



Newton Citizens Commission on Energy City of Newton, Massachusetts

<http://www.newtonma.gov/government/climate-and-sustainability/citizens-commission-on-energy>

Halina S. Brown, Chair

Cory Alperstein
Michael Gevelber
Stephen Grody
Philip Hanser
Asa Hopkins
Jonathan Kantar
Jon Slote
Jay Snyder
Ann Berwick (ex-officio)
Bill Ferguson (ex-officio)

Advisory Members:

Beverly Craig
James Purdy
Philip Vergragt
Puja Vohra

Summary of NCCE Meeting on October 4, 2023

Present: Halina Brown, Michael Gevelber, Jon Slote, Phil Hanser, Jonathan Kantar, Stephen Grody (remotely), Cory Alperstein, Rachel White, Bob Persons, Asa Hopkins, Jay Snyder, and Liora Silkes

1. Newton BERDO update (Michael Gevelber):

- Should electricity emissions be part of N-BERDO? (**Pro:** Boston, which is a model for Newton BERDO, includes electricity, and so do all the other municipalities in the US which require reporting of energy use, **Con:** if we decarbonize the grid quickly, it may not matter).
 - Halina: But eliminating electricity will eliminate incentives to weatherize buildings and reduce the demand for energy in buildings that have electrified. That is inconsistent with the goals of Climate Action Plan (“Use Less Green the Rest” slogan)
 - Michael: In a test case analysis with a 30-unit apartment building (181 Lexington St), electric emissions were only about 10% of the total emissions.
 - Michael: The easiest thing for many building owners to do to comply will be to buy “green electrons”. Rachel thought that we should not be giving credit to owners for this decision, since the benefit goes to the grid and it discourages owners from making investments in more tangible benefits.
 - Jonathan: Peter Smith previously had great trouble convincing Needham St building owners to implement energy-savings, even those that went right to their bottom line, so we shouldn't be surprised if owners are hesitant to get interested in carbon reductions where the benefits are softer.
 - Rachel: We might want to see marketing campaigns that stress how much better all-electric homes are for people's health as well as the financials.
 - Phil: NE-ISO's green power queue has been unchanged for maybe 5 years, casting doubt on how quickly the grid will actually become greener. We must reduce the overall energy demand.
 - Phil: There are communities like Maryland and others in the west trying BERDO without the grid emissions... can we find out more about these?
 - Stephen: Excluding electricity would make Newton a single outlier among Climate Action-minded municipalities. Adopting a different methodology would impose additional administrative burdens on organizations that have to work in multiple jurisdictions.
- Halina reported that in the current draft of Newton BERDO ordinance the residential condo buildings have been excluded from BERDO regulations. With regard to residential

rental buildings, opinions among the members of the BERDO working group are divided and no final decision has been made. She is concerned about the exclusion of residential buildings, which only delays the reckoning and has no justification other than avoiding potential political opposition to this ordinance. Members of NCCE expressed a similar concern; a suggestion was made by Cory, and accepted by all, that a letter from NCCE to the City will be drafted, calling for inclusion of residential rental and condo buildings in BERDO. Asa will write the first draft.

- So far, only one residential building owner in Newton has publicly expressed his opposition to the BERDO ordinance, but Bill Ferguson has discovered that this landlord misunderstood its requirements. In order to test the owner's concerns, his building at 181 Lexington Street has been designated as a case study for BERDO's potential impacts. The building was built in 1970. The Synapse consultant ran the gas consumption data through Portfolio Manager (electricity consumption has not been submitted yet by Eversource). Their conclusion: *"initial data suggest that in its current condition the building would comply with BERDO until 2038 and that it would have various options to comply thereafter."*

Synapse estimates that current emissions at 181 Lexington are 3.46 kilograms of carbon dioxide equivalent (kgCO₂e) per square foot. Proposed maximum emissions limits for apartment buildings less than 50,000 square feet being in 2030 are 4.8 kgCO₂e per square foot.¹ Absent any decarbonization efforts, the building would likely exceed the emission standard in 2038, as the target decreases to 2.6 kgCO₂e per square foot. The emissions standard and would decline every 4–5 years thereafter to reach 0.0 kgCO₂e per square foot by 2050."

To continue the case study, a team from NCCE and the BERDO working group will visit the site and evaluate what improvements need to be made in the building before 2038 and what the financial burden might be involved.

