



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, October 28, 2024

6:30 pm – PLEASE NOTE EARLY START TIME

Room 204

The Zoning and Planning Committee will hold this meeting as a hybrid meeting on Monday, October 28, 2024 at 6:30 PM that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link: <https://newtonma-gov.zoom.us/j/88277323401> or call 1-646-558-8656 and use the following Meeting ID: 882 7732 3401.

Item Scheduled for Discussion:

- #372-24** **Appointment of Jennifer Pucci to Zoning Board of Appeals**
HER HONOR THE MAYOR appointing Jennifer Pucci, 22 Florence Court, Newtonville as a member of the Zoning Board of Appeals for a term of office set to expire on April 30, 2025. (60 Days: 12/06/24)
- #42-24** **Request for Discussion and Ordinance to require energy use reporting**
COUNCILORS ALBRIGHT, DANBERG, and LEARY on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan.
- Chair's Note:** *Josh Morse, Commissioner of Public Buildings will join the Committee to discuss current conditions that affect conducting a significant renovation and addition to a building.*
- #85-24** **Request for discussion and possible amendments to enhance the preservation of existing homes.**

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

COUNCILORS BAKER, OLIVER, MALAKIE, KALIS, GETZ, LUCAS, LOBOVITS, AND WRIGHT requesting a discussion and possible amendments to Chapter 30 Zoning or other City Ordinances to enhance the preservation of existing homes over their replacement by larger and more expensive structures.

Zoning & Planning Held 7-0 on 02/15/24

Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/24

Zoning & Planning Held 8-0 on 04/08/24

Zoning & Planning Held 7-0 on 07/22/24

Zoning & Planning Held 7-0 on 09/09/24

Zoning & Planning Held 7-0 on 10/10/24

#41-24 Amend the setbacks in the MR zones to encourage preservation of existing buildings

COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

Zoning & Planning Held 7-0 on 02/15/24

Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/24

Zoning & Planning Held 8-0 on 04/08/24

Zoning & Planning Held 7-0 on 07/22/24

Zoning & Planning Held 7-0 on 09/09/24

Zoning & Planning Held 7-0 on 10/10/24

Referred to Zoning & Planning and Finance Committees

#403-24 CPC Recommendation to appropriate \$1,841,719.78 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million eight hundred forty one thousand seven hundred and nineteen dollars and seventy eight cents (\$1,841,719.78) from Community Housing FY24 Reserve Account and Unrestricted Prior Year Reserves to the control of the Planning & Development Department for a grant to the Newton Affordable Housing Trust for their FY25 funding.

Respectfully Submitted,

R. Lisle Baker, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#372-24

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Email
rfuller@newtonma.gov

September 30, 2024

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Jennifer Pucci of 22 Florence Court, Newtonville as a full member of the Zoning Board of Appeals. Jennifer Pucci's term of office shall expire on April 30, 2025 and the appointment is subject to your confirmation.

Jennifer Pucci is currently serving as an associate member. Jennifer Pucci will be completing William McLaughlin's previous term which ends on April 30, 2025.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Application Form

Profile

Jennifer (Jenn)

First Name

C

Middle Initial

Pucci

Last Name

[Redacted]

Email Address

22 Florence Court

Home Address

Suite or Apt

Newtonville

City

MA

State

02460

Postal Code

What Ward do you live in?

Ward 2

[Redacted]

Primary Phone

Alternate Phone

Boston University Office of the
General Counsel

Employer

Associate General Counsel

Job Title

Which Boards would you like to apply for?

Zoning Board of Appeals: Submitted

Ethnicity

None Selected

Gender

None Selected

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

My name is Jenn Pucci, and I have been a resident of Newtonville since 2010. My husband and I have three children (ages 7, 9, and 11), who attend Horace Mann and Day MS. I am an attorney by profession. I recently had the privilege of working for the City directly, as the primary litigator in the City's Law Department between 2018-2021. I am grateful to have had the opportunity to do this work, and through it to better understand the City's operations and to work closely within my own community. Prior to this work, I served as a public defender for nine years at the Federal Defender Office in Boston and worked as a litigation associate at Ropes & Gray. Since 2021, I have worked as an Associate General Counsel in the Office of the General Counsel at Boston University. My practice at BU is focused on litigation, labor relations, and student and employment matters. I have made it a priority to be involved in my community, particularly in direct service work. I currently serve as the Board Chair of Newton Neighbors, a local mutual aid group that provides assistance to persons in need in Newton and surrounding communities, with a particular focus on addressing food insecurity. I am interested in continuing to serve on the Zoning Board of Appeals because I believe strongly in public service, and I would like to stay involved with and contribute to the City going forward. I have enjoyed my two years of service as an Associate Member of the ZBA, and I believe I can continue to be a valuable member of the ZBA going forward given my professional training and background, as well as my prior experience working with the City. Thank you for considering my application.

[Pucci Resume 1.16.2022.pdf](#)

Upload a Resume

Jennifer C. Pucci

22 Florence Court, Newtonville, MA 02460 [REDACTED]

WORK EXPERIENCE

Associate General Counsel, Office of the General Counsel, Boston University,
Boston, MA

2021 - PRESENT

- Manage general civil litigation portfolio and counsel internal clients on a variety of employment and labor relations issues

Assistant City Solicitor, City of Newton Law Department, Newton, MA

2018 - 2021

- Lead in-house litigation attorney for the City of Newton, handling all aspects of federal and state litigation from filing through resolution. Cases included civil rights, First Amendment, employment, disability discrimination, wage and hour, and tort claims
- Successfully tried whistleblower case to jury verdict in Middlesex Superior Court in March 2021 (*Kovacs v. Newton Public Schools*, Docket No. 1581cv05863)
- Counsel internal clients, including the City's Human Resources Department, on a variety of matters, including employment issues, COVID-related policy changes, and ADA accommodations

Assistant Federal Public Defender ('14-'18); Temporary Assistant Federal Public Defender ('13-'14); Research and Writing Attorney ('09-'13), Federal Public Defender Office, Boston, MA

2009 - 2018

- Lead attorney managing caseload of 20-40 cases (including firearms, financial crimes, narcotics, public benefits fraud, and immigration matters) from indictment through trial and sentencing in Federal District Court
- Oversee complex investigations involving witness interviews, obtaining records, site visits, and direction of paralegals, research attorneys, and investigators assigned to each case
- Serve as Federal Defender Office representative to the RISE Program, a collaborative court committee that provides restorative justice and other rehabilitative programming to eligible offenders as an alternative to incarceration

- Lead training sessions on restorative justice and the RISE program for federal defense bar

Associate, Litigation Department, Ropes & Gray, Boston, MA

2008 - 2009

Law Clerk, The Honorable Brian L. Burgess, Vermont Supreme Court, Montpelier, VT

2007 - 2008

EDUCATION

University of Virginia School of Law, Charlottesville, VA

J.D. 2007

Cornell University, College of Arts & Sciences, Ithaca, NY

B.A. 2003

BAR ADMISSIONS

Massachusetts, 2008

Vermont, 2008

Admitted to the U.S. District Court for the District of Massachusetts (2008); First Circuit Court of Appeals (2015).

COMMUNITY ENGAGEMENT

Newton Neighbors, Inc., Newton, MA

Member, 2020 - PRESENT; Board of Directors, 2021 - PRESENT; Board Chair, July 2021 - PRESENT

- Founding Board member and member of Governance Committee.
- Newton Neighbors is a grassroots, all-volunteer mutual aid group formed in March 2020 to facilitate community connection, mutual aid, and access to resources and supports for all people who live, work, pray, play, and/or learn in Newton and surrounding communities.

Newton BERDO Frequently Asked Questions

September 12, 2024

(Updated October 24, 2024)

This FAQ addresses questions about the proposed BERDO ordinance raised by the general public and Newton City Council at the Public hearing held in City Hall Council Chambers by the Zoning and Planning Committee on June 10, 2024 and September 23, 2024. Additional questions were added by the City staff to help make the document more comprehensive in scope.

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Introduction to BERDO

1. What is BERDO?

The Building Emissions Reduction and Disclosure Ordinance (BERDO) requires large commercial buildings to report their energy use and reduce their on-site greenhouse gas emissions according to declining emissions standards that reach zero by 2050. [Boston](#) and [Cambridge](#) recently enacted similar ordinances.

Massachusetts [law](#) requires the state to achieve net zero greenhouse gas emissions by 2050, and Newton has a [goal](#) of achieving net zero by 2050. The building sector currently accounts for [35 percent of statewide emissions](#) in Massachusetts and 66% in Newton. Adopting BERDO will make Newton a leader in reducing building sector emissions within the state, and by acting early rather than waiting for statewide policies to come into effect, will also reduce costs for building owners.

2. I own real estate in Newton. How do I know if my building(s) will be covered by BERDO?

With few exceptions, BERDO will cover all non-residential buildings with floor areas of at least 20,000 square feet. While residential buildings will not be included in the first iteration of the ordinance, the mayor proposes to add residential buildings with at least 20,000 square feet of floor area to the ordinance in April 2025.

To determine if your building is covered, check the [list of covered buildings](#) on Newton's website. The list is updated annually using data from the Assessor's Office. You can also find a detailed description of the process used to develop the list on the same webpage.

3. What types of emissions will BERDO cover?

BERDO will regulate direct emissions from covered buildings. Also called Scope 1 emissions, direct emissions result from fuel burned on-site in a furnace, boiler, water heater, or other combustion-based equipment. The largest contributors to direct emissions are usually space and water heating. Depending on the building type, there may be additional direct emissions from end-uses such as cooking. Fuel used for backup power generation is not regulated by BERDO.

BERDO will not cover emissions associated with building electricity use (Scope 2 emissions), since Massachusetts has already implemented state-level policy to decarbonize the electricity sector. All-electric buildings have no on-site fuel combustion and therefore zero regulated emissions under BERDO.

4. What will I need to do to comply with BERDO?

There are two main components to BERDO compliance: data reporting and emissions reductions.

Reporting: Each year, you will need to report energy use data for your building in Energy Star Portfolio Manager. In the second reporting year for each building, and every five years thereafter, you will need to complete 3rd party verification of the energy data you have reported. The BERDO Regulations will give more details on the types of energy professionals who are eligible to complete this verification.

Emissions Reductions: You will need to reduce your building’s emissions so that its emissions intensity is less than or equal to the applicable emissions limit in each year. Emission intensity is measured in metric tons of carbon dioxide equivalent per square foot per year (MT CO₂e/SF/yr). Another option is to pay an Alternative Compliance Payment (ACP) if your building’s covered emissions are higher than the limit. The ACP is currently set at \$234 per MT CO₂e. The emissions limit for your building will depend on its size and primary use (see table below). Owners of buildings with more than one primary use may request a blended emissions limit, calculated as the weighted average of the applicable limits.

Owners of multiple buildings may comply with BERDO for each building individually or for their building portfolio as a whole. Under the portfolio approach, total emissions from the building portfolio must be lower than the aggregate portfolio emissions limit, which is the sum of the floor area of each building times its emissions intensity limit.

Instead of following the standard emissions limits, building owners also have the option to apply for an individual compliance schedule, which is based on a building’s historical emissions.

Tier	Description
1	Non-residential, ≥100,000 sq ft
2	Non-residential, 50,000–99,999 sq ft
3	Non-residential, 35,000–49,999 sq ft
4	Non-residential, 20,000–34,999 sq ft

Building use	Emission standards (kgCO ₂ e/SF/yr)				
	Period 1	Period 2	Period 3	Period 4	Period 5
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

Building owners facing extraordinary circumstances that affect their ability to comply with BERDO may apply for hardship compliance schedules. Examples of potential qualifying circumstances include historic building designations, pre-existing energy contracts without reopener, or extraordinary financial hardship.

For more information, see the [draft ordinance](#). After the ordinance is passed, the BERDO Administrator will publish regulations with additional details about each of these steps.

5. What types of changes can I make to my building to reduce its greenhouse gas emissions?

Measures that reduce your building's fuel consumption will reduce its greenhouse gas emissions under BERDO. These include:

- Building shell improvements such as air sealing, insulation, and windows.
- Other energy efficiency measures that reduce fuel use, including HVAC tune-up and controls, low-flow fixtures that conserve hot water, and duct sealing.
- Electrification of end-uses that currently use combustion-based equipment, for example installing heat pumps for space heating, heat pump water heaters, and electric ranges for cooking.

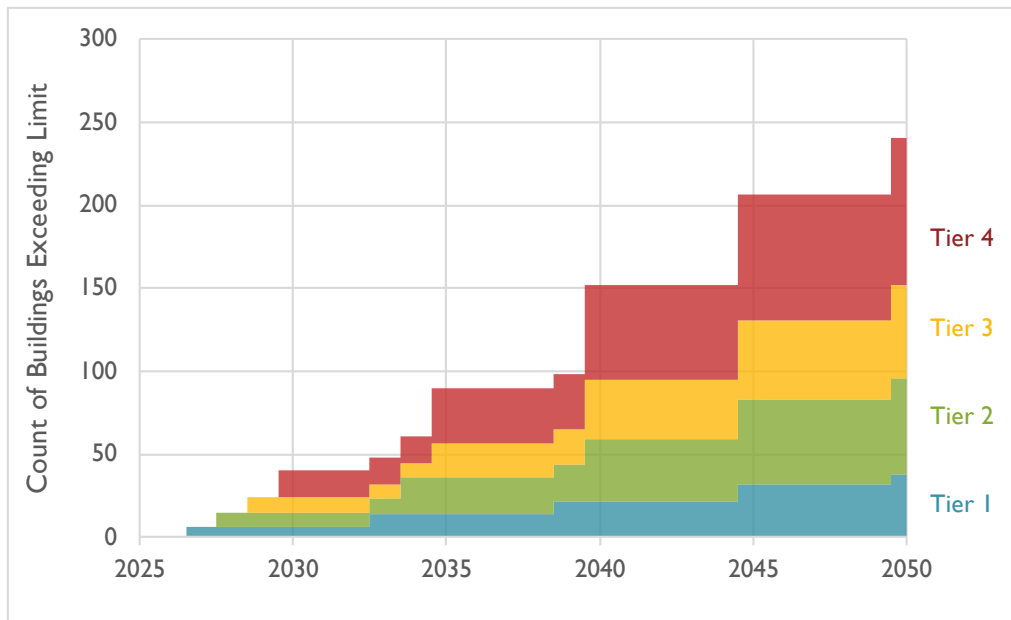
6. When will I need to reduce my building's emissions?

