



ORDER OF BUSINESS FOR MATTERS PRESENTED TO THE CITY CLERK PRIOR TO 10:00 A.M. ON MONDAY, SEPTEMBER 20, 2021 FOR CONSIDERATION BY THE CITY COUNCIL AT A REGULAR MEETING HELD IN THE CHRISTOPHER A. IANNELLA CHAMBER ON WEDNESDAY, SEPTEMBER 22, 2021, 2021 AT 12:00 P.M.

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## **ROLL CALL**

## **APPROVAL OF THE MINUTES**

## **COMMUNICATIONS FROM HER HONOR, THE MAYOR:**

- [0994](#) Message and order authorizing the City of Boston to accept and expend the amount of One Million Six Hundred Three Thousand One Hundred Twelve Dollars (\$1,603,112.00) in the form a grant for the American Rescue Plan Act, Title III-B awarded by the U.S. Department of Health and Human Services, passed though the MA Executive Office of Elder Affairs, to be administered the Age Strong Commission. The grant will fund Supportive Services for older adults in Boston, for the period 4/1/21 through 6/30/22.
- [0995](#) Message and order authorizing the City of Boston to accept and expend the amount of One Million Four Hundred Six Thousand Three Hundred Thirty One Dollars (\$1,406,331.00) in the form of a grant, for the American Rescue Plan Act-Title III-C Nutrition program, awarded by the U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by Age Strong Commission. The grant will fund nutrition services for older adults in Boston, for the period 4/1/21 through 6/30/22.

- [0996](#) Message and order authorizing the City of Boston to accept and expend the amount of Four Hundred Twenty Three Thousand One Hundred Seventy Dollars (\$423,170.00) in the form of a grant for the American Rescue Plan Act- Title III-A, awarded by the U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong Commission. The grant will fund administration cost for planning and implementation by the Age Strong Commission, from 4/1/2021 to 9/14/2021.
- [0997](#) Message and order authorizing the City of Boston to accept and expend the amount of Three Hundred Ninety Four Thousand One Hundred Thirty Three Dollars (\$394,133.00) in the form of a grant for the American Rescue Plan Act, Title III-E, awarded by the U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong Commission. The grant will fund Family Caregiver Services for older adults in Boston, for the period 4/1/2021 through 6/30/22.
- [0998](#) Message and order authorizing the City of Boston to accept and expend the amount of Three Hundred Forty Five Thousand Six Hundred Seventy Eight Dollars (\$345,678.00) in the form of a grant, for the FY22 Fair Housing Assistance Program, awarded by the United States Department of Housing & Urban Development to be administered by the Department of Fair Housing and Equity. The grant will fund processing and training cost related to housing discrimination complaints received by the Boston Fair Housing & Equity Commission.
- [0999](#) Message and order authorizing the City of Boston to accept and expend the amount of One Hundred Fifty Seven Thousand Five Hundred Twenty Two Dollars (\$157,522.00) in the form of a grant, for the American Rescue Plan Act, Title III-D, awarded by the U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong Commission. The grant will fund the Long-Term Care Ombudsman program, for the period 4/1/21 through 6/30/22.

- 1000** Message and order authorizing the City of Boston to accept and expend the amount of One Hundred Forty One Thousand Eight Hundred Sixty Five Dollars (\$141,865.00) in the form of a grant for the Federal FY21 Title III: Expanding access to COVID-19 Vaccines via Aging Networks, awarded by the U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong Commission. The grant will fund direct services to combat vaccine hesitancy, support vaccine equity efforts, and provide transportation stipends, vouchers and or other related services.
- 1001** Message and order authorizing the City of Boston to accept and expand the amount of One Hundred Forty Thousand One Hundred Twenty-One Dollars (\$140,121.00) in the form of a grant, for the American Rescue Plan Act, Title III-D, awarded by the U.S. Department of Human Health and Services, passed though the MA Executive Office of Elder Affairs, to be administered by the Age Strong Commission. The grant will fund preventative health services for older adults in Boston, for the period 4/1/21 through 6/30/22.
- 1002** Message and order authorizing the City of Boston to accept and expend the amount of Eighty Four Thousand Nine Hundred Eighteen Dollars (\$84,918.00) in the form of a grant for the FY21 Port Security, awarded by the United States Department of Homeland Security to be administered by the Police Department. The grant will fund BPD Harbor Patrol Unit vessels and equipment.
- 1003** Message and order authorizing the City of Boston to accept and expend the amount of Fifteen Thousand Seven Hundred Sixty Three Dollars (\$15,763.00) in the form of a grant, for the Federal FY21 Title III: Expanding Access to COVID-19 Vaccines via Aging Networks, awarded by the U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to the administered by the Age Strong Commission. The grant will fund staff time to implement expanded vaccine access services to older adults.

#### **REPORTS OF PUBLIC OFFICERS AND OTHERS:**

- 1004** Communication was received from the City Clerk of the Agreement Between the City of Boston and 140 Clarendon LL Limited Partnership Pursuant to Chapter 121A, Section 6A of the Massachusetts General Laws.

## **REPORTS OF COMMITTEES:**

[0775](#) The Committee on Government Operations, to which was referred on June 16, 2021, Docket #0775, Ordinance Amending City of Boston Code, Ordinances, Chapter VII, Sections 7-2.1 and 7-2.2, Building Energy Reporting and Disclosure (BERDO), submits a report recommending that the ordinance ought to pass in a new draft.

## **MATTERS RECENTLY HEARD-FOR POSSIBLE ACTION:**

[0398](#) Order for a hearing on the safety of construction sites in the City of Boston.

[0562](#) Petition for a Special Law re: An Act Providing Certain Retirement Benefits for the Widow of a Former Firefighter in the City of Boston.

[0953](#) Message and order authorizing the City of Boston to accept and expend the amount of Twenty Five Million Dollars (\$25,000,000.00) in the form of a grant for the Commonwealth Builder Program, awarded by the Massachusetts Housing Partnership to be administered by the Department of Neighborhood Development. The grant will fund the creation of workforce homeownership housing units and the long-term availability of those units to eligible moderate-income households.

[0955](#) Message and order authorizing the City of Boston to accept and expend the amount of Four Million Dollars (\$4,000,000.00) in the form of a grant for the Allston-Brighton Homeowner Fund, awarded by the Boston Redevelopment Authority to be administered by the Department of Neighborhood Development. The grant will fund programming to foster affordable homeownership and homeowner stability in Allston Brighton.

[0859](#) Petition for a Special Law re: An act directing the City of Boston Police Department to waive the maximum age requirement for police officers for Daniel Flores.

## **MOTIONS, ORDERS AND RESOLUTIONS:**

[1005](#) **Councilor Edwards and Bok offered the following:** Petition for a Special Law RE: An Act Relative to Boston and Non-Criminal Disposition of Fines.

[1006](#) **Councilor Arroyo and Mejia offered the following:** Resolution Recognizing September as Suicide Prevention and Action Month in the City of Boston.

**1007** Councilor Mejia offered the following: Resolution Calling on Congress to Affirm Reproductive Freedom and Pass the Women's Health Protections Act.

**GREEN SHEETS:**

**22/2021** Legislative Calendar for September 22, 2021.

**CONSENT AGENDA:**

1008 Resolution recognizing Kathryn Niforos.



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of ONE MILLION SIX HUNDRED THREE THOUSAND ONE HUNDRED TWELVE DOLLARS (**\$1,603,112.00**) in the form of a grant, American Rescue Plan Act, Title III-B, awarded by U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong.

The grant would fund Supportive Services for older adults in Boston, for the period 4/1/21 through 6/30/22.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** American Rescue Plan Act, Title III-B FUNDS, AWARDED BY U.S. Department of Health and Human Services AND MA Executive Office of Elder Affairs.

**WHEREAS**, the U.S. Department of Health and Human Services and MA Executive Office of Elder Affairs, are being petitioned for the issuance of funds to the Age Strong; and

**WHEREAS**, the funds in the amount of ONE MILLION SIX HUNDRED THREE THOUSAND ONE HUNDRED TWELVE DOLLARS (**\$1,603,112.00**) would fund Supportive Services for older adults in Boston, for the period 4/1/21 through 6/30/22. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the U.S. Department of Health and Human Services, and MA Executive Office of Elder Affairs' American Rescue Plan Act, Title III-B award not to exceed the amount of ONE MILLION SIX HUNDRED THREE THOUSAND ONE HUNDRED TWELVE DOLLARS (**\$1,603,112.00**).

**Docket #**

**In City Council  
Passed**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Acting Mayor**

**Approved**

I hereby certify that  
the foregoing, if passed in  
the above form, will be in  
accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of ONE MILLION FOUR HUNDRED SIX THOUSAND THREE HUNDRED THIRTY-ONE DOLLARS (**\$1,406,331.00**) in the form of a grant, American Rescue Plan Act - Title IIIC Nutrition, awarded by U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong.

The grant would fund nutrition services for older adults in Boston, for the period 4/1/21 through 6/30/22.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** American Rescue Plan Act - Title IIIC Nutrition FUNDS, AWARDED BY U.S. Department of Health and Human Services AND MA Executive Office of Elder Affairs.

**WHEREAS**, the U.S. Department of Health and Human Services and MA Executive Office of Elder Affairs, are being petitioned for the issuance of funds to the Age Strong; and

**WHEREAS**, the funds in the amount of ONE MILLION FOUR HUNDRED SIX THOUSAND THREE HUNDRED THIRTY-ONE DOLLARS (**\$1,406,331.00**) would fund nutrition services for older adults in Boston, for the period 4/1/21 through 6/30/22. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the U.S. Department of Health and Human Services, and MA Executive Office of Elder Affairs' American Rescue Plan Act - Title IIIC Nutrition award not to exceed the amount of ONE MILLION FOUR HUNDRED SIX THOUSAND THREE HUNDRED THIRTY-ONE DOLLARS (**\$1,406,331.00**).

**Docket #**

**In City Council  
Passed**

**City Clerk**

**Acting Mayor**

**Approved**

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accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of **FOUR HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SEVENTY DOLLARS (\$423,170.00)** in the form of a grant, American Rescue Plan Act - Title IIIA, awarded by U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong.

The grant would fund administration costs for planning and implementation by the Age Strong Commission, from April 1 to September 14, 2021.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** American Rescue Plan Act - Title IIIA FUNDS, AWARDED BY U.S. Department of Health and Human Services AND MA Executive Office of Elder Affairs.

**WHEREAS**, the U.S. Department of Health and Human Services and MA Executive Office of Elder Affairs, are being petitioned for the issuance of funds to the Age Strong; and

**WHEREAS**, the funds in the amount of FOUR HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SEVENTY DOLLARS (**\$423,170.00**) would fund administration costs for planning and implementation by the Age Strong Commission, from April 1 to September 14, 2021. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the U.S. Department of Health and Human Services, and MA Executive Office of Elder Affairs' American Rescue Plan Act - Title IIIA award not to exceed the amount of FOUR HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SEVENTY DOLLARS (**\$423,170.00**).

**Docket #**

**In City Council  
Passed**

**City Clerk**

**Acting Mayor**

**Approved**

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accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of THREE HUNDRED NINETY-FOUR THOUSAND ONE HUNDRED THIRTY-THREE DOLLARS (**\$394,133.00**) in the form of a grant, American Rescue Plan Act, Title III-E, awarded by U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong.

The grant would fund Family Caregiver services for older adults in Boston, for the period 4/1/21 through 6/30/22.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** American Rescue Plan Act, Title III-E FUNDS, AWARDED BY U.S. Department of Health and Human Services AND MA Executive Office of Elder Affairs.

**WHEREAS**, the U.S. Department of Health and Human Services and MA Executive Office of Elder Affairs, are being petitioned for the issuance of funds to the Age Strong; and

**WHEREAS**, the funds in the amount of THREE HUNDRED NINETY-FOUR THOUSAND ONE HUNDRED THIRTY-THREE DOLLARS (**\$394,133.00**) would fund Family Caregiver services for older adults in Boston, for the period 4/1/21 through 6/30/22. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the U.S. Department of Health and Human Services, and MA Executive Office of Elder Affairs' American Rescue Plan Act, Title III-E award not to exceed the amount of THREE HUNDRED NINETY-FOUR THOUSAND ONE HUNDRED THIRTY-THREE DOLLARS (**\$394,133.00**).

**Docket #**

**In City Council  
Passed**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Acting Mayor**

**Approved**

I hereby certify that  
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accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of THREE HUNDRED FORTY-FIVE THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS (**\$345,678.00**) in the form of a grant, FY22 Fair Housing Assistance Program, awarded by the United States Department of Housing & Urban Development to be administered by the Fair Housing & Equity.

The grant would fund processing and training costs related to housing discrimination complaints received by the Boston Fair Housing & Equity Commission.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** FY22 Fair Housing Assistance Program FUNDS, AWARDED BY the United States Department of Housing & Urban Development.

**WHEREAS**, the the United States Department of Housing & Urban Development, is being petitioned for the issuance of funds to the Fair Housing & Equity; and

**WHEREAS**, the funds in the amount of THREE HUNDRED FORTY-FIVE THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS (**\$345,678.00**) would fund processing and training costs related to housing discrimination complaints received by the Boston Fair Housing & Equity Commission. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the the United States Department of Housing & Urban Development, FY22 Fair Housing Assistance Program award not to exceed the amount of THREE HUNDRED FORTY-FIVE THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS (**\$345,678.00**).

**Docket #**

**In City Council  
Passed**

**City Clerk**

**Acting Mayor**

**Approved**

I hereby certify that the foregoing, if passed in the above form, will be in accordance with law.

by *Henry C. Luthin*  
Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of ONE HUNDRED FIFTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-TWO DOLLARS (**\$157,522.00**) in the form of a grant, American Rescue Plan Act, Title III-D, awarded by U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong.

The grant would fund the Long-Term Care Ombudsman program, for the period 4/1/21 through 6/30/22.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** American Rescue Plan Act, Title III-D FUNDS, AWARDED BY U.S. Department of Health and Human Services AND MA Executive Office of Elder Affairs.

**WHEREAS**, the U.S. Department of Health and Human Services and MA Executive Office of Elder Affairs, are being petitioned for the issuance of funds to the Age Strong; and

**WHEREAS**, the funds in the amount of ONE HUNDRED FIFTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-TWO DOLLARS (**\$157,522.00**) would fund the Long-Term Care Ombudsman program, for the period 4/1/21 through 6/30/22. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the U.S. Department of Health and Human Services, and MA Executive Office of Elder Affairs' American Rescue Plan Act, Title III-D award not to exceed the amount of ONE HUNDRED FIFTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-TWO DOLLARS (**\$157,522.00**).

**Docket #**

**In City Council  
Passed**

**City Clerk**

**Acting Mayor**

**Approved**

I hereby certify that  
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by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of ONE HUNDRED FORTY-ONE THOUSAND EIGHT HUNDRED SIXTY-FIVE DOLLARS (**\$141,865.00**) in the form of a grant, Federal FY21 Title III: Expanding Access to COVID-19 Vaccines via Aging Networks, awarded by U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong.

The grant would fund direct services to combat vaccine hesitancy, support vaccine equity efforts, and provide transportation stipends, vouchers and or other related services.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** Federal FY21 Title III: Expanding Access to COVID-19 Vaccines via Aging Networks FUNDS, AWARDED BY U.S. Department of Health and Human Services AND MA Executive Office of Elder Affairs.

**WHEREAS**, the U.S. Department of Health and Human Services and MA Executive Office of Elder Affairs, are being petitioned for the issuance of funds to the Age Strong; and

**WHEREAS**, the funds in the amount of ONE HUNDRED FORTY-ONE THOUSAND EIGHT HUNDRED SIXTY-FIVE DOLLARS (**\$141,865.00**) would fund direct services to combat vaccine hesitancy, support vaccine equity efforts, and provide transportation stipends, vouchers and or other related services. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the U.S. Department of Health and Human Services, and MA Executive Office of Elder Affairs' Federal FY21 Title III: Expanding Access to COVID-19 Vaccines via Aging Networks award not to exceed the amount of ONE HUNDRED FORTY-ONE THOUSAND EIGHT HUNDRED SIXTY-FIVE DOLLARS (**\$141,865.00**).

**Docket #**

**In City Council  
Passed**

**City Clerk**

**Acting Mayor**

**Approved**

I hereby certify that the foregoing, if passed in the above form, will be in accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of ONE HUNDRED FORTY THOUSAND ONE HUNDRED TWENTY-ONE DOLLARS **(\$140,121.00)** in the form of a grant, American Rescue Plan Act, Title III-D, awarded by U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong.

The grant would fund preventative health services for older adults in Boston, for the period 4/1/21 through 6/30/22.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** American Rescue Plan Act, Title III-D FUNDS, AWARDED BY U.S. Department of Health and Human Services AND MA Executive Office of Elder Affairs.

**WHEREAS**, the U.S. Department of Health and Human Services and MA Executive Office of Elder Affairs, are being petitioned for the issuance of funds to the Age Strong; and

**WHEREAS**, the funds in the amount of ONE HUNDRED FORTY THOUSAND ONE HUNDRED TWENTY-ONE DOLLARS (**\$140,121.00**) would fund preventative health services for older adults in Boston, for the period 4/1/21 through 6/30/22. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the U.S. Department of Health and Human Services, and MA Executive Office of Elder Affairs' American Rescue Plan Act, Title III-D award not to exceed the amount of ONE HUNDRED FORTY THOUSAND ONE HUNDRED TWENTY-ONE DOLLARS (**\$140,121.00**).

**Docket #**

**In City Council  
Passed**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Acting Mayor**

**Approved**

I hereby certify that  
the foregoing, if passed in  
the above form, will be in  
accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of EIGHTY-FOUR THOUSAND NINE HUNDRED EIGHTEEN DOLLARS **(\$84,918.00)** in the form of a grant, FY21 Port Security, awarded by United States Department of Homeland Security to be administered by the Police Department.

The grant would fund BPD Harbor Patrol Unit vessels and equipment.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** FY21 Port Security FUNDS, AWARDED BY United States Department of Homeland Security.

**WHEREAS**, the United States Department of Homeland Security, is being petitioned for the issuance of funds to the Police Department; and

**WHEREAS**, the funds in the amount of EIGHTY-FOUR THOUSAND NINE HUNDRED EIGHTEEN DOLLARS (**\$84,918.00**) would fund BPD Harbor Patrol Unit vessels and equipment. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the United States Department of Homeland Security, FY21 Port Security award not to exceed the amount of EIGHTY-FOUR THOUSAND NINE HUNDRED EIGHTEEN DOLLARS (**\$84,918.00**).

**Docket #** \_\_\_\_\_

**In City Council Passed** \_\_\_\_\_

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Acting Mayor**

**Approved** \_\_\_\_\_

I hereby certify that the foregoing, if passed in the above form, will be in accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston · Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-19-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of FIFTEEN THOUSAND SEVEN HUNDRED SIXTY-THREE DOLLARS **(\$15,763.00)** in the form of a grant, Federal FY21 Title III: Expanding Access to COVID-19 Vaccines via Aging Networks, awarded by U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs, to be administered by the Age Strong.

The grant would fund staff time necessary to implement expanded vaccine access services to older adults.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** Federal FY21 Title III: Expanding Access to COVID-19 Vaccines via Aging Networks FUNDS, AWARDED BY U.S. Department of Health and Human Services AND MA Executive Office of Elder Affairs.

**WHEREAS**, the U.S. Department of Health and Human Services and MA Executive Office of Elder Affairs, are being petitioned for the issuance of funds to the Age Strong; and

**WHEREAS**, the funds in the amount of FIFTEEN THOUSAND SEVEN HUNDRED SIXTY-THREE DOLLARS (**\$15,763.00**) would fund staff time necessary to implement expanded vaccine access services to older adults. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the U.S. Department of Health and Human Services, and MA Executive Office of Elder Affairs' Federal FY21 Title III: Expanding Access to COVID-19 Vaccines via Aging Networks award not to exceed the amount of FIFTEEN THOUSAND SEVEN HUNDRED SIXTY-THREE DOLLARS (**\$15,763.00**).

**Docket #**

**In City Council  
Passed**

**City Clerk**

**Acting Mayor**

**Approved**

I hereby certify that the foregoing, if passed in the above form, will be in accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



September 16, 2021

Attached, please find the amended page of the 121A Project Agreement which includes the September 10, 2021 date of the agreement.

Please attach this to the documents delivered on September 13, 2021.

Boston City Clerk's Office  
Confirmation of Receipt of Contract

Receipt of contract: 6A Contract for the 140 Clarendon 121A Project Agreement between Boston and 140 Clarendon LL Limited Partnership

*Laura Isberg*  
*617-633-4387*  
*laura.isberg@boston.gov*

PLEASE DATE STAMP OR SIGN BELOW:

AGREEMENT BETWEEN THE CITY OF BOSTON AND  
140 CLARENDON LL LIMITED PARTNERSHIP  
PURSUANT TO CHAPTER 121A, SECTION 6A OF  
THE MASSACHUSETTS GENERAL LAWS

140 CLARENDON PROJECT

This AGREEMENT (this "Agreement") is made as of this 10<sup>th</sup> day of Sept, 2021, effective as of the Effective Date (as defined in Section 2 below), by and between 140 CLARENDON LL LIMITED PARTNERSHIP (the "Partnership"), a Massachusetts limited partnership organized under Massachusetts General Laws Chapter 109 and subject to Massachusetts General Laws Chapter 121A ("Chapter 121A") and the Acts of 1960, Chapter 652 ("Chapter 652"), both as amended to date, and the CITY OF BOSTON, a municipal corporation of the Commonwealth of Massachusetts (the "City") acting pursuant to Massachusetts General Laws Chapter 121A, Sections 6A and 10 and every other power and authority.

