

BUILDING PERFORMANCE STANDARDS ADVISORY TASK FORCE

June 30, 2022 MEETING NOTES

PARTICIPANTS	Bambi Chavez, Becky Bicknell, Bobby Coleman, Ellen Zouras, Jennifer LaBrecque, Nicole Ballinger, Patience Malaba, Robert Shepphard, Steve Gelb.
NICOLE BALLINGER OFFICE OF SUSTAINABILITY AND THE ENVIRONMENT UPDATE	<ul style="list-style-type: none"> • OSE wants to wrap up any major changes to their proposal by the end of August, first week of September, so they can engage in discussions with the Mayor in September and then enlist a legal review before the draft legislation goes to the City Council in December. • If HDC has significant changes in the recommendations they submit to OSE, it will be best that these are received by August 31, 2022. • In terms of the city determining fee structures for technical assistance by vendors, it may not be legal for that to occur. The City can help define what the educational/experiential requirements are for a “qualified” providers and create a list of available “qualified” providers, but the HDC recommendations asking for a one-stop City roster with a fee structure will need further consideration. • Recommendation around owners being able to consider compliance based on their portfolio as a whole was made to provide more flexibility for affordable housing providers as they determine compliance paths for their properties. They may start with the larger buildings in their portfolio first or have an aggregate admission for a portfolio.
GENERAL CONSIDERATIONS AROUND PROCESS	<ul style="list-style-type: none"> • Since we are still awaiting the audit report, we should reconvene the Task Force in July or August to consider our recommendations in light of the audit report and then send the final recommendations to OSE by August 31, 2022. • We need to consider how Jump Start might fit into the funding of BPS compliance work and decide if we want to make specific request around this.
DISCUSSION AROUND WORKING DRAFT EDITS: PRINCIPLES SECTION	<ul style="list-style-type: none"> • #1, #2, #3 look good as edited. • #4 – Not clear as written. We should lay out the logic that affordable housing works on a very tight budget and that compliance upgrades need to be financially supported so we don’t lose affordable units at a time when we are in an unprecedented housing crisis. Language around the City working with affordable housing owners through the lens of assistance around hardships created by compliance should be considered. Would be great if the final language of this item can eliminate the need for other recommendations that speak to funding in other parts of the current document as it sets forth the principle of burden and hardship. • #5 - Not clear as written. Need more proactive implementation language – maybe “to different codes, environmental standards, and costs” should be considered.
DISCUSSION AROUND WORKING DRAFT EDITS: POLICY & PROGRAM SECTION	<ul style="list-style-type: none"> • Where does City’s portfolio compliance idea fit in here? How do we ensure that a portfolio strategy does not mean there are affordable housing residents left without the benefits of compliance? • Is there something that needs to be addressed in our recommendations around mixed use buildings with affordable multifamily housing and commercial spaces? • “a” looks good but do we want to expound on the “Prescriptive Compliance Path” meaning so it is crystal clear, or is it already so? Do we include a sentence laying out the logic that typically 2-3 equipment systems will need upgrades to get to compliance and a prescriptive path means less monitoring and analysis to determine compliance, so it is cost effective? • Revise “b” around end-of-life terms for equipment. Benchmarking and equipment documentation will be required from 2031-2035 before 2036 compliance so providers should be aware of how end-of-life will fit into their compliance plan. What we need to do is speak to this situation and ask for what providers will need from the City in this scenario.

	<ul style="list-style-type: none"> • Revise “c”. Determine if best route here is to say SDCI cannot say a substantial alteration is in effect if a building is solely working toward electrification <u>or</u> to say flexibility and accommodations must be given if substantial alterations are triggered <u>or</u> to ask for exemption from substantial alteration call. Also consider if there might be some “ands” here where these positