



July 22, 2021

Councilor Lydia Edwards
Chair, Committee on Government Operations
Boston City Hall, Suite 550
Boston, MA 02201

Dear Councilor Edwards,

On behalf of the Greater Boston Chamber of Commerce and our 1,300 member organizations, I write to offer feedback on Councilor O'Malley's proposed ordinance updating the City's Building Energy Reporting and Disclosure provisions. Climate change is a threat to Massachusetts' competitiveness, its residents, and its business community. As such, the city's goal to reach net-zero emissions is both necessary and important. Reaching this goal in a feasible and sustainable manner with the business community is also necessary. While we appreciate that the goal of this proposal is to provide a path to achieve net-zero emissions, we disagree strongly with the approach in this ordinance because it creates a Review Board with far-reaching authority and conflicts with state policy.

As proposed, the Review Board has numerous flaws, exacerbated by its sweeping oversight authority that would be largely unchecked by other city departments or entities.

First, there is no requirement that Board members have relevant expertise in climate science, energy generation, or project financing. The work of the Review Board will be extensive and will require significant staffing and expertise in complex building infrastructure. Second, key characteristics and logistics are deferred to the regulatory process so the law would be adopted with no plan for the size of the board, who will nominate members, or how frequently the board will meet.

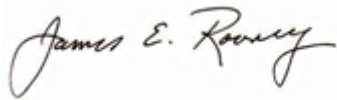
In addition, as written, the proposal grants the Board with broad, singular authority in several areas. The Board may make changes to emissions standards, must approve blended standards for owners of multiple buildings, and can require changes or set conditions on emissions reduction plans for owners of multiple buildings. The Board has sole discretion to approve a hardship compliance plan and is free to insert a number of additional conditions, including ones that are outside the scope of emissions reduction like employment requirements. The Board will determine whether an owner of multiple buildings can have an individual compliance schedule. The Board also has the responsibility to enforce the ordinance, to levy fines, and to place liens on property.

Even if the ordinance resolves the Review Board issues, the question remains of how this ordinance would interact with state law. The state of Massachusetts has also committed to achieving net-zero emissions by 2050, but concrete details on a statewide emissions reduction schedule have yet to emerge. The administration will inevitably release updated guidance on the state's path to net-zero and if standards differ from the standards in Boston building owners

could face a second structural redesign of their buildings, overturning years-long development processes and investments. The failure to interface and align emissions reductions with the state will only cause confusion for building owners and potentially raise the cost of development in Boston significantly.

The Chamber looks forward to working with the Council and the City to develop sustainable climate readiness policies that address the threats posed by climate change while also ensuring Boston is a desirable place to work and thrive.

Sincerely,

A handwritten signature in black ink that reads "James E. Rooney". The signature is written in a cursive style with a large initial 'J' and 'R'.

James E. Rooney
President & CEO

CC: Members of the Boston City Council