WITNESSETH THAT:

WHEREAS, on February 8, 2021, the Partnership filed an application with the Boston Redevelopment Authority (the "Authority") entitled "Application for Approval Pursuant to General Laws Chapter 121, Section 18C for 140 Clarendon Chapter 121A Project and for Consent to Form an Urban Redevelopment Limited Partnership for the Purpose of Undertaking the 140 Clarendon Chapter 121A Project" (the "Application");

WHEREAS, as set forth in the Application, the Partnership proposes to acquire the property known as 140 Clarendon Street in the Back Bay neighborhood of Boston (the "Property"), as more particularly described on Exhibit A attached hereto and incorporated herein, and to rehabilitate the existing building at the Property (the "Building") to create approximately 210 residential dwelling units, all of which will be permanently income-restricted to households earning no more than sixty percent (60%) of the Area Median Income ("AMI"), as established by the U.S. Department of Housing and Urban Development ("HUD") from time to time (such dwelling units, the "Affordable Units");

WHEREAS, the Application details the substantial rehabilitation program which the Partnership intends to undertake at the Building, including the replacement of the roof, façade repointing, the installation of new elevators, the replacement of obsolete rooftop equipment, and the conversion of underutilized and vacant office and hotel space into the Affordable Units, together with the creation of residential common and amenity spaces, property management and supportive services offices, and spaces accessory and ancillary to the foregoing (the foregoing rehabilitation program is referred to herein as the "Project"); and

WHEREAS, the Project will include the Affordable Units and facilities accessory thereto that will be used exclusively for the benefit of the residents of the Affordable Units, including but not limited to, resident lounges, property management offices and storage spaces, social services offices, and wellness and fitness facilities (such portions of the Building are hereinafter referred to as the "Residential Space"); and

Offered by Councilor Matt O'Malley



**ORDINANCE AMENDING CITY OF BOSTON  
CODE, ORDINANCES, CHAPTER VII, SECTIONS  
7-2.1 AND 7-2.2, BUILDING ENERGY REPORTING  
AND DISCLOSURE (BERDO)**

**WHEREAS:** Buildings contribute to three-quarters of greenhouse gas emissions in the City of Boston; and

**WHEREAS:** Low-income and communities of color in Boston are disproportionately impacted by climate change through increasing heat island exposure, rising sea levels, and stormwater flooding; and

**WHEREAS:** In May 2013, the Boston City Council passed CBC Chapter VII, Section 7-2.2 Building Energy Reporting and Disclosure Ordinance (BERDO) proposed by Mayor Thomas M. Menino; and

**WHEREAS:** BERDO requires that all commercial and residential buildings that are 35,000 square feet or have 35 units or more report their energy and water use to the City of Boston every year; and

**WHEREAS:** The purpose of the ordinance was to reduce emissions including greenhouse gases from energy production, encourage efficient use of energy and water, and develop investment in a green economy by requiring the reporting and disclosure of annual energy and water use in all large buildings; and

**WHEREAS:** The ordinance was then updated on May 14, 2014 by Mayor Martin J. Walsh with an amendment to extend the reporting deadline from May 15 to September 15, 2014; and

**WHEREAS:** The City of Boston's 2019 Climate Action Plan Update details strategies to reduce carbon emissions from buildings over the next five years, including introducing an amendment to BERDO to replace energy action and assessment requirement with a building emissions performance standard by 2021; and

**WHEREAS:** The Boston City Council unanimously passed a resolution in January 2020 declaring that the climate crisis is a health emergency; and

**WHEREAS:** The City of Boston historically exhibited leadership in combating global climate change as the first city in the nation to deploy a green building standard through municipal zoning requirements; and **THEREFORE BE IT**

**ORDERED:** That the City of Boston Code, Ordinances, Chapter VII, Section 7-2.1 and 7-2.2 shall be amended as follows:

SECTION 1. City of Boston Code, Ordinances, Chapter VII, Section 7-2.2 is hereby by stricken in its entirety, and shall be replaced with the following:

Section 7-2.2 Building Emissions Reduction and Disclosure.

**(a) Purpose.**

It is the intent of this Subsection to reduce the emissions of air pollutants, including greenhouse gases, from building energy production and consumption, and thereby to encourage efficient use of energy and water, develop further investment in building a green economy, including by encouraging the hiring and training of green jobs, protect public health, and promote equitable access to housing. To do so, the provisions of this Subsection require the reporting and disclosure of annual energy use, disclosure of annual water use in all covered buildings, and compliance with emissions requirements in accordance with this article.

The Air Pollution Control Commission has enforcement authority pursuant to, inter alia, Article 89 of the Massachusetts Constitution, M.G.L. c. 111, s. 31C, MG.L. c. 40, s. 21D, MG.L. c. 40U, and this Subsection.

**(b) Definitions.**

When used in this Subsection 7-2.2, unless a contrary intention clearly appears, the following terms shall have the following meaning:

*Building* means a City Building, Non-Residential Building, or Residential Building as defined in this Subsection or by regulation.

*Building Portfolio* means two or more Buildings, on one or more properties, with the same Owner. For purposes of defining a Building Portfolio, management companies shall not constitute Owners.

*Building Use* shall mean (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 Portfolio Manager, or (ii) other activities as defined in the ENERGY STAR Portfolio Manager or by the Regulations as may be updated from time to time.

*Carbon Dioxide Equivalent (CO<sub>2</sub>e)* means greenhouse gas Emissions, including carbon dioxide, methane and nitrous oxide. CO<sub>2</sub>e shall be calculated according to regional Energy and greenhouse gas factors as set forth in the ENERGY STAR Portfolio Manager and as may be amended from time to time by the Regulations.

*City* means the City of Boston.

*City Building* means a Building, as it appears in the records of the Boston Assessing Department, that is owned by the City, or for which the City regularly pays all of the annual Energy bills. City Buildings shall include Buildings that are owned or managed by the Boston Housing Authority.

*Commission* means the Air Pollution Control Commission.

*Community-Based Organization* means a non-profit organization that is driven by community residents, that is the majority of the governing body and staff consists of local residents, the main operating offices are in the community of service, priority issue areas are identified and defined by residents, solutions to address priority issues are developed with residents, and program design, implementation, and evaluation components have residents intimately involved and in leadership positions.

*Days* means consecutive calendar days.

*Electrical Vehicle Supply Equipment (EVSE)* means equipment for the purpose of transferring electric Energy to a battery or other Energy storage device in an electric vehicle, including but not limited to “electric vehicle charging stations” as defined in MGL ch. 25. sec. 16.

*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 Carbon Dioxide Equivalent associated with the generation and transmission of Energy used by a Building.

*Emissions Factor* means CO<sub>2</sub>e calculated according to regional Energy and greenhouse gas factors as set forth in the Regulations, as may be amended from time to time.

*Employment Plan* means a plan submitted to the Mayor’s Office of Workforce Development by a Building Owner establishing training protocols and minimum employment standards.

*Energy* means electricity, heating and cooling from any fuel source including, but not limited to, natural gas, fuel oil, propane, and power used to generate steam and hot and chilled water, and any other sources of Energy that the Commission may designate.

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

*Environment Department* means the City of Boston Environment Department.

*Environmental Justice Population* means a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent 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 or by state statute.

*Gross Floor Area (GFA) or Area* means the total number of square feet measured between the principal exterior surfaces of enclosing fixed walls.

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

*Individual Compliance Schedule* means an alternative timeline for complying with the Emissions Standards outlined in this Subsection, as may be updated by the Regulations.

*Non-Residential Building* means, as it appears in the records of the Boston Assessing Department, either:

- (i) a Building that equals or exceeds twenty thousand (20,000) square feet in gross Building Area, and of which fifty percent (50%) or more of the gross Building Area, excluding parking, is used for commercial, retail, office, professional, educational or other non-residential purposes;
- (ii) a parcel with a single Owner and multiple Buildings whose gross Building Areas cumulatively equal or exceed twenty thousand (20,000) square feet, and of which fifty percent (50%) or more of the cumulative gross Building Area, excluding parking, is used for commercial, retail, office, professional, educational or other non-residential purposes. Each such Building shall individually comply with the requirements of this Subsection, including reporting and complying with Emissions standards, unless part of a Building Portfolio; or
- (iii) any grouping of Non-Residential Buildings designated by the Review Board as an appropriate reporting unit. Each such Building shall individually comply with the requirements of this Subsection, including reporting and complying with Emissions standards, unless part of a Building Portfolio.

The term "*Non-Residential Building*" shall not include any Building that is a City Building.

*Owner* means a Building's Owner of record, provided that the "Owner" may be deemed to include (i) multiple Owners in common ownership; (ii) the association or organization of unit Owners responsible for overall management in the case of a condominium; and (iii) the board of directors in the case of a cooperative apartment corporation. 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 thirty (30) years, inclusive of all renewal options, the Owner may designate the lessee as "Owner" for purposes of compliance with this Section; such designation must be provided in writing to the Commission as required by the Regulations. An Owner may designate an agent to act on its behalf, including reporting as required by this Section; provided, however, that such designation (i) must be provided in writing to the Commission, and (ii) does not relieve the Owner of any compliance obligation under this Section.

*Power Purchase Agreement* means a contract by which an Owner agrees to purchase electricity from a generating facility over a fixed term of years.

*Regulations* means the Air Pollution Control Commission's Building Emissions Reduction and Disclosure Regulations.

*Residential Building* means, as it appears in the records of the Boston Assessing Department, either:

- (i) a Building with fifteen (15) or more total individual dwelling units that, together with hallways and other common space serving residents, comprise more than fifty percent (50%) of the gross Building Area, excluding parking;
- (ii) a parcel with a single Owner and multiple Buildings that cumulatively have fifteen (15) or more total individual dwelling units or that cumulatively equal or exceed twenty thousand (20,000) square feet in gross Building Area. Each such Building shall individually comply with the requirements of this Subsection, including reporting and complying with Emissions standards, unless part of a Building Portfolio; or
- (iii) any grouping of Residential Buildings designated by the Review Board as an appropriate reporting unit. Each such Building shall individually comply with the requirements of this Subsection, including reporting and complying with Emissions standards, unless part of a Building Portfolio.

The term "*Residential Building*" shall not include a City Building or a Non-Residential Building.

*Renewable Energy Certificate (REC)* means a certificate representing the positive environmental attributes associated with the production of one (1) megawatt hour (MWh) of electricity by a renewable Energy facility.

*Review Board* means the board established pursuant to section (r) of this Subsection.

*Tenant* means any tenant, tenant-stockholder of a cooperative apartment corporation, and condominium unit Owner.

*This Subsection* shall refer to Chapter VII, Section 7-2.2 of the City of Boston Code.

**(c) Energy, Emissions, and Water Disclosure Required for City Buildings.**

No later than May fifteenth (15th) of each year, the City shall publicly disclose (i) the previous year's Energy and water use by each City Building and (ii) the Emissions compliance status of each City Building.

The Commission shall coordinate the performance of this requirement.

**(d) Energy, Emissions, and Water Reporting Required for Non-City Buildings.**

**(i) Data Reporting Requirements.**

No later than May fifteenth (15th) of each year, the Owner of each Building subject to reporting requirements shall accurately report to the Commission, via the Portfolio Manager or as required by the Regulations, the following information for the previous calendar year:

- (a) Energy and water use of each Building and other Building characteristics necessary to evaluate absolute and relative CO<sub>2</sub>e Emissions intensity as required by the Commission. Energy and water use data shall not include its associated cost. Building Owners shall report this information by using the ENERGY STAR Portfolio Manager or such alternative as the Commission may designate.
- (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 can be reported, provided that each use occupies at least ten percent (10%) of the Building's square footage or accounts for at least ten percent (10%) of the Building's annual Energy use or CO<sub>2</sub>e Emissions.
- (c) If applicable, any Renewable Energy Certificates (RECs) used to comply with the Emissions standards set forth in this Subsection, including proof of retirement of the RECs.
- (d) If applicable, any Energy purchased via a Power Purchase Agreement(s) that was used at the Building and/or used to comply with the Emissions standards set forth in this Subsection, including, if relevant, proof of retirement of associated RECs and the Emissions Factor of the grid where the generating facility is located, if on a grid other than ISO New England. Owners must

provide a copy of an executed Power Purchase Agreement that demonstrates (i) the quantity of Energy purchased in the relevant calendar year, (ii) the type and generation location of the Energy purchased, and (iii) the ownership of any RECs associated with the Energy, if relevant. Business confidential information, including price, may be redacted.

- (e) Any CO<sub>2</sub>e Emissions Factors for Energy used by the Building if different from the Emissions Factors in the Regulations.
- (f) Contact information for Owners and any designated agents.

Building Owners may choose to report additional metrics, including but not limited to, Building waste, occupancy, density, operational hours, net lessees, Boston Resident Jobs Policy compliance, energy storage, and indoor air quality.

(ii) Reporting Schedules.

The initial reports shall occur according to the following schedule:

1. For every Non-Residential Building equal to or greater than fifty thousand (50,000) gross square feet or two (2) or more Buildings on the same parcel that equal or exceed one hundred thousand (100,000) gross square feet, the first report shall be submitted no later than September 15, 2014.
2. For every Non-Residential Building equal to or greater than thirty-five thousand (35,000) gross square feet but less than fifty thousand (50,000) gross square feet, the first report shall be submitted no later than May 15, 2016.
3. For every Non-Residential Building, or two (2) or more Buildings on the same parcel, equal to or greater than twenty thousand (20,000) gross square feet but less than thirty-five thousand (35,000) gross square feet, the first report shall be submitted no later than May 15, 2022.
4. For every Residential Building equal to or greater than fifty (50) units or fifty thousand (50,000) gross square feet, or two (2) or more Buildings held in the same condominium form of ownership that are governed by the same board of managers that together equal or exceed fifty (50) units or fifty thousand (50,000) gross square feet, the first report shall be submitted no later than May 15, 2015.
5. For every Residential Building equal to or greater than thirty-five (35) units or thirty-five thousand (35,000) gross square feet, the first report shall be submitted no later than May 15, 2017.
6. For every Residential Building, or two (2) or more Buildings on the same parcel, equal to or greater than fifteen (15) units or twenty thousand (20,000) gross square feet

but less than thirty-five (35) units or thirty-five thousand (35,000) square feet, the first report shall be submitted no later than May 15, 2022.

Notwithstanding the foregoing, the Review Board shall develop a procedure for establishing alternative reporting dates for Building Owners who supply timely notification of extenuating circumstances.

**(e) Direct Upload.**

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

**(f) Equitable Emissions Investment Fund.**

The City auditor shall establish the Equitable Emissions Investment Fund as a separate account and credit to the fund all Alternative Compliance Payments and penalties made pursuant to this Subsection; the City or Environment Department may direct other funds to the Equitable Emissions Reduction Fund at its discretion. The Review Board is responsible for evaluating local carbon abatement proposals, and making recommendations for expenditures from the Fund.

Money in the Fund shall be expended for the support, implementation, and administration of local carbon abatement projects that benefit the City of Boston prioritizing Environmental Justice Populations, including by improving or promoting:

- low-income affordable housing and housing where tenants are at risk of displacement and in need of rent stabilization;
- local air quality improvement;
- indoor environmental quality and health for building tenants;
- economic inclusion, training, and technical assistance for Minority, Women, and Disadvantaged Business Enterprises (MWDBE) and cooperative contractors;
- workforce development training programs for residents who have been disproportionately impacted by the effects of climate change;
- projects with community ownership of housing and renewable energy infrastructure;
- reduced energy burdens; or
- any further environmental initiatives.

The Regulations will address conditions for expenditure, which may include but are not limited to compliance with employment and contracting standards, living wage standards, language access, rent stabilization, air quality monitoring and improvements, housing stability, tenant transparency and compliance with Fair Housing standards.

During each fiscal year, the Review Board may incur liabilities against and spend monies from the Equitable Emissions Reduction Fund, which shall operate for fiscal years that begin on or after the date of implementation. Money in the Fund may be used for administrative costs incurred by the Review Board, including compensation for members as provided in subsection (r), or by the Environment Department in supporting the Review Board.

**(g) Data Verification.**

- a. Building Owners shall self-certify their reporting data every year.
- b. In the first year of reporting 2021 data starting in 2022 and the first year of compliance in the 2025-2029 compliance period for Emissions standards starting in 2026, and every fifth year thereafter, Building Owners shall provide a third-party verification of their reporting data for the five calendar years prior to, but not including, the current year. Verifications must be performed by qualified Energy professionals, as defined by the Regulations of the Commission, and submitted by June 15<sup>th</sup> of the relevant year.
- c. Any Building completed after the date of implementation and any building equal to or greater than twenty thousand (20,000) square or fifteen (15) units but less than thirty-five thousand (35,000) square feet or thirty-five (35) units shall be subject to this third-party data verification requirement in the first year of reporting and the first year of compliance with Emissions standards.
- d. In the event that there is a discrepancy between third-party verified data and an Owner's self-certified reporting data, any resulting lack of compliance with the Emissions standards in this Subsection shall be subject to fines as outlined in the Regulations.

The Commission may revise requirements for data verification and qualified Energy professionals via the Regulations.

**(h) Emissions Requirements.**

Each Building subject to the reporting requirements of this Subsection shall comply with the CO<sub>2</sub>e Emissions standards set forth in Table 1 below; provided, however, that Building Owners may develop and request approval for Individual Compliance Schedules pursuant to the requirements in section (j) or request a Hardship Compliance Plan pursuant to section (k). Buildings must comply with the Emissions standards on an annual basis and compliance shall be measured as a total of metric ton of CO<sub>2</sub>e Emissions per square foot. Buildings equal to or greater than twenty thousand (20,000) square or fifteen (15) units but less than thirty-five thousand (35,000) square feet or thirty-five (35) units shall not be subject to the Emissions standards until 2031, reporting for 2030 emissions. Any Building that has been completed after date of implementation shall comply with Emissions Standards consistent with zoning approvals, which shall be

considered binding and supersede any less stringent Emissions standards set out in this Subsection.

Upon recommendation from the Environment Department, the Review Board shall propose to the Commission an update to the CO<sub>2</sub>e Emissions Factors and the CO<sub>2</sub>e Emissions standards and compliance periods set forth in Table 1, to ensure the City is achieving its emissions reduction goals.

Table 1: CO<sub>2</sub>e Emissions Standards by Building Use

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

(i) Blended Emissions Standards for Individual Buildings.

Buildings with more than one primary use may comply with a blended CO<sub>2</sub>e Emissions standard; provided, however, that a use may constitute a primary use only if it (i) occupies at least ten percent (10%) of a Building’s square footage, or (ii) accounts for more than ten percent (10%) of a Building’s total annual Energy use or CO<sub>2</sub>e Emissions. Building Owners using a blended CO<sub>2</sub>e Emissions standard must (i) designate the blended standard in annual reports to the Commission, and (ii) provide documentation verifying the qualification of each primary use in annual reports to the Commission for the first year a blended CO<sub>2</sub>e Emissions standard is used and in any subsequent year when the blended Emissions standard or primary use(s) change.

(ii) Blended Emissions Standards for Building Portfolios.

Owners of Building Portfolios may apply for a blended CO<sub>2</sub>e Emissions standard for all Buildings in the Portfolio, provided that (i) all Buildings within the Portfolio have the same Owner; for this purpose, a Building management company does not constitute an Owner, or (ii) all Buildings within the Portfolio are part of an approved Institutional Master Plan. Such blended CO<sub>2</sub>e Emissions standard may reflect multiple primary uses in a Building in accordance with the procedure described in this Subsection. The City may use a blended Emissions standard for any Building Portfolio of City Buildings and may create multiple Building Portfolios.

Blended Emissions standards for Building Portfolios must be approved by the Review Board, and Building Portfolio Owners must submit documentation confirming eligibility as a Building Portfolio when requesting a blended Emissions standard from the Review Board. Notwithstanding the approval of a blended Emissions standard for a Building Portfolio, Owners must continue to report the water and Energy use, Emissions data, and any other information required by this Subsection for each individual Building. If a Building is removed from 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 in table 1 and the blended Emissions standard rate for the Building Portfolio shall be adjusted to reflect the removal of the Building. The Review Board may require that the Owner submit a portfolio emissions reduction plan that prioritizes emissions reductions in Buildings located in or near Environmental Justice Populations, and may set further conditions on the approval of a Building Portfolio consistent with the Regulations.

**(i) Energy Use Exempt from Emissions Requirements.**

Building Owners may choose to deduct Energy used by Emergency Backup Generation/Backup Power and Electrical Vehicle Supply Equipment (EVSE) from a Building's total Energy use subject to this Subsection's CO<sub>2</sub>e Emissions standard, provided that:

- i. Emergency Backup Generation/Backup Power provides Energy only to the Building or Building Portfolio. In the event that Emergency Backup Generation/Backup Power or EVSE serve, or have the potential to serve, multiple Buildings in a Building Portfolio, the Energy use from such activities shall be deducted in reporting for individual Buildings in proportion to the square footage of each Building;
- ii. Electrical Vehicle Supply Equipment is separately metered; and
- iii. Building Owners annually report (i) Energy used by Emergency Backup Generation / Backup Power and Electrical Vehicle Supply Equipment; (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 subsection (f).

Upon recommendation from the Review Board, the Commission may revise the availability and use of these exemptions or add additional exemptions via the Regulations. Energy used by Emergency Backup Generation / Backup Power may no longer be exempted after 2030, unless otherwise amended in the Regulations.

**(j) Individual Compliance Schedules.**

Owners of Buildings or Building Portfolios may apply for an Individual Compliance Schedule as an alternative to the CO<sub>2</sub>e Emissions standard reduction schedule in Table 1. Individual Compliance Schedules must establish declining CO<sub>2</sub>e Emissions standards in five- (5-) year increments, provided that such standards must (i) decline on a linear or better basis, (ii) reduce Emissions 50% by 2030, and (iii) reduce Emissions 100% by 2050; and

- a. Use the year that a Building was first required to report Energy use pursuant to this Subsection as the baseline for emissions, provided, however, that (i) the Building's or Building Portfolio's Energy use, Gross Floor Area, and any relevant Emissions Factors have been reported to the Commission in accordance with this Subsection or is retroactively reported in accordance with the data verification requirements of this Subsection and the Regulations; or
- b. Use a baseline from any year starting in 2005 to 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 Subsection and the Regulation. The Commission may make such information publicly available.

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 is submitted to the Review Board and any applicable penalties for past non-compliance are paid in full.

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

**(k) 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 standards in this Ordinance. Such characteristics or circumstances, to be detailed in the Regulations, may include historic Building designations, affordable housing refinancing timelines, pre-existing long-term Energy contracts without reopeners, or financial hardship. The application, review process and conditions for Hardship Compliance Plans shall be set forth in the Regulations. The Review Board shall have sole discretion in issuing Hardship Compliance Plans; such plans may include alternative timelines for meeting Emissions standards, and alternative Emissions standards. At its discretion, the Review Board may also allow the use of compliance mechanisms additional to those outlined in section (l) consistent with achieving the purpose of the Subsection as laid out in section (a). The Review Board may include additional conditions on the approval of Hardship Compliance Plans consistent with the Regulations, including Employment Plans, housing stabilization, air quality monitoring, energy cost-sharing and transparency measures, as appropriate.

**(l) Compliance Mechanisms.**

- a. Municipal Aggregation: Buildings may use electricity obtained through the Boston municipal aggregation program, at either the base rate or higher rate, and have the appropriate Emissions Factor applied to such electricity.
  
- b. Renewable Energy Certificates: Buildings may mitigate CO<sub>2</sub>e Emissions from electricity use by purchasing bundled or unbundled Renewable Energy Credits that:
  - (i) Are generated by non-CO<sub>2</sub>e emitting renewable sources and meet the RPS Class I eligibility criteria outlined in 225 CMR 14.05, as may be amended from time to time;
  - (ii) Are tracked by the New England Power Pool Generation Information System;
  - (iii) Are generated in the compliance period in which they are used;
  - (iv) Are retired within six (6) months after the end of the compliance period in which they are used; and
  - (v) Comply with any additional or different requirements set forth in the Regulations, as may be amended from time to time. In the event of a conflict between the requirements for Renewable Energy Credits in this provision and the Regulations, the requirements in the Regulations shall prevail.
  
- c. Power Purchase Agreements: Buildings may mitigate CO<sub>2</sub>e Emissions from electricity use by entering Power Purchase Agreements for Energy generated by renewable non-emitting fuel sources, provided that:

- (i) The Energy purchased pursuant to a Power Purchase Agreement is generated during the compliance period for which a Building is mitigating CO<sub>2</sub>e Emissions;
  - (ii) The Renewable Energy Credits associated with the Energy purchased under a Power Purchase Agreement are retired by the Building Owner within six (6) months after the end of the compliance period in which used; and
  - (iii) The Power Purchase Agreement complies with any additional or different requirements set forth in the Regulations, as may be amended from time to time, including but not limited to additionality criteria. In the event of a conflict between the requirements for Power Purchase Agreements in this provision and the Regulations, the requirements in the Regulations shall prevail.
- d. Alternative Compliance Payments: Buildings may mitigate CO<sub>2</sub>e 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 CO<sub>2</sub>e to decarbonize Buildings subject to this Subsection. The initial cost of an Alternative Compliance Payment shall be \$234 per metric ton of CO<sub>2</sub>e. The cost of an Alternative Compliance Payment shall be reviewed at least every five (5) years by the Review Board, with input from the Environment Department, and may be adjusted by the Regulations.

Upon recommendation from the Review Board, the Commission may revise the availability and use of these compliance mechanisms or add additional compliance mechanisms via the Regulations, consistent with the purpose of the Subsection as laid out in section (a).

**(m) Preservation of Documents.**

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

**(n) Obligation to Request and Report Information.**

Where a unit or other space in a Building is occupied by a Tenant and such unit or space is separately metered by a utility company, the Owner of such Building may request from such Tenant information relating to such Tenant's separately metered Energy and water use, purchase of renewable energy or RECs, use of space, and operating hours, and other information required for Portfolio Manager reporting, for the previous calendar year, and such Tenant shall report such information to such Owner. The Commission may

designate and make available a form to be used to request and report such information. Notwithstanding the foregoing, individual residential Tenants shall have no obligation to report Energy and water use to Building Owners.

1. Such Owner may request information related to such Tenant's metered Energy and water use 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. Upon receiving such a request, a Tenant shall report information relating to the Tenant's separately metered Energy and water use for the previous calendar year no later than February 28 of any year in which the Owner is required to report such information.
3. If a Tenant vacates a unit or other space before the end of the calendar year without reporting metered Energy and water use, such Owner may immediately request such information for any period of occupancy relevant to such Owner's obligation to report and the Tenant shall respond within thirty (30) Days.
4. Failure of any Tenant to report the information required in this Subsection does not relieve such Owner of the obligation to report pursuant to this article.
5. Where an Owner of a Building is unable to obtain complete Energy and water use data due to the failure of any Tenant to report the information required by this Subsection, the Owner shall use values or formulas established by the Commission to estimate whole Building Energy and water use.

**(o) Disclosure.**

The Commission shall make Energy, water, and Emissions information for Buildings available to the public on the City of Boston website in multiple languages consistent with City of Boston language standards no later than October 1 of every year, except for 2014 in which it shall make such information available to the public no later than December 1, 2014. Such disclosure shall include, at a minimum, Building identification, Energy intensity, CO<sub>2</sub>e Emissions per square foot, Emissions compliance status, ENERGY STAR rating, where available, and water consumption per square foot. Such disclosures may include information voluntarily reported to the Commission. Before any such disclosure, the Commission shall subject all data to a quality-assurance/quality-control process.

1. At least thirty (30) Days prior to disclosure, the Commission shall provide Building Owners an opportunity to review the accuracy of information to be disclosed.
2. The Commission shall invite Building Owners to submit contextual information related to Energy and water use in their Buildings, and shall disclose contextual information in such form as it shall determine.
3. The Commission shall also, from time to time, publicly report on implementation of, compliance with, and overall results from this ordinance; however, the first such report shall be issued no later than December 31, 2014.

To the extent available to the Commission, the Commission shall disclose information relevant to air quality, Energy cost burdens, fair housing and housing displacement, jobs, and other qualitative and quantitative metrics related to Environmental Justice Populations and equitable implementation of this Subsection. Within one year, the Environment Department shall identify appropriate metrics and research mechanisms for (i) measuring and collecting this type of information and (ii) analyzing the impact, if any, of this Subsection on such metrics.

The Commission shall issue regular reports on the Equitable Emissions Reduction Fund, including balance of funds, expenditures, funded projects and anticipated impacts relative to greenhouse gas emissions, air quality, and local employment. These reports will be available for the public on the City of Boston website.

**(p) Enforcement for Failure to Comply with this Subsection.**

1. Failure to comply with the provisions of this Subsection shall result in the imposition of penalties by the Review Board. For any failure to comply, the Review Board shall have the authority to: (i) issue a notice of violation subject to penalties if not corrected; and (ii) seek an injunction from a court of competent jurisdiction requiring a Building Owner or Tenant to comply with the requirements of this Subsection; provided, however, this provision shall not apply to residential Tenants.

2. Notice of violation. The Review Board shall issue a written notice of violation to any Building Owner or Tenant violating this Subsection by failing to comply with any of the provisions of this Subsection or any Regulation issued pursuant to this Subsection. The notice of violation shall indicate which obligations the Building Owner or Tenant has not fulfilled and provide the Building Owner or Tenant with thirty (30) days to either: (i) correct the notice of violation by complying with this Subsection and associated Regulations; or (ii) send a written request to the Executive Director of the Commission for a hearing by the Review Board for a determination of whether the Building Owner or Tenant violated this Subsection.

3. Request for a Hearing. If a Building Owner or Tenant requests a hearing, the Review Board shall hold such hearing within sixty (60) days of the Executive Director of the Commission's receipt of a written request for hearing. The hearing shall be conducted according to the requirements of M.G.L. c. 30A. If the Review Board determines that the Building Owner or Tenant violated this Subsection, that person shall have thirty (30) days from the issuance of a final decision to correct the violation.

4. Failure to comply with notice of violation. If a person who does not request a hearing fails to correct a noticed violation of this Subsection within thirty (30) days after the Executive Director of the Commission issues a written notice of violation, that person shall be deemed to have failed to comply with the notice of violation. If a person who requested a hearing fails to correct a noticed violation of this Subsection within thirty (30) days after the issuance of an adverse decision after a hearing, that person shall be

deemed to have failed to comply with the notice of violation. Any person who has failed to comply with a notice of violation shall be subject to a fine as set forth in section (p):

5. Injunctive relief. Upon recommendation from the Review Board, the Commission shall seek an injunction from a court of competent jurisdiction instructing a Building Owner or Tenant who has failed to comply with a notice of violation to comply with this Subsection and regulations issued pursuant to this Subsection. The Review Board shall have discretion in deciding whether to recommend seeking an injunction.

6. Fines. All fines and penalties issued under this Subsection may be enforced pursuant to M.G.L. c. 40, s. 21D, provided however, that this permission to utilize the noncriminal disposition procedures of section 21D shall not deprive the Review Board or the Commission of any other remedy or means of collecting the fine, including by indictment or complaint. For any fines or penalties that remain unpaid thirty (30) Days following the receipt of a notice of violation the Commission shall, upon recommendation from the Review Board, take steps to place an assessment on the Building Owner's tax bill or a lien on the Building pursuant to M.G.L. c. 40U, s. 12. The Review Board shall have discretion in deciding whether to recommend placing assessments or liens.

**(q) Penalties and Fines for Failure to Comply with this Subsection.**

The fines outlined in this Subsection may be revised by the Regulations upon advisement by the Environment Department. References to Buildings in this subclause shall be deemed to include Building Portfolios. The Regulations shall provide a Building Owner with an opportunity to administratively appeal any such fine pursuant to an appeal mechanism that is consistent with that required by G. L. c. 40U.

**(i) Failure to Comply with Reporting Requirements.**

Each Day that a Building Owner is out of compliance with the reporting requirement of this Subsection, in whole or in part, shall be deemed a separate violation of this Subsection and subject to a fine of:

1. Three hundred dollars (\$300) a Day for:
  - a. Non-Residential Buildings equal to or greater than thirty-five thousand (35,000) gross square feet or two (2) or more Buildings on the same parcel that equal or exceed one hundred thousand (100,000) gross square feet; and
  - b. Residential Buildings equal to or greater than thirty-five (35) units or thirty-five thousand (35,000) gross square feet.
2. One hundred-fifty dollars (\$150) a Day for:
  - a. Non-Residential Buildings equal to or greater than twenty thousand (20,000) gross square feet but less than thirty-five thousand (35,000) gross square feet; and

- b. Residential Buildings equal to or greater than fifteen (15) units or twenty thousand (20,000) gross square feet, but less than thirty-five (35) units or thirty-five thousand (35,000) gross square feet.

No penalty shall be assessed prior to thirty (30) Days after receipt of a notice of violation by a Building Owner or if a Building Owner corrects the violation within thirty (30) Days of receipt of a notice of violation.

(ii) Failure to Comply with Emission Standards.

If a Building Owner did not comply with the applicable Emissions standard in a calendar year, each Day of that calendar year and each subsequent Day when the violation is not corrected shall be deemed a separate violation of this Subsection and subject to a fine of:

- 1. One thousand dollars (\$1,000) a Day for:
  - a. Non-Residential Buildings equal to or greater than thirty-five thousand (35,000) gross square feet or two (2) or more Buildings on the same parcel that equal or exceed one hundred thousand (100,000) gross square feet; and
  - b. Residential Buildings equal to or greater than thirty-five (35) units or thirty-five thousand (35,000) gross square feet.
- 2. Three hundred dollars (\$300) a Day for:
  - a. Non-Residential Buildings equal to or greater than twenty thousand (20,000) gross square feet but less than thirty-five thousand (35,000) gross square feet; and
  - b. Residential Buildings equal to or greater than fifteen (15) units or twenty thousand (20,000) gross square feet, but less than thirty-five (35) units or thirty-five thousand (35,000) gross square feet.

For any Building Owner that has failed to report any or all information required by this Subsection to calculate compliance with the Emissions standard, the Building shall be deemed to be in non-compliance with the Emissions standard and subject to the fines in this subclause. A Building Owner may correct such non-compliance by providing the information required by this Subsection to calculate compliance with the Emissions standard and, if necessary, make use of relevant Compliance Mechanisms to account for any failure to meet the Emissions standard. No penalty shall be assessed prior to thirty (30) Days after receipt of a notice of violation by a Building Owner or if a Building Owner corrects the violation within thirty (30) Days of receipt of a notice of violation.

(iii) Failure to Accurately Report Information

In the event that third-party verification of information reported by a Building Owner identifies a discrepancy with a Building Owner's self-certified reporting, such discrepancy shall be deemed a violation of this Subsection and subject to a fine between one thousand dollars (\$1,000) and five thousand dollars (\$5,000). The Review Board

shall, in its sole discretion, determine the fine taking into account whether the failure to accurately report information impacted a determination of compliance with an Emissions standard. An Owner may petition the Review Board for a reduction in such a penalty in accordance with the conditions outlined in the Regulations, which shall include circumstances in which a third-party verification was filed by a prior Owner. The Review Board may, in its discretion, reduce such penalty through the process as laid out in the regulations.

In the event that a failure to accurately report information resulted in inaccurately determining that a Building Owner complied with an Emissions standard, the penalties from subclause (ii) above shall apply.

(iv) Penalty reductions and waivers

The Review Board may grant penalty reductions or waivers. Details regarding petitions, review process and conditions for penalty reductions or waivers may be set forth in the Regulations. In determining whether to grant any reduction in penalty for failure to comply with Emission standards, the Review Board shall consider an Owner's plans for bringing a Building into full compliance and whether there are Building characteristics or circumstances that present a hardship in complying with the Emissions standards in this Ordinance. Such characteristics or circumstances could include historic Building designations, affordable housing, or financial hardship. The Review Board shall have sole discretion in granting penalty reductions or waivers.

Section (q) shall not apply to the City or any City Building.

**(r) Review Board.**

There is established an independent Review Board appointed by the Mayor and approved by the Boston City Council. Members of the Review Board shall have expertise in environmental justice, affordable housing, labor, workers' rights and workforce development, building engineering and energy, real estate development and management, public health and hospitals, historic preservation, or any combination thereof.

Two-thirds of the members of the Review Board shall be nominated by Community-Based Organizations. The Chair of the Boston City Council's Environment, Resiliency and Parks Committee, or their designee shall serve as a member of the Review Board. The Regulations shall establish the number of seats on the Review Board and designate community groups and organizations to nominate individuals to serve on the Review Board, subject to the Mayor's review and the Council's approval.

Members shall serve for a term of three (3) years. As the term of any member expires, their successor shall be nominated by the organizations identified in the Regulations and appointed by the Mayor. Vacancies in the Review Board shall be filled by the Mayor, subject to Council approval for the unexpired term. Every three (3) years, the Mayor shall designate a member to be the Chair of the Review Board.

The Review Board shall meet a minimum of four times per year and may meet more often as it deems necessary to fulfill its obligations under this Section. Members of the Review Board for whom participation is not part of a full- or part-time job may request compensation for their service on the Review Board. The Regulations shall establish a rate of compensation per meeting and a cumulative compensation per year.

The Review Board must draft Regulation revisions and may issue guidance to the Environment Department to ensure equitable implementation of this Subsection.

Funding, capacity-building and staff support shall be provided to the Review Board by the Environment Department. The Environment Department shall also be responsible for annual disclosure and policy administration and carry out enforcement actions as directed by the Review Board. The Review Board may delegate responsibilities, such as, but not limited to, the approval of requests for blended Emissions standards and Individual Compliance Schedules, to the Environment Department.

**(s) Advisory Committee.**

Any Advisory Committee previously established pursuant to this Subsection shall be disbanded.

**(t) Review and Power to Suspend.**

The Commission shall direct the Environment Department to review the implementation of the Subsection every five (5) years. As part of such review, the Environment Department shall hold at least one (1) public hearing and solicit comments from the public. Such request for comments shall include a request for information regarding how, if at all, implementation of the Subsection has impacted air quality, Energy cost burdens, and other qualitative and quantitative metrics related to Environmental Justice Populations and equitable implementation of this Subsection; to the extent such information is available from other City departments, the Environment Department shall take all reasonable steps to collect and analyze such information.

The Commission may suspend all or part of the requirements of this Subsection upon a written finding from the Environment Department that a significant obstacle interferes with implementation or that implementation has a significant negative effect on Energy cost burdens, equitable access to housing or other factors set forth in the Regulations. The Commission may lift such suspension upon a written finding from the Environment Department that the obstacle has been removed or the negative effect addressed. The Commission shall suspend the requirements of this Subsection as necessary to ensure that at least ninety (90) Days passes between the promulgation of Regulations and any reporting deadline.

Notwithstanding the foregoing, the Environment Department may recommend revisions to the Regulations as needed.

**(u) Regulatory Authority.**

In accordance with recommendations from the Environment Department, the Commission shall promulgate rules and regulations, including amending the existing Regulations, necessary to implement and enforce this Subsection, pursuant to M.G.L., c. 30A.

**(v) Applicability.**

If any provision of this Subsection imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, by-law, order, or policy, then the provisions of this Subsection control.

**(w) Implementation.**

The provisions of this Subsection are effective immediately upon passage.

**(x) Notice.**

Within three months of the adoption of this Subsection, notification concerning reporting and disclosure procedures shall be provided to Owners subject to the requirements of this Subsection. This notice, and any other notice required by this Subsection, including notices of violation, shall be delivered to the contact information in the Assessor's database unless an Owner provides alternative contact information to the Commission.

SECTION 2. The City of Boston Code, Ordinances, Chapter VII, Section 7-2.1, first paragraph shall be amended as follows:

- a. Section 7-2.1 is amended in the first sentence, by adding the phrase- "the Environment Commissioner, ex officio" after the phrase- "the Commissioner of Transportation, ex officio".
- b. Section 7-2.1 is further amended in the first sentence by striking the phrase- "three (3) members appointed by the Mayor", and inserting in its place the phrase and following sentence- "four (4) members appointed by the Mayor. Of the four (4) members appointed by the Mayor, at least one (1) member shall serve for a three- (3)-year term."

SECTION 3. 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 4. These provisions shall be in effect immediately following passage.

Filed in Council: June 11, 2021



# BOSTON CITY COUNCIL

Committee on Government Operations  
Lydia Edwards, Chair

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One City Hall Square ♦ 5<sup>th</sup> Floor ♦ Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ Fax: (617) 635-4203

## REPORT OF COMMITTEE CHAIR

September 22, 2021

Dear Councilors:

***Docket #0775, Ordinance Amending City of Boston Code, Ordinances, Chapter VII, Sections 7-2.1 and 7-2.2, Building Energy Reporting and Disclosure (BERDO)***, was sponsored by Councilor Matt o'Malley, and referred to the Committee on June 16, 2021. The Committee held a hearing on this matter on July 22, 2021 and working sessions on August 23, 2021 and September 13, 2021.

### **Summary of Legislation.**

Docket #0775 sets emissions targets and reporting requirements for buildings greater than or equal to 20,000 square feet, establishes the Emissions Review Board with community representation to increase accountability and transparency, and establishes an environmental justice Buildings Emissions Investment Fund. The ordinance also includes performance standards for large buildings to decrease carbon targets with flexibility to assist companies in complying.

### **Information Gathered at the July 22, 2021 Hearing.**

The following individuals from the Administration participated : Rev. Mariama White-Hammond, Chief of Environment, Energy, and Open Space; Dr. Alison Brizius, Director of Climate and Environmental Planning, Environment Department; Jessica Boatright, Deputy Director, Department of Neighborhood Development; Rich McGuinness, Deputy Director of Waterfront Planning at Boston Planning & Development Agency; and Eugene Barros, Division Director of Healthy Homes Division, Boston Public Health Commission. The Committee discussed that 4% of buildings account for 70% of Boston's greenhouse gas emissions and that the City of Boston needs to act now because emissions are not decreasing fast enough and the City needs to accelerate carbon reductions.

The Administration reviewed the powerpoint presentation which highlighted the main points of the ordinance. Administration officials explained that the proposal is designed to achieve equity by developing workforce opportunities and establishing the emissions reduction equitable investment fund. The fund is designed to improve public health and affordable housing opportunities by prioritizing environmental justice populations and housing stabilization. Administration officials explained that requiring performance standards is a necessary and immediate step. Administration officials further explained that building owners have flexibility with how targets are met which include portfolio options, individual compliance schedule, and a hardship compliance plan. The Administration discussed the importance of the Review Board

that will have strong community participation and governance. Chief White-Hammond discussed the importance of the goals of the policy and stated that with regard to environmental justice there must be equity with the benefits and burdens.

The Committee heard from panelists representing the healthcare industry, corporations, and advocacy groups that supported the docket. The Committee also heard testimony from the public that supported the docket. Public testimony reflected support of the docket because of bad air quality and air pollution problems in the City of Boston as well as high asthma rates.

Members of the Green Ribbon Commission testified in support of the docket and its passage in order to achieve carbon neutrality and carbon neutral goals. The panel explained that environmental justice communities are disproportionately impacted from the effects of climate change. The panel stated that the ordinance established reasonable measures and is a critical step to reduce carbon emissions and that the ordinance will improve the efficiency of existing building stock.

#### **Information Gathered at the August 23, 2021 Working Session.**

The following individuals from the Administration participated in the working session: Chief Mariama White-Hammond, EEOS, Chief of Environment, Energy, and Open Space; Commissioner Alison Brizius, Environment Department; Sheila Dillon, Chief of Housing and Director of Neighborhood Development; Richard McGuinness, Deputy Director for Climate Change & Environmental Planning, BPDA.

The Committee discussed that the purpose of the ordinance is to create clear pathways with regard to what accountability measures will be through the reporting and disclosure of emissions. Commissioner Brizius reviewed the definition sections and discussed district energy plans, ENERGY STAR Portfolio Manager, and the definition of environmental justice population. The Administration indicated that the intent is to keep the reporting deadline consistent moving forward. The Committee discussed the Equitable Emissions Investment Fund in Section f. The Committee reviewed comments received regarding the governance structure and discussed payments that would be placed in the fund. The Committee discussed that payments from alternative compliance and fines from penalties going into the fund. The Committee inquired about funds received from penalties and whether such fines from penalties are required to go into the general fund. The Committee discussed data verification, emissions requirements, working groups interacting with the review board, definition of financial hardship, renewable energy certificates, alternative compliance payments, the obligation of building owners and the fine schedule

#### **Information Gathered at the September 13, 2021 Working Session.**

Chief Mariama White-Hammond, EEOS, Chief of Environment, Energy, and Open Space and Commissioner Alison Brizius, Environment Department participated at the working session. The Committee reviewed the proposed changes to the proposal. The changes included amendments to the alternative compliance payments, building portfolios, environmental justice population, and the verification year. The Committee discussed that the changes will provide consistency with the regulations. The changes also add a compliance mechanism to the hardship compliance plans. The Committee discussed the Review Board and its structure which will consist of nine members with  $\frac{2}{3}$  being nominated by community based organizations and

discussed compensation provisions. The Committee discussed the working group section and recognized its significance to the health care sector.

### Summary of Amendments.

Based upon information gathered at the hearing and working sessions the docket is amended from its initial filing as follows:

- In the definitions section, Section 7-2.2(b), the term “*Alternative Compliance Payment*” is added; the definition of “*Building Portfolio*” is amended to include language about building ownership and approved Institutional Master Plan; the definition of “*Carbon Dioxide Equivalent*” is amended by deleting language about the ENERGY STAR Portfolio Manager and adding language referring to the Regulations in order to allow calculations using a methodology provided for in the Regulations; the definition of “*Community-Based Organization*” is amended to not-for-profit from non-profit; the definition of “*Environmental Justice Population*” is amended to correct an error in the numbering and adding language at the end concerning the Regulations which will allow the regulations to define criteria; the definition of “Owner” is amended to change the references to Section to Subsection for clarity and there are no substantive changes to this definition; and, the term “*Verification Year*” is added to the definition section.
- A new section, c, Building Portfolios is added. This section establishes requirements for building portfolios. The other sections have been relabeled to reflect the addition of this new section.
- In section d, Energy, Emissions, and Water Disclosure Required for City Buildings, language is added concerning energy reporting and water use. The new section appears as follows with the amended language in bold: No later than May fifteenth (15th) of each year, the City shall **report to the Commission the previous year’s Energy and water use by each City Building. No later than October first (1st) of each year, the City shall** publicly disclose (i) the previous year's Energy and water use by each City Building and (ii) the Emissions compliance status of each City Building.
- In section e, Energy, Emissions, and Water Reporting Required for Non-City Buildings, (i) *Data Reporting Requirements* (a) is amended by deleting the last sentence; and (d) is amended by adding language requiring owners to provide “the material terms” of an executed Power Purchase Agreement and adding a new provision (iv) allowing other information required by the Regulations and deleting the sentence about business confidential information and price being redacted.
- In section e, Energy, Emissions, and Water Reporting Required for Non-City Buildings, (ii) *Reporting Schedules*, language is added at the end as follows: “In 2022, Building Owners may apply for a one-time six-month extension on their reporting deadline.”
- In section g, Equitable Emissions Investment Fund, the first sentence is amended to add language that the Equitable Emissions Investment Fund will be referred to as the Fund throughout the provisions of the ordinance; the second clause in the first sentence is amended to delete the term “Equitable Emissions Reduction”; in the second paragraph, language is added about the funds expenditures that includes language that expenditures prioritize projects that benefit Environmental Justice Populations and populations disproportionately impacted by air pollution; the term “building” is added before the word carbon in the first sentence of the second paragraph the term “equitable” is added before workforce development training programs.

- In section g, paragraph three is amended to add language about the scale of anticipated emissions reductions and disclosure of compliance status and mechanisms; and paragraph four is amended to refer to section s.
- In section g, the term “Equitable Emissions Reduction Fund” is stricken from the last paragraph.
- In section h, Data Verification, paragraph b is amended to reporting requirements and third-party verification submission and paragraph c is deleted.
- In section i, the first sentence is amended to refer to section (k) and section (l); the second paragraph removes the following phrases: “CO2e Emissions Factors and the”; “and compliance periods.”
- In section i, (i) is changed to *(i) Blended Emissions Standards* and the words “for Individual Buildings is deleted. Language is also added throughout the paragraph to include Building Portfolios in addition to Buildings. In section i, (ii) has been removed.
- In section j, Energy Use Exempt from Emissions Requirements, paragraph i is amended by deleting the second sentence; paragraph ii is amended by adding the following language after the word metered: “or EVSE is capable of tracking and reporting accurate energy usage, and EVSE meets specifications as defined by the Regulations”; paragraph iii is amended to refer to section h in the last sentence; a new paragraph iv is added about EVSE serve and multiple buildings and allocation; and a new provision is added at the end of the last paragraph that states: “provided, however, that such energy usage by a healthcare institution shall continue to be exempted thereafter for so long as the healthcare institution is required to install and maintain Emergency Backup Generation / Backup Power to ensure reliable operations or as a condition to receiving accreditation.”
- In section l, Hardship Compliance Plans, the fifth sentence is amended to refer to section m and “the” is changed to “this”. The last sentence is amended by adding the words “measures related to” before the term “Employment Plans”; adding the words “and benefit” after the words “energy cost” and adding the following phrase “and disclosure of compliance status and mechanisms to tenants.”
- In section m, the word “Additional” is added, so the section is section m, Additional Compliance Mechanisms. Under a, the word “electricity” is added before aggregation program. In b, the words “bundled or” are deleted and the word “Certificates” is added and replaces the word Credits in the subsections b and c. In d, the words “at least” are deleted in the last sentence. The last paragraph in section m is amended in the last line by changing the word “the” to “this”.
- In section n, Preservation of Documents is amended to refer to section m.
- In section p, Disclosure is amended by changing the date to 2022 from 2014. In 3, the word ordinance is changed to “Subsection”. The last paragraph is amended to add language requiring the City to consult with the Review Board and to issue annual reports on the Equitable Investment Fund. Language is also added that Administrative costs, Review Board Compensation, and other liabilities incurred against and spent from the Fund be included in the report and that the report follow current City of Boston language and accessibility guidelines.
- In section q, enforcement, language is added in the first sentence to include compliance with the Regulations; language is added that provides clarity to the Review Board’s authority by adding that the Review Board could recommend seeking an injunction; in paragraph 4, the reference to the Executive Director of the Commission is deleted and replaced with “Review Board”. The last line in paragraph 4 is amended to refer to section r. In paragraph 5, the word Commission is stricken and replaced with City and a

new provision is added at the end of paragraph 5 relating to residential tenants that states that the provisions do not apply to residential tenants. The new provisions at the end of paragraph 5 is as follows: “provided, however, this provision shall not apply to residential Tenants.”

- In paragraph 6, a reference to M.G.L. c. 111, s. 31C is added in the first sentence.
- In section r regarding penalties the word “Subsection” is added in the first sentence. In section r (iii) the following phrase is added to the first sentence after the word reporting: “and such discrepancy is not reconciled pursuant to a process to be outlined by Regulation”. In paragraph (iv), the last line is amended to refer to Section r.
- Section s, Review Board, is amended regarding the composition and expertise of the Board to include nine members and adds experience with architecture. Paragraph two is amended to include language that members must be residents of the City and subject to the appointment of the mayor. New sentences are added at the end of paragraph two that allows members of the Board to request compensation if participation is not part of a full or part time job. The regulations will establish a rate of compensation. Paragraph three is amended to add the words “or their renewal” in the second sentence and “subject to Council approval” at the end of the second sentence. Paragraph 4 is amended to refer to “Subsection” in the first sentence and deleting the second sentence.
- In section s, a new paragraph is added authorizing working groups to make recommendations for Regulations changes or sector-specific criteria for Hardship Compliance Plans. Language is added that a working group will be convened to address the specific needs of healthcare institutions connected to district energy systems. Section s is amended regarding the Review Board to give discretion about drafting Regulation revisions and issuing guidance to the Environment Department by changing the word “must” to “may”.
- In section u, Review and Power to Suspend, paragraph one is amended to change the word “the” in the first and third sentences to “this”.

### **Rationale and Recommended Action.**

This proposal sets emissions targets, performance standards, and reporting requirements for buildings greater than or equal to 20,000 square feet, establishes the Emissions Review Board with public input to increase accountability and transparency, and establishes an environmental justice Buildings Emissions Investment Fund. Passage of this docket is necessary in order to achieve carbon neutrality and carbon neutral goals. The docket establishes reasonable measures and is a critical step to reduce carbon emissions and will improve the efficiency of existing building stock.

This docket is designed to achieve equity by developing workforce opportunities and establishing the emissions reduction equitable investment fund. The fund is designed to improve public health and affordable housing opportunities by prioritizing environmental justice populations and housing stabilization. Requiring performance standards is a necessary and immediate step in order to achieve carbon neutrality and carbon neutral goals. Building owners have flexibility with how targets are met which include portfolio options, individual compliance schedule, and a hardship compliance plan.

By the Chair of the Committee on Government Operations, to which the following was referred:

***Docket #0775, Ordinance Amending City of Boston Code, Ordinances, Chapter VII, Sections 7-2.1 and 7-2.2, Building Energy Reporting and Disclosure (BERDO),***

submits a report recommending that this docket ought to pass in a new draft.

For the Chair:

A handwritten signature in black ink that reads "Lydia Edwards". The signature is written in a cursive style with a large initial "L".

Lydia Edwards, Chair  
Committee on Government Operations



**ORDINANCE AMENDING CITY OF BOSTON  
CODE, ORDINANCES, CHAPTER VII, SECTIONS  
7-2.1 AND 7-2.2, BUILDING ENERGY REPORTING  
AND DISCLOSURE (BERDO)**

- WHEREAS:** Buildings contribute to three-quarters of greenhouse gas emissions in the City of Boston; and
- WHEREAS:** Low-income and communities of color in Boston are disproportionately impacted by climate change through increasing heat island exposure, rising sea levels, and stormwater flooding; and
- WHEREAS:** In May 2013, the Boston City Council passed CBC Chapter VII, Section 7-2.2 Building Energy Reporting and Disclosure Ordinance (BERDO) proposed by Mayor Thomas M. Menino; and
- WHEREAS:** BERDO requires that all commercial and residential buildings that are 35,000 square feet or have 35 units or more report their energy and water use to the City of Boston every year; and
- WHEREAS:** The purpose of the ordinance was to reduce emissions including greenhouse gases from energy production, encourage efficient use of energy and water, and develop investment in a green economy by requiring the reporting and disclosure of annual energy and water use in all large buildings; and
- WHEREAS:** The ordinance was then updated on May 14, 2014 by Mayor Martin J. Walsh with an amendment to extend the reporting deadline from May 15 to September 15, 2014; and
- WHEREAS:** The City of Boston’s 2019 Climate Action Plan Update details strategies to reduce carbon emissions from buildings over the next five years, including introducing an amendment to BERDO to replace energy action and assessment requirement with a building emissions performance standard by 2021; and
- WHEREAS:** The Boston City Council unanimously passed a resolution in January 2020 declaring that the climate crisis is a health emergency; and
- WHEREAS:** The City of Boston historically exhibited leadership in combating global climate change as the first city in the nation to deploy a green building standard through municipal zoning requirements; and **THEREFORE BE IT**

**ORDERED:** That the City of Boston Code, Ordinances, Chapter VII, Section 7-2.1 and 7-2.2 shall be amended as follows:

SECTION 1. City of Boston Code, Ordinances, Chapter VII, Section 7-2.2 is hereby by stricken in its entirety, and shall be replaced with the following:

Section 7-2.2 Building Emissions Reduction and Disclosure.

**(a) Purpose.**

It is the intent of this Subsection to reduce the emissions of air pollutants, including greenhouse gases, from building energy production and consumption, and thereby to encourage efficient use of energy and water, develop further investment in building a green economy, including by encouraging the hiring and training of green jobs, protect public health, and promote equitable access to housing. To do so, the provisions of this Subsection require the reporting and disclosure of annual energy use, disclosure of annual water use in all covered buildings, and compliance with emissions requirements in accordance with this article.

The Air Pollution Control Commission has enforcement authority pursuant to, inter alia, Article 89 of the Massachusetts Constitution, M.G.L. c. 111, s. 31C, MG.L. c. 40, s. 21D, MG.L. c. 40U, and this Subsection.

**(b) Definitions.**

When used in this Subsection 7-2.2, 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 CO<sub>2</sub>e to decarbonize Buildings subject to this Subsection.

*Building* means a City Building, Non-Residential Building, or Residential Building as defined in this Subsection or by regulation.

*Building Portfolio* means two or more Buildings, on one or more properties, provided that (i) all Buildings within the Portfolio have the same Owner; for this purpose, a Building management company does not constitute an Owner, or (ii) all Buildings within the Portfolio are part of an approved Institutional Master Plan.

*Building Use* shall mean (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 Portfolio Manager, or (ii) other activities as defined in the ENERGY STAR Portfolio Manager or by the Regulations as may be updated from time to time.

*Carbon Dioxide Equivalent (CO<sub>2</sub>e)* means greenhouse gas Emissions, including carbon dioxide, methane and nitrous oxide. CO<sub>2</sub>e shall be calculated using a methodology as set forth in the Regulations and as may be amended from time to time by the Regulations.

*City* means the City of Boston.

*City Building* means a Building, as it appears in the records of the Boston Assessing Department, that is owned by the City, or for which the City regularly pays all of the annual Energy bills. City Buildings shall include Buildings that are owned or managed by the Boston Housing Authority.

*Commission* means the Air Pollution Control Commission.

*Community-Based Organization* means a not-for-profit organization that is driven by community residents, that is the majority of the governing body and staff consists of local residents, the main operating offices are in the community of service, priority issue areas are identified and defined by residents, solutions to address priority issues are developed with residents, and program design, implementation, and evaluation components have residents intimately involved and in leadership positions.

*Days* means consecutive calendar days.

*Electrical Vehicle Supply Equipment (EVSE)* means equipment for the purpose of transferring electric Energy to a battery or other Energy storage device in an electric vehicle, including but not limited to “electric vehicle charging stations” as defined in MGL ch. 25. sec. 16.

*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 Carbon Dioxide Equivalent associated with the generation and transmission of Energy used by a Building.

*Emissions Factor* means CO<sub>2</sub>e calculated according to regional Energy and greenhouse gas factors as set forth in the Regulations, as may be amended from time to time.

*Employment Plan* means a plan submitted to the Mayor’s Office of Workforce Development by a Building Owner establishing training protocols and minimum employment standards.

*Energy* means electricity, heating and cooling from any fuel source including, but not limited to, natural gas, fuel oil, propane, and power used to generate steam and hot and chilled water, and any other sources of Energy that the Commission may designate.

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

*Environment Department* means the City of Boston Environment Department.

*Environmental Justice Population* means a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent 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. In the event of a conflict with the Regulations, the requirements in the Regulations shall prevail.

*Gross Floor Area (GFA)* or *Area* means the total number of square feet measured between the principal exterior surfaces of enclosing fixed walls.

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

*Individual Compliance Schedule* means an alternative timeline for complying with the Emissions Standards outlined in this Subsection, as may be updated by the Regulations.

*Non-Residential Building* means, as it appears in the records of the Boston Assessing Department, either:

- (i) a Building that equals or exceeds twenty thousand (20,000) square feet in gross Building Area, and of which fifty percent (50%) or more of the gross Building Area, excluding parking, is used for commercial, retail, office, professional, educational or other non-residential purposes;
- (ii) a parcel with a single Owner and multiple Buildings whose gross Building Areas cumulatively equal or exceed twenty thousand (20,000) square feet, and of which fifty percent (50%) or more of the cumulative gross Building Area, excluding parking, is used for commercial, retail, office, professional, educational or other non-residential purposes. Each such Building shall individually comply with the requirements of this Subsection, including reporting and complying with Emissions standards, unless part of a Building Portfolio; or
- (iii) any grouping of Non-Residential Buildings designated by the Review Board as an appropriate reporting unit. Each such Building shall individually comply with the requirements of this Subsection, including

reporting and complying with Emissions standards, unless part of a Building Portfolio.

The term "*Non-Residential Building*" shall not include any Building that is a City Building.

*Owner* means a Building's Owner of record, provided that the "Owner" may be deemed to include (i) multiple Owners in common ownership; (ii) the association or organization of unit Owners responsible for overall management in the case of a condominium; and (iii) the board of directors in the case of a cooperative apartment corporation. 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 thirty (30) years, inclusive of all renewal options, the Owner may designate the lessee as "Owner" for purposes of compliance with this Subsection; such designation must be provided in writing to the Commission as required by the Regulations. An Owner may designate an agent to act on its behalf, including reporting as required by this Subsection; provided, however, that such designation (i) must be provided in writing to the Commission, and (ii) does not relieve the Owner of any compliance obligation under this Subsection.

*Power Purchase Agreement* means a contract by which an Owner agrees to purchase electricity from a generating facility over a fixed term of years.

*Regulations* means the Air Pollution Control Commission's Building Emissions Reduction and Disclosure Regulations.

*Residential Building* means, as it appears in the records of the Boston Assessing Department, either:

- (i) a Building with fifteen (15) or more total individual dwelling units that, together with hallways and other common space serving residents, comprise more than fifty percent (50%) of the gross Building Area, excluding parking;
- (ii) a parcel with a single Owner and multiple Buildings that cumulatively have fifteen (15) or more total individual dwelling units or that cumulatively equal or exceed twenty thousand (20,000) square feet in gross Building Area. Each such Building shall individually comply with the requirements of this Subsection, including reporting and complying with Emissions standards, unless part of a Building Portfolio; or
- (iii) any grouping of Residential Buildings designated by the Review Board as an appropriate reporting unit. Each such Building shall individually comply with the requirements of this Subsection, including reporting and complying with Emissions standards, unless part of a Building Portfolio.

The term "*Residential Building*" shall not include a City Building or a Non-Residential Building.

*Renewable Energy Certificate (REC)* means a certificate representing the positive environmental attributes associated with the production of one (1) megawatt hour (MWh) of electricity by a renewable Energy facility.

*Review Board* means the board established pursuant to section (s) of this Subsection.

*Tenant* means any tenant, tenant-stockholder of a cooperative apartment corporation, and condominium unit Owner.

*This Subsection* shall refer to Chapter VII, Section 7-2.2 of the City of Boston Code.

*Verification Year* means any year where an Owner must report third-party verified reporting data. Verification Years will be the first year following the enactment of this Subsection, 2026, and every five years thereafter.

### **(c) Building Portfolios**

Building Portfolios must be approved by the Review Board, 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 water and Energy use, Emissions data, and any other information required by this Subsection 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. The Review Board may require that the Owner submit a portfolio emissions reduction plan that prioritizes emissions reductions in Buildings located in or near Environmental Justice Populations, and may set further conditions on the approval of a Building Portfolio consistent with the Regulations. The City may create multiple Building Portfolios.

### **(d) Energy, Emissions, and Water Disclosure Required for City Buildings.**

No later than May fifteenth (15th) of each year, the City shall report to the Commission the previous year's Energy and water use by each City Building. No later than October first (1st) of each year, the City shall publicly disclose (i) the previous year's Energy and water use by each City Building and (ii) the Emissions compliance status of each City Building.

The Commission shall coordinate the performance of this requirement.

**(e) Energy, Emissions, and Water Reporting Required for Non-City Buildings.**

**(i) Data Reporting Requirements.**

No later than May fifteenth (15th) of each year, the Owner of each Building subject to reporting requirements shall accurately report to the Commission, via the Portfolio Manager or as required by the Regulations, the following information for the previous calendar year:

- (a) Energy and water use of each Building and other Building characteristics necessary to evaluate absolute and relative CO<sub>2</sub>e Emissions intensity as required by the Commission. Energy and water use data shall not include its associated cost.
- (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 can be reported, provided that each use occupies at least ten percent (10%) of the Building's square footage or accounts for at least ten percent (10%) of the Building's annual Energy use or CO<sub>2</sub>e Emissions.
- (c) If applicable, any Renewable Energy Certificates (RECs) used to comply with the Emissions standards set forth in this Subsection, including proof of retirement of the RECs.
- (d) If applicable, any Energy purchased via a Power Purchase Agreement(s) that was used at the Building and/or used to comply with the Emissions standards set forth in this Subsection, including, if relevant, proof of retirement of associated RECs and the Emissions Factor of the grid where the generating facility is located, if on a grid other than ISO New England. Owners must provide the material terms of an executed Power Purchase Agreement that demonstrates (i) the quantity of Energy purchased in the relevant calendar year, (ii) the type and generation location of the Energy purchased, (iii) the ownership of any RECs associated with the Energy, if relevant, and (iv) other information required by the Regulations.
- (e) Any CO<sub>2</sub>e Emissions Factors for Energy used by the Building if different from the Emissions Factors in the Regulations.
- (f) Contact information for Owners and any designated agents.

Building Owners may choose to report additional metrics, including but not limited to, Building waste, occupancy, density, operational hours, net lessees, Boston Resident Jobs Policy compliance, energy storage, and indoor air quality.

(ii) Reporting Schedules.

The initial reports shall occur according to the following schedule:

1. For every Non-Residential Building equal to or greater than fifty thousand (50,000) gross square feet or two (2) or more Buildings on the same parcel that equal or exceed one hundred thousand (100,000) gross square feet, the first report shall be submitted no later than September 15, 2014.
2. For every Non-Residential Building equal to or greater than thirty-five thousand (35,000) gross square feet but less than fifty thousand (50,000) gross square feet, the first report shall be submitted no later than May 15, 2016.
3. For every Non-Residential Building, or two (2) or more Buildings on the same parcel, equal to or greater than twenty thousand (20,000) gross square feet but less than thirty-five thousand (35,000) gross square feet, the first report shall be submitted no later than May 15, 2022.
4. For every Residential Building equal to or greater than fifty (50) units or fifty thousand (50,000) gross square feet, or two (2) or more Buildings held in the same condominium form of ownership that are governed by the same board of managers that together equal or exceed fifty (50) units or fifty thousand (50,000) gross square feet, the first report shall be submitted no later than May 15, 2015.
5. For every Residential Building equal to or greater than thirty-five (35) units or thirty-five thousand (35,000) gross square feet, the first report shall be submitted no later than May 15, 2017.
6. For every Residential Building, or two (2) or more Buildings on the same parcel, equal to or greater than fifteen (15) units or twenty thousand (20,000) gross square feet but less than thirty-five (35) units or thirty-five thousand (35,000) square feet, the first report shall be submitted no later than May 15, 2022.

Notwithstanding the foregoing, the Review Board shall develop a procedure for establishing alternative reporting dates for Building Owners who supply timely notification of extenuating circumstances. In 2022, Building Owners may apply for a one-time six-month extension on their reporting deadline.

**(f) Direct Upload.**

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

**(g) Equitable Emissions Investment Fund.**

The City auditor shall establish the Equitable Emissions Investment Fund (hereinafter, the “Fund”) as a separate account and credit to the Fund all Alternative Compliance Payments and penalties made pursuant to this Subsection; the City or Environment Department may direct other funds to the Fund at its discretion. The Review Board is responsible for evaluating local carbon abatement proposals, and making recommendations for expenditures from the Fund.

Money in the Fund shall be expended for the support, implementation, and administration of local building carbon abatement projects that benefit the City of Boston’s emissions reduction goals. Fund expenditures shall prioritize projects that benefit Environmental Justice Populations and populations disproportionately affected by air pollution, including by improving or promoting:

- low-income affordable housing and housing where tenants are at risk of displacement and in need of rent stabilization;
- local air quality improvement;
- indoor environmental quality and health for building tenants;
- economic inclusion, training, and technical assistance for Minority, Women, and Disadvantaged Business Enterprises (MWDBE) and cooperative contractors;
- equitable workforce development training programs for residents who have been disproportionately impacted by the effects of climate change;
- projects with community ownership of housing and renewable energy infrastructure;
- reduced energy burdens; or
- any further environmental initiatives.

The Regulations will address conditions for expenditure, which may include but are not limited to the scale of anticipated emissions reductions, compliance with employment and contracting standards, living wage standards, language access, rent stabilization, air quality monitoring and improvements, housing stability, disclosure of compliance status and mechanisms to tenants, and compliance with Fair Housing standards.

During each fiscal year, the Review Board may incur liabilities against and spend monies from the Fund, which shall operate for fiscal years that begin on or after the date of implementation. Money in the Fund may be used for administrative costs incurred by the Review Board, including compensation for members as provided in section (s), or by the Environment Department in supporting the Review Board.

**(h) Data Verification.**

- a. Building Owners shall self-certify their reporting data every year.
- b. In the Building’s first year of reporting after this Subsection is enacted, 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, but not including, the current year. 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.

- c. In the event that there is a discrepancy between third-party verified data and an Owner’s self-certified reporting data, any resulting lack of compliance with the Emissions standards in this Subsection shall be subject to fines as outlined in the Regulations.

The Commission may revise requirements for data verification and qualified Energy professionals via the Regulations.

**(i) Emissions Requirements.**

Each Building subject to the reporting requirements of this Subsection shall comply with the CO<sub>2</sub>e Emissions standards set forth in Table 1 below; provided, however, that Building Owners may develop and request approval for Individual Compliance Schedules pursuant to the requirements in section (k) or request a Hardship Compliance Plan pursuant to section (l). Buildings must comply with the Emissions standards on an annual basis and compliance shall be measured as a total of metric ton of CO<sub>2</sub>e Emissions per square foot. Buildings equal to or greater than twenty thousand (20,000) square or fifteen (15) units but less than thirty-five thousand (35,000) square feet or thirty-five (35) units shall not be subject to the Emissions standards until 2031, reporting for 2030 emissions. Any Building that has been completed after date of implementation shall comply with Emissions Standards consistent with zoning approvals, which shall be considered binding and supersede any less stringent Emissions standards set out in this Subsection.

Upon recommendation from the Environment Department, the Review Board shall propose to the Commission an update to the CO<sub>2</sub>e Emissions standards set forth in Table 1, to ensure the City is achieving its emissions reduction goals.

Table 1: CO<sub>2</sub>e Emissions Standards by Building Use

Building use	Emissions standard (kgCO <sub>2</sub> e/SF/yr.)					
	2025 - 2029	2030-2034	2035-2039	2040-2044	2045-2049	2050-
<u>Assembly</u>	7.8	4.6	3.3	2.1	1.1	0
<u>College/ University</u>	10.2	5.3	3.8	2.5	1.2	0
<u>Education</u>	3.9	2.4	1.8	1.2	0.6	0
<u>Food Sales &amp; Service</u>	17.4	10.9	8.0	5.4	2.7	0
<u>Healthcare</u>	15.4	10.0	7.4	4.9	2.4	0
<u>Lodging</u>	5.8	3.7	2.7	1.8	0.9	0
<u>Manufacturing/</u>	23.9	15.3	10.9	6.7	3.2	0

<u>Industrial</u>						
<u>Multifamily housing</u>	4.1	2.4	1.8	1.1	0.6	0
<u>Office</u>	5.3	3.2	2.4	1.6	0.8	0
<u>Retail</u>	7.1	3.4	2.4	1.5	0.7	0
<u>Services</u>	7.5	4.5	3.3	2.2	1.1	0
<u>Storage</u>	5.4	2.8	1.8	1.0	0.4	0
<u>Technology/Science</u>	19.2	11.1	7.8	5.1	2.5	0

*(i) Blended Emissions Standards.*

Buildings or Building Portfolios with more than one primary use may comply with a blended CO<sub>2</sub>e Emissions standard; provided, however, that a use may constitute a primary use only if it (i) occupies at least ten percent (10%) of a Building’s or Building Portfolio’s square footage, or (ii) accounts for more than ten percent (10%) of a Building’s or Building Portfolio’s total annual Energy use or CO<sub>2</sub>e Emissions. Building Owners using a blended CO<sub>2</sub>e Emissions standard must (i) designate the blended standard in annual reports to the Commission, and (ii) provide documentation verifying the qualification of each primary use in annual reports to the Commission for the first year a blended CO<sub>2</sub>e Emissions standard is used and in any subsequent year when the blended Emissions standard or primary use(s) change.

**(j) Energy Use Exempt from Emissions Requirements.**

Building Owners may choose to deduct Energy used by Emergency Backup Generation/Backup Power and Electrical Vehicle Supply Equipment (EVSE) from a Building’s total Energy use subject to this Subsection’s CO<sub>2</sub>e Emissions standard, provided that:

- i. Emergency Backup Generation/Backup Power provides Energy only to the Building or Building Portfolio.
- ii. Electrical Vehicle Supply Equipment is separately metered or EVSE is capable of tracking and reporting accurate energy usage, and EVSE meets specifications as defined by the Regulations; and
- iii. Building Owners annually report (i) Energy used by Emergency Backup Generation / Backup Power and Electrical Vehicle Supply Equipment; (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 (h).
- iv. In the event that Emergency Backup Generation/Backup Power or EVSE serve, or have the potential to serve, multiple Buildings in a Building

Portfolio, the Energy use from such activities shall be allocated for individual Buildings in proportion to the square footage of each Building;

Upon recommendation from the Review Board, the Commission may revise the availability and use of these exemptions or add additional exemptions via the Regulations. Energy used by Emergency Backup Generation / Backup Power may no longer be exempted after 2030, unless otherwise amended in the Regulations; provided, however, that such energy usage by a healthcare institution shall continue to be exempted thereafter for so long as the healthcare institution is required to install and maintain Emergency Backup Generation / Backup Power to ensure reliable operations or as a condition to receiving accreditation.

**(k) Individual Compliance Schedules.**

Owners of Buildings or Building Portfolios may apply for an Individual Compliance Schedule as an alternative to the CO<sub>2</sub>e Emissions standard reduction schedule in Table 1. Individual Compliance Schedules must establish declining CO<sub>2</sub>e Emissions standards in five- (5-) year increments, provided that such standards must (i) decline on a linear or better basis, (ii) reduce Emissions 50% by 2030, and (iii) reduce Emissions 100% by 2050; and

- a. Use the year that a Building was first required to report Energy use pursuant to this Subsection as the baseline for emissions, provided, however, that (i) the Building's or Building Portfolio's Energy use, Gross Floor Area, and any relevant Emissions Factors have been reported to the Commission in accordance with this Subsection or is retroactively reported in accordance with the data verification requirements of this Subsection and the Regulations; or
- b. Use a baseline from any year starting in 2005 to 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 Subsection and the Regulation. The Commission may make such information publicly available.

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 is submitted to the Review Board and any applicable penalties for past non-compliance are paid in full.

Individual Compliance Schedules must be approved by the Review Board. Building and Building Portfolio Owners must submit the information required in this Subsection, and any other documentation specified in the Regulations, when requesting an Individual Compliance Schedule from the Review Board. The Review Board 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 Review Board for a Hardship Compliance Plan if there are Building characteristics or circumstances that present a hardship in complying with the Emissions standards in this Ordinance. Such characteristics or circumstances, to be detailed in the Regulations, may include historic Building designations, affordable housing refinancing timelines, pre-existing long-term Energy contracts without reopeners, or financial hardship. The application, review process and conditions for Hardship Compliance Plans shall be set forth in the Regulations. The Review Board shall have sole discretion in issuing Hardship Compliance Plans; such plans may include alternative timelines for meeting Emissions standards, and alternative Emissions standards. At its discretion, the Review Board may also allow the use of compliance mechanisms additional to those outlined in section (m) consistent with achieving the purpose of this Subsection as laid out in section (a). The Review Board may include additional conditions on the approval of Hardship Compliance Plans consistent with the Regulations, including measures related to Employment Plans, housing stabilization, air quality monitoring, energy cost- and benefit-sharing, and disclosure of compliance status and mechanisms to tenants, as appropriate.

**(m) Additional Compliance Mechanisms.**

- a. Municipal Aggregation: Buildings may use electricity obtained through the Boston municipal electricity aggregation program, and have the appropriate Emissions Factor applied to such electricity.
- b. Renewable Energy Certificates: Buildings may mitigate CO<sub>2</sub>e Emissions from electricity use by purchasing unbundled Renewable Energy Certificates that:
  - (i) Are generated by non-CO<sub>2</sub>e emitting renewable sources and meet the RPS Class I eligibility criteria outlined in 225 CMR 14.05, as may be amended from time to time;
  - (ii) Are tracked by the New England Power Pool Generation Information System;
  - (iii) Are generated in the compliance period in which they are used;
  - (iv) Are retired within six (6) months after the end of the compliance period in which they are used; and
  - (v) Comply with any additional or different requirements set forth in the Regulations, as may be amended from time to time. In the event of a conflict between the requirements for Renewable Energy Certificates in this provision and the Regulations, the requirements in the Regulations shall prevail.

- c. Power Purchase Agreements: Buildings may mitigate CO<sub>2</sub>e Emissions from electricity use by entering Power Purchase Agreements for Energy generated by renewable non-emitting fuel sources, provided that:
  - (i) The Energy purchased pursuant to a Power Purchase Agreement is generated during the compliance period for which a Building is mitigating CO<sub>2</sub>e Emissions;
  - (ii) The Renewable Energy Certificates associated with the Energy purchased under a Power Purchase Agreement are retired by the Building Owner within six (6) months after the end of the compliance period in which used; and
  - (iii) The Power Purchase Agreement complies with any additional or different requirements set forth in the Regulations, as may be amended from time to time, including but not limited to additionality criteria. In the event of a conflict between the requirements for Power Purchase Agreements in this provision and the Regulations, the requirements in the Regulations shall prevail.
  
- d. Alternative Compliance Payments: Buildings may mitigate CO<sub>2</sub>e 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 CO<sub>2</sub>e to decarbonize Buildings subject to this Subsection. The initial cost of an Alternative Compliance Payment shall be \$234 per metric ton of CO<sub>2</sub>e. The cost of an Alternative Compliance Payment shall be reviewed every five (5) years by the Review Board, with input from the Environment Department, and may be adjusted by the Regulations.

Upon recommendation from the Review Board, the Commission may revise the availability and use of these compliance mechanisms or add additional compliance mechanisms via the Regulations, consistent with the purpose of this Subsection as laid out in section (a).

**(n) Preservation of Documents.**

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

**(o) Obligation to Request and Report Information.**

Where a unit or other space in a Building is occupied by a Tenant and such unit or space is separately metered by a utility company, the Owner of such Building may request from

such Tenant information relating to such Tenant's separately metered Energy and water use, purchase of renewable energy or RECs, use of space, and operating hours, and other information required for Portfolio Manager reporting, for the previous calendar year, and such Tenant shall report such information to such Owner. The Commission may designate and make available a form to be used to request and report such information. Notwithstanding the foregoing, individual residential Tenants shall have no obligation to report Energy and water use to Building Owners.

1. Such Owner may request information related to such Tenant's metered Energy and water use 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. Upon receiving such a request, a Tenant shall report information relating to the Tenant's separately metered Energy and water use for the previous calendar year no later than February 28 of any year in which the Owner is required to report such information.
3. If a Tenant vacates a unit or other space before the end of the calendar year without reporting metered Energy and water use, such Owner may immediately request such information for any period of occupancy relevant to such Owner's obligation to report and the Tenant shall respond within thirty (30) Days.
4. Failure of any Tenant to report the information required in this Subsection does not relieve such Owner of the obligation to report pursuant to this article.
5. Where an Owner of a Building is unable to obtain complete Energy and water use data due to the failure of any Tenant to report the information required by this Subsection, the Owner shall use values or formulas established by the Commission to estimate whole Building Energy and water use.

**(p) Disclosure.**

The Commission shall make Energy, water, and Emissions information for Buildings available to the public on the City of Boston website in multiple languages consistent with City of Boston language standards no later than October 1 of every year, except for 2022 in which it shall make such information available to the public no later than December 1, 2022. Such disclosure shall include, at a minimum, Building identification, Energy intensity, CO<sub>2</sub>e Emissions per square foot, Emissions compliance status, ENERGY STAR rating, where available, and water consumption per square foot. Such disclosures may include information voluntarily reported to the Commission. Before any such disclosure, the Commission shall subject all data to a quality-assurance/quality-control process.

1. At least thirty (30) Days prior to disclosure, the Commission shall provide Building Owners an opportunity to review the accuracy of information to be disclosed.
2. The Commission shall invite Building Owners to submit contextual information related to Energy and water use in their Buildings, and shall disclose contextual information in such form as it shall determine.

3. The Commission shall also, from time to time, publicly report on implementation of, compliance with, and overall results from this Subsection; however, the first such report shall be issued no later than December 31, 2022.

To the extent available to the Commission, the Commission shall disclose information relevant to air quality, Energy cost burdens, fair housing and housing displacement, jobs, and other qualitative and quantitative metrics related to Environmental Justice Populations and equitable implementation of this Subsection. Within one year, the Environment Department shall identify appropriate metrics and research mechanisms for (i) measuring and collecting this type of information and (ii) analyzing the impact, if any, of this Subsection on such metrics.

The City, in consultation with the Review Board, shall issue annual reports on the Equitable Emissions Investment Fund, including balance of funds, expenditures, funded projects and anticipated impacts relative to greenhouse gas emissions, air quality, and local employment. Administrative costs, Review Board compensation, and other liabilities incurred against and spent from the Fund shall also be included. These reports will be available for the public on the City of Boston website and follow current City of Boston language and accessibility guidelines.

**(q) Enforcement for Failure to Comply with this Subsection.**

1. Failure to comply with the provisions of this Subsection and regulations issued pursuant to this Subsection shall result in the imposition of penalties by the Review Board. For any failure to comply, the Review Board shall have the authority to: (i) issue a notice of violation subject to penalties if not corrected; and (ii) recommend seeking an injunction from a court of competent jurisdiction requiring a Building Owner or Tenant to comply with the requirements of this Subsection; provided, however, this provision shall not apply to residential Tenants.

2. Notice of violation. The Review Board shall issue a written notice of violation to any Building Owner or Tenant violating this Subsection by failing to comply with any of the provisions of this Subsection or any Regulation issued pursuant to this Subsection. The notice of violation shall indicate which obligations the Building Owner or Tenant has not fulfilled and provide the Building Owner or Tenant with thirty (30) days to either: (i) correct the notice of violation by complying with this Subsection and associated Regulations; or (ii) send a written request to the Executive Director of the Commission for a hearing by the Review Board for a determination of whether the Building Owner or Tenant violated this Subsection.

3. Request for a Hearing. If a Building Owner or Tenant requests a hearing, the Review Board shall hold such hearing within sixty (60) days of the Executive Director of the Commission's receipt of a written request for hearing. The hearing shall be conducted according to the requirements of M.G.L. c. 30A. If the Review Board determines that the Building Owner or Tenant violated this Subsection, that person shall have thirty (30) days from the issuance of a final decision to correct the violation.

4. Failure to comply with notice of violation. If a person who does not request a hearing fails to correct a noticed violation of this Subsection within thirty (30) days after the Review Board issues a written notice of violation, that person shall be deemed to have failed to comply with the notice of violation. If a person who requested a hearing fails to correct a noticed violation of this Subsection within thirty (30) days after the issuance of an adverse decision after a hearing, that person shall be deemed to have failed to comply with the notice of violation. Any person who has failed to comply with a notice of violation shall be subject to a fine as set forth in section (r):

5. Injunctive relief. Upon recommendation from the Review Board, the City shall seek an injunction from a court of competent jurisdiction instructing a Building Owner or Tenant who has failed to comply with a notice of violation to comply with this Subsection and regulations issued pursuant to this Subsection, provided, however, this provision shall not apply to residential Tenants.

The Review Board shall have discretion in deciding whether to recommend seeking an injunction.

