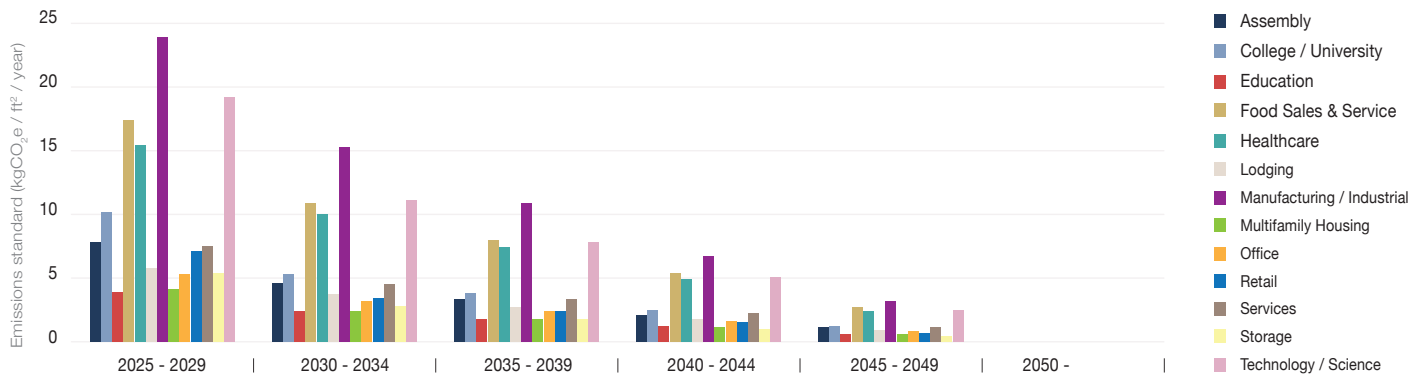


## BOSTON IMPLEMENTS ENERGY EFFICIENCY STANDARDS IN LARGE BUILDINGS, BEGINS LONG-TERM PUSH TOWARD NET-ZERO EMISSIONS



In 2021, The City of Boston adopted a major update to the Building Emissions Reduction and Disclosure Ordinance (BERDO), requiring [progressively stricter emissions standards](#) culminating in a net-zero emissions building sector by 2050. Emissions readings that will be used to measure against the standards started on January 1, 2025.

While large buildings in Boston [have been required](#) to report their emissions since the original BERDO ordinance passed in 2013, the updated 2021 policy is the first that enforces emissions standards in these buildings, with property owners whose buildings have failed to come into compliance facing fines of [up to \\$1,000 per day](#). Preliminary estimates have suggested that there will be [about 300](#) noncompliant buildings, or roughly [7 percent](#) of buildings [subject to the law](#).

The exact emissions standard for a given building depends on its typology, with housing and office buildings generally subject to stricter emissions limits than restaurants, hospitals, or industrial complexes (see the chart above). As of this writing, BERDO only [applies](#) to residential buildings with at least 35 units and non-residential buildings with at least 35,000 sf. By 2030, it will include residential buildings with at least 15 units and non-residential buildings with at least 20,000 sf. Overall, according to Mayor Wu, BERDO applies to [the largest 5 percent of buildings](#) in Boston, which constitute more than 40 percent of the city’s total emissions.

While BERDO applies to existing buildings, new construction has even stricter standards under [the specialized energy code](#), which took effect in Boston in [January 2024](#).

Moving existing buildings towards net-zero emissions will

necessarily require up-front costs like upgrading heating and cooling systems and retrofitting units with electric appliances, tighter window seals, and more insulation. These costs will likely be passed onto tenants where possible, making it more difficult to stabilize prices amidst a pervasive, region-wide housing affordability crisis. U.S. Department of Energy-funded research [indicates](#) that most studies find “a positive correlation between green building certifications and rents.” So it’s possible that the up-front costs of meeting energy efficiency standards are priced into the sale price or rents of the housing, or even that buyers and tenants willingly pay a premium to live in buildings with cleaner utilities.

Besides direct emissions reductions, building owners [may also comply](#) with BERDO by making renewable energy purchases or cash payments to the city. In some cases, they may also be eligible for alternative pathways to net zero, which involves negotiating with the city for a mutually agreeable solution. In the coming months, it will become clearer just how many properties are skirting the new energy efficiency standards, and how hard the City of Boston will clamp down on noncompliant property owners.

Forty-two percent of municipally owned land in Massachusetts is classified as vacant, compared to 9 percent of privately owned land.

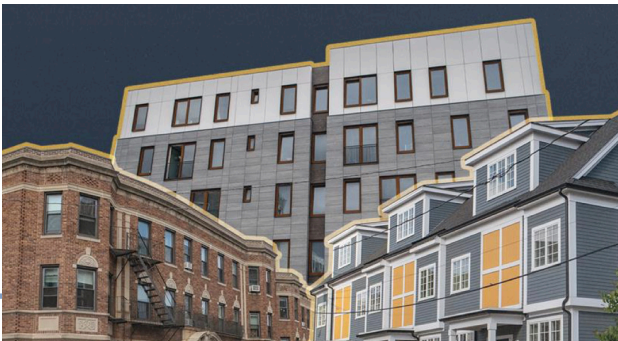
[Source: The Boston Foundation]

## DURING FALL TOWN MEETING SEASON, THE MBTA COMMUNITIES ACT BECAME MORE FULLY IMPLEMENTED...AND MORE FORMALLY RESISTED.

The MBTA Communities Act (Section 3A), the state mandate requiring most cities and towns in eastern and central Massachusetts to designate a district where multi-family housing is allowed to be built, just passed a critical juncture. Most of the municipalities subject to the Act faced [a December 2024 compliance deadline](#), and Town Meeting votes this fall have seen many communities add capacity for new housing developments and several more join Milton in resisting the law.

After a February voter referendum in Milton that struck down the town's Section 3A compliant zoning, the state Attorney General sued the town, after which Milton [filed a counterclaim](#) challenging the law itself. Many communities have elected to wait for this litigation to be resolved before taking further action on Section 3A compliance, and Fall Town Meeting and City Council votes to delay adopting 3A zoning—in [Ipswich](#), [Norton](#), [Framingham](#), and elsewhere—attest to that fact.

Other communities have more roundly rejected zoning changes needed to comply with Section 3A, including [Dracut](#), [East Bridgewater](#), [Millbury](#), [Weston](#), and several others.



“

***We can't spend our way out of this problem. There is not enough public money to subsidize housing production to the scale that we need. It's just something we all have to accept.***

**Boston Housing Authority administrator [Kenzie Bok](#), advocating for using financial tools to accelerate affordable housing production**

QUOTE OF THE MONTH

On January 8th, the Massachusetts Supreme Judicial Court [released its Milton ruling](#), finding that Section 3A is constitutional and that the AG has the power to enforce it, potentially opening up the defiant communities to lawsuits. While the SJC also ruled that the state violated administrative procedures in implementing the guidelines around the law, Governor Healey [has promised](#) to institute emergency regulations in short order.

By contrast, Fall Town Meetings have also seen new zoning implemented in Amesbury, Holliston, Marlborough, Natick, and others. Needham's new zoning went above-and-beyond its state-prescribed [unit capacity minimum](#) by [more than 1,500 homes](#), although [a public referendum](#) scheduled for January 14th will put that above-and-beyond zoning to the test. [Gloucester](#) and [Shrewsbury](#) will hold similar voter referenda in 2025 over 3A zoning, at least temporarily putting both communities out of compliance.

As of this writing, [116 communities](#) have passed zoning intended for MBTA Communities Act compliance, 31 are formally out of compliance, and 28 others have a December 2025 deadline. The continued evolution of these numbers, along with the process of re-introducing the guidelines, will play a big role in determining the state's Section 3A enforcement playbook in the long term.

For more details on how various cities and towns are implementing the Act, see [Pioneer Institute's white paper](#) on the law.

### RECENT OP-ED

**Building code creates negative housing feedback loop in Springfield.**

[Read Now](#)

### COMING SOON

Upcoming issues of *The House Call* will include segments on:

- Accessory dwelling unit legalization.
- Minimum parking requirements.
- Proposed zoning reforms in Cambridge.