You will need to reduce your building's emissions in line with the relevant emissions standard, or else pay an Alternative Compliance Payment (ACP) of \$234 per MT CO₂e. Building type determines which emissions standard applies, and building floor area determines which implementation tier a given building falls under. Refer to the tables in the question above, "*What will I need to do to comply with BERDO?*". Compliance deadlines begin sooner for larger buildings, but all tiers reach zero direct emissions by 2050. The Newton BERDO emissions limits are designed to give building owners sufficient

lead times to incorporate necessary upgrades into their capital planning and to minimize early equipment replacements.

Tier	Period 1	Period 2	Period 3	Period 4	Period 5
1	2027-2032	2033-2038	2039-2044	2045-2049	2050-
2	2028-2033	2034-2039	2040-2044	2045-2049	2050-
3	2029-2034	2035-2039	2040-2044	2045-2049	2050-
4	2030-2034	2035-2039	2040-2044	2045-2049	2050-

We estimate that BERDO will impact approximately six buildings in 2027 and 10 additional buildings each year thereafter. Most owners will have substantial time to make improvements, with approximately two-thirds of buildings complying until 2040. While residential buildings are not included in the initial BERDO policy, the City plans to add them in 2025; notably, we expect all public and non-profit affordable housing buildings (nine total) will comply until 2040 or later.



Cost and Feasibility of Building Decarbonization

7. I'm concerned about how much it will cost me to comply with BERDO. What resources are available to help building owners pay for them?

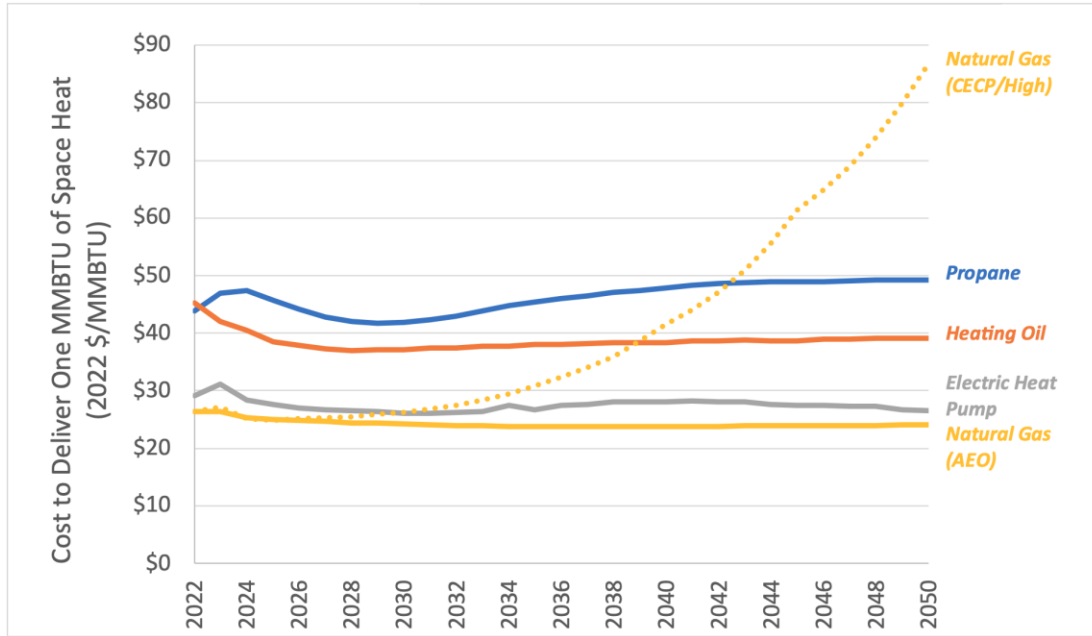
Based on the BERDO team’s research and existing Newton case studies, we expect that the incremental costs of decarbonization technologies will fall in the range of \$5–20 per square foot, although this will vary based on building characteristics. By phasing equipment installations, these costs can be spread over several decades. Building owners will typically be able wait until equipment would have needed to be replaced anyway, which will reduce costs compared to last-minute

decarbonization (which could occur if Newton waits to decarbonize its building stock until state law requires it). A variety of state and federal incentives, including the ones listed below, can help reduce the cost of complying with BERDO:

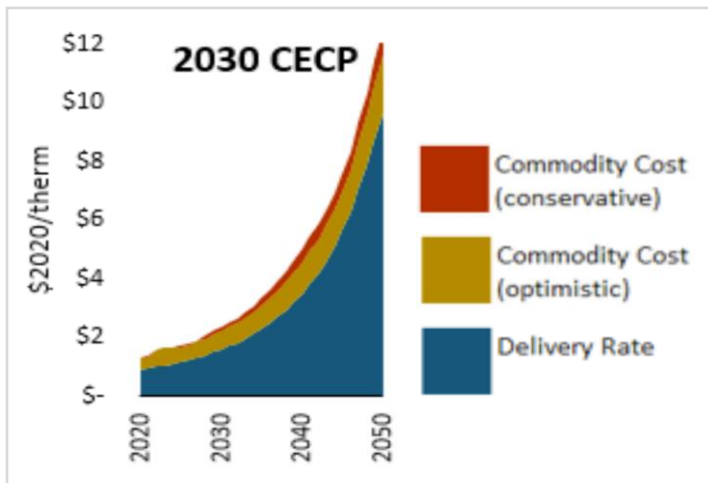
- **State rebates:** [MassSave](#) offers commercial incentives of \$2,500–\$4,500 per ton for heat pumps and \$1,000–\$2,200 per unit for heat pump water heaters. MassSave also offers weatherization incentives. **These translate to roughly \$9.00–\$15.00 per sq. ft. for most buildings that undergo full decarbonization.**
Owners of affordable housing properties are also eligible to apply for *no-cost* comprehensive energy retrofits through the LEAN Multifamily Program. This includes all buildings owned by non-profits, for profit entities, or housing authorities in which at least 50% of tenants meet the income guidelines.
- **Federal tax deductions:** The [179D federal tax deduction](#) offers **\$0.50–\$6.00** per square foot for energy efficient building improvements, including building envelope and HVAC system measures, **with higher incentives for projects that save more energy and meet prevailing wage and apprenticeship requirements.**
- **Property Assessment Clean Energy (PACE):** [PACE](#) is a program for financing energy upgrades through a property betterment assessment, which repays the financing, and is available through MassDevelopment and Department of Energy Resources.
- **Massachusetts Community Climate Bank (MCCB):** [MCCB](#), which launched in 2023, is the nation’s first green bank dedicated to affordable housing. It is located within MassHousing, the Commonwealth’s housing finance agency, and helps owners of affordable housing finance decarbonization measures in their buildings.
- **Low-interest financing:** Eversource and National Grid offer financing through [MassSave](#) for commercial customers, including multifamily housing and non-profits. Loans are available for up to 7 years and up to \$500,000. MassSave incentives are used to buy down interest rates to 0–2 percent.

8. Are decarbonization technologies affordable to operate?

One pathway to decarbonization involves switching from fossil fuels (typically natural gas or fuel oil) to all-electric equipment. All-electric equipment uses less energy and doesn’t generate emissions directly. Today, electricity is more expensive than natural gas but by 2030 we expect heating with natural gas to become more expensive than electricity. Further, gas heating costs are expected to rise to 300%–700% of current costs by 2050. This is due to existing climate laws and policies in Massachusetts that will result in reduced natural gas sales; because the fixed cost of maintaining the natural gas system will be spread over less sales, costs will rise. Two recent studies commissioned by the Massachusetts Department of Public Utilities (DPU) and Department of Environmental Protection (DEP) evaluated this effect in detail, and the results are shown here.



Sustainable Energy Advantage and Synapse Energy Economics. 2023. “Data for Use in Economic Analysis of A Clean Heat Standard.” Prepared for MA DEP. Available at: <https://www.mass.gov/doc/memo-on-heating-technology-costs-and-emissions/download>.



Energy+Environmental Economics and Scott Madden Management Consultants. 2022. Prepared for MA DPU. Available at: [https://thefutureofgas.com/content/downloads/2.15.22 - DRAFT Independent Consultant Technical Report - Part II \(Regulatory Designs\).pdf](https://thefutureofgas.com/content/downloads/2.15.22 - DRAFT Independent Consultant Technical Report - Part II (Regulatory Designs).pdf).

9. Are decarbonization technologies affordable to install?

Costs will vary by building type, size, and existing equipment systems. The BERDO Team assessed costs by evaluating completed decarbonization projects in and around Newton, reviewing published literature, obtaining contractor quotes, and conducting interviews with industry professionals. We estimate typical costs will be \$5–\$35 per sq. ft. before incentives and \$0–\$25 per sq. ft. after incentives. If

the upfront cost is financed at 6% over a 20-year equipment life, typical costs will be \$0.40–\$3.00 per sq. ft. annually—less after incentives. This translates to a **one-time** (but persisting for the life of the financing period) 4% increase in rent due to BERDO-related capital investment. This is roughly equal to year-over-year rent increases that happen **every year** according to data from [National Association of Realtors](#), [Costar](#), and the [Federal Reserve Bank](#).

Case studies for decarbonization projects in Newton are available on the [Newton BERDO webpage](#) in the slide deck from the September 23, 2024 ZAP committee meeting.

10. Are the lifecycle costs of all-electric technologies higher or lower than conventional fossil fuels?

We expect all-electric technology lifecycle costs to be equal to or lower than fossil fuel equipment. Today, the upfront cost of fossil fuel equipment for space heating and water heating is typically less and the equipment typically lasts longer. We expect these higher upfront costs to be offset by MassSave rebates, federal incentives, and lower operating costs over time (see Questions 7 and 8 above). MassSave incentives are no longer available for fossil fuel equipment. Additionally, [NREL estimates](#) that installed costs for commercial heat pump systems will decline by approximately 18-37% through 2050 while efficiency improves 9-47%.

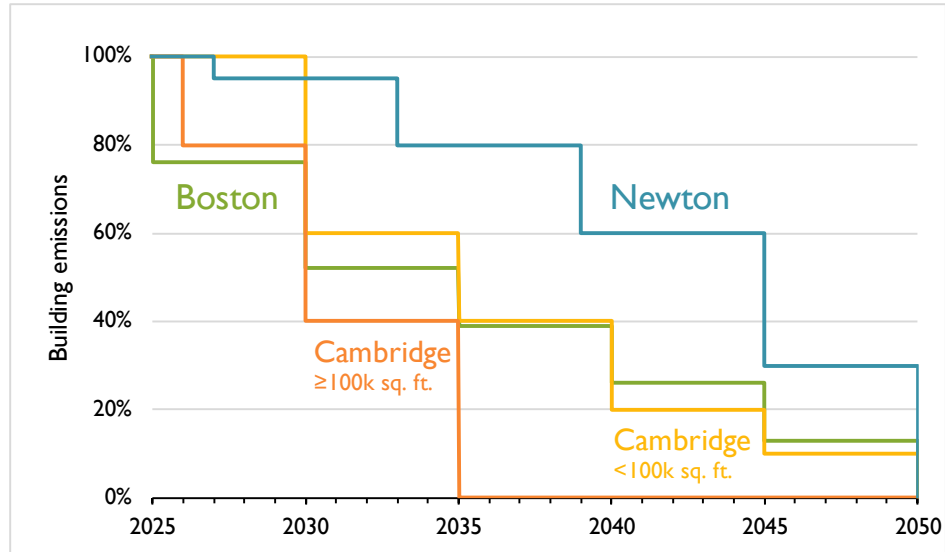
11. How will BERDO affect the overall cost of affordable housing for tenants and housing providers?

Based on discussions with affordable housing providers in Newton, our understanding is that costs to tenants of deed-restricted affordable housing will be unchanged. The combined cost of rent and utilities to tenants is established by U.S. Housing and Urban Development (HUD), so housing providers cannot increase costs to tenants. If tenant utility costs increase, tenant rent must decrease correspondingly. This is the case for properties with separately metered and master-metered utilities.

We understand that costs to housing providers may increase temporarily but will ultimately be covered by HUD. HUD provides a fixed allowance to landlords for providing housing, which is adjusted periodically to reflect locational changes in costs. If a housing provider incurs additional costs to comply with BERDO, they cannot pass those costs on to tenants and will experience a shortfall in revenues initially; however, housing providers can request an adjustment from HUD to cover the additional costs.

12. Will Newton BERDO require owners to decarbonize quickly like Boston BERDO and Cambridge BEUDO?

Newton BERDO will require more gradual emissions reductions than Boston BERDO and Cambridge BEUDO. This will allow building owners to align needed investments with capital planning cycles. We expect that owners will rarely, if ever, need to replace equipment before it wears out, which will reduce overall costs. In rare circumstances where BERDO compliance would require an upgrade that is not aligned to equipment replacement cycles, building owners can pay the Alternative Compliance Payment (ACP) to buy time.



13. Will BERDO require me to perform a gut renovation or deep energy retrofit of my building?

No, complying with BERDO will not require gut renovation or deep energy retrofits in most buildings. Importantly, BERDO does not require buildings to achieve net zero energy by generating the same amount of energy onsite that they consume. Instead, BERDO only requires buildings to eliminate emissions from on-site combustion of fuels. This can be achieved without significant disruption to building occupants.

The phased emissions trajectories and long periods (5–6 years each) are intended to allow alignment of BERDO-related upgrades with capital planning cycles such that building owners can typically wait until equipment would have needed to be replaced anyway. Swapping zero-carbon equipment in is therefore no more intrusive than equipment replacements would have been under a business-as-usual scenario.

14. Can you provide examples of buildings that have successfully installed heat pumps or other decarbonization technologies?

The City has prepared four case studies of buildings in Newton that have substantially or fully decarbonized through voluntary action. These include:

1. Newton Early Childhood Program education building
2. Auburndale Library
3. First Unitarian Universalist Society in Newton
4. Chapman Construction and Design office building

In addition to reducing or eliminating greenhouse gas emissions, these buildings have cut energy use by 53–76 percent. Costs for complete decarbonization ranged from \$10–\$32 per square foot after utility incentives. Compared to installing new fossil fuel equipment, the incremental costs ranged from \$4 per square foot less expensive to \$5 per square foot more expensive.

15. Will BERDO require building owners to take on debt?

Building owners may pay for upgrades in any manner they see fit. There are low-cost financing options available for technologies such as heat pumps that will likely be more advantageous than pure equity financing. Debt financing also offers tax benefits, because federal tax law allows businesses to deduct interest payments for loans.