6. Fines. All fines and penalties issued under this Subsection may be enforced pursuant to M.G.L. c. 40, s. 21D or M.G.L. c. 111, s. 31C, provided however, that this permission to utilize the noncriminal disposition procedures of section 21D shall not deprive the Review Board or the Commission of any other remedy or means of collecting the fine, including by indictment or complaint. For any fines or penalties that remain unpaid thirty (30) Days following the receipt of a notice of violation the Commission shall, upon recommendation from the Review Board, take steps to place an assessment on the Building Owner's tax bill or a lien on the Building pursuant to M.G.L. c. 40U, s. 12. The Review Board shall have discretion in deciding whether to recommend placing assessments or liens.

**(r) Penalties and Fines for Failure to Comply with this Subsection.**

The fines outlined in this Subsection may be revised by the Regulations upon advisement by the Environment Department. References to Buildings in this Subsection shall be deemed to include Building Portfolios. The Regulations shall provide a Building Owner with an opportunity to administratively appeal any such fine pursuant to an appeal mechanism that is consistent with that required by M.G. L. c. 40U.

**(i) Failure to Comply with Reporting Requirements.**

Each Day that a Building Owner is out of compliance with the reporting requirement of this Subsection, in whole or in part, shall be deemed a separate violation of this Subsection and subject to a fine of:

1. Three hundred dollars (\$300) a Day for:

- a. Non-Residential Buildings equal to or greater than thirty-five thousand (35,000) gross square feet or two (2) or more Buildings on the same parcel that equal or exceed one hundred thousand (100,000) gross square feet; and
  - b. Residential Buildings equal to or greater than thirty-five (35) units or thirty-five thousand (35,000) gross square feet.
2. One hundred-fifty dollars (\$150) a Day for:
- a. Non-Residential Buildings equal to or greater than twenty thousand (20,000) gross square feet but less than thirty-five thousand (35,000) gross square feet; and
  - b. Residential Buildings equal to or greater than fifteen (15) units or twenty thousand (20,000) gross square feet, but less than thirty-five (35) units or thirty-five thousand (35,000) gross square feet.

No penalty shall be assessed prior to thirty (30) Days after receipt of a notice of violation by a Building Owner or if a Building Owner corrects the violation within thirty (30) Days of receipt of a notice of violation.

(ii) Failure to Comply with Emission Standards.

If a Building Owner did not comply with the applicable Emissions standard in a calendar year, each Day of that calendar year and each subsequent Day when the violation is not corrected shall be deemed a separate violation of this Subsection and subject to a fine of:

- 1. One thousand dollars (\$1,000) a Day for:
  - a. Non-Residential Buildings equal to or greater than thirty-five thousand (35,000) gross square feet or two (2) or more Buildings on the same parcel that equal or exceed one hundred thousand (100,000) gross square feet; and
  - b. Residential Buildings equal to or greater than thirty-five (35) units or thirty-five thousand (35,000) gross square feet.
- 2. Three hundred dollars (\$300) a Day for:
  - a. Non-Residential Buildings equal to or greater than twenty thousand (20,000) gross square feet but less than thirty-five thousand (35,000) gross square feet; and
  - b. Residential Buildings equal to or greater than fifteen (15) units or twenty thousand (20,000) gross square feet, but less than thirty-five (35) units or thirty-five thousand (35,000) gross square feet.

For any Building Owner that has failed to report any or all information required by this Subsection to calculate compliance with the Emissions standard, the Building shall be deemed to be in non-compliance with the Emissions standard and subject to the fines in this subclause. A Building Owner may correct such non-compliance by providing the information required by this Subsection to calculate compliance with the Emissions

standard and, if necessary, make use of relevant Compliance Mechanisms to account for any failure to meet the Emissions standard. No penalty shall be assessed prior to thirty (30) Days after receipt of a notice of violation by a Building Owner or if a Building Owner corrects the violation within thirty (30) Days of receipt of a notice of violation.

(iii) Failure to Accurately Report Information

In the event that third-party verification of information reported by a Building Owner identifies a discrepancy with a Building Owner's self-certified reporting, and such discrepancy is not reconciled pursuant to a process to be outlined by Regulation, such discrepancy shall be deemed a violation of this Subsection and subject to a fine between one thousand dollars (\$1,000) and five thousand dollars (\$5,000). The Review Board shall, in its sole discretion, determine the fine taking into account whether the failure to accurately report information impacted a determination of compliance with an Emissions standard. An Owner may petition the Review Board for a reduction in such a penalty in accordance with the conditions outlined in the Regulations, which shall include circumstances in which a third-party verification was filed by a prior Owner. The Review Board may, in its discretion, reduce such penalty through the process as laid out in the regulations.

In the event that a failure to accurately report information resulted in inaccurately determining that a Building Owner complied with an Emissions standard, the penalties from subclause (ii) above shall apply.

(iv) Penalty reductions and waivers

The Review Board may grant penalty reductions or waivers. Details regarding petitions, review process and conditions for penalty reductions or waivers may be set forth in the Regulations. In determining whether to grant any reduction in penalty for failure to comply with Emission standards, the Review Board shall consider an Owner's plans for bringing a Building into full compliance and whether there are Building characteristics or circumstances that present a hardship in complying with the Emissions standards in this Ordinance. Such characteristics or circumstances could include historic Building designations, affordable housing, or financial hardship. The Review Board shall have sole discretion in granting penalty reductions or waivers.

Section (r) shall not apply to the City or any City Building.

**(s) Review Board.**

There is established a nine-member independent Review Board appointed by the Mayor and approved by the Boston City Council. Members of the Review Board shall have expertise in environmental justice, affordable housing, labor, and workers' rights, workforce development, building engineering and energy, real estate development and management, public health and hospitals, architecture and historic preservation, or any combination thereof.

Two-thirds of the members of the Review Board shall be nominated by Community-Based Organizations, and all members shall be current residents of the City of Boston. The Chair of the Boston City Council's Environment, Resiliency and Parks Committee, or their designee shall serve as a member of the Review Board. The Regulations shall designate community groups and organizations to nominate individuals to serve on the Review Board, subject to the Mayor's appointment and the Council's approval. Members of the Review Board for whom participation is not part of a full- or part-time job may request compensation for their service on the Review Board. The Regulations shall establish a rate of compensation per meeting and a cumulative compensation per year.

Members shall serve for a term of three (3) years. As the term of any member expires, their successor, or their renewal, shall be nominated by the organizations identified in the Regulations and appointed by the Mayor, subject to Council approval. Vacancies in the Review Board shall be filled by the Mayor, subject to Council approval for the unexpired term. Every three (3) years, the Mayor shall designate a member to be the Chair of the Review Board.

The Review Board shall meet a minimum of four times per year and may meet more often as it deems necessary to fulfill its obligations under this Subsection.

Working groups may be convened to study or make recommendations for Regulations changes or sector-specific criteria for Hardship Compliance Plans, subject to the approval of the Review Board. A working group will be convened to address the specific needs of healthcare institutions connected to district energy systems. Working groups may include individuals not on the Review Board, including representatives of appropriate federal, state and local agencies and authorities, sector-specific professionals, financial institution representatives, energy providers and utility representatives, among others.

The Review Board may draft Regulation revisions and may issue guidance to the Environment Department to ensure equitable implementation of this Subsection.

Funding, capacity-building and staff support shall be provided to the Review Board by the Environment Department. The Environment Department shall also be responsible for annual disclosure and policy administration and carry out enforcement actions as directed by the Review Board. The Review Board may delegate responsibilities, such as, but not limited to, the approval of requests for blended Emissions standards and Individual Compliance Schedules, to the Environment Department.

**(t) Advisory Committee.**

Any Advisory Committee previously established pursuant to this Subsection shall be disbanded.

**(u) Review and Power to Suspend.**

The Commission shall direct the Environment Department to review the implementation of this Subsection every five (5) years. As part of such review, the Environment Department shall hold at least one (1) public hearing and solicit comments from the public. Such request for comments shall include a request for information regarding how, if at all, implementation of this Subsection has impacted air quality, Energy cost burdens, and other qualitative and quantitative metrics related to Environmental Justice Populations and equitable implementation of this Subsection; to the extent such information is available from other City departments, the Environment Department shall take all reasonable steps to collect and analyze such information.

The Commission may suspend all or part of the requirements of this Subsection upon a written finding from the Environment Department that a significant obstacle interferes with implementation or that implementation has a significant negative effect on Energy cost burdens, equitable access to housing or other factors set forth in the Regulations. The Commission may lift such suspension upon a written finding from the Environment Department that the obstacle has been removed or the negative effect addressed. The Commission shall suspend the requirements of this Subsection as necessary to ensure that at least ninety (90) Days passes between the promulgation of Regulations and any reporting deadline.

Notwithstanding the foregoing, the Environment Department may recommend revisions to the Regulations as needed.

**(v) Regulatory Authority.**

In accordance with recommendations from the Environment Department, the Commission shall promulgate rules and regulations, including amending the existing Regulations, necessary to implement and enforce this Subsection, pursuant to M.G.L., c. 30A.

**(w) Applicability.**

If any provision of this Subsection imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, by-law, order, or policy, then the provisions of this Subsection control.

**(x) Implementation.**

The provisions of this Subsection are effective immediately upon passage.

**(z) Notice.**

Within three months of the adoption of this Subsection, notification concerning reporting and disclosure procedures shall be provided to Owners subject to the requirements of this Subsection. This notice, and any other notice required by this Subsection, including notices of violation, shall be delivered to the contact information in the Assessor's database unless an Owner provides alternative contact information to the Commission.

SECTION 2. The City of Boston Code, Ordinances, Chapter VII, Section 7-2.1, first paragraph shall be amended as follows:

- a. Section 7-2.1 is amended in the first sentence, by adding the phrase- "the Environment Commissioner, ex officio" after the phrase- "the Commissioner of Transportation, ex officio".
- b. Section 7-2.1 is further amended in the first sentence by striking the phrase- "three (3) members appointed by the Mayor", and inserting in its place the phrase and following sentence- "four (4) members appointed by the Mayor. Of the four (4) members appointed by the Mayor, at least one (1) member shall serve for a three- (3)-year term."

SECTION 3. 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 4. These provisions shall be in effect immediately following passage.

Filed in Council: September 22, 2021

**CITY OF BOSTON  
IN CITY COUNCIL**



**ORDER FOR A HEARING TO DISCUSS THE SAFETY OF  
CONSTRUCTION SITES IN THE CITY OF BOSTON**

**WHEREAS:** The City of Boston is experiencing an unprecedented building boom, with large scale construction sites set up in various neighborhoods, including the South Boston Waterfront, the South End, Downtown, Back Bay, and the West End; *and*

**WHEREAS:** These large construction sites have heavy machinery and tall cranes on site, and the equipment is in close proximity to construction workers, as well as residents, pedestrians, motorists, and cyclists; *and*

**WHEREAS:** Last week, two men were killed at a construction site in Downtown. In 2019, a construction crane collapsed on top of a building belonging to Google in Seattle, killing two construction workers and two passers-by below, as well as injuring four others; *and*

**WHEREAS:** A construction worker was struck and killed by equipment while setting up “First Night” celebrations in Boston late 2019; other accidents include an incident where a woman was seriously injured by falling debris from a construction site in the North End in July of 2019, a fire at the construction site for the planned Moxy Hotel in the Theatre District in April of 2019, a fire at the Hub on Causeway site in March of 2019, a 2018 accident that injured a construction worker on that same site, and a 2016 crane accident that killed one worker in the Longwood Medical Area; *and*

**WHEREAS:** These tragedies illustrate the importance of construction site safety, especially when cranes and machinery are set up in areas with dense pedestrian traffic, or above streets with heavy traffic, such as in the neighborhoods of South Boston, Downtown, Chinatown, the South End, Beacon Hill, and the Back Bay; *and*

**WHEREAS:** Construction workers are also at high risk of suffering occupational injuries and fatalities, and according to the Occupational Safety and Health Administration (OSHA), 20.7% of worker fatalities were in the construction industry in 2017; *and*

**WHEREAS:** It is imperative that our residents and construction workers are safe in and around the areas of these construction sites, especially considering our densely populated neighborhoods, and we need to ensure that these construction sites have safety procedures that protect their workers and residents; *and*

**NOW THEREFORE BE IT ORDERED:**

That the appropriate Committee of the Boston City Council holds a hearing to discuss the existing safety procedures and precautions at construction sites and ways that the City can ensure the protection and well-being of our workers and residents. Representatives from the Inspectional Services Department, Boston Police, Massachusetts Coalition for Occupational Safety and Health, and other relevant and interested parties shall be invited to testify.



Offered by Councilor Ricardo Arroyo, Flaherty, Flynn,  
Essaibi-George, Breadon, Wu, Bok, Campbell and O'Malley  
**CITY OF BOSTON**  
**IN CITY COUNCIL**

**IN THE YEAR TWO THOUSAND AND TWENTY ONE**  
**HOME RULE PETITION**

*WHEREAS:* LeRoi Rodriquez, a former firefighter of the city of Boston, died as a result of injuries sustained while performing the essential duties of a firefighter; *NOW THEREFORE BE IT*

*ORDERED:* That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only.

**PETITION FOR A SPECIAL LAW RE: An Act Providing Certain Retirement Benefits  
for the Widow of a Former Firefighter of the City of Boston**

Section 1. Notwithstanding section 100 of chapter 32 of the General Laws or any other general or special law to the contrary, and to promote the public good, there shall be paid a line of duty death benefit from the Boston Retirement Board to Maria Rodriguez, the widow of LeRoi Rodriguez, a former firefighter of the city of Boston who died as a result of injuries sustained while performing the essential duties of a firefighter. The benefits shall be paid and administered in accordance with section 100 of chapter 32 of the General Laws. Maria Rodriguez shall receive a lump sum payment from the Boston Retirement Board equal to the total accumulated retirement deductions paid by LeRoi Rodriguez into the annuity savings fund.

Section 2. Such line of duty death benefit shall be paid to Maria Rodriguez and consist of a yearly amount of pension equal to three quarters of the amount of the annual pension that would have been payable to said LeRoi Rodriguez had he continued in service as a Boston Firefighter. This line of duty death benefit shall maintain parity with the Boston firefighters collective bargaining pay increases. In case of any surviving

eligible children there shall be paid to Maria Rodriguez the sum of three hundred and twelve dollars per annum for each such child until such time as all such children have attained age eighteen or have attained age twenty-two if a full-time student.

Section 3. Notwithstanding any general or special law, rule, or regulation to the contrary, the surviving children of LeRoi Rodriguez, a deceased firefighter in the City of Boston, shall be eligible for original appointment to the Boston Fire Department and shall be considered survivors under section 26 of chapter 31 of the General Laws. In order to have their names so certified, said surviving children must first pass the written and physical examinations required of all candidates for entrance to the fire service.

Section 4. This act shall take effect upon passage.

Filed in Council: April 14, 2021



**City Of Boston • Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-10-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of TWENTY-FIVE MILLION DOLLARS (**\$25,000,000.00**) in the form of a grant, Commonwealth Builder Program, awarded by Massachusetts Housing Partnership to be administered by the Neighborhood Development.

The grant would fund the creation of workforce homeownership housing units and the long-term availability of those units to eligible moderate-income households.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** Commonwealth Builder Program FUNDS, AWARDED BY Massachusetts Housing Partnership.

**WHEREAS**, the Massachusetts Housing Partnership, is being petitioned for the issuance of funds to the Neighborhood Development; and

**WHEREAS**, the funds in the amount of TWENTY-FIVE MILLION DOLLARS (**\$25,000,000.00**) would fund the creation of workforce homeownership housing units and the long-term availability of those units to eligible moderate-income households. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the Massachusetts Housing Partnership, Commonwealth Builder Program award not to exceed the amount of TWENTY-FIVE MILLION DOLLARS (**\$25,000,000.00**).

**Docket #** \_\_\_\_\_

**In City Council  
Passed** \_\_\_\_\_

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Acting Mayor**

**Approved** \_\_\_\_\_

I hereby certify that  
the foregoing, if passed in  
the above form, will be in  
accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel



**City Of Boston • Massachusetts  
Office of the Acting Mayor  
Kim Janey**

09-10-2021

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval an Order authorizing the City of Boston to accept and expend the amount of FOUR MILLION DOLLARS (**\$4,000,000.00**) in the form of a grant, Allston-Brighton Homeowner Fund, awarded by Boston Redevelopment Authority to be administered by the Neighborhood Development.

The grant would fund programming to foster affordable homeownership and homeowner stability in Allston Brighton.

I urge your Honorable Body to adopt this Order so that the City of Boston may accept the funds expeditiously and expend them upon award for the purposes for which they are granted.

Sincerely,

Kim Janey  
Acting Mayor of Boston



## City Council Order

**AN ORDER AUTHORIZING THE CITY OF BOSTON TO ACCEPT AND EXPEND** Allston-Brighton Homeowner Fund FUNDS, AWARDED BY Boston Redevelopment Authority.

**WHEREAS**, the Boston Redevelopment Authority, is being petitioned for the issuance of funds to the Neighborhood Development; and

**WHEREAS**, the funds in the amount of FOUR MILLION DOLLARS (**\$4,000,000.00**) would fund programming to foster affordable homeownership and homeowner stability in Allston Brighton. Therefore be it

**ORDERED:** that the Mayor, acting on behalf of the City of Boston be, and hereby is authorized, pursuant to section 53A of chapter 44 of the Massachusetts General Laws, to accept and expend the Boston Redevelopment Authority, Allston-Brighton Homeowner Fund award not to exceed the amount of FOUR MILLION DOLLARS (**\$4,000,000.00**).

**Docket #** \_\_\_\_\_

**In City Council  
Passed** \_\_\_\_\_

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Acting Mayor**

**Approved** \_\_\_\_\_

I hereby certify that  
the foregoing, if passed in  
the above form, will be in  
accordance with law.

by *Henry C. Luthin*

Henry C. Luthin  
Corporation Counsel

Offered by City Councilor Ricardo Arroyo , Baker, Bok, Breadon, Campbell, Essaibi-George, Flaherty, Flynn, Mejia and Wu



## **CITY OF BOSTON IN CITY COUNCIL**

**IN THE YEAR TWO THOUSAND TWENTY ONE**

### **HOME RULE PETITION**

*ORDERED,* That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**PETITION FOR A SPECIAL LAW RE:  
AN ACT DIRECTING THE CITY OF BOSTON POLICE DEPARTMENT TO WAIVE  
THE MAXIMUM AGE REQUIREMENT FOR POLICE OFFICERS FOR DANIEL  
FLORES**

*Section 1.*

Notwithstanding any general or special law to the contrary, including the provisions of Chapter 43 of the Acts of 2007, the City of Boston Police Department shall waive the maximum age requirement for original appointment of police officers for Daniel Flores. If Daniel Flores meets all other requirements set forth by the Boston Police Department, he shall be eligible to have his name certified for original appointment to the position of police officer.

*Section 2.*

The provisions of this act shall take effect immediately upon passage.

Filed in Council: July 21, 2021

OFFERED BY COUNCILORS LYDIA EDWARDS AND KENZIE BOK



## CITY OF BOSTON IN CITY COUNCIL

IN THE YEAR TWO THOUSAND TWENTY ONE

### HOME RULE PETITION

**WHEREAS,** The maximum fine resulting from violations of ordinances, by-laws, rules or regulations in the City of Boston is three hundred dollars; *and*

**WHEREAS,** Many large property owners, developers, corporations, and individuals remain unfettered by fines if they are able to pay them and allow fines to accumulate for months or years without taking action to remedy the violation; *and*

**WHEREAS,** This dynamic often means that Boston residents have to continue to endure the impact of these violations, including in the case of problem properties and illegal short-term rentals; *and*

**WHEREAS,** The low dollar amount for fines also reduces the efficacy of important tenant protections laws and regulations, including in the case of a condo conversion where a building owner is fined for not informing current tenants of a conversion and their rights; *and*

**WHEREAS,** An amendment to Massachusetts General Laws Title VII, Chapter 40, Section 21D would not increase any current fines from three hundred to three thousand dollars and would not result in a changed fine schedule, but rather, would give the City of Boston the opportunity to propose specific fine increases which would then be reviewed by the Boston City Council and may result in a vote; *and*

**WHEREAS,** Authorized use of non criminal disposition of fines is specifically limited by statute that provides any ordinance, by-law, rule, or regulation by any municipal officer, board, or department shall delineate who the enforcement person is to be, and specify the individual penalty to be applied of each provision of the violation ; **NOW, THEREFORE BE IT**

**ORDERED:** That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted as follows, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

**PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO BOSTON AND  
NON-CRIMINAL DISPOSITION OF FINES**

Section 1. Massachusetts General Laws Title VII, Chapter 40, Section 21D, Fifth Paragraph, First Sentence, reads as follows;

“Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city or town clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three hundred dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation.”

shall be stricken and replaced as follows;

“Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city or town clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three thousand dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation.”

Section 2. Notwithstanding any other law, rule, regulation, or provision to the contrary, these sections shall not conflict with M.G.L Chapter 40U

Section 3. This act shall take effect immediately.

