relevant constraint. 	Not required
Regulatory or contractual	Long-term energy contracts without reopeners for a significant portion of a Building's or Building Portfolio's energy demand.	<ul style="list-style-type: none"> A copy of the relevant long-term energy contract (may be redacted). A narrative explaining the constraint(s) created by the contract and: <ul style="list-style-type: none"> A list of the Building(s) covered by the contract. A description of any restrictions related to energy generation and use. A description of any opportunities to change the Energy supplier for any existing Buildings and/or new Buildings. For Building(s) connected to District Energy Systems, a letter from the operator of the relevant Energy generation system detailing any future plans to improve the efficiency and/or decarbonize the Energy generation system. Proof of 	Not required

Appendix B - Evidence For Eligible Hardships

Eligible hardship	Supporting documentation
Compliance requires space that is not available.	<ul style="list-style-type: none"> See Appendix A.
Compliance requires equipment or electric service that is not available.	<ul style="list-style-type: none"> See Appendix A.
Compliance would significantly interfere with services that are critical to community health and safety	<ul style="list-style-type: none"> A narrative description of how significant compliance work would require the partial or complete interruption of the relevant service(s) and the expected length of said interruption. A narrative description of whether and how the Owner plans to phase compliance work to avoid or mitigate the interruption of the relevant service(s). A narrative description of how significant compliance work would hinder the Owner's ability to maintain the Building conditions that are needed to provide the relevant service(s)
Compliance would significantly increase the cost to provide services that are critical to community health and safety	<ul style="list-style-type: none"> An estimate of the total compliance costs for the period covered by the requested Hardship Compliance Plan. Sworn statement about impact on revenue, operating costs, reserves, and capital budget. A statement by a qualified professional describing the extra costs that exist because of the relevant circumstances and characteristics A narrative description of the services provided by the Owner or the relevant Building(s).
Compliance costs would be significantly higher due to the unusual circumstances or characteristics of a Building Owner, Building or Building Portfolio	<ul style="list-style-type: none"> An estimate of the total compliance costs for the period covered by the requested Hardship Compliance Plan. A statement by a qualified professional describing the extra costs that exist because of the relevant circumstances and characteristics Sworn statement about impact on revenue, operating costs, reserves, and capital budget.
Compliance costs would interrupt the financial ability to operate a Building or its primary uses	<ul style="list-style-type: none"> An estimate of the total compliance costs for the period covered by the requested Hardship Compliance Plan. Sworn statement about impact on revenue, operating costs, reserves, and capital budget. Sworn statement about impact on revenue, operating costs, reserves, and capital budget.
Compliance costs would cause other significant effects that the Review Board determines should be	<ul style="list-style-type: none"> A narrative description of other benefits, including greenhouse gas emissions avoided by the Building(s) prior to the first BERDO compliance year, that an Owner would like the Review Board to

Application timeline



** If seeking relief that would begin in the next 2 years*

The BERDO team is here to help!



If you have questions about completing your application, please reach out to BerdoReviewBoard@boston.gov.

An aerial view of a city grid rendered as a white wireframe on a dark blue background. The buildings are represented by simple rectangular outlines, creating a complex, geometric pattern. The perspective is from a high angle, looking down on the city.

Reminders and resources

Reminder: application deadlines for flexibility measures

Building Portfolios, Individual Compliance Schedules, and Hardship Compliance Plans



Deadlines for Flexibility Measure Applications

July 1, 2024*	Long-term Hardship Compliance Plan application deadline.
September 1	Building Portfolio application deadline (to be in effect the following year).
	Individual Compliance Schedule application deadline (to be in effect the following year).
October 1**	Short-term Hardship Compliance Plan application deadline.

*After July 1, 2024, long-term Hardship Compliance Plan applications are due **9 months before** the first year the HCP would be used.
Short-term Hardship Compliance Plan applications are due **3 months before the first year the HCP would be used.

Reminder: BERDO reporting deadline

- **May 15, 2024:** Deadline to complete reporting of 2023 data.
- Building owners may begin entering energy and water data into **Energy Star Portfolio Manager** as soon as complete 2023 data is available.
- The BERDO team is currently updating the 2024 BERDO Reporting Form and will be open in February 2024.

Sign up for the BERDO webinar series

Registration is required



- [BERDO Emissions Compliance: Renewable Energy](#)
Wednesday, Feb 28, 2024 3:00 - 4:30 pm ET. Register [here](#).



Slides and recording of this and past webinars will be available on boston.gov/berdo.

Take advantage of new resources

- [Apply to receive free assistance to complete BERDO reporting and third-party verification](#)

We are offering free data reporting and verification services to BERDO building owners who need extra assistance to complete their BERDO reporting. Funding is limited and will only be provided to building owners who are self-managed residential buildings, small non-profit owners, or commercial buildings with small business tenants. **SECOND ROUND OF APPLICATIONS DUE BY MARCH 15, 2024!**

- [Understand your emissions with the new BERDO Emissions Calculator](#)

- [Schedule a one-on-one BERDO Building Consultation](#)

A member of the BERDO team will help you understand your current emissions and compliance options.

- [Register for weekly BERDO Emissions Planning Office Hours](#)

Office hours are held weekly on Fridays at 10:00 am on Zoom.

Members of the BERDO team will be available to answer questions about BERDO emissions estimates and potential compliance strategies. Catch up with or rewatch past BERDO webinars

Other resources

- BERDO website: boston.gov/berdo
- [Ordinance](#)
- [Adopted Regulations](#)
- [Adopted Policies](#)
- Review Board website: boston.gov/berdo-review-board
- Retrofit Resource Hub website: boston.gov/retrofithub
- No-cost Mass Save energy audits, engineering studies, rebates and incentives:
 - Non-residential: MassSave.com/business
 - Residential: MassSave.com/Multi-Family
 - Rebates: MassSave.com/Rebates

Q&A



Thank You!

Please visit boston.gov/berdo and boston.gov/berdo-review-board for more information and updates.

