



BERDO FLEXIBILITY MEASURES

A building may be eligible for flexibility measures that adjust its emissions limits and pathway to net-zero emissions.

BLENDED EMISSIONS STANDARD

For buildings or building portfolios with more than one primary use.

BUILDING PORTFOLIOS

For owners with more than one building.

INDIVIDUAL COMPLIANCE SCHEDULES

Buildings or building portfolios may apply for an Individual Compliance Schedule as an alternative to the single building emissions standard.

HARDSHIP COMPLIANCE PLANS

A building owner may apply to the Review Board for a Hardship Compliance Plan if there are building characteristics or circumstances that present a hardship in complying with the Emissions standard.



	BLEND EMISSIONS STANDARD	BUILDING PORTFOLIOS	INDIVIDUAL COMPLIANCE SCHEDULE	HARDSHIP COMPLIANCE PLAN
DESCRIPTION	Allows Owners of a building or building portfolios with more than one primary use to calculate a blended emissions standard based on the mix of primary uses in the building(s).	Allows Owners of multiple Buildings to comply with a single portfolio-level emissions standard according to the mix of Building Uses in the portfolio.	Allows Owners to comply with an alternative emissions reduction schedule based on a baseline year.	Allows Owners to comply with alternative emissions reduction targets and/or schedules.
EMISSIONS REDUCTION REQUIREMENT	Requires calculating and complying with a blended emissions standard.	Requires meeting emissions reduction schedule set in the Ordinance.	Requires a 50% emissions reduction from the baseline year by 2030 and a 100% reduction by 2050.	May allow alternative emissions reduction timeline or less stringent emissions reduction targets.
ELIGIBILITY	More than one Primary Use in a building. Learn more below.	Any Owner with multiple buildings is able to apply, provided that they demonstrate shared ownership or shared Institutional Master Plans for all Buildings in the Building Portfolio.	Any Owner is able to apply, provided that they provide third-party verified data for the baseline year.	Owner must demonstrate one of the eligible hardships to comply with BERDO in order to apply.
REVIEW BOARD	The Review Board does not need to approve.	The Review Board must approve and can set conditions for approval.	The Review Board must approve and can set conditions for approval.	The Review Board must approve and can set conditions for approval.



BLENDING EMISSIONS STANDARD

A building or building portfolio with more than one Primary Use type can use a **Blended Emissions Standard to comply with BERDO**. As opposed to complying with the single-use Emissions Standards provided in the [Ordinance](#), you can calculate your building’s Blended Emissions Standard based on its mix of primary uses.

A Primary Use in BERDO means that at least one of the following is true:

- Occupies at least 10% of a Building’s or Building Portfolio’s square footage
- Accounts for more than 10% of a Building’s or Building Portfolio’s total annual Energy use
- Accounts for more than 10% of a Building’s or Building Portfolio’s total annual CO₂e Emissions

Blended Emissions Standard Example 1

Primary Use	Square footage	Square footage % by Use	BERDO Emissions Standard in 2025 [kgCO ₂ e/SF/Year]
Multifamily Housing	60,000	60%	4.1
Parking Garage	25,000	25%	5.4
Retail	15,000	15%	7.1
Total	100,000	100%	Blended Emissions Standard = 4.9

If your mixed use building has a use type that is under 10% of its total square footage, add its square footage to the square footage of the largest use type. Example: Add “Retail” square footage to “Hotel” in the case below to calculate your Blended Emissions Standard.

Blended Emissions Standard Example 2

Primary Use	Square footage	Square footage % by Use	BERDO Emissions Standard in 2025 [kgCO ₂ e/SF/Year]
Hotel	500,000	81%	5.8
Restaurant	125,000	19%	17.4
Retail	5,000	8%	7.1
Total	630,000	100%	Blended Emissions Standard = 8.1



BUILDING PORTFOLIOS

Building owners with more than one building can apply to comply with the emissions standards as a Building Portfolio versus a building-by-building approach.

ELIGIBILITY

If you are considering applying for a Building Portfolio, make sure you meet the following requirements:

1. All buildings in a portfolio must have the **same owner**.
2. Building uses, energy use, GFA, Emissions data for all buildings in the proposed buildings in the portfolio **must be third party verified** during the last verification year.
3. There are **no vacant buildings** in the portfolio.

APPLICATION

Starting in 2024, Owners can apply for Building Portfolios at any time. However, if you would like to use your building portfolio in the next BERDO compliance year, **make sure to submit your application no later than September 1**. Follow the guidelines and forms provided by the Environment Department when making your application. Owners must choose one of four application pathways listed in the Ordinance.

[Click here](#) to access the application form. We are currently developing an online application form. If you're considering applying or have any questions, please contact Diana Vasquez at diana.vasquez@boston.gov



HARDSHIP COMPLIANCE PLANS

Hardship Compliance Plans (HCPs) may offer alternative reduction timelines and/or alternative Emissions Limits.

TYPES OF HARDSHIP

An Owner may apply for a **short-term** (1 to 3 years) or **long-term** (4 or more years) **Hardship Compliance Plan** to seek the following relief measures:

- Alternative schedules for complying with the Emissions standards in the Ordinance.
- Alternative Emissions standards than those in the Ordinance.
- Exemption of specified Energy use(s), in whole or in part, from a Building Owner's compliance obligations.
- Adjusted compliance obligations in light of third-party barriers or delays to significant energy efficiency or electrification projects, provided that such third-party is unrelated to the Owner.
- Additional compliance mechanisms (that the Review Board must determine are consistent with achieving the Purpose set in Section 7-2.2.(a)).
- Other relief the Review Board may deem appropriate on a case-by-case basis.

APPLICATION

In order for a Building or Building Portfolio to be considered for a Hardship Compliance Plan, an Owner must submit a complete application, with supporting documentation, to the Review Board for approval. [Click here](#) to access the draft application form. Please note that the application is anticipated to be finalized in early 2024.



To successfully demonstrate hardship, an applicant must follow these steps:

Step 1

Demonstrate the existence of unique circumstances and characteristics set in regulations. Eligible circumstances and characteristics fall into the following categories:

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

Note: the existence of one or more of these circumstances and characteristics **alone does not** constitute an eligible hardship

Step 2

Evaluate all compliance and flexibility options:

- Building Portfolios
- Individual Compliance Schedules
- Community Choice Electricity
- On-site renewable energy
- Renewable Energy Certificates
- Power Purchase Agreements
- Alternative Compliance Payments

Step 3

Demonstrate how Step 1 and Step 2 create an eligible hardship by:

- Requiring space, equipment, or electric service that is not available;
- Significantly interfering with, or significantly increasing the cost, to provide services that are critical to community health and safety; and/or
- Creating an undue burden on a Building Owner in terms of costs.

Step 4

Request relief and propose an alternative compliance plan:

- Short-term HC
- Long-term HCP
 - Including proposals for conditions of approval that provide benefits to Environmental Justice Populations and/or advance the purpose of the Ordinance.



INDIVIDUAL COMPLIANCE SCHEDULE

Individual Compliance Schedules (ICS) offer owners the flexibility to follow an individual timeline to reduce emissions, using a baseline year¹ as a reference.

Individual Compliance Schedules require meeting **absolute emissions standards** (i.e., an emissions limit in kgCO₂e) with 5-year increments. The standards must (i) **decline on a linear or better basis**, (ii) **reduce emissions by 50% by 2030**, and (iii) **reduce emissions by 100% by 2050**.

ELIGIBILITY

For an application to be considered for an Individual Compliance Schedule, an Owner must:

- Check reported Data (for all Buildings):** Make sure the energy use, floor area, building use(s), and emissions factors data for the chosen baseline year are verified by a third party. This includes using utility data, bills, or other factors advised by the Commission.
- Baseline Year Conditions (for Each Building or Portfolio):** Confirm that the total floor area hasn't decreased by more than 10 percent from the baseline year. Also, the primary use of the building should stay the same.
- Ensure Current Compliance:** All buildings must be in compliance with BERDO. This includes following requirements for Building Portfolios, paying fines for any reporting issues or not meeting emissions standards, and submitting necessary documents to fix any issues to comply with emissions standards each year.

Note: an ICS may be combined with a Building Portfolio, **but cannot be combined** with a Hardship Compliance Plan.

¹ an ICS may use any year from **2005 to 2021** as a baseline year.



APPLICATION

To apply for an **ICS for an individual Building**, Owners must provide:

- Baseline year for emissions.
- Alternative CO₂e Emissions standard reduction schedule per Ordinance requirements.
- Brief narrative on past emissions reduction efforts and significant changes in Gross Floor Area.
- Expected methods for meeting the alternative reduction schedule, such as audits, retrofits, or capital improvements.
- Explanation for any inability to meet eligibility criteria in Section XII.a., if applicable.

To apply for an **ICS for a Building Portfolio**, Owners must provide:

- Baseline year(s) for emissions.
- Alternative CO₂e Emissions standard reduction schedule complying with Ordinance; third-party verification for Building Portfolios with multiple baseline years.
- Brief narrative on significant emissions reduction efforts and Gross Floor Area changes.
- For Building Portfolios needing an Emissions standard compliance plan, provide a copy. If not complete, submission upon completion is required.
- For Building Portfolios not requiring a compliance plan, briefly describe expected methods for the alternative reduction schedule, such as audits, retrofits, or capital improvements.

[Click here](#) to access the application form.