Filed on: 22 September 2021

Offered by Councilors Ricardo Arroyo and Julia Mejia



## CITY OF BOSTON IN CITY COUNCIL

### RESOLUTION RECOGNIZING SEPTEMBER AS SUICIDE PREVENTION AND ACTION MONTH IN THE CITY OF BOSTON

- WHEREAS,** Each September, Suicide Prevention Month is recognized globally and serves as a way to raise the visibility of the mental health resources and suicide prevention services available to our community; *and*
- WHEREAS,** According to the American Foundation for Suicide Prevention (AFSP), suicide is the tenth leading cause of death among adults, and the second leading cause of death among individuals between the ages of 10 and 34 in the United States; *and*
- WHEREAS,** According to the National Institute of Mental Health, in 2019, more than 47,500 people died by suicide, representing an average of 130 suicides daily; *and*
- WHEREAS,** Over the past year, public health actions to mitigate the spread of COVID-19 such as social distancing have increased feelings of isolation, loneliness, stress, and anxiety; *and*
- WHEREAS,** Each and every suicide directly impacts a minimum of one hundred additional people, including family, friends, co-workers, neighbors, and community members; *and*
- WHEREAS,** The City of Boston publicly places its full support behind those who work in the fields of mental health, education, and public health; *and*
- WHEREAS,** National organizations like Hope for the Day, the National Suicide Prevention Lifeline, and many others, and local mental health partners like the Boston Public Health Commission and Boston Emergency Services Team, serve on the frontlines of a crisis that many refuse to discuss due to stigma related to suicide and mental health issues; *and*
- WHEREAS,** Individuals that are seeking or know someone that is seeking free and confidential emotional support and crisis resources can call the National Suicide Prevention Lifeline 24/7 at 1-800-273-TALK (8255) for English or 1-888-628-9454 for Spanish; *and*

***WHEREAS,*** The Boston City Council should encourage all residents to take the time to understand the importance of mental health education and recognize that taking care of ourselves and others includes taking care of mental health;  
**NOW THEREFORE BE IT**

**RESOLVED:** That the Boston City Council hereby recognizes the month of September as National Suicide Prevention and Action month in the City of Boston and supports continued education, awareness, and resources for mental health supports.

Filed on: September 22, 2021

Offered by City Councilors Julia Mejia



**CITY OF BOSTON  
IN CITY COUNCIL**

**A RESOLUTION CALLING ON CONGRESS TO AFFIRM REPRODUCTIVE FREEDOM AND  
PASS THE WOMEN’S HEALTH PROTECTION ACT**

- WHEREAS,** Abortion care is essential health care and health care is a fundamental human right; *and*
- WHEREAS,** Equal access to abortion care everywhere is essential to social and economic participation, reproductive autonomy, and the right to determine ones future; *and*
- WHEREAS,** Equitable access to comprehensive reproductive health care—including abortion care is fundamentally a racial and economic justice issue; *and*
- WHEREAS,** The landmark Supreme Court ruling Roe v. Wade upholds the constitutional right to privacy, including in health care decisions and the right to access abortion care and has been relied upon in this country for nearly 50 years, with nearly 7 in 10 Americans agreeing with the decision that established a person’s right to an abortion; *and*
- WHEREAS,** In 2020, the ROE Act was passed into law in the Commonwealth, abolishing unnecessary abortion restrictions and codifying the principles of reproductive freedom in Massachusetts state law; *and*
- WHEREAS,** Over the last decade reproductive rights and freedom have been under attack across the nation and since 2011, anti-abortion lawmakers throughout the country have pushed nearly 500 restrictive laws through state legislatures to make abortion difficult and at times completely impossible to access; *and*
- WHEREAS,** These abortion bans and restrictions have become more extreme and have aimed to restrict abortion as early as 6 and 8 weeks of pregnancy—before many people even know they are pregnant; *and*
- WHEREAS,** Abortion bans do not stop abortion, they merely push safe, necessary care out of reach of the most vulnerable and disproportionately impact Black, Indigenous, and People of Color and those struggling to make ends meet; *and*
- WHEREAS,** On September 1, 2021 the Supreme Court denied an emergency request to block Texas S.B. 8, a blatantly unconstitutional and radical six-week abortion ban that also incentivizes vigilantism and provides a \$10,000 reward for private citizens who sue their neighbors on suspicion of abetting abortion; *and*

**WHEREAS,** The Texas SB. 8 bill will not be the last attack on reproductive freedom as this fall, the Supreme Court is scheduled to consider another case from Mississippi that takes direct aim at the core protections of Roe v. Wade; *and*

**WHEREAS,** Congress can and must act to pass legislation that affirms reproductive rights, freedom and justice and codifies protections in Roe v. Wade in federal law once and for all; *and*

**WHEREAS,** The Women’s Health Protection Act, co-introduced by Massachusetts’s own Representative Ayanna Pressley along with Representative Judy Chu is the legislative solution that would fight back against these attacks on abortion access and codify the right for doctors to provide and patients to access abortion care free from medically unnecessary bans and restrictions; *and*

**WHEREAS,** each day that goes by without Congressional action means that more people—disproportionately Black, Indigenous, and People of Color, members of the LGBTQIA+ community and those struggling to make ends meet-- will be denied their constitutional right to abortion; ***NOW THEREFORE BE IT***

**RESOLVED:** The Boston City Council supports Congresswoman Ayanna Pressley’s Women’s Health Protection Act as the legislative solution to fight back against the calculated attacks on reproductive rights and freedom across the country; ***AND BE IT FURTHER***

**RESOLVED:** That the Boston City Council Calls on the House of Representatives and the United States Senate to pass the Women’s Health Protection Act without further delay and urges President Biden to swiftly sign the Women’s Health Protection Act into law and continue to use the full power of the Presidency to affirm reproductive rights and justice for all.

Filed in Council: September 22, 2021



# Boston City Council

## *Legislative Calendar for the September 22, 2021 Session*

### **Sixty Day Orders**

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The following ordinances, appropriations and/or orders recommended by the Mayor for passage by the City Council become effective after the date specified unless previously acted upon<sup>1</sup>

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**<sup>1</sup>Section 17E of Chapter 452 of the Acts of 1948 (as amended):**

*The mayor from time to time may make to the city council in the form of an ordinance or loan order filed with the city clerk such recommendations as he may deem to be for the welfare of the city. The City Council shall consider each ordinance or loan order so presented and shall either adopt or reject the same within sixty days after the date when it is filed as aforesaid. If such ordinance or loan order is not rejected within sixty days, it shall be in force as if adopted by the city council unless previously withdrawn by the mayor.*

**Assigned for Further Action**

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## Unanswered Section 17F Orders<sup>2</sup>

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Order requesting certain information under 17F re: BPD staffing. (Docket #0298)

Order requesting certain information under 17F re: Documents related to the investigation of former police officer and former president of the Boston Police Patrolmen's Association Patrick Rose Sr. (Docket #0593)

Order requesting certain information under 17F re: officers accused of misconduct. (Docket #0910)

Order requesting certain information under 17F re: fulfillment of FOIA requests since March 22, 2021. (Docket #0911)

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### **2 - Section 17F of Chapter 452 of the Acts of 1948 (as amended):**

*The city council may at any time request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter.*

## Home Rule Petitions Not Responded to by the Mayor<sup>3</sup>

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### <sup>3</sup>Section 22 of Chapter 190 of the Acts of 1982:

*Every order of the city council approving a petition to the general court pursuant to Clause (1) of Section 8 of Article 2 of the amendments to the Constitution of the Commonwealth shall be presented to the mayor who shall forthwith consider the same, and, within fifteen days of presentation, either approve it, or file with the city council a statement in detail of his reasons for not approving the same, including any objection based on form, on content, or both; provided, that no such order shall be deemed approved or in force unless the mayor affixes his signature thereto.*

## Matters in Committee

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The following matters were previously filed with the City Council and have been referred to a committee. Matters in committee can be brought back before the City Council pursuant to City Council Rule 24. The following *definitions* describe different types of matters in committee:

- Ordinances:*** Local laws enacted by the Boston City Council and the Mayor that become part of the City Code of Ordinances.
- Loan Orders:*** Authorization for the City of Boston to incur debt and expend money for projects, purchases, or other obligations.
- Orders:*** Directives that authorize action. Orders are legally binding but are not part of the City Code of Ordinances.
- Home Rule Petitions:*** Requests for special acts that concern a particular municipality. Home Rule Petitions require approval of the Boston City Council and Mayor, as well as passage by the state legislature.
- Order for a Hearing:*** A formal request sponsored by a councilor that a committee of the Boston City Council conduct a hearing about a particular matter, issue, or policy that impacts the City of Boston. An Order for a Hearing is not a law and is not voted on by the City Council. The only action concerning an Order for a Hearing that can be taken at a City Council meeting is the administrative action of placing it on file.
- Legislative Resolution:*** A recommendation concerning policy issues that may urge action on particular matters. Legislative resolutions have no legal effect. Legislative resolutions represent a particular position or statement by a Councilor, Councilors, or the City Council as a whole.

## 2021 MATTERS IN COMMITTEE

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Arts, Culture, Tourism &amp; Special Events</b>	0348	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Two Hundred Forty-Five Thousand Nine Hundred Dollars (\$245,900.00) in the form of a grant for the FY21 Local Culture Council Program, awarded by the Massachusetts Cultural Council to be administered by the Office of Arts & Culture. The grant will fund the Boston Cultural Council sub-grants.	2 /24/2021	3/8/2021	
<b>Arts, Culture, Tourism &amp; Special Events</b>	0399	Essaibi-George	Order for a hearing regarding Gender Parity in the Naming of Public Art and Places.	3 /3 /2021		
<b>Boston's COVID-19 Recovery</b>	0735	Essaibi-George	Order for a hearing regarding the Reopening Plan for City Operations	6 /9 /2021		
<b>Boston's COVID-19 Recovery</b>	0909	Flaherty	Order for a hearing to discuss COVID-19 Recovery Funds.	8 /18/2021		
<b>Cenus &amp; Redistricting</b>	0860	Arroyo	Order for a hearing to discuss the redistricting process in the City of Boston.	7 /21/2021	9/28/2021	
<b>City &amp; Neighborhood Services</b>	0161	Flynn	Order for a hearing to discuss the proliferation of electronic billboards in the City of Boston.	1 /13/2021	2/25/2021	
<b>City &amp; Neighborhood Services</b>	0182	Bok	Order for a hearing regarding a supplemental sidewalk clearance program during snowstorms in Boston.	1 /13/2021	3/16/2021	3/17/21 Remains in Committee
<b>City &amp; Neighborhood Services</b>	0221	Flynn	Order for a hearing to discuss internet access and digital equity in the City of Boston.	1 /27/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>City &amp; Neighborhood Services</b>	0222	Flynn	Order for a hearing to discuss water rescue infrastructure in the City of Boston.	1 /27/2021		
<b>City &amp; Neighborhood Services</b>	0310	Essaibi-George	Order for a hearing regarding the Expanding the Services Available on 311.	2 /3 /2021		
<b>City &amp; Neighborhood Services</b>	0352	Petitioner	Petition of A Yankee Line, for a license to operate motor vehicles for the carriage of passengers for hire over certain streets in Boston.	2 /24/2021	3/29/2021	3/31/21 Remains in Committee
<b>City &amp; Neighborhood Services</b>	0418	Arroyo	Order for a hearing to discuss off-leash dog recreation spaces in the City of Boston.	3 /10/2021	4/21/2021	
<b>City &amp; Neighborhood Services</b>	0443	Edwards	Order for a hearing on digital infrastructure and electronic city services.	3 /17/2021		
<b>City &amp; Neighborhood Services</b>	0639	Flynn	Order for a hearing to discuss increasing fines for large house parties disturbing neighbors' quality of life.	5 /5 /2021	5/28/2021	
<b>City &amp; Neighborhood Services</b>	0828	Mayor	Petition of WeDriveU, Inc. for a license to operate motor vehicles for the carriage of passengers for hire over certain streets in Boston.	6 /30/2021		
<b>City &amp; Neighborhood Services</b>	0829	Mayor	Petition of WeDriveU, Inc. for a license to operate motor vehicles for the carriage of passengers for hire over certain streets in Boston.	6 /30/2021		
<b>City &amp; Neighborhood Services</b>	0830	Mayor	Petition of WeDriveU, Inc. for a license to operate motor vehicles for the carriage of passengers for hire over certain streets in Boston.	6 /30/2021		
<b>City &amp; Neighborhood Services</b>	0863	Flynn	Order for a hearing to discuss pest control and illegal dumping in the City of Boston.	7 /21/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>City &amp; Neighborhood Services</b>	0908	Flynn	Order for a hearing to discuss ways for the City to increase communication access for people with disabilities to public-facing televisions	8 /18/2021		
<b>Civil Rights</b>	0147	Mejia	Order for a hearing addressing civil rights in the creation of sanctuary safe spaces in Boston.	1 /13/2021		
<b>Civil Rights</b>	0165	Flynn	Order for a hearing to discuss ways for the city to prevent and investigate incidents of hate crimes and discrimination.	1 /13/2021	3/30/2021	3/31/21 Remains in Committee
<b>Civil Rights</b>	0565	Campbell	Order for a hearing regarding a local Truth and Reconciliation Commission.	4 /14/2021		
<b>Civil Rights</b>	0734	Mejia	Order for a hearing regarding reparations and their impact on the civil rights of Black Bostonians.	6 /9 /2021		
<b>Education</b>	0145	Mejia	Order for a hearing addressing sexual assault in Boston Public Schools.	1 /13/2021		
<b>Education</b>	0146	Mejia	Order for a hearing addressing the relationship between school lunches and the achievement gap.	1 /13/2021		
<b>Education</b>	0150	Mejia	Order for a hearing identifying restorative justice practices and the role of police in our schools.	1 /13/2021		
<b>Education</b>	0166	Essaibi-George	Order for a hearing regarding the implementation of the #BPSReady Reopening Plan.	1 /13/2021	3/23/2021	3/24/21 Remains in Committee
<b>Education</b>	0168	Essaibi-George	Order for a hearing regarding creating an admissions policy, improving partnerships, and changing funding for Madison Park Technical Vocational High School.	1 /13/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Education</b>	0170	Essaibi-George	Order for a hearing regarding the work of the Boston Student Advisory Council and their policy agenda.	1 /13/2021	2/23/2021	2/24/21 Remains in Committee
<b>Education</b>	0171	Essaibi-George	Order for a hearing regarding the governance structure of the Boston School Committee.	1 /13/2021		
<b>Education</b>	0176	Essaibi-George	Order for a hearing regarding the review of Curriculum Resources and Standards in the Boston Public Schools.	1 /13/2021		
<b>Education</b>	0177	Essaibi-George	Order for a hearing regarding the implementation of an Ethnic Studies Curriculum in the Boston Public Schools.	1 /13/2021		
<b>Education</b>	0178	Essaibi-George	Order for a hearing regarding Libraries and Library Staff in the Boston Public Schools.	1 /13/2021		
<b>Education</b>	0179	Essaibi-George	Order for a hearing regarding ensuring all Boston Public Schools have Full-time Mental Health and Social Emotional Support Specialists.	1 /13/2021	3/11/2021	
<b>Education</b>	0180	Essaibi-George	Order for a hearing regarding Special Education Services in the Boston Public Schools.	1 /13/2021		
<b>Education</b>	0211	Arroyo	Order for a hearing regarding BPS exam school admissions policy and its impact on diverse enrollment.	1 /27/2021		
<b>Education</b>	0299	Breadon	Order for a hearing regarding future plans for the Horace Mann School for the Deaf and Hard of Hearing.	2 /3 /2021		
<b>Education</b>	0358	Campbell	Order for a hearing regarding summer learning opportunities and summer planning for the 2021-2022 school year for Boston Public Schools.	2 /24/2021	4/12/2021	4/14/21 Remains in Committee

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Education</b>	0359	Campbell	Order for a hearing regarding the status of Universal Pre-K given the COVID-19 pandemic.	2 /24/2021	4/16/2021	
<b>Education</b>	0360	Campbell	Order for a hearing regarding services for English Learners and the LOOK Bill.	2 /24/2021		
<b>Education</b>	0862	Arroyo	Order for a hearing to discuss safety conditions in Boston Public School classrooms during extreme temperatures.	7 /21/2021		
<b>Environment, Resiliency &amp; Parks</b>	0218	O'Malley	Order for a hearing to discuss the phases of implementing net-zero-carbon requirements for all new buildings in the City of Boston.	1 /27/2021		
<b>Environment, Resiliency &amp; Parks</b>	0219	O'Malley	Order for a hearing regarding the installation of solar panels on municipal parking lots and buildings.	1 /27/2021		
<b>Environment, Resiliency &amp; Parks</b>	0297	Bok	Order for a hearing regarding a City-level Conservation Corps for Boston.	2 /3 /2021	3/8/2021	Working Session 3/9/21, 3/10/21 Remains in Committee
<b>Environment, Resiliency &amp; Parks</b>	0361	Flynn	Order for a hearing on the process for tree removals in the City of Boston.	2 /24/2021		
<b>Environment, Resiliency &amp; Parks</b>	0691	O'Malley	Order for a hearing to discuss an update on the City of Boston's Building Energy Reporting and Disclosure Ordinance (BERDO).	5 /26/2021		
<b>Government Operations</b>	0112	Mayor	Message disapproving an ordinance amending Chapter 12-9 of the City of Boston Code, Ordinances, Regarding Human Rights, (Docket #0945), passed by the City Council December 16, 2020.	1 /13/2021		1/13/21 Assigned for further action

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Government Operations</b>	0113	Mayor	Message disapproving an ordinance Restricting the Use of Chemical Crowd Control Agents (CCCA) and Kinetic Impact Projectiles (KIP), passed by the City Council December 16, 2020.	1 /13/2021		1/13/21 Assigned for further action
<b>Government Operations</b>	0169	Essaibi-George	Petition for a Special Law re: Enfranchising the Boston School Committee Student Member.	1 /13/2021		
<b>Government Operations</b>	0217	O'Malley	Order regarding a text amendment for the Greenbelt Protection Overlay District (GPOD).	1 /27/2021		
<b>Government Operations</b>	0228	Essaibi-George	Ordinance relative to the establishment of an independent Mental Health Commission.	1 /27/2021		
<b>Government Operations</b>	0239	Edwards	Order regarding a text amendment for Boston Zoning Code relative to affordable housing and jobs training exactions.	1 /27/2021	3/4/2021	
<b>Government Operations</b>	0261	Wu	Ordinance requiring equitable COVID-19 vaccine distribution in the City of Boston.	1 /27/2021	3/29/2021	3/31/21 Remains in Committee
<b>Government Operations</b>	0296	Bok	Petition for a special law re: The Boston Landmarks Commission.	2 /3 /2021	2/8/2021	2/10/21 Remains in Committee, Working Session 2/18/21, Working Session 9/8/21
<b>Government Operations</b>	0303	Wu	Ordinance Extending Paid Sick Leave for City of Boston Employees to Receive the COVID-19 Vaccine.	2 /3 /2021	3/29/2021	3/31/21 Remains in Committee
<b>Government Operations</b>	0370	Edwards	Ordinance Establishing a Payment in Lieu of Taxes Program.	2 /24/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Government Operations</b>	0397	Arroyo	Ordinance on Surveillance Oversight and Information Sharing.	3 /3 /2021		4/22/21 Working Session, 7/6/21 Working Session Canceled, 7/12/21 Working Session, 8/19/21 Working Session
<b>Government Operations</b>	0400	Essaibi-George	Petition for a Special Law regarding the Uniform Procurement Act.	3 /3 /2021	4/8/2021	
<b>Government Operations</b>	0441	Edwards	Ordinance relative to the investments of the City Treasury.	3 /17/2021	9/30/2021	
<b>Government Operations</b>	0442	Edwards	Ordinance expanding access to local democracy in the City of Boston.	3 /17/2021	7/7/2021	
<b>Government Operations</b>	0479	Mejia	Petition for a Special Law re: An Act Granting the City of Boston the Authority to Endow Legal Voting Rights in Municipal Elections for City of Boston Residents Aged 16 and 17 Years Old.	3 /31/2021		
<b>Government Operations</b>	0562	Arroyo	Petition for a Special Law re: An Act Providing Certain Retirement Benefits for the Widow of a Former Firefighter in the City of Boston.	4 /14/2021	9/20/2021	
<b>Government Operations</b>	0567	Edwards	Order for a hearing regarding Biannual Review of the Boston employment commission and Boston Residents Jobs Policy.	4 /14/2021	4/21/2021, 10/5/2021	
<b>Government Operations</b>	0592	Flaherty	Order for a hearing to discuss the City of Boston medical leave policies and other related policies as it relates to COVID-19.	4 /14/2021		
<b>Government Operations</b>	0600	Mejia	Ordinance to Create a Task Force to Address Literacy Rates in the City of Boston.	4 /28/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Government Operations</b>	0601	Mejia	An ordinance to establish systems for tracking vacant commercial properties in the City of Boston.	4 /28/2021		
<b>Government Operations</b>	0604	Campbell	Petition for a Special Law re: An Act Regarding the Disability Pension for Allen Curry.	4 /28/2021		
<b>Government Operations</b>	0638	Bok	Ordinance to create the Boston Commemoration Commission	5 /5 /2021		
<b>Government Operations</b>	0685	Bok	An Order Regarding a Text Amendment to the Boston Zoning Code with respect to parking minimums for affordable housing.	5 /19/2021	10/5/2021	6/22/21 Working Session
<b>Government Operations</b>	0774	Mejia	Ordinance Creating a Commission on Latino Men and Boys.	6 /16/2021	8/20/2021	
<b>Government Operations</b>	0775	O'Malley	Ordinance Amending City of Boston Code, Ordinances, Chapter VII, Sections 7-2.1 and 7-2.2, Building Energy Reporting and Disclosure (BERDO).	6 /16/2021	7/22/2021	8/23/21 Working Session, 9/13/21 Working Session, 9/15/21 Remains in Committee
<b>Government Operations</b>	0858	Arroyo	Ordinance establishing protections for the City of Boston Tree Canopy.	7 /21/2021	8/24/2021	
<b>Government Operations</b>	0859	Arroyo	Petition for a Special Law re: An act directing the City of Boston Police Department to waive the maximum age requirement for police officers for Daniel Flores.	7 /21/2021	9/20/2021	
<b>Government Operations</b>	0882	Mayor	Message and order for your approval a home rule petition to the General Courts entitled "Petition for a Special Law Re: An Act Relative to Real Estate Transfer Fees."	8 /18/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Government Operations</b>	0899	Arroyo	Petition for a Special Law re: An Act Relative to Reorganization of the Boston School Committee.	8 /18/2021		
<b>Government Operations</b>	0900	Bok	Ordinance to provide for legal representation of the Boston Groundwater Trust by the City of Boston Law Department.	8 /18/2021		
<b>Government Operations</b>	0901	Breadon	Ordinance Regulating Predatory Towing Practices and Establishing a Towing Bill of Rights.	8 /18/2021		
<b>Government Operations</b>	0966	Bok	Order for a hearing to discuss city protocols for providing public records.	9 /15/2021		
<b>Government Operations</b>	0967	O'Malley	Order regarding Civilian Review Board nominations.	9 /15/2021		
<b>Housing &amp; Community Development</b>	0295	Bok	Order for a hearing regarding the current state of cooperative housing in Boston and strategies for its further expansion.	2 /3 /2021		
<b>Housing &amp; Community Development</b>	0328	Bok	Order for a hearing regarding reducing barriers to securing rental housing in Boston.	2 /10/2021		
<b>Housing &amp; Community Development</b>	0331	Edwards	Order for a hearing regarding the state of affordable housing as to Boston's Inclusionary Development Policy.	2 /10/2021	3/30/2021	3/31/21 Remains in Committee
<b>Housing &amp; Community Development</b>	0362	Essaibi-George	Order for a hearing regarding existing residential unit diversity across Boston.	2 /24/2021	4/1/2021	
<b>Housing &amp; Community Development</b>	0365	Bok	Order for a hearing regarding increasing public housing in the City of Boston	2 /24/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Housing &amp; Community Development</b>	0367	Bok	Order for a hearing regarding homeownership assistance including for first-generation homebuyers.	2 /24/2021	8/10/2021	
<b>Housing &amp; Community Development</b>	0499	Flynn	Order for a hearing to discuss updates on the status and enforcement of the Short Term Rentals Ordinance.	4 /7 /2021		
<b>Housing &amp; Community Development</b>	0861	Arroyo	Order for a hearing to discuss predatory lending programs in the City of Boston.	7 /21/2021		
<b>Housing &amp; Community Development</b>	0953	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Twenty Five Million Dollars (\$25,000,000.00) in the form of a grant for the Commonwealth Builder Program, awarded by the Massachusetts Housing Partnership to be administered by the Department of Neighborhood Development. The grant will fund the creation of workforce homeownership housing units and the long-term availability of those units to eligible moderate-income households.	9 /15/2021	9/21/2021	
<b>Housing &amp; Community Development</b>	0955	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Four Million Dollars (\$4,000,000.00) in the form of a grant for the Allston-Brighton Homeowner Fund, awarded by the Boston Redevelopment Authority to be administered by the Department of Neighborhood Development. The grant will fund programming to foster affordable homeownership and homeowner stability in Allston Brighton.	9 /15/2021	9/21/2021	
<b>Pilot Agreements</b>	0327	Bok	Order for a hearing regarding increasing oversight, transparency, and coordination of PILOT community benefit offsets.	2 /10/2021	6/14/2021	6/16/21 Remains in Committee
<b>Planning, Development &amp; Transportation</b>	0152	Mejia	Order for a hearing discussing the viability of late-night MBTA service in Boston.	1 /13/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Planning, Development &amp; Transportation</b>	0163	Flynn	Order for a hearing to discuss establishing a traffic master plan for South Boston.	1 /13/2021		
<b>Planning, Development &amp; Transportation</b>	0181	Bok	Order for a hearing regarding potential zoning amendments to be proposed by the Boston Groundwater Trust.	1 /13/2021	2/19/2021	
<b>Planning, Development &amp; Transportation</b>	0212	Bok	Order for a hearing regarding zoning relief for 100% affordable and deeply affordable housing projects.	1 /27/2021	3/30/2021	3/31/21 Remains in Committee
<b>Planning, Development &amp; Transportation</b>	0214	Breadon	Order for a hearing regarding an Allston-Brighton Master Plan and Zoning Initiative.	1 /27/2021	4/6/2021	4/7/31 Remain in Committee
<b>Planning, Development &amp; Transportation</b>	0330	Flynn	Order for a hearing to discuss zoning and the community outreach process for life sciences laboratories in the City of Boston.	2 /10/2021	7/27/2021	
<b>Planning, Development &amp; Transportation</b>	0332	Edwards	Order for a hearing regarding the coordination and community notice of the issuance of construction and utility permits.	2 /10/2021		
<b>Planning, Development &amp; Transportation</b>	0356	Mejia	Order for a hearing on Community Voice in Impact Advisory Groups.	2 /24/2021	4/30/2021	
<b>Planning, Development &amp; Transportation</b>	0363	Essaibi-George	Order for a hearing regarding to review the procedures to alert a neighborhood to development-related meetings.	2 /24/2021		
<b>Planning, Development &amp; Transportation</b>	0364	Essaibi-George	Order for a hearing regarding the creation of publicly available developer profiles.	2 /24/2021		
<b>Planning, Development &amp; Transportation</b>	0366	Bok	Order for a hearing regarding using planning and land-use tools for public good.	2 /24/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Planning, Development &amp; Transportation</b>	0371	Edwards	Order regarding a text amendment to Article 5 of the Boston Zoning Code with respect to public service corporations.	2 /24/2021		
<b>Planning, Development &amp; Transportation</b>	0372	Edwards	Order for a hearing on the status of the Zoning Board of Appeals Executive Order and Home Rule Petition.	2 /24/2021	8/17/2021	8/18/21 Remains in Committee
<b>Planning, Development &amp; Transportation</b>	0416	Wu	Order for a hearing regarding Inclusion of Daycare Facilities zoning restrictions.	3 /10/2021		
<b>Planning, Development &amp; Transportation</b>	0457	Mayor	Message and order for the confirmation of the appointment of Annette Given, as an alternate member of the Beacon Hill Architectural Commission for a term expiring on May 1, 2025.	3 /24/2021		
<b>Planning, Development &amp; Transportation</b>	0849	Mayor	Message and order for your approval of the receipt of a Preservation Restriction Agreement on 41 Melrose Street, Boston, Ma 02116 by the Society for the Preservation of New England Antiquities d/b/a Historic New England.	7 /21/2021		
<b>Planning, Development &amp; Transportation</b>	0993	Edwards	Order for a Hearing regarding the status of the BPDA's Plan: East Boston Initiative	9 /15/2021		
<b>Post Audit &amp; Oversight</b>	0156	Arroyo	Order for a hearing to audit the implementation of the "Invest in Boston" ordinance.	1 /13/2021		
<b>Post Audit &amp; Oversight</b>	0220	Wu	Order for a hearing regarding Green and Social Bonds.	1 /27/2021	3/26/2021	
<b>Post Audit &amp; Oversight</b>	0302	Wu	Order for a hearing regarding Good Food Purchasing at the City of Boston and Boston's anchor institutions.	2 /3 /2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Post Audit &amp; Oversight</b>	0320	Mayor	Message and order for the confirmation of the appointment of Mary Catherine Bench as a member of the Audit Committee of the City of Boston for a term expiring November 1, 2023, filling the remainder of the unexpired term of Matthew Gorzkowicz, who has stepped down.	2 /10/2021		
<b>Post Audit &amp; Oversight</b>	0321	Mayor	Message and order for the confirmation of the appointment of Mark Williams as a member of the Audit Committee of the City of Boston, for a term expiring November 1, 2025.	2 /10/2021		
<b>Post Audit &amp; Oversight</b>	0345	Janey	Order for a hearing regarding Equity in The City of Boston Procurement and Purchasing	2 /10/2021		
<b>Post Audit &amp; Oversight</b>	0357	Wu	Order for a hearing regarding worker cooperatives.	2 /24/2021		
<b>Public Health</b>	0142	Campbell	Order for a hearing regarding COVID-19 vaccines.	1 /13/2021	2/9/2021	2/10/21 Remains in Committee
<b>Public Health</b>	0162	Flynn	Order for a hearing to discuss the creation of a frontline worker COVID-19 Health Registry.	1 /13/2021		
<b>Public Health</b>	0192	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Six Hundred Ninety-One Thousand One Hundred Ten Dollars (\$691,110.00) in the form of a grant, for the COVID-19 Response Grant, awarded by the Center for Tech and Civic Life to be administered by the Election Department. The grant funded planning and operating a safe and secure election administration in the City of Boston for the 2020 election.	1 /27/2021		
<b>Public Health</b>	0223	Flynn	Order for a hearing to discuss public health disparities in Boston's communities of color.	1 /27/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Public Health</b>	0225	Flynn	Order for a hearing to discuss ways for the City to be more proactive in providing services, educating the public, and raising awareness for those infected with HIV/AIDS.	1 /27/2021		
<b>Public Health</b>	0231	Essaibi-George	Order for a hearing to examine Mental Health and Suicide Prevention Resources in the City of Boston.	1 /27/2021		
<b>Public Health</b>	0232	Essaibi-George	Order for a hearing regarding the impact of COVID-19 on Recovery Services.	1 /27/2021		
<b>Public Health</b>	0233	Essaibi-George	Order for a hearing regarding the Opioid Crisis.	1 /27/2021		
<b>Public Health</b>	0547	Mayor	Message and order authorizing the City of Boston to accept and expend reimbursements in the amount of up to Six Million Dollars (\$6,000,000.00), from the Federal Emergency Management Agency and the Commonwealth of Massachusetts, for expenses related to the COVID-19 event.	4 /14/2021		
<b>Public Health</b>	0816	Flynn	Order for a hearing on domestic violence and sexual assault in the City of Boston.	6 /23/2021		
<b>Public Health</b>	0817	Essaibi-George	Resolution in support of Assisted Outpatient Treatment (AOT) Legislation, Bill H.2121.	6 /23/2021		
<b>Public Safety &amp; Criminal Justice</b>	0100	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Eight Hundred Fifty Thousand Dollars (\$850,000.00) in the form of a grant for the FY20 Boston Regional Intelligence Center Earmark, awarded by the MA Executive Office of Public Safety & Security to be administered by the Police Department. The grant will fund upgrading, expanding and integrating technology and protocols related to anti-terrorism, anti-crime, anti-gang and emergency responders.	2 /26/2020		20-0408

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Public Safety &amp; Criminal Justice</b>	0101	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Three Hundred Thousand Dollars(\$300,000.00) in the form of a grant for the FY21 Byrne State Justice Assistance (JAAG) Grant, awarded by the United States Department of Justice, passed through the Massachusetts State Police/Crime Laboratory, to be administered through Police Department. The grant will fund Operation Shot Stopper, a partnership between the BPD Youth Violence Strike Force and the MA State Police Gang Unit. The initiative will focus on suppressing gun violence, targeting violent impact players and patrolling "hot spots". The partnership will develop and document intelligence and enhance community trust.	12/9 /2020		20-1141
<b>Public Safety &amp; Criminal Justice</b>	0143	Campbell	Order for a hearing regarding the Boston Police Department's gang database.	1 /13/2021	3/9/2021	3/10/21 Remains in Committee
<b>Public Safety &amp; Criminal Justice</b>	0151	Mejia	Order for a hearing discussing youth involvement in regards to police reform.	1 /13/2021		
<b>Public Safety &amp; Criminal Justice</b>	0157	Arroyo	Order for a hearing to discuss promoting public safety and better outcomes for young adults by raising the age of juvenile jurisdiction from 18 to 21.	1 /13/2021		
<b>Public Safety &amp; Criminal Justice</b>	0158	O'Malley	Order for a hearing to discuss racial disparities in the Field Interrogation and Observation (FIO) data by the Boston Police Department.	1 /13/2021		
<b>Public Safety &amp; Criminal Justice</b>	0229	Essaibi-George	Order for a hearing regarding access to Wellness Programs for First Responders.	1 /27/2021		
<b>Public Safety &amp; Criminal Justice</b>	0230	Essaibi-George	Order for a hearing regarding the expansion of the Boston Emergency Services Team.	1 /27/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Public Safety &amp; Criminal Justice</b>	0307	Campbell	Order for a hearing regarding implementation of the Boston Police Reform Task Force's recommendations and the State Police Reform Bill.	2 /3 /2021	3/2/2021	3/3/21 Remains in Committee
<b>Public Safety &amp; Criminal Justice</b>	0417	Campbell	Order for a hearing regarding inaccuracies in Analyze Boston's crime incident report datasets.	3 /10/2021	4/13/2021	4/14/21/ Remains in Committee
<b>Public Safety &amp; Criminal Justice</b>	0845	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of One Million One Hundred Fifty Thousand Dollars (\$1,150,000.00) in the form of a grant for a comprehensive, inter-agency strategy that connects law enforcement, employment, education, public health and youth development agencies to reduce youth violence in the Commonwealth. This additional funding increases the total grant to \$2,300,000.00 over two years, awarded by the MA Executive Office of Health and Human Services to be administered by the Police Department. The grant will fund FY22 and FY23 Safe and Successful Youth Initiative.	7 /21/2021		
<b>Public Safety &amp; Criminal Justice</b>	0954	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Four Million Dollars (\$4,000,000.00) in the form of a grant, for the FY22 Public Safety Answering Point Support and Incentive Grant, awarded by the MA Executive Office of Public Safety & Security to be administered by the Police Department. The Grant will fund costs associated with providing Enhanced 911 Services.	9 /15/2021		
<b>Public Safety &amp; Criminal Justice</b>	0956	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Three Hundred Ninety-Nine Thousand Four Hundred Eighteen Dollars and Seventy-Three Cents (\$399,418.73) in the form of a grant for the FY22 State 911 Training Grant, awarded by the MA Executive Office of Public Safety & Security to be administered by the Police Department. The grant will fund the training and certification of Enhanced 911 Telecommunications staff.	9 /15/2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Rules &amp; Administration</b>	0153	Mejia	Order for a hearing on public hearings as they relate to government accountability and accessibility.	1 /13/2021		
<b>Rules &amp; Administration</b>	0504	Edwards	Order for a hearing to review central staff policies, procedures, performance and regulations.	4 /7 /2021	7/8/2021	
<b>Small Business &amp; Workforce Development</b>	0144	Mejia	Order for a hearing discussing the accessibility of small business outreach during and beyond the COVID-19 pandemic.	1 /13/2021		
<b>Small Business &amp; Workforce Development</b>	0148	Mejia	Order for a hearing on expanding access for minority business enterprises into high-volume commercial centers.	1 /13/2021	4/22/2021	
<b>Small Business &amp; Workforce Development</b>	0149	Mejia	Order for a hearing on racism in retail stores in the City of Boston.	1 /13/2021		
<b>Small Business &amp; Workforce Development</b>	0154	Mejia	Order for a hearing on small business preparedness to reopen during the COVID-19 pandemic.	1 /13/2021		
<b>Small Business &amp; Workforce Development</b>	0159	Campbell	Order for a hearing regarding automobile insurance rates in Boston.	1 /13/2021		
<b>Small Business &amp; Workforce Development</b>	0215	Mejia	Order for a hearing discussing commercial vacancies in Boston.	1 /27/2021	3/19/2021	
<b>Small Business &amp; Workforce Development</b>	0224	Flynn	Order for a hearing to discuss renewal fees for restaurants and food establishments during the COVID-19 pandemic.	1 /27/2021		
<b>Small Business &amp; Workforce Development</b>	0301	Flynn	Order for a hearing to discuss the impact of CORI on access to employment and other opportunities.	2 /3 /2021		

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Small Business &amp; Workforce Development</b>	0311	Essaibi-George	Order for a hearing regarding Elder Scamming Protections.	2 /3 /2021		
<b>Small Business &amp; Workforce Development</b>	0313	Essaibi-George	Order for a hearing regarding the Impact of Main Streets Organizations on Small Businesses during the COVID-19 Pandemic.	2 /3 /2021		
<b>Small Business &amp; Workforce Development</b>	0398	Flynn	Order for a hearing on the safety of construction sites in the City of Boston.	3 /3 /2021	9/20/2021	
<b>Small Business &amp; Workforce Development</b>	0471	Flynn	Order for a hearing regarding Brookfield Asset Management's firing of 52 workers at the Nine Zero Hotel.	3 /24/2021		
<b>Small Business &amp; Workforce Development</b>	0606	Campbell	Order for a hearing regarding an Office of Labor Standards.	4 /28/2021		
<b>Small Business &amp; Workforce Development</b>	0732	Baker	Order for a hearing regarding maximizing workforce development opportunities in biotechnology for Boston residents.	6 /9 /2021		
<b>Small Business &amp; Workforce Development</b>	0957	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Two Hundred Fifty-Four Thousand One Hundred Ninety-Four Dollars (\$254,194.00) in the form of a grant, for the Challenge Grant, awarded by the William T. Grant Foundation, passed through Northeastern University, to be administered by the Department of Youth and & Employment. The grant will fund research by Northeastern University Dukakis Center for Urban and Regional Policy that inform the design of a more inclusive workforce development system for the youth in Boston.	9 /15/2021		
<b>Strong Women, Families &amp; Communities</b>	0234	Essaibi-George	Order for a hearing to review the women-specific outreach and healthcare programming to combat the Opioid Crisis.	1 /27/2021	5/4/2021	5/5/21 Remains in Committee

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Strong Women, Families &amp; Communities</b>	0312	Essaibi-George	Order for a hearing regarding the SNAP Gap in Boston.	2 /3 /2021		
<b>Strong Women, Families &amp; Communities</b>	0825	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Six Hundred Seventy Two Thousand Six Hundred Eighty Five Dollars and Sixty Cents (\$672,685.60) in the form of a grant for the FY22 YouthWorks, awarded by the MA Executive Office of Labor and Workforce Development, passed through the Economic Development & Industrial Corporation of Boston, to be administered by the Youth Engagement & Employment. The grant will fund the Summer 2021 Success Link Employment Program.	6 /30/2021		
<b>Strong Women, Families &amp; Communities</b>	0826	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of Four Hundred Seventy Six Thousand Sixty Six Thousand Dollars (\$476,666.00) in the form of a grant for Nutrition Services for Boston elders, awarded by the U.S. Department of Health and Human Services, passed through the MA Executive Office of Elder Affairs to be administered by the Age Strong Commission. The grant will fund the FY21 Title IIIC Supplemental.	6 /30/2021		
<b>Strong Women, Families &amp; Communities</b>	0958	Mayor	Message and order authorizing the City of Boston to accept and expend the amount of One Hundred Thousand Dollars (\$100,000.00) in the form of a grant for the No Kid Hungry, awarded by Share Our Strength to be administered by the Office of Food Access. The grant will fund school-based food programs (BosFoodLove) and the Community Hub Schools Initiative.	9 /15/2021		
<b>Veterans &amp; Military Affairs</b>	0300	Flynn	Order for a hearing to discuss services for women veterans.	2 /3 /2021		
<b>Ways &amp; Means</b>	0164	Flynn	Order for a hearing to discuss property taxes and assistance programs for seniors & long-term residents facing difficulties during COVID19.	1 /13/2021	2/5/2021	Working Session 3/8/21, 3/10/21 Remains in Committee

Committee	Docket#	Sponsor	Docket Description	Date Referred	Hearing(s)	Notes
<b>Ways &amp; Means</b>	0167	Essaibi-George	Order for a hearing regarding the Fiscal Year 2020 Boston Public Schools Transportation Budget.	1 /13/2021	3/12/2021	
<b>Ways &amp; Means</b>	0213	Bok	Order for a hearing regarding Boston Police overtime.	1 /27/2021	3/12/2021	
<b>Ways &amp; Means</b>	0226	Bok	Order for a hearing regarding a mid-year update on the City's FY21 fiscal status.	1 /27/2021	2/11/2021	
<b>Ways &amp; Means</b>	0329	Bok	Order for a hearing regarding police contracts as policy documents.	2 /10/2021		3/23/21 Working Session, 3/24/21 Remains in Committee
<b>Ways &amp; Means</b>	0368	Bok	Order for a hearing regarding investing Boston Saves funds.	2 /24/2021		

**Official Resolution  
Of Councilor Matt O'Malley**

**Be it Resolved, that the Boston City Council  
extends its Congratulations to:**

**Kathryn Niforos**

**In Recognition of:**

**Her 34<sup>th</sup> Birthday**

**and Be it further Resolved that the Boston City Council  
declares September 17, 2021 as “Kathryn Niforos Day”;  
that this Resolution be duly signed by the President of the  
City Council and attested to and a copy thereof transmitted by  
the Clerk of the City of Boston.**