16. I've heard it's more challenging for buildings that heat with forced hot water to electrify. What options are available for these buildings?

Buildings that heat with forced hot water do not have existing ductwork that could be used with a central ducted air-to-air heat pump. Adding ductwork in an existing building can be disruptive and costly. However, several options exist for decarbonizing the space heating in buildings that heat with forced hot water:

- Install ductless heat pumps such as mini-splits or variable refrigerant flow (VRF) heat pumps
- Replace the existing central boiler with an air-to-water heat pump. Historically, such equipment has not been able to provide sufficiently high-temperature water (often 170–180°F) to meet heating needs in the coldest times of year. However, there are solutions to this problem:
 - Install a standard air-to-water heat pump with a backup electric resistance boiler
 - Several manufacturers now offer high-temperature air-to-water heat pump systems. These heat pumps are newer to the U.S. market and are usually more expensive to purchase. Examples include:
 - Daikin: [VRV](#) with water kit such as [Mega-Q](#) (up to 194°F) or [Ark Heat boost](#) (up to 180°F)
 - LG: [Multi V 5](#) with [Hydro Kit](#) (up to 176°F)
 - Mayekawa: [Unimo Series](#) (up to 194°F)
 - Watts: [Lync Aegis](#) (configurations up to 185°F)
 - Mitsubishi and Samsung are expected to bring high-temperature commercial products to market in 2024/2025

Redwood Energy's [Pocket Guide to All-Electric Commercial Retrofits](#) discusses these options and more.

17. Can the electric grid handle the new loads if buildings switch from fossil fuels to electricity?

Electrifying building heating systems will place increased demand on the electric grid. Fortunately, grid operators and utilities are already planning for this new load so that the electric power system will be prepared to serve it reliably. For example, ISO-NE, the grid operator in New England, now includes detailed heating electrification [forecast](#) as part of its annual load projection process. In Massachusetts, the Department of Energy Resources oversees a Grid Modernization Advisory Council (GMAC) that reviews grid modernization plans developed by Massachusetts utilities.

Importantly, historical load growth in the United States has been far greater than what New England faces today. Over the period 1950–2000, the average annual [growth in U.S. electricity demand](#) was 5.0 percent. By comparison, ISO New England expects electricity demand to grow by about 2.0 percent annually on average over the next decade, including the impact of electrification of vehicles and heating (see report “[2024-2033 Forecast Report of Capacity, Energy, Loads, and Transmission](#)”).

The grid in New England is currently summer peaking. This will remain the case at least through the early 2030s, according to the latest ISO-NE forecasts. While this is the case, space heating electrification can contribute to reductions in electric rates, because fixed system costs (which are determined by the summer peak) can be spread over a greater volume of electric sales.

Additionally, technologies and programs exist today to mitigate peak demand increases and other potential grid challenges from heating electrification. Working proactively with design professionals, facility managers, and the electric utility when planning building electrification projects can help accomplish this. In particular, the peak load of electrification can be reduced by pairing electrification measures with energy efficiency and demand response improvements. Insulating buildings and sealing air gaps can reduce peak loads from heat pumps for space heating and cooling. For buildings with high ventilation rates, such as hospitals and laboratories, energy recovery systems that collect waste energy from exhaust air can be very cost-effective and will reduce peak loads for space heating and cooling when using heat pumps. For sites that use large amounts of hot water, such as multifamily buildings, heat exchangers that capture waste heat from the building’s sewer lines can cost-effectively reduce the contribution of water heating to peak loads.

Obtaining and Reporting Energy Data

18. How challenging is it to learn Energy Star Portfolio Manager?

Energy Star Portfolio Manager is a free, user-friendly tool developed by the U.S. Environmental Protection Agency. [Nearly a quarter](#) of U.S. commercial building space is already benchmarked in Energy Star Portfolio Manager. EPA has been refining the tool for over twenty years, since it was [first released](#) in 2000. EPA publishes extensive [training material](#) on its website, including [how-to guides](#) that walk you through all the steps you will need to enter your building’s data.

19. How time consuming is it to import data into Energy Star Portfolio Manager?

Reporting energy data in Energy Star Portfolio Manager requires some initial setup time to become acquainted with the tool and enter building characteristics such as floor area and primary use. For reference, it took a junior member of the consulting firm working with the City of Newton about 15 hours to learn the tool and report initial data for 30 city buildings. While the City may have benefited from some efficiencies of scale, this initial step should not take more than a few hours per building, including time necessary to assemble information about each building.

After this initial stage, entering annual energy data is even less time-consuming. If you are the sole utility account holder for your building, you can authorize Eversource and National Grid to automatically upload electricity and gas data to ESPM for you. If you would rather enter the data yourself, you can easily do so using your utility bills; each bill shows data for the past twelve months. If your building has tenants, both Eversource and National Grid will aggregate the tenant data for you (see next question). Finally, if your building uses a delivered fuel such as oil or propane, you can enter consumption data into ESPM using fuel receipts.

The City of Newton will offer public trainings and one-on-one assistance to building owners to help them comply with BERDO. This will include topics such as the use of ENERGY STAR Portfolio Manager, how to obtain energy use data, developing a BERDO compliance plan, and how to use BERDO flexibility measures: Building Portfolios, Individual Compliance Schedules, and Hardship Plans. Further, the [Newton BERDO website](#) will be expanded to offer a resource clearinghouse for stakeholders.

For more information, see Portfolio Manager's [instructions](#) on importing utility data.

20. My building has tenants. What if I'm unable to obtain energy use data from some of them?

We have been working with the utilities to enable building owners to obtain tenant data through a utility portal set up for this purpose. Building owners can request the data using National Grid's portal [here](#) and Eversource's portal [here](#). Also, we expect that the State's Large Building Energy Reporting (LBER) database that will be published annually starting October 2025 will contain this data. If all else fails, Section 1 (o) 3 of BERDO requires that: "When an Owner of a Building is unable to obtain complete Energy use data due to the failure of any Tenant to report the information required, the Owner shall use values or formulas established by the BERDO Administrator to estimate whole Building Energy use."

21. I've heard some building owners in Boston have faced challenges with reporting. Is that true? How is Newton BERDO reporting different?

Boston works with owners to resolve any issues and has had nearly complete reporting (only 3.8 percent of reports are pending revisions for 2022). Compared to Boston, Newton will use a simplified reporting process, because Newton BERDO excludes electricity emissions. This means that there is no need to report quantities such as renewable electricity purchases, onsite renewable generation, custom emissions factors, or electricity used for EV charging. Excluding electricity also allows Newton to use one reporting platform only (Energy Star Portfolio Manager), whereas Boston and Cambridge each use two (Energy Star Portfolio Manager and BEAM/Touchstone). This will create a more streamlined and simplified data reporting process for building owners in Newton.

Navigating the Administrative Aspects of BERDO

22. What resources will the City of Newton provide to help me navigate BERDO requirements?

The City will have staff and consulting support available to assist building owners in navigating BERDO. Relative to the number of buildings, Newton has greater staffing than Boston (179 buildings per FTE and \$563 of consulting budget per building in Newton, compared to 348 buildings and \$87 in Boston). Reporting in Newton is also simpler because it does not include water, district steam, grid emissions, or renewables tracking.

The City will offer public trainings and one-on-one assistance on topics such as using ENERGY STAR Portfolio manager, obtaining energy use data, developing a BERDO compliance plan, and accessing flexibility measure options (including building portfolios, individual compliance schedules, and hardship plans). The City will also host public seminars with equipment manufacturers and vendors, utilities, and other experts. Finally the [Newton BERDO website](#) will be expanded to offer a resource clearinghouse for building owners and other stakeholders.

In addition to resources offered by the City of Newton itself, building owners can access assistance and technical support from the state and from their utilities. The Commonwealth's Large Building Energy Reporting (LBER) program will publish a database of energy use information about every building over 20,000 square feet in Massachusetts and will be publicly available starting in October 2025. MassCEC is establishing a Building Performance Exchange for large building decarbonization that will provide information and technical assistance to stakeholders for compliance with BERDO policies and energy reporting throughout the state. Early rollout for communities with BERDO policies is expected in 2025/2026. Through the utility-funded Mass Save program, building owners can access rebates and incentives for building decarbonization measures, low- or no-cost financing programs, and free scoping and technical assistance studies.

23. Does the City have adequate resources allocated to support building owners?

The City has budgeted for consultants for FY2025. In FY2026, the City will assign an FTE. The first reports are due for 47 buildings on Sept. 15, 2025. We will use the most efficient combination of consultants and City staff needed to get the job done effectively.

It is important to note that under the Commonwealth's Large Building Energy Reporting program (Section 41 of Ch. 179 of the Acts of 2022) utilities will be required to report annually to the State the energy use for all buildings over 20,000 square feet. These reports will be due in March 2025 and available in October 2025. The City is coordinating with the State Department of Energy Resources on this reporting program. This will greatly simplify reporting by building owners. We will also set up and provide training and reporting assistance during this first period which will also be available to the remaining buildings that are due to report on September 15, 2026. Note that BERDO does not impose

penalties or fines until the third year of the emissions standard for each Tier. This leaves ample time for building owners to develop the capacity to submit reports before fines become a factor.

24. Will there be a process for appeals if an owner disagrees with a city ruling related to BERDO?

The BERDO ordinance will be implemented using objective calculations and criteria. The ordinance does not provide for an administrative appeal process.

25. If an owner fails to pay fines related to failure to report or non-compliance, will those fines be tied to the owner or the asset?

The owner of a building that is not in compliance with the ordinance will be responsible for all fines that have accrued, including for violations that exist when the owner acquires title to a property subject to BERDO.

26. How much should property owners expect to pay for the required 3rd-party certifications?

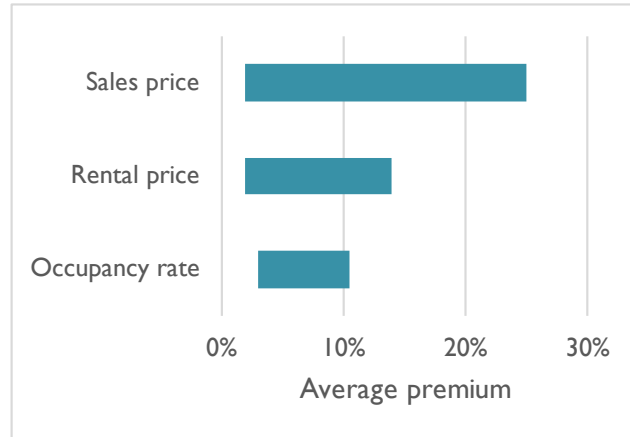
In general, we would not expect it to cost building owners more than \$500-\$1,000 per building depending on size of building, number of meters, and availability of building information; this is the median cost range reported by third-party verifiers in a recent RFI (Request For Information) issued by the City of Boston (note that Boston's reporting requirements are more complex than Newton's). Owners with more buildings will probably get some economies of scale such as the City did. Verifiers are only needed the second year and every 5 years after that. Also, beginning in October 2025, the state will be publishing energy use data for all buildings over 20,000 square feet. (This is a requirement of State law, Section 41 of Chapter 179 of the Acts of 2022.) The City is working with Mass Department of Energy Resources on the regulations for this program to try to coordinate it with Newton BERDO and help simplify reporting requirements for Newton building owners.

Impacts of BERDO on the City of Newton

27. It's important to me that Newton maintains its economic competitiveness within the state. How will BERDO affect our local businesses? What about our property values and tax base?

Newton is a desirable location to live and work for many reasons, including its public school system, transportation options, proximity to Boston, and active community life. BERDO will not affect any of these positive characteristics. Preserving property values is also important to the long-term financial stability of Newton. Fortunately, the upgrades required by BERDO are likely to increase commercial property values. A [review](#) of studies published by the Institute for Market Transformation found that more energy efficient commercial buildings garner higher market value, sales price, and occupancy rates. As the stringency of state building sector emissions policies increases, buildings with reduced emissions intensities will only become more valuable.

Added value of ENERGY STAR-labeled commercial buildings in the United States



Sources: Devine and Kok 2015, Wiley et al. 2010, Fuerst and McAllister 2009/2011, Jackson 2009, Pivo and Fisher 2010, Kok et al. 2010, research assembled by IMT

28. Religious institutions and nonprofits are important parts of the community fabric in Newton. What resources are available to help these organizations comply with BERDO?

Acting on climate change is a crucial component of many religious institutions' commitment to stewardship. Newton residents are already taking steps to decarbonize their houses of worship. For example, the First Unitarian Universalist Society in Newton, which occupies a historic building constructed in 1905, has already begun installing air source heat pumps in parts of their building. The Massachusetts chapter of Interfaith Power and Light highlights [success stories](#) from houses of worship around the state who have prioritized reducing their carbon emissions—including Eliot Church in Newton—and compiles [resources](#) for religious communities seeking to reduce their emissions. Like all institutions covered by BERDO, nonprofits and religious institutions are eligible to apply for hardship compliance plans if complying with BERDO would cause them exceptional financial hardship.

29. I'm concerned about the potential impact of BERDO on renters and low-income households. What resources are available to help low-income and renter-occupied housing comply with BERDO?

While residential buildings are not included in the initial BERDO policy, the City plans to add them in 2025. The City is assisting affordable housing owners with building decarbonization planning and implementation. and we expect all public and non-profit affordable housing buildings (nine total) will comply until 2040 or later. The cost of rent in government-subsidized housing is fixed and won't be affected by BERDO. Financial resources are available to support the decarbonization of low-income housing. Low-income properties receive greater support for decarbonization through the utility-funded Mass Save program than do other utility customers. Building owners can access rebates and incentives for building decarbonization measures, low- or no-cost financing programs, and free scoping and technical assistance studies. Additionally, the [Massachusetts Community Climate Bank](#) has [\\$70 million in seed funding to provide loans to affordable housing for clean energy retrofits.](#)

Based on local case studies, we expect the cost of complying with BERDO is equivalent to a 4 percent increase in rent for market-rate housing, which we do not expect to impact the amount of naturally affordable housing in Newton

30. How does BERDO relate to statewide policies, including upcoming energy reporting requirements?

The BERDO emissions targets are aligned with statewide climate law, which requires Massachusetts to achieve net zero greenhouse gas emissions by 2050. It is also consistent with approaches to building decarbonization in [Boston](#) and [Cambridge, both of which](#) recently enacted similar ordinances that reach net zero greenhouse gas emissions by 2050. By acting early to decarbonize large buildings through Newton BERDO, Newton residents will access several benefits: BERDO will serve as a hedge against uncertainty in state planning to meet GWSA requirements; phased decarbonization will avoid early replacement, lowering costs; and BERDO will reduce residents' exposure to rising gas rates under state policy.

Under the Commonwealth's Large Building Energy Reporting program (Section 41 of Ch. 179 of the Acts of 2022), utilities will be required to report annually to the State the energy use for all buildings over 20,000 square feet. These reports will be due in March 2025 and available in October 2025. The City is coordinating with the State Department of Energy Resources on this reporting program. This will greatly simplify reporting by building owners.

31. I'm concerned that BERDO singles out the owners of certain types of buildings. Don't we need to reduce the emissions from all buildings, not just large commercial buildings?

We are starting with large buildings because it is manageable and impactful with only 293 commercial buildings accounting for 23 percent of Newton's total emissions. When we add large residential buildings, it will be 413 buildings accounting for 28 percent of Newton's total emissions. There are over 34,000 residential units in the city including over 24,000 single family homes. Implementing a BERDO for this many buildings would be costly to manage and administer. At this time the City is encouraging voluntary energy efficiency and electrification through its 4 Our Future Program and Energy Coach Program. We are always working on ways to make these programs more effective.

32. How much will BERDO implementation cost Newton taxpayers?

We estimate the total annual cost to be up to \$290,000 per year. The administration does not anticipate seeking an override for this purpose.

33. How will Newton use the funds generated by BERDO fines and alternative compliance payments?

Fines, fees, and penalties are placed in a special city fund to be administer by the Climate and Sustainability Office. The funds can be used for:

- Projects that benefit environmental justice populations in Newton
- Costs to the City to administer BERDO
- Cost to the City to comply with BERDO
- Costs to local nonprofits (such as affordable housing providers) to comply
- Projects to reduce greenhouse gas emissions in Newton
- Education related to implementation of BERDO

34. How will buildings providing critical local services, such as schools and hospitals, be affected?

Newton BERDO will regulate emissions from buildings providing critical local services (except state and federally owned buildings). City facilities and public schools provide a range of important services and will need to be decarbonized over time. The City of Newton has already made substantial progress decarbonizing its facilities and has more decarbonization projects planned. As a result, all municipal facilities, including public schools, will comply with BERDO until 2040 with no additional cost and no loss of critical services.

City of Newton is working closely with local healthcare institutions to ensure BERDO does not pose an undue burden. Specifically, we are developing ordinance language for City Council consideration that would exclude emissions from healthcare buildings that are required by existing regulations to provide critical healthcare services even in the event of grid power outages. We reviewed laws in every U.S. jurisdiction with a building performance standard—federal, state, county, and city—for exemptions for healthcare facilities; the draft Newton BERDO ordinance amendment for hospitals provides a more generous exemption than any other jurisdiction’s law.

Finally, the Newton BERDO emission standard for healthcare facilities is already comparatively lenient, even without the exemption:

- Cambridge: 60% reduction required by 2030 ([Cambridge Ordinance](#))
- Boston: 50% reduction required by 2030 ([Boston Ordinance](#))
- NYC: 30% reduction required by 2030 ([NYC Local Law 97](#))
- Newton: 10% reduction by 2030

Planned content for Newton BERDO clearinghouse

Energy use reporting

- Reporting tool
- How to gather whole building data (including tenants) from the utilities
- Obtaining utility data
- Large Building Energy Reporting (LBER) program

Electrification solutions

- Equipment manufacturers
- HVAC design & implementation companies
- Case studies
- MassCEC Building Performance Exchange
- MassCEC Building Electrification and Transformation Accelerator (BETA)

Financial Resources

- MassSave incentives and rebates
- MassSave financing
- Property Assessed Clean Energy (PACE)
- 197D tax deduction
- Massachusetts Community Climate Bank

Emission Requirements for your building

- Multi-year visualization tool
- Compliance flexibility measures
- Alternative compliance payment

Energy Efficiency Solutions to reduce emissions

- Boiler controllers
- Air leak testing & sealing

Overview of Newton BERDO elements

- Reporting requirements & data entry
- Focus on direct emissions: gas & oil
- Emission limits by year
- Starting timeline for different building types & sizes

Help Desk:

- Data Entry
- Emission limits for your building
- Decarbonization options

**City of Newton Proposed Building Emissions
Reduction and Disclosure Ordinance (BERDO)
May 20, 2024**

WHEREAS: Buildings contribute to 64 percent of greenhouse gas emissions in the City of Newton; and

WHEREAS: Non-Residential Buildings over 20,000 Gross Floor Area contribute 23 percent of greenhouse gas emissions in the City of Newton; and

WHEREAS: The City of Newton’s Climate Action Plan details strategies to reduce carbon emissions from buildings; and

WHEREAS: The Newton City Council passed a resolution unanimously in April 2022 declaring that the City should pass a Building Emissions and Reduction Ordinance.

THEREFORE, THE FOLLOWING ORDINANCE IS ADOPTED:

SECTION 1. Building Emissions Reduction and Disclosure

(a) Purpose

It is the intent of this Ordinance to reduce the emissions of air pollutants, including greenhouse gases, from building energy consumption, and thereby to encourage efficient use of energy; to develop further investment in building a green economy, and to protect public health. To do so, the provisions of this Ordinance require the reporting and disclosure of annual energy use in all

**City of Newton Proposed Building Emissions
Reduction and Disclosure Ordinance (BERDO)
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covered Buildings and compliance with emissions reduction requirements in accordance with this Ordinance.

(b) Definitions

When used in this Ordinance, unless a contrary intention clearly appears, the following terms shall have the following meaning:

Alternative Compliance Payment means a per-metric ton payment based on the average cost per metric ton of CO₂e to decarbonize Buildings subject to this Ordinance.

BERDO Administrator means the City employee designated as the individual employed to implement the BERDO program.

Building means a building that equals or exceeds 20,000 square feet in Gross Floor Area and in which at least 20,000 square feet of Gross Floor Area is used for non-residential purposes.

Building Portfolio means two or more Buildings, on one or more properties, provided that all Buildings within the Portfolio have the same Owner; for this purpose, a Building management company does not constitute an Owner.

Building Use means (i) space type as defined in the Regulations, which refers to the primary activity for which a given space is utilized, as entered into the EPA Energy Star Portfolio Manager

**City of Newton Proposed Building Emissions
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reporting tool; or (ii) other activities as defined in Portfolio Manager or by the Regulations.

Carbon Dioxide Equivalent (CO_{2e}) means greenhouse gas Emissions, including carbon dioxide, methane, and nitrous oxide. CO_{2e} shall be calculated using a methodology as set forth in the Regulations.

Emergency Backup Generation/Backup Power means a device or mechanism, such as battery storage, reciprocating internal combustion engine, or turbine, that serves solely as a secondary source of mechanical or electrical power whenever the primary Energy supply is disrupted or discontinued during power outages or natural disasters that are beyond the control of the Owner, occupant, or operator of a Building.

Emissions means the emission of greenhouse gases, measured in units of CO_{2e} associated with the Energy used by a Building, excluding electricity.

Emissions Factor means CO_{2e} calculated according to regional Energy and greenhouse gas factors as set forth in the Regulations.

Energy means electricity and any fuel source including, but not limited to, natural gas, fuel oil, propane and any other sources of Energy that the BERDO Administrator may designate.

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Portfolio Manager or EPA ENERGY STAR Portfolio Manager means the U.S. Environmental Protection Agency's online tool for reporting and managing Building Energy data.

Environmental Justice Population means a neighborhood that meets one or more of the following criteria: (i) the annual median household income is not more than 65 percent of the statewide annual median household income; (ii) minorities comprise 40 percent or more of the population; (iii) 25 percent or more of households lack English language proficiency; or (iv) minorities comprise 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the state annual median income; or such other meaning as is adopted or amended by the Commonwealth's Executive Office of Energy and Environmental Affairs, by state statute, or defined in the Regulations.

Gross Floor Area (GFA) means the sum of the floor area of the Building measured from the exterior face of the exterior walls of the Building as per the City of Newton Assessors' records. The BERDO Administrator shall publish Regulations governing the calculation of Gross Floor Area, including types of areas that shall be excluded from the calculation.

Hardship Compliance Plan means alternative Emissions reduction targets and/or timelines for a Building or Building Portfolio.

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Individual Compliance Schedule means an alternative timeline for complying with the Emissions Standards outlined in this Ordinance.

Owner means a Building’s Owner of record, provided that the “Owner” may be deemed to include (i) multiple Owners in common ownership and (ii) the association or organization of unit Owners responsible for overall management in the case of a condominium. In the case of a Building subject to a lease that assigns maintenance, regulatory compliance, and/or capital improvement costs to Tenants with a term of at least 30 years, inclusive of all renewal options, the Owner may designate the lessee as “Owner” for purposes of compliance with this Ordinance; such designation must be provided in writing to the BERDO Administrator as required by the Regulations. An Owner may designate an agent to act on its behalf, including reporting as required by this Ordinance; provided, however, that any designation (i) must be provided in writing to the—BERDO Administrator, and (ii) does not relieve the Owner of any compliance obligation under this Ordinance.

Regulations means the Newton Building Emissions Reduction and Disclosure Regulations.

Tenant means any tenant of a Building covered by this Ordinance.

Verification Year means any year in which an Owner must report third-party verified reporting data. Verification Years will be the

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second reporting year for each building category following the enactment of this Ordinance, and every five years thereafter.

(c) Building Portfolios

Building Portfolios must be approved by the BERDO Administrator and Building Portfolio Owners must submit documentation confirming eligibility as a Building Portfolio. Notwithstanding the approval of a Building Portfolio, Owners must continue to report the Energy use, Emissions data, and any other information required by this Ordinance for each individual Building. If a Building is removed from or added to a Building Portfolio for any reason, including transfer to a different Owner, the Building shall retain its individual reporting data and be subject to the Emissions standards, and the Building Portfolio shall be adjusted to reflect the removal or addition of the Building.

(d) Energy and Emissions Reporting Required

(i) Data Reporting Requirements

Each year, the Owner of each Building subject to reporting requirements shall accurately report to the BERDO Administrator, via the Portfolio Manager or as required by the Regulations, the following information for the previous calendar year:

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- (a) Energy use of each Building and other Building characteristics necessary to evaluate CO₂e Emissions on a kilogram (kg) CO₂e per square foot (SF) per year basis.
- (b) The primary Building Use(s) of each Building in accordance with the categories listed in the Portfolio Manager and the Regulations. Multiple primary Building Uses shall be reported, provided that each use occupies at least 10 percent of the Building's Gross Floor Area.
- (c) Contact information for Owners and any designated agents.

(ii) Reporting Schedules

The initial reports shall occur according to the following schedule:

1. For every Building equal to or greater than 100,000 square feet Gross Floor Area, the first report shall be submitted no later than September 15, 2025.
2. For every Building equal to or greater than 20,000 square feet Gross Floor Area but less than 100,000 square feet Gross Floor Area, the first report shall be submitted no later than September 15, 2026.

Building Owners may apply to the BERDO Administrator for a one-time six-month extension of their reporting deadline.

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(e) Direct Upload

Provided that the necessary mechanisms already exist, Building Owners may authorize electric and gas utilities or other third party to report Building-specific data on their behalf to the BERDO Administrator. Such authorization shall not create an obligation on the part of electrical and gas utilities or remove the obligation of Building Owners to comply with reporting requirements.

(f) Equitable Emissions Investment Fund

The City Comptroller shall establish the Equitable Emissions Investment Fund (hereinafter, the “Fund”) as a separate account, and credit to the Fund all Alternative Compliance Payments, penalties and fees paid pursuant to this Ordinance.

The City may incur liabilities against and spend monies from the Fund.

At the discretion of the BERDO Administrator, and with approval by the Mayor, expenditures from the Fund may be made for the following purposes:

- a. Projects that benefit Environmental Justice Populations
- b. Costs incurred by the City in administering the program created pursuant to this Ordinance;

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- c. Costs incurred by the City in complying with the program created pursuant to this Ordinance;
- d. Costs incurred by non-profit entities that operate within the City, including but not limited to entities that operate affordable housing, in complying with the program created pursuant to this Ordinance;
- e. Other projects intended to reduce greenhouse gas emissions within the City; [or](#)
- f. Technical assistance to property owners subject to BERDO related to implementation of the requirements of this ordinance.

(g) Data Verification

- a. Building Owners shall self-certify their reporting data every year.

In a Building's second year of reporting, Building Owners shall provide a third-party verification of their reporting data for the previous year. For every Verification Year thereafter, Building Owners shall provide a third-party verification for the five calendar years prior to, but not including the current year. Third-party verifications must be performed by qualified Energy professionals,

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as defined by the Regulations, and submitted no later than the reporting deadline of the relevant year.

(h) Emissions Requirements

Each Building subject to the reporting requirements of this Ordinance shall comply with the CO₂e Emissions standards set forth in Table 1 below; unless the Building Owner has received an approved Individual Compliance Schedule pursuant to the requirements in SECTION 1(k) or an approved Hardship Compliance Plan pursuant to SECTION 1(l). Buildings must comply with the Emissions standards on an annual basis and compliance shall be measured as a total of kg of CO₂e Emissions per square foot. Buildings will be subject to the emissions standards in Table 1 based on the schedule for each Tier and Building Category in Tables 2 through 5.

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Table 1: CO₂e Emissions Standards by Building Use

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	Period 1	Period 2	Period 3	Period 4	Period 5
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 2. Compliance Periods by Building Use—Tier 1 Buildings:
Buildings equal to or greater than 100,000 square feet Gross Floor
Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2027- 2032	2033- 2038	2039- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 3. Compliance Periods by Building Use—Tier 2 Buildings:
Buildings equal to or greater than 50,000 square feet and less than
100,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2028- 2033	2034- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 4. Compliance Periods by Building Use—Tier 3 Buildings:
Buildings equal to or greater than 35,000 square feet and less than
50,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2029- 2034	2035- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 5. Compliance Periods by Building Use—Tier 4 Buildings:
Buildings equal to or greater than 20,000 square feet and less than
35,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2030- 2034	2035- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

(i) Blended Emissions Standard

Buildings or Building Portfolios with more than one primary use may comply with a blended CO₂e Emissions standard as defined

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by Regulation; provided, however, that a use may constitute a primary use only if it occupies at least 10 percent of a Building's

or Building Portfolio's Gross Floor Area. Building Owners using a blended CO₂e Emissions standard must (i) designate the blended standard in annual reports to the BERDO Administrator, and (ii) provide documentation verifying the qualification of each primary use in annual reports to the BERDO Administrator for the first year a blended CO₂e Emissions standard is used and in any subsequent year for which the blended Emissions standard or primary use(s) changes.