- **Pre-emption**

Stephen pointed out that Newton BERDO may be in conflict with a state law about preemption. Halina explained that this is because in August 2022 Governor Baker signed a new law AN ACT DRIVING CLEAN ENERGY AND OFFSHORE WIND. Section 20 of Chapter 25A of the law requires that all buildings over 20,000 sf. *"shall report to the department [DOER] the total amounts of electricity, natural gas and steam used during the previous calendar year"* and DOER would publish this information on a publicly accessible website. The law also has a provision that *"Nothing in this section shall prohibit the enforcement of large building reporting requirements previously established by the city of Boston or the city of Cambridge and further amendments or improvement thereto that exceed those reporting requirements established pursuant to this section."* In other words, it appears that the state law preempted municipal efforts to require energy use reporting in large buildings, while exempting specifically

¹ Buildings would also have the option to comply following an individual compliance schedule. However, for this building, complying via the maximum emissions limits would be easier.

Cambridge and Boston from this preemption. As the Council's vote on Newton BERDO is approaching, the question raised by Stephen is whether Newton's solicitor is prepared with an answer to this potential pre-emption challenge to Newton BERDO.

- Halina will bring this matter up to the attention of the BERDO working group.

2. Residential Plan (Jon Slote):

- Jon presented an updated draft of the proposed Residential Plan and got feedback on several items listed below.
 - Jonathan wanted to separate the HVAC Inspector's required role (enforcing the law) from any discretionary role (eg, project planning guidance).
 - Rachel and Jonathan recognized that the personalized electrification planning guidance being discussed was too small in scope for them to provide for a more typical (ie, larger) project, thus it remained as a need.
 - Phil was very concerned that New England's older and more diverse housing stock would make connecting residents to one contractor impractical and risky.
 - These concerns have been incorporated into the Plan's next draft which is attached.
 - This plan will be reviewed with Green Newton next week.
 - This discussion will continue at the next NCCE meeting.

3. Halina is stepping down from the Energy Commission.

Halina announced that after 18 years of NCCE membership and 5 years of its chairmanship she will step down effective November 1, 2023. Her letter of resignation to the Mayor (who appointed her) is below. Halina asked everybody to think about nominating her potential successor, including expressing their own interest in that position. She said that she will continue her work on BERDO until it is adopted by the City Council as well as on the Residential Plan until a productive collaboration between NCCE and Green Newton is established (October 10th meeting is part of that). Her resignation letter is below:

- *Summary prepared by Jon Slote and Halina Brown*

Honorable Mayor Fuller

October 3, 2023

Dear Mayor Fuller,

It is with mixed emotions that I have decided to step down from the Newton Citizens Commission on Energy, effective November 1, 2023. I want to thank you for your continuous support for me personally and for much of the work of the Commission. It has been a privilege to work with you. I have been an NCCE member since 2005 and its Chair since 2018. It is time for a new leadership and a new perspective, and I am glad to pass the baton accordingly.

During the past five years the NCCE has accomplished a lot. Starting with the 2019 “Citizens Climate Action Plan,” which became the analytical basis for “Newton Climate Action Plan,” we created the Energy Coach Service, “Greenhouse Gas Emission Inventory,” and the 2023 “Recommendations For The Residential Sector.” We made major contributions to the Memorandum of Understanding with Eversource and National Grid, and the impressive Newton Power Choice policy; put BERDO on Newton’s policy agenda and worked toward its development; and brought to wide attention the need to address emissions from the building sector. We provided support for several important Newton climate initiatives, such as creating the Energy Coach position, the Ten Communities experiment, Specialized Stretch Code, and Village Zoning redesign.

These accomplishments were possible because of the talent and commitment of each member of the NCCE, the collaboration with the grassroots organizations in Newton, teamwork with the City Sustainability Team, and the support from the City Council. For me, these past five years were very rewarding not only because of the work we have done but also because of the friendships I developed. I am now ready to engage with other aspects of my life which got somewhat neglected.

Our work is far from finished. Newton’s progress with reducing energy use and greenhouse gas emissions in the residential sector is very slow, and the incremental approach we are currently pursuing is inadequate for Newton’s official commitments and for the urgency of our times. In the recent “Recommendations For The Residential Sector,” we introduced more innovative and radical approaches, including the requirement for EUI reporting by all homeowners. This proposal found little resonance with you and your staff while the implementation of the other four proposals has languished. I nonetheless believe that the policy and political winds will soon change. I leave that challenge to my successors.

Sincerely,