(j) Energy Use Exempt from Emissions Requirements

- i. Electricity which is used by a covered Building or Building Portfolio is exempt from the CO₂e Emissions Standard of this ordinance;
- ii. Building Owners may deduct Energy used by Emergency Backup Generation/Backup Power supply equipment from a Building's total Energy use subject to the CO₂e Emissions standard of this Ordinance, provided that emergency Backup Generation/Backup Power provides Energy only to the Building or Building Portfolio; and:
- iii. Building Owners annually report (i) Energy used by Emergency Backup Generation / Backup Power; (ii) the date(s), hour(s) and conditions that required the use of

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Emergency Backup Generation/Backup Power; and (iii) any other information required by the Regulations. Such reporting shall be subject to the self-certification and third-party verification procedures in SECTION 1(g);

- iv. In the event that Emergency Backup Generation/Backup Power serves, or has the potential to serve, multiple Buildings in a Building Portfolio, the Energy use from such activities shall be allocated to individual Buildings in proportion to the gross square footage of each Building.

The BERDO Administrator may revise the availability and use of these exemptions or add additional exemptions pursuant to the Regulations.

(k) Individual Compliance Schedules

Owners of Buildings or Building Portfolios may apply for an Individual Compliance Schedule as an alternative to the CO₂e Emissions standard reduction schedule in Tables 2 through 5. Individual Compliance Schedules must establish declining CO₂e Emissions standards in 5- to 6-year increments, and such standards must (i) decline on a linear basis, (ii) reduce Emissions 40 percent by period 3, and (iii) reduce Emissions 100 percent by period ~~5~~⁶; and

Use a baseline from any year between 2013 and the first required reporting year, provided, however, that the Building or Building

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Portfolio Owner provides documentation of Energy use, Gross Floor Area, and relevant Emissions Factors by the Building or Building Portfolio for the selected baseline year and the year in which an Individual Compliance Schedule is requested, in accordance with the data verification requirements of this Ordinance and the Regulations.

A Building or Building Portfolio that failed to comply with previous reporting requirements may use an Individual Compliance Schedule; provided, however, that the necessary data has been submitted to the BERDO Administrator and any applicable penalties for past non-compliance are paid in full.

Individual Compliance Schedules must be approved by the BERDO Administrator. Building and Building Portfolio Owners must submit the information required in this Ordinance, and any other documentation specified in the Regulations, when requesting an Individual Compliance Schedule. The BERDO Administrator may include additional conditions on the approval of Individual Compliance Plans, consistent with the Regulations.

(l) Hardship Compliance Plans

A Building Owner may apply to the BERDO Administrator for a Hardship Compliance Plan if there are extraordinary characteristics or circumstances associated with the Building in complying with the Emissions standards in this Ordinance. Such characteristics or circumstances may include historic Building designations, pre-

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existing long-term Energy contracts without reopeners, or extraordinary financial hardship. Implementation guidelines will be further detailed in the Regulations. The application, review process, and conditions for Hardship Compliance Plans shall be set forth in the Regulations. The BERDO Administrator shall have sole discretion in approving Hardship Compliance Plans; such plans may include alternative Emissions standards and timelines for compliance. The BERDO Administrator may include additional conditions on the approval of Hardship Compliance Plans consistent with the Regulations.

(m) Alternative Compliance Payments

Owners of Buildings or Building Portfolios may mitigate CO₂e Emissions from Energy use by making Alternative Compliance Payments. The price of an Alternative Compliance Payment shall be based on the average cost per metric ton of CO₂e to decarbonize Buildings subject to this Ordinance. The initial cost of an Alternative Compliance Payment shall be \$234 per metric ton of CO₂e. The cost of an Alternative Compliance Payment shall be reviewed every five years by the BERDO Administrator, which shall make recommended adjustments, if any, to the City Council.

(n) Preservation of Documents

Building Owners shall preserve records and information (i) required to be submitted by this Ordinance and/or (ii) submitted pursuant to this Ordinance in order to demonstrate compliance

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with the Emissions standards, including but not limited to information regarding Building Uses, Emissions Factors, compliance mechanisms outlined in this Ordinance, Individual Compliance Schedules, and Hardship Compliance Plans, for such time as set forth in the Regulations, and shall make such records available for inspection and audit by the BERDO Administrator or the Law Department upon request.

(o) Obligation to Request and Report Information

Where a unit or other space in a Building is occupied by a Tenant and the unit or space is separately metered, the Tenant of such space shall, within 30 days of request by the Owner and in a form to be determined by the BERDO Administrator, provide all information that cannot otherwise be acquired by the Owner and that is needed to comply with the requirements of this Ordinance. Failure by Tenant to comply with the requirements of this Ordinance may result in penalties as provided in this Ordinance.

1. The Owner may request information related to the Tenant's metered Energy and other related information for the previous calendar year no earlier than January 1 and no later than January 31 of any year in which the Owner is required to report such information.
2. Failure of any Tenant to report the information required in this Ordinance does not relieve the Owner of the obligation to report.

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3. Where an Owner of a Building is unable to obtain complete Energy use data due to the failure of any Tenant to report the information required, the Owner shall use values or formulas established by the BERDO Administrator to estimate whole Building Energy use.

(p) Disclosure

The BERDO Administrator shall make Energy and Emissions information for Buildings available to the public on the City's website no later than November 30 of every year, except for 2025, in which it shall make such information available to the public no later than December 15, 2025. Such disclosure shall include, at a minimum, Building identification, Energy use intensity, CO₂e Emissions per square foot, and Emissions compliance status. Before any such disclosure, the BERDO Administrator shall subject all data to a quality-assurance/quality-control process.

1. At least 30 Days prior to disclosure, the BERDO Administrator shall provide Building Owners an opportunity to review the accuracy of information to be disclosed.
2. The Building Administrator shall also, from time to time, publicly report on implementation of, compliance with, and overall results from this Ordinance.

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(q) Enforcement for Failure to Comply with this Ordinance

Any violation of this ordinance shall be punishable by a fine of three hundred (\$300.00) dollars per day for each day the violation continues. Each day a violation continues shall constitute a separate offense. Where noncriminal disposition of this section by civil fine has been provided for in sections 17-22 and 17-23 of these ordinances, as amended, pursuant to the authority granted by M.G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. Penalties under this section will not be levied prior to the third year of the effective date of the emissions requirement.

(r) Notice

Within two months of the adoption of this Ordinance, notification concerning reporting and disclosure obligations and emissions reductions obligations shall be provided to Owners subject to the requirements of this Ordinance.

This notice, and any other notice required by this Ordinance shall be delivered to the contact information in the Assessor's database unless an Owner provides alternative contact information to the City Assessor's office.

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SECTION 2. If any provision of this ordinance is held invalid by a court of competent jurisdiction, then such provision should be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 3. The provisions of this Ordinance shall be effective upon passage.

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City of Newton Proposed Building Emissions Reduction and Disclosure Ordinance (BERDO) Councilor Danberg Proposed Amendment

WHEREAS: Buildings contribute to 64 percent of greenhouse gas emissions in the City of Newton; and

WHEREAS: ~~Non-Residential~~ Buildings over 20,000 Gross Floor Area contribute 2823 percent of greenhouse gas emissions in the City of Newton; and

WHEREAS: The City of Newton's Climate Action Plan details strategies to reduce carbon emissions from buildings; and

WHEREAS: The Newton City Council passed a resolution unanimously in April 2022 declaring that the City should pass a Building Emissions and Reduction Ordinance.

THEREFORE, THE FOLLOWING ORDINANCE IS ADOPTED:

SECTION 1. Building Emissions Reduction and Disclosure

(a) Purpose

It is the intent of this Ordinance to reduce the emissions of air pollutants, including greenhouse gases, from building energy consumption, and thereby to encourage efficient use of energy; to develop further investment in building a green economy, and to protect public health. To do so, the provisions of this Ordinance require the reporting and disclosure of annual energy use in all

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covered Buildings and compliance with emissions reduction requirements in accordance with this Ordinance.

(b) Definitions

When used in this Ordinance, unless a contrary intention clearly appears, the following terms shall have the following meaning:

Alternative Compliance Payment means a per-metric ton payment based on the average cost per metric ton of CO₂e to decarbonize Buildings subject to this Ordinance.

BERDO Administrator means the City employee designated as the individual employed to implement the BERDO program.

Building means a building that equals or exceeds 20,000 square feet in Gross Floor Area ~~and in which at least 20,000 square feet of Gross Floor Area is used for non-residential purposes.~~

Building Portfolio means two or more Buildings, on one or more properties, provided that all Buildings within the Portfolio have the same Owner; for this purpose, a Building management company does not constitute an Owner.

Building Use means (i) space type as defined in the Regulations, which refers to the primary activity for which a given space is utilized, as entered into the EPA Energy Star Portfolio Manager

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reporting tool; or (ii) other activities as defined in Portfolio Manager or by the Regulations.

Carbon Dioxide Equivalent (CO_{2e}) means greenhouse gas Emissions, including carbon dioxide, methane, and nitrous oxide. CO_{2e} shall be calculated using a methodology as set forth in the Regulations.

Emergency Backup Generation/Backup Power means a device or mechanism, such as battery storage, reciprocating internal combustion engine, or turbine, that serves solely as a secondary source of mechanical or electrical power whenever the primary Energy supply is disrupted or discontinued during power outages or natural disasters that are beyond the control of the Owner, occupant, or operator of a Building.

Emissions means the emission of greenhouse gases, measured in units of CO_{2e} associated with the Energy used by a Building, excluding electricity.

Emissions Factor means CO_{2e} calculated according to regional Energy and greenhouse gas factors as set forth in the Regulations.

Energy means electricity and any fuel source including, but not limited to, natural gas, fuel oil, propane and any other sources of Energy that the BERDO Administrator may designate.

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Portfolio Manager or EPA ENERGY STAR Portfolio Manager means the U.S. Environmental Protection Agency's online tool for reporting and managing Building Energy data.

Environmental Justice Population means a neighborhood that meets one or more of the following criteria: (i) the annual median household income is not more than 65 percent of the statewide annual median household income; (ii) minorities comprise 40 percent or more of the population; (iii) 25 percent or more of households lack English language proficiency; or (iv) minorities comprise 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the state annual median income; or such other meaning as is adopted or amended by the Commonwealth's Executive Office of Energy and Environmental Affairs, by state statute, or defined in the Regulations.

Gross Floor Area (GFA) means the sum of the floor area of the Building measured from the exterior face of the exterior walls of the Building as per the City of Newton Assessors' records. The BERDO Administrator shall publish Regulations governing the calculation of Gross Floor Area, including types of areas that shall be excluded from the calculation.

Hardship Compliance Plan means alternative Emissions reduction targets and/or timelines for a Building or Building Portfolio.

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Individual Compliance Schedule means an alternative timeline for complying with the Emissions Standards outlined in this Ordinance.

Non-Residential Building means a Building in which at least 20,000 square feet of the Gross Floor Area is used for commercial, retail, office, professional, educational, or other non-residential purposes.

Owner means a Building's Owner of record, provided that the "Owner" may be deemed to include (i) multiple Owners in common ownership and (ii) the association or organization of unit Owners responsible for overall management in the case of a condominium. In the case of a Building subject to a lease that assigns maintenance, regulatory compliance, and/or capital improvement costs to Tenants with a term of at least 30 years, inclusive of all renewal options, the Owner may designate the lessee as "Owner" for purposes of compliance with this Ordinance; such designation must be provided in writing to the BERDO Administrator as required by the Regulations. An Owner may designate an agent to act on its behalf, including reporting as required by this Ordinance; provided, however, that any designation (i) must be provided in writing to the—BERDO Administrator, and (ii) does not relieve the Owner of any compliance obligation under this Ordinance.

Regulations means the Newton Building Emissions Reduction and Disclosure Regulations.

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Residential Building means a Building in which 50 percent or more of the Gross Floor Area, including hallways and other common spaces, are used for residential purposes, and the Building utilizes centralized heating systems.

Tenant means any tenant of a Building covered by this Ordinance.

Verification Year means any year in which an Owner must report third-party verified reporting data. Verification Years will be the second reporting year for each building category following the enactment of this Ordinance, and every five years thereafter.

(c) **Building Portfolios**

Building Portfolios must be approved by the BERDO Administrator and Building Portfolio Owners must submit documentation confirming eligibility as a Building Portfolio. Notwithstanding the approval of a Building Portfolio, Owners must continue to report the Energy use, Emissions data, and any other information required by this Ordinance for each individual Building. If a Building is removed from or added to a Building Portfolio for any reason, including transfer to a different Owner, the Building shall retain its individual reporting data and be subject to the Emissions standards, and the Building Portfolio shall be adjusted to reflect the removal or addition of the Building.

(d) **Energy and Emissions Reporting Required**

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(i) Data Reporting Requirements

Each year, the Owner of each Building subject to reporting requirements shall accurately report to the BERDO Administrator, via the Portfolio Manager or as required by the Regulations, the following information for the previous calendar year:

- (a) Energy use of each Building and other Building characteristics necessary to evaluate CO₂e Emissions on a kilogram (kg) CO₂e per square foot (SF) per year basis.
- (b) The primary Building Use(s) of each Building in accordance with the categories listed in the Portfolio Manager and the Regulations. Multiple primary Building Uses shall be reported, provided that each use occupies at least 10 percent of the Building's Gross Floor Area.
- (c) Contact information for Owners and any designated agents.

(ii) Reporting Schedules

The initial reports shall occur according to the following schedule:

1. For every Non-Residential Building equal to or greater than 100,000 square feet Gross Floor Area, the first report shall be submitted no later than September 15, 2025.

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2. For every Non-Residential Building equal to or greater than 20,000 square feet Gross Floor Area but less than 100,000 square feet Gross Floor Area, the first report shall be submitted no later than September 15, 2026.

2.3. For every Residential Building, the first report shall be submitted no later than September 15, 2026.

Building Owners may apply to the BERDO Administrator for a one-time six-month extension of their reporting deadline.

(e) Direct Upload

Provided that the necessary mechanisms already exist, Building Owners may authorize electric and gas utilities or other third party to report Building-specific data on their behalf to the BERDO Administrator. Such authorization shall not create an obligation on the part of electrical and gas utilities or remove the obligation of Building Owners to comply with reporting requirements.

(f) Equitable Emissions Investment Fund

The City Comptroller shall establish the Equitable Emissions Investment Fund (hereinafter, the “Fund”) as a separate account, and credit to the Fund all Alternative Compliance Payments, penalties and fees paid pursuant to this Ordinance.

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The City may incur liabilities against and spend monies from the Fund.

At the discretion of the BERDO Administrator, and with approval by the Mayor, expenditures from the Fund may be made for the following purposes:

- a. Projects that benefit Environmental Justice Populations
- b. Costs incurred by the City in administering the program created pursuant to this Ordinance;
- c. Costs incurred by the City in complying with the program created pursuant to this Ordinance;
- d. Costs incurred by non-profit entities that operate within the City, including but not limited to entities that operate affordable housing, in complying with the program created pursuant to this Ordinance;
- e. Other projects intended to reduce greenhouse gas emissions within the City; or
- f. Technical assistance to property owners subject to BERDO related to implementation of the requirements of this ordinance.

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(g) Data Verification

- a. Building Owners shall self-certify their reporting data every year.

In a Building's second year of reporting, Building Owners shall provide a third-party verification of their reporting data for the previous year. For every Verification Year thereafter, Building Owners shall provide a third-party verification for the five calendar years prior to, but not including the current year. Third-party verifications must be performed by qualified Energy professionals, as defined by the Regulations, and submitted no later than the reporting deadline of the relevant year.

(h) Emissions Requirements

Each Building subject to the reporting requirements of this Ordinance shall comply with the CO₂e Emissions standards set forth in Table 1 below; unless the Building Owner has received an approved Individual Compliance Schedule pursuant to the requirements in SECTION 1(k) or an approved Hardship Compliance Plan pursuant to SECTION 1(l). Buildings must comply with the Emissions standards on an annual basis and compliance shall be measured as a total of kg of CO₂e Emissions per square foot. Buildings will be subject to the emissions standards in Table 1 based on the schedule for each Tier and Building Category in Tables 2 through 5.

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Table 1: CO₂e Emissions Standards by Building Use

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	Period 1	Period 2	Period 3	Period 4	Period 5
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 2. Compliance Periods by Building Use—Tier 1 Buildings:
Buildings equal to or greater than 100,000 square feet Gross Floor
Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2027- 2032	2033- 2038	2039- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 3. Compliance Periods by Building Use—Tier 2 Buildings:
Non-Residential Buildings equal to or greater than 50,000 square
feet and less than 100,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2028- 2033	2034- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 4. Compliance Periods by Building Use—Tier 3 Buildings:
Residential Buildings Equal to or Greater than 50,000 Square Feet
and Non-Residential Buildings equal to or greater than 35,000
square feet and less than 50,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2029- 2034	2035- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 5. Compliance Periods by Building Use—Tier 4 Buildings:
Buildings equal to or greater than 20,000 square feet and less than
35,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2030- 2034	2035- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
<u>Residential</u>	<u>4.8</u>	<u>2.8</u>	<u>1.7</u>	<u>.08</u>	<u>0.0</u>
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 6. Compliance Periods by Building Use—Tier 5
Buildings: Residential Buildings Equal to or Greater than
20,000 Square Feet and Less than 50,000 square feet **Gross
Floor Area.**

<u>Building use</u>	<u>Emission standards (kgCO₂e/SF/yr)</u>				
	<u>2031- 2034</u>	<u>2035- 2039</u>	<u>2040- 2044</u>	<u>2045- 2049</u>	<u>2050-</u>
<u>Residential</u>	4.8	2.8	1.7	.08	0.0

(i) Blended Emissions Standard

Buildings or Building Portfolios with more than one primary use may comply with a blended CO₂e Emissions standard as defined by Regulation; provided, however, that a use may constitute a primary use only if it occupies at least 10 percent of a Building’s

or Building Portfolio’s Gross Floor Area. Building Owners using a blended CO₂e Emissions standard must (i) designate the blended standard in annual reports to the BERDO Administrator, and (ii) provide documentation verifying the qualification of each primary use in annual reports to the BERDO Administrator for the first year a blended CO₂e Emissions standard is used and in any subsequent year for which the blended Emissions standard or primary use(s) changes.

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(j) Energy Use Exempt from Emissions Requirements

- i. Electricity which is used by a covered Building or Building Portfolio is exempt from the CO₂e Emissions Standard of this ordinance;
- ii. Building Owners may deduct Energy used by Emergency Backup Generation/Backup Power supply equipment from a Building's total Energy use subject to the CO₂e Emissions standard of this Ordinance, provided that emergency Backup Generation/Backup Power provides Energy only to the Building or Building Portfolio; and:
- iii. Building Owners annually report (i) Energy used by Emergency Backup Generation / Backup Power; (ii) the date(s), hour(s) and conditions that required the use of Emergency Backup Generation/Backup Power; and (iii) any other information required by the Regulations. Such reporting shall be subject to the self-certification and third-party verification procedures in SECTION 1(g);
- iv. In the event that Emergency Backup Generation/Backup Power serves, or has the potential to serve, multiple Buildings in a Building Portfolio, the Energy use from such activities shall be allocated to individual Buildings in proportion to the gross square footage of each Building.

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The BERDO Administrator may revise the availability and use of these exemptions or add additional exemptions pursuant to the Regulations.

(k) Individual Compliance Schedules

Owners of Buildings or Building Portfolios may apply for an Individual Compliance Schedule as an alternative to the CO_{2e} Emissions standard reduction schedule in Tables 2 through 5.

Individual Compliance Schedules must establish declining CO_{2e} Emissions standards in 5- to 6-year increments, and such standards must (i) decline on a linear basis, (ii) reduce Emissions 40 percent by period 3, and (iii) reduce Emissions 100 percent by period ~~5~~6; and

Use a baseline from any year between 2013 and the first required reporting year, provided, however, that the Building or Building Portfolio Owner provides documentation of Energy use, Gross Floor Area, and relevant Emissions Factors by the Building or Building Portfolio for the selected baseline year and the year in which an Individual Compliance Schedule is requested, in accordance with the data verification requirements of this Ordinance and the Regulations.

A Building or Building Portfolio that failed to comply with previous reporting requirements may use an Individual Compliance Schedule; provided, however, that the necessary data

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has been submitted to the BERDO Administrator and any applicable penalties for past non-compliance are paid in full.

Individual Compliance Schedules must be approved by the BERDO Administrator. Building and Building Portfolio Owners must submit the information required in this Ordinance, and any other documentation specified in the Regulations, when requesting an Individual Compliance Schedule. The BERDO Administrator may include additional conditions on the approval of Individual Compliance Plans, consistent with the Regulations.

(l) Hardship Compliance Plans

A Building Owner may apply to the BERDO Administrator for a Hardship Compliance Plan if there are extraordinary characteristics or circumstances associated with the Building in complying with the Emissions standards in this Ordinance. Such characteristics or circumstances may include historic Building designations, pre-existing long-term Energy contracts without reopeners, or extraordinary financial hardship. Implementation guidelines will be further detailed in the Regulations. The application, review process, and conditions for Hardship Compliance Plans shall be set forth in the Regulations. The BERDO Administrator shall have sole discretion in approving Hardship Compliance Plans; such plans may include alternative Emissions standards and timelines for compliance. The BERDO Administrator may include additional conditions on the approval of Hardship Compliance Plans consistent with the Regulations.

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(m) Alternative Compliance Payments

Owners of Buildings or Building Portfolios may mitigate CO₂e Emissions from Energy use by making Alternative Compliance Payments. The price of an Alternative Compliance Payment shall be based on the average cost per metric ton of CO₂e to decarbonize Buildings subject to this Ordinance. The initial cost of an Alternative Compliance Payment shall be \$234 per metric ton of CO₂e. The cost of an Alternative Compliance Payment shall be reviewed every five years by the BERDO Administrator, which shall make recommended adjustments, if any, to the City Council.

(n) Preservation of Documents

Building Owners shall preserve records and information (i) required to be submitted by this Ordinance and/or (ii) submitted pursuant to this Ordinance in order to demonstrate compliance with the Emissions standards, including but not limited to information regarding Building Uses, Emissions Factors, compliance mechanisms outlined in this Ordinance, Individual Compliance Schedules, and Hardship Compliance Plans, for such time as set forth in the Regulations, and shall make such records available for inspection and audit by the BERDO Administrator or the Law Department upon request.

(o) Obligation to Request and Report Information

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Where a unit or other space in a Building is occupied by a Tenant and the unit or space is separately metered, the Tenant of such space shall, within 30 days of request by the Owner and in a form to be determined by the BERDO Administrator, provide all information that cannot otherwise be acquired by the Owner and that is needed to comply with the requirements of this Ordinance. Failure by Tenant to comply with the requirements of this Ordinance may result in penalties as provided in this Ordinance.

1. The Owner may request information related to the Tenant's metered Energy and other related information for the previous calendar year no earlier than January 1 and no later than January 31 of any year in which the Owner is required to report such information.
2. Failure of any Tenant to report the information required in this Ordinance does not relieve the Owner of the obligation to report.
3. Where an Owner of a Building is unable to obtain complete Energy use data due to the failure of any Tenant to report the information required, the Owner shall use values or formulas established by the BERDO Administrator to estimate whole Building Energy use.

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(p) Disclosure

The BERDO Administrator shall make Energy and Emissions information for Buildings available to the public on the City's website no later than November 30 of every year, except for 2025, in which it shall make such information available to the public no later than December 15, 2025. Such disclosure shall include, at a minimum, Building identification, Energy use intensity, CO₂e Emissions per square foot, and Emissions compliance status. Before any such disclosure, the BERDO Administrator shall subject all data to a quality-assurance/quality-control process.

1. At least 30 Days prior to disclosure, the BERDO Administrator shall provide Building Owners an opportunity to review the accuracy of information to be disclosed.
2. The Building Administrator shall also, from time to time, publicly report on implementation of, compliance with, and overall results from this Ordinance.

(q) Enforcement for Failure to Comply with this Ordinance

Any violation of this ordinance shall be punishable by a fine of three hundred (\$300.00) dollars per day for each day the violation continues. Each day a violation continues shall constitute a separate offense. Where noncriminal disposition of this section by

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civil fine has been provided for in sections 17-22 and 17-23 of these ordinances, as amended, pursuant to the authority granted by M.G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. Penalties under this section will not be levied prior to the third year of the effective date of the emissions requirement.

(r) Notice

Within two months of the adoption of this Ordinance, notification concerning reporting and disclosure obligations and emissions reductions obligations shall be provided to Owners subject to the requirements of this Ordinance.

This notice, and any other notice required by this Ordinance shall be delivered to the contact information in the Assessor's database unless an Owner provides alternative contact information to the City Assessor's office.

SECTION 2. If any provision of this ordinance is held invalid by a court of competent jurisdiction, then such provision should be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 3. The provisions of this Ordinance shall be effective upon passage.

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WHEREAS: Buildings contribute to 64 percent of greenhouse gas emissions in the City of Newton; and

WHEREAS: Non-Residential Buildings over 20,000 Gross Floor Area contribute 23 percent of greenhouse gas emissions in the City of Newton; and

WHEREAS: The City of Newton’s Climate Action Plan details strategies to reduce carbon emissions from buildings; and

WHEREAS: The Newton City Council passed a resolution unanimously in April 2022 declaring that the City should pass a Building Emissions and Reduction Ordinance.

THEREFORE, THE FOLLOWING ORDINANCE IS ADOPTED:

SECTION 1. Building Emissions Reduction and Disclosure

(a) Purpose

It is the intent of this Ordinance to reduce the emissions of air pollutants, including greenhouse gases, from building energy consumption, and thereby to encourage efficient use of energy; to develop further investment in building a green economy, and to protect public health. To do so, the provisions of this Ordinance require the reporting and disclosure of annual energy use in all

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covered Buildings and compliance with emissions reduction requirements in accordance with this Ordinance.

(b) Definitions

When used in this Ordinance, unless a contrary intention clearly appears, the following terms shall have the following meaning:

Alternative Compliance Payment means a per-metric ton payment based on the average cost per metric ton of CO₂e to decarbonize Buildings subject to this Ordinance.

BERDO Administrator means the City employee designated as the individual employed to implement the BERDO program.

Building means a building that equals or exceeds 20,000 square feet in Gross Floor Area and in which at least 20,000 square feet of Gross Floor Area is used for non-residential purposes.

Building Portfolio means two or more Buildings, on one or more properties, provided that all Buildings within the Portfolio have the same Owner; for this purpose, a Building management company does not constitute an Owner.

Building Use means (i) space type as defined in the Regulations, which refers to the primary activity for which a given space is utilized, as entered into the EPA Energy Star Portfolio Manager

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reporting tool; or (ii) other activities as defined in Portfolio Manager or by the Regulations.

Carbon Dioxide Equivalent (CO_{2e}) means greenhouse gas Emissions, including carbon dioxide, methane, and nitrous oxide. CO_{2e} shall be calculated using a methodology as set forth in the Regulations.

Emergency Backup Generation/Backup Power means a device or mechanism, such as battery storage, reciprocating internal combustion engine, or turbine, that serves solely as a secondary source of mechanical or electrical power whenever the primary Energy supply is disrupted or discontinued during power outages or natural disasters that are beyond the control of the Owner, occupant, or operator of a Building.

Emissions means the emission of greenhouse gases, measured in units of CO_{2e} associated with the Energy used by a Building, excluding electricity.

Emissions Factor means CO_{2e} calculated according to regional Energy and greenhouse gas factors as set forth in the Regulations.

Energy means electricity and any fuel source including, but not limited to, natural gas, fuel oil, propane and any other sources of Energy that the BERDO Administrator may designate.

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Portfolio Manager or EPA ENERGY STAR Portfolio Manager means the U.S. Environmental Protection Agency's online tool for reporting and managing Building Energy data.

Environmental Justice Population means a neighborhood that meets one or more of the following criteria: (i) the annual median household income is not more than 65 percent of the statewide annual median household income; (ii) minorities comprise 40 percent or more of the population; (iii) 25 percent or more of households lack English language proficiency; or (iv) minorities comprise 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the state annual median income; or such other meaning as is adopted or amended by the Commonwealth's Executive Office of Energy and Environmental Affairs, by state statute, or defined in the Regulations.

Gross Floor Area (GFA) means the sum of the floor area of the Building measured from the exterior face of the exterior walls of the Building as per the City of Newton Assessors' records. The BERDO Administrator shall publish Regulations governing the calculation of Gross Floor Area, including types of areas that shall be excluded from the calculation.

Hardship Compliance Plan means alternative Emissions reduction targets and/or timelines for a Building or Building Portfolio.

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Individual Compliance Schedule means an alternative timeline for complying with the Emissions Standards outlined in this Ordinance.

Owner means a Building’s Owner of record, provided that the “Owner” may be deemed to include (i) multiple Owners in common ownership and (ii) the association or organization of unit Owners responsible for overall management in the case of a condominium. In the case of a Building subject to a lease that assigns maintenance, regulatory compliance, and/or capital improvement costs to Tenants with a term of at least 30 years, inclusive of all renewal options, the Owner may designate the lessee as “Owner” for purposes of compliance with this Ordinance; such designation must be provided in writing to the BERDO Administrator as required by the Regulations. An Owner may designate an agent to act on its behalf, including reporting as required by this Ordinance; provided, however, that any designation (i) must be provided in writing to the—BERDO Administrator, and (ii) does not relieve the Owner of any compliance obligation under this Ordinance.

Regulations means the Newton Building Emissions Reduction and Disclosure Regulations.

Tenant means any tenant of a Building covered by this Ordinance.

Verification Year means any year in which an Owner must report third-party verified reporting data. Verification Years will be the

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second reporting year for each building category following the enactment of this Ordinance, and every five years thereafter.

(c) Building Portfolios

Building Portfolios must be approved by the BERDO Administrator and Building Portfolio Owners must submit documentation confirming eligibility as a Building Portfolio. Notwithstanding the approval of a Building Portfolio, Owners must continue to report the Energy use, Emissions data, and any other information required by this Ordinance for each individual Building. If a Building is removed from or added to a Building Portfolio for any reason, including transfer to a different Owner, the Building shall retain its individual reporting data and be subject to the Emissions standards, and the Building Portfolio shall be adjusted to reflect the removal or addition of the Building.

(d) Energy and Emissions Reporting Required

(i) Data Reporting Requirements

Each year, the Owner of each Building subject to reporting requirements shall accurately report to the BERDO Administrator, via the Portfolio Manager or as required by the Regulations, the following information for the previous calendar year:

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- (a) Energy use of each Building and other Building characteristics necessary to evaluate CO₂e Emissions on a kilogram (kg) CO₂e per square foot (SF) per year basis.
- (b) The primary Building Use(s) of each Building in accordance with the categories listed in the Portfolio Manager and the Regulations. Multiple primary Building Uses shall be reported, provided that each use occupies at least 10 percent of the Building's Gross Floor Area.
- (c) Contact information for Owners and any designated agents.

(ii) Reporting Schedules

The initial reports shall occur according to the following schedule:

1. For every Building equal to or greater than 100,000 square feet Gross Floor Area, the first report shall be submitted no later than September 15, 2025.
2. For every Building equal to or greater than 20,000 square feet Gross Floor Area but less than 100,000 square feet Gross Floor Area, the first report shall be submitted no later than September 15, 2026.

Building Owners may apply to the BERDO Administrator for a one-time six-month extension of their reporting deadline.

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(e) Direct Upload

Provided that the necessary mechanisms already exist, Building Owners may authorize electric and gas utilities or other third party to report Building-specific data on their behalf to the BERDO Administrator. Such authorization shall not create an obligation on the part of electrical and gas utilities or remove the obligation of Building Owners to comply with reporting requirements.

(f) Equitable Emissions Investment Fund

The City Comptroller shall establish the Equitable Emissions Investment Fund (hereinafter, the “Fund”) as a separate account, and credit to the Fund all Alternative Compliance Payments, penalties and fees paid pursuant to this Ordinance.

The City may incur liabilities against and spend monies from the Fund.

At the discretion of the BERDO Administrator, and with approval by the Mayor, expenditures from the Fund may be made for the following purposes:

- a. Projects that benefit Environmental Justice Populations
- b. Costs incurred by the City in administering the program created pursuant to this Ordinance;

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- c. Costs incurred by the City in complying with the program created pursuant to this Ordinance;
- d. Costs incurred by non-profit entities that operate within the City, including but not limited to entities that operate affordable housing, in complying with the program created pursuant to this Ordinance;
- e. Other projects intended to reduce greenhouse gas emissions within the City; or
- f. Technical assistance to property owners subject to BERDO related to implementation of the requirements of this ordinance.

(g) Data Verification

- a. Building Owners shall self-certify their reporting data every year.

In a Building's second year of reporting, Building Owners shall provide a third-party verification of their reporting data for the previous year. For every Verification Year thereafter, Building Owners shall provide a third-party verification for the five calendar years prior to, but not including the current year. Third-party verifications must be performed by qualified Energy professionals,

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as defined by the Regulations, and submitted no later than the reporting deadline of the relevant year.

(h) Emissions Requirements

Each Building subject to the reporting requirements of this Ordinance shall comply with the CO₂e Emissions standards set forth in Table 1 below; unless the Building Owner has received an approved Individual Compliance Schedule pursuant to the requirements in SECTION 1(k); or an approved Hardship Compliance Plan pursuant to SECTION 1(l); or is explicitly exempt as set forth in SECTION 1(j). Buildings must comply with the Emissions standards on an annual basis and compliance shall be measured as a total of kg of CO₂e Emissions per square foot. Buildings will be subject to the emissions standards in Table 1 based on the schedule for each Tier and Building Category in Tables 2 through 5.

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Table 1: CO₂e Emissions Standards by Building Use

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	Period 1	Period 2	Period 3	Period 4	Period 5
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
Residential	4.8	2.8	1.7	.08	0.0
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 2. Compliance Periods by Building Use—Tier 1 Buildings:
Buildings equal to or greater than 100,000 square feet Gross Floor
Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2027- 2032	2033- 2038	2039- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
Residential	4.8	2.8	1.7	.08	0.0
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 3. Compliance Periods by Building Use—Tier 2 Buildings:
Buildings equal to or greater than 50,000 square feet and less than
100,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2028- 2033	2034- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
Residential	4.8	2.8	1.7	.08	0.0
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 4. Compliance Periods by Building Use—Tier 3 Buildings:
Buildings equal to or greater than 35,000 square feet and less than
50,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2029- 2034	2035- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
Residential	4.8	2.8	1.7	.08	0.0
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

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Table 5. Compliance Periods by Building Use—Tier 4 Buildings:
Buildings equal to or greater than 20,000 square feet and less than
35,000 square feet Gross Floor Area.

Building Use	Emission standards (kgCO ₂ e/SF/yr)				
	2030- 2034	2035- 2039	2040- 2044	2045- 2049	2050-
Assembly	6.1	3.7	2.3	1.1	0.0
College/University	9.5	5.7	3.5	1.5	0.0
Education	4.1	2.8	1.9	0.9	0.0
Food Sales & Service	6.8	4.4	3.2	1.5	0.0
Healthcare	14.3	9.2	6.5	3.2	0.0
Lodging	4.6	3.1	2.1	1.0	0.0
Manufacturing/Industrial	3.9	2.9	2.2	1.0	0.0
Office	3.1	2.0	1.2	0.5	0.0
Residential	4.8	2.8	1.7	.08	0.0
Retail	3.4	2.3	1.4	0.6	0.0
Services	6.5	4.2	2.9	1.4	0.0
Storage	2.5	1.8	1.3	0.6	0.0
Technology/Science	14.6	10.7	6.7	2.8	0.0

(i) Blended Emissions Standard

Buildings or Building Portfolios with more than one primary use may comply with a blended CO₂e Emissions standard as defined

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by Regulation; provided, however, that a use may constitute a primary use only if it occupies at least 10 percent of a Building's

or Building Portfolio's Gross Floor Area. Building Owners using a blended CO₂e Emissions standard must (i) designate the blended standard in annual reports to the BERDO Administrator, and (ii) provide documentation verifying the qualification of each primary use in annual reports to the BERDO Administrator for the first year a blended CO₂e Emissions standard is used and in any subsequent year for which the blended Emissions standard or primary use(s) changes.

(j) Energy Use and Buildings Exempt from Emissions Requirements

- i. Electricity which is used by a covered Building or Building Portfolio is exempt from the CO₂e Emissions Standard of this ordinance;

- ii. Building Owners may deduct Energy used by Emergency Backup Generation/Backup Power supply equipment from a Building's total Energy use subject to the CO₂e Emissions standard of this Ordinance. Such deduction shall only be permitted if the emergency Backup Generation/Backup Power provides Energy only to the Building or Building Portfolio; and the Building Owner annually reports: (i) Energy used by Emergency Backup Generation / Backup Power; (ii) the date(s), hour(s) and conditions that required the use of

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Emergency Backup Generation/Backup Power; and (iii) any other information required by the Regulations. Such reporting shall be subject to the self-certification and third-party verification procedures in SECTION 1(g). In the event that Emergency Backup Generation/Backup Power serves, or has the potential to serve, multiple Buildings in a Building Portfolio, the Energy use from such activities shall be allocated to individual Buildings in proportion to the gross square footage of each Building.

- ~~ii.~~ Buildings for which the primary use is a hospital or healthcare institution, which contain patient service and/or medical support areas subject to federal or state regulations or Facility Guidelines Institute (“FGI”) guidelines, or continuity of operations standards, requiring back up generation for which the Owner elects to use a health care microgrid system (HCMS), or other system as set forth in the Regulations, to serve Essential Electrical Systems as defined under NFPA and CMS (Centers for Medicare and Medicaid Services) regulations are eligible for exemption from this Ordinance. The Owner shall request such exemption by submitting to the BERDO Administrator substantiating documentation and a certification letter of compliance with the applicable standards or regulations signed by the design engineer, who shall be a duly certified professional engineer, and the BERDO Administrator shall confirm in writing the applicability of this statutory exemption. The Owner of such Buildings shall report to the BERDO Administrator at any time, but in no event less

**City of Newton Proposed Building Emissions
Reduction and Disclosure Ordinance (BERDO)
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frequently than every 5 years, which of its Buildings meet the
criteria for this exemption.

iii.

(k) Individual Compliance Schedules

Owners of Buildings or Building Portfolios may apply for an Individual Compliance Schedule as an alternative to the CO₂e Emissions standard reduction schedule in Tables 2 through 5. Individual Compliance Schedules must establish declining CO₂e Emissions standards in 5- to 6-year increments, and such standards must (i) decline on a linear basis, (ii) reduce Emissions 40 percent by period 3, and (iii) reduce Emissions 100 percent by period 5; and

Use a baseline from any year between 2013 and the first required reporting year, provided, however, that the Building or Building Portfolio Owner provides documentation of Energy use, Gross Floor Area, and relevant Emissions Factors by the Building or Building Portfolio for the selected baseline year and the year in which an Individual Compliance Schedule is requested, in accordance with the data verification requirements of this Ordinance and the Regulations.

A Building or Building Portfolio that failed to comply with previous reporting requirements may use an Individual Compliance Schedule; provided, however, that the necessary data

City of Newton Proposed Building Emissions Reduction and Disclosure Ordinance (BERDO) May 20, 2024

has been submitted to the BERDO Administrator and any applicable penalties for past non-compliance are paid in full.

Individual Compliance Schedules must be approved by the BERDO Administrator. Building and Building Portfolio Owners must submit the information required in this Ordinance, and any other documentation specified in the Regulations, when requesting an Individual Compliance Schedule. The BERDO Administrator may include additional conditions on the approval of Individual Compliance Plans, consistent with the Regulations.

(I) **Hardship Compliance Plans**

A Building Owner may apply to the BERDO Administrator for a Hardship Compliance Plan if there are extraordinary characteristics or circumstances associated with the Building in complying with the Emissions standards in this Ordinance. Such characteristics or circumstances may include historic Building designations, use of the Building for hospital or healthcare institutions, pre-existing long-term Energy contracts without reopeners, or extraordinary financial hardship. Implementation guidelines will be further detailed in the Regulations. The application, review process, and conditions for Hardship Compliance Plans shall be set forth in the Regulations. The BERDO Administrator shall have sole discretion in approving Hardship Compliance Plans; such plans may include alternative Emissions standards and timelines for compliance. The BERDO Administrator may include additional conditions on the

**City of Newton Proposed Building Emissions
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approval of Hardship Compliance Plans consistent with the Regulations.

(m) Alternative Compliance Payments

Owners of Buildings or Building Portfolios may mitigate CO₂e Emissions from Energy use by making Alternative Compliance Payments. The price of an Alternative Compliance Payment shall be based on the average cost per metric ton of CO₂e to decarbonize Buildings subject to this Ordinance. The initial cost of an Alternative Compliance Payment shall be \$234 per metric ton of CO₂e. The cost of an Alternative Compliance Payment shall be reviewed every five years by the BERDO Administrator, which shall make recommended adjustments, if any, to the City Council.

(n) Preservation of Documents

Building Owners shall preserve records and information (i) required to be submitted by this Ordinance and/or (ii) submitted pursuant to this Ordinance in order to demonstrate compliance with the Emissions standards, including but not limited to information regarding Building Uses, Emissions Factors, compliance mechanisms outlined in this Ordinance, Individual Compliance Schedules, and Hardship Compliance Plans, for such time as set forth in the Regulations, and shall make such records available for inspection and audit by the BERDO Administrator or the Law Department upon request.

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May 20, 2024**

(o) Obligation to Request and Report Information

Where a unit or other space in a Building is occupied by a Tenant and the unit or space is separately metered, the Tenant of such space shall, within 30 days of request by the Owner and in a form to be determined by the BERDO Administrator, provide all information that cannot otherwise be acquired by the Owner and that is needed to comply with the requirements of this Ordinance. Failure by Tenant to comply with the requirements of this Ordinance may result in penalties as provided in this Ordinance.

1. The Owner may request information related to the Tenant's metered Energy and other related information for the previous calendar year no earlier than January 1 and no later than January 31 of any year in which the Owner is required to report such information.
2. Failure of any Tenant to report the information required in this Ordinance does not relieve the Owner of the obligation to report.
3. Where an Owner of a Building is unable to obtain complete Energy use data due to the failure of any Tenant to report the information required, the Owner shall use values or formulas established by the BERDO Administrator to estimate whole Building Energy use.

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Reduction and Disclosure Ordinance (BERDO)
May 20, 2024**

(p) Disclosure

The BERDO Administrator shall make Energy and Emissions information for Buildings available to the public on the City's website no later than November 30 of every year, except for 2025, in which it shall make such information available to the public no later than December 15, 2025. Such disclosure shall include, at a minimum, Building identification, Energy use intensity, CO₂e Emissions per square foot, and Emissions compliance status. Before any such disclosure, the BERDO Administrator shall subject all data to a quality-assurance/quality-control process.

1. At least 30 Days prior to disclosure, the BERDO Administrator shall provide Building Owners an opportunity to review the accuracy of information to be disclosed.
2. The Building Administrator shall also, from time to time, publicly report on implementation of, compliance with, and overall results from this Ordinance.

(q) Enforcement for Failure to Comply with this Ordinance

Any violation of this ordinance shall be punishable by a fine of three hundred (\$300.00) dollars per day for each day the violation continues. Each day a violation continues shall constitute a

**City of Newton Proposed Building Emissions
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May 20, 2024**

separate offense. Where noncriminal disposition of this section by civil fine has been provided for in sections 17-22 and 17-23 of these ordinances, as amended, pursuant to the authority granted by M.G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. Penalties under this section will not be levied prior to the third year of the effective date of the emissions requirement.

(r) Notice

Within two months of the adoption of this Ordinance, notification concerning reporting and disclosure obligations and emissions reductions obligations shall be provided to Owners subject to the requirements of this Ordinance.

This notice, and any other notice required by this Ordinance shall be delivered to the contact information in the Assessor's database unless an Owner provides alternative contact information to the City Assessor's office.

SECTION 2. If any provision of this ordinance is held invalid by a court of competent jurisdiction, then such provision should be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 3. The provisions of this Ordinance shall be effective upon passage.

CITY OF NEWTON

DOCKET REQUEST FORM

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.

To: Clerk of the City Council Date: October 15,2024

From (Docketer): Mollie Hutchings, Community Preservation Program Manager

Address: Planning Department, Newton City Hall, 1000 Commonwealth Avenue Newton MA 02459

Phone: 617-796-1147 E-mail: mhutchings@newtonma.gov

Additional sponsors: Community Preservation Committee

1. Please docket the following item (it will be edited for length if necessary):

Recommendation from the Community Preservation Committee that \$1,841,719.78 in Community Preservation Act funding be appropriated to the control of the Planning & Development Department for a grant to the Newton Affordable Housing Trust for their FY25 funding.

The funding should come from two sources:
 Community Housing FY24 Reserve Account(#58R10498 57900C) - \$500,000.00
 Unrestricted Prior Year Reserves(#5800 3599)- \$1,341,719.78

2. The purpose and intended outcome of this item is:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Fact-finding & discussion | <input type="checkbox"/> Ordinance change |
| <input checked="" type="checkbox"/> Appropriation, transfer, | <input type="checkbox"/> Resolution |
| <input checked="" type="checkbox"/> Expenditure, or bond authorization | <input type="checkbox"/> License or renewal |
| <input type="checkbox"/> Special permit, site plan approval, | <input type="checkbox"/> Appointment confirmation |
| <input type="checkbox"/> Zone change (public hearing required) | <input type="checkbox"/> Other: _____ |

3. I recommend that this item be assigned to the following committees:

- | | | |
|---|---|--|
| <input type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input checked="" type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency:
- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing

PLEASE FILL OUT BOTH SIDES

5. I estimate that consideration of this item will require approximately:

- | | |
|--|--|
| <input type="checkbox"/> One half hour or less | <input type="checkbox"/> Up to one hour |
| <input checked="" type="checkbox"/> More than one hour | <input type="checkbox"/> An entire meeting |
| <input type="checkbox"/> More than one meeting | <input type="checkbox"/> Extended deliberation by subcommittee |

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

Mollie Hutchings _____

Susan Lunin suzylunin@gmail.com _____

Lara Kritzer _____

Barney Heath _____

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion:

CPC Recommendation for funding
Full funding proposal

8. I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

*(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Councilors have a chance to review all relevant materials before a scheduled discussion.)*

Please check the following:

9. I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
10. I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
11. I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Mollie Hutchings

Signature of person docketing the item



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

403-24
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

**Community Preservation Committee
Funding Recommendation for the Newton
Affordable Housing Trust Fund**

Date: October 15, 2024
From: Community Preservation Committee
To: The Honorable City Council
CC: Her Honor Mayor Ruthanne Fuller

PROJECT GOALS & ELIGIBILITY

CPA Community Housing funding is requested to provide the second round of annual funding for the Newton Affordable Housing Trust (NAHT). The Trust was created in December 2021 to provide a more efficient and streamlined process for funding new affordable housing projects in Newton. This funding will be used by the Trust to fund future affordable housing projects which acquire, create, preserve, restore, rehabilitate or support affordable housing in Newton.

The project is eligible for CPA funding as the funds will be used in the future for CPA eligible projects which further the City’s existing and future affordable housing goals.

RECOMMENDED FUNDING At its monthly meeting on August 20, the Community Preservation Committee unanimously recommended, with a vote of 7 to 0, that \$ \$1,753,541.65, which represents 35% of the Community Preservation Program’s FY25 annual funds, in Community Preservation Act funding be appropriated. The committee also voted to allocate an additional \$88,578.13 to the trust which was refunded to the CPA General Reserve, after the recent sale of a unit which had previously been granted down payment assistance. The total recommended amount comes to \$1,841,719.78 with \$500,000 to come from the FY25 Community Housing Reserve Account and \$1,341,719.78 to come from Unrestricted Reserve Account, to the control of the Planning & Development Department to provide funding to the Newton Affordable Housing Trust for future projects that meet one or more of the CPA’s eligible funding categories for Community Housing projects.

Account Name	Account Number	Proposed Amount for the NAHT
Community Housing FY24 Reserve Account	#58R10498 57900C	\$500,000.00
Unrestricted Prior Year Reserves	#5800 3599	\$ 1,341,719.78

www.newtonma.gov/cpa

Lara Kritzer, Community Preservation Program Manager
lkritzer@newtonma.gov 617.796.1144

SPECIAL ISSUES CONSIDERED BY THE CPC

Community Needs: City Council passed the enabling ordinance which created the Newton Affordable Housing Trust in December 2021 after several years of studying the potential benefits and requirements of these programs. The NAHT assists the City in meeting its affordable housing goals by creating a streamlined process for funding new projects and developments. This annual proposal for CPA funding of the Trust meets multiple goals listed in the Comprehensive Plan as it both strengthens an important resource for preserving and creating affordable housing and the City's overall financial resources for meeting these affordable housing goals. Funding of the Trust also addresses the goals of the City's Consolidated Plan for FY21-FY25 by providing a funding resource for projects that produce new units, preserve existing units, support affordable housing, and further Newton's Fair Housing goals.

Development Uses and Sources: This proposal will use CPA funds to continue to build up the Newton Affordable Housing Trust for use in future affordable housing projects. Any future project requesting NAHT Funding will still be required to meet all requirements of the Community Preservation Act.

Project Finances: CPA funding was noted to be the primary funding source for the Trust Fund during the review process for the enabling ordinance. As part of these discussions, the CPC agreed to set aside its annual target amount for affordable housing, currently 35% of the program's annual funding, to the NAHT once it was established. The Trust is required to apply for this funding on an annual basis, and the current recommendation is only for FY25 funds. While 35% of annual funding is the CPC's current target for the Community Housing category a future Committee may choose at any time to change these funding targets and to adjust future NAHT funding recommendations accordingly. The NAHT may also receive Inclusionary Zoning funds from time to time, but this is not anticipated to be a regular or reliable funding source.

ADDITIONAL RECOMMENDATIONS *(funding conditions)*

1. Funding is to be used at the discretion of the Newton Affordable Housing Trust (NAHT) for any project which acquires, creates, preserves, rehabilitates/restores, or supports affordable housing as defined in the Community Preservation Act.
2. The CPC shall receive copies of all relevant plans, drawings, schematics, budget and marketing materials, etc. associated with the use of the CPA funding.
3. The CPC shall receive regular updates from the NAHT on the status of the Trust funds, how they are being used, and any plans for future projects or initiatives which might involve CPA funding.
4. Any CPA funds appropriated but not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.

KEY OUTCOMES

The Community Preservation Committee will evaluate this project based on its success in furthering the City's goals for affordable housing and in completing projects eligible for community housing funding as defined by the Community Preservation Act.

ATTACHMENTS

- Proposal submitted to the CPC for the August 20, 2024 public hearing

Additional information not attached to this recommendation, including petitions and letters of support, are available on the CPC's website at: <https://www.newtonma.gov/government/planning/community-preservation-program/proposals-projects/newton-affordable-housing-trust-funding>

**Newton, Massachusetts Community Preservation Program
FUNDING REQUEST**

403-24

City of Newton



Ruthanne Fuller
Mayor

PRE-PROPOSAL

PROPOSAL

(For staff use)
date rec'd:

Please submit this completed file directly – do not convert to PDF or other formats.

For full instructions, see www.newtonma.gov/cpa or contact us:

Mollie Hutchings, Community Preservation Program Manager,
City of Newton Planning & Development Department, 1000 Commonwealth Ave., Newton, MA 02459
mhutchings@newtonma.gov 617.796.1147

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Project TITLE	Newton Affordable Housing Trust Funding		
Project LOCATION	Full street address (with zip code), or other precise location. Citywide		
Project CONTACTS	Name & title or organization	Email	Phone
Project Manager	Ann Houston, Chair Newton Affordable Housing Trust	lkritzer@newtonma.gov	617-796-1144
Other Contacts	Lara Kritzer, Community Preservation Program Manager	lkritzer@newtonma.gov	617-796-1144
Project FUNDING	A. CPA funds requested: \$2,000,000	B. Other funds to be used: \$0	C. Total project cost (A+B): \$2,000,000
	\$1,753,541.65 (ammended 8/12)		\$1,753,541.65 (ammended 8/12)
USES OF FUNDS	<input checked="" type="checkbox"/> Rental Assistance		<input checked="" type="checkbox"/> Mortgage Assistance
TARGET POPULATION, TYPE OF HOUSING, SPECIAL FEATURES			
Individuals <input checked="" type="checkbox"/>	Families <input checked="" type="checkbox"/>	Seniors <input checked="" type="checkbox"/>	Homeless/At Risk of Homelessness <input checked="" type="checkbox"/>
Rental <input checked="" type="checkbox"/>	Ownership (including condominiums) <input checked="" type="checkbox"/>	% Area Median Income:	Up to 100% AMI
Project SUMMARY	Explain how the project will use the requested CPA funds. You may provide more detail in attachments, but your PROJECT SUMMARY MUST FIT IN THE SPACE BELOW.		
<p>In December 2021, the City of Newton established the Newton Affordable Housing Trust (NAHT) for the purposes of preserving the City’s existing affordable housing units and creating new units that are affordable to low and moderate income households. The Community Preservation Committee strongly supported the creation of this new affordable housing tool and agreed to support the allocation of at least the City’s Community Housing funding target, currently 35% the CPA program’s annual funding, to the Trust for use in any affordable housing project allowable under the Community Preservation Act. This is the Newton Affordable Housing Trust’s third application for CPA funding to build up the Affordable Housing Trust Fund for use in future affordable housing projects.</p> <p>The Trust spent its first year developing its application processes, guidelines, and funding priorities with the goal of creating a concise and straightforward process for providing affordable housing funds. In its second year of operation, the Trust awarded \$1.5 million to 2Life Communities for additional work necessary at the Coleman House, a 100% deeply affordable senior housing facility, and \$500,000 to FamilyAid for the creation of the West Newton Navigation Center, a 42 unit transitional housing facility for homeless families. Trust members also established a Housing Priorities Group in cooperation with the Newton Housing Partnership and Fair Housing Committee to take a deeper look into Newton’s existing affordable housing resources and anticipated future needs.</p>			

Project TITLE	Newton Affordable Housing Trust		
USE of CPA FUNDS		COMMUNITY HOUSING	
(To be completed by CPC staff.)	Acquire	X	
	Create	X	
	Preserve	X	
	Rehabilitate/ Restore	X	
	Support	X	
COMMUNITY NEEDS	From each of at least 2 plans linked to the Guidelines & Forms page of www.newtonma.gov/cpa , provide a brief quote with plan title, year, and page number, showing how this project meets previously recognized community needs. You may also list other community benefits not mentioned in any plan.		
The NAHT supports affordable housing as recognized in the following plans:			
<p>Comprehensive Plan: Funding of the NAHT meets the goals of the Comprehensive Plan for affordable housing by consolidating the City's available funding resources in a single location which provides affordable housing advocates and developers with a simplified, one-stop process for future funding. The Comprehensive Plan called for CPA funding to be a leading resource in the preservation of existing and creation of new affordable housing (Page 5-9) and the Trust provides the City with opportunities to work with the Plan's Strategic Action for Strengthening Financial Resources (Page 5-16).</p>			
<p>Consolidated Plan FY21-FY25: Funding of the NAHT will assist the City in meeting the Strategic Plan Goals for Newton (Page 182) by providing funding for the production of new units and the preservation and rehabilitation of existing units. Trust funding can also be used to support affordable housing units and programs and to further the goals of Fair Housing in Newton.</p>			
<p>Community Outreach: The Mayor, City Councilors, and numerous City residents and affordable housing advocates took part in the discussions surrounding the development of the Affordable Housing Trust Ordinance in 2020 and 2021 and its approval in December 2021. The NAHT has since held regularly scheduled public meetings to discuss processes and funding applications which are often attended by interested members of the public and City Council.</p>			
COMMUNITY CONTACTS	List at least 3 Newton residents or organizations willing and able to comment on the project and its manager's qualifications. No more than 1 should be a supervisor, employee or current work colleague of the project manager or sponsor. Consult staff on the community contacts required for your specific proposal.		
Name & title or organization	Email	Phone	Mailing Address
Fran Godine, Engine 6	godine@comcast.net	617-969-2625	
Jeanne Strickland, Exec. Director Newton Community Development Foundation	jstrickland@ncdfinc.org	617-244-4035	
Lizabeth Heyer, Chair Newton Housing Partnership	lheyer@2lifecommunities.org	617-912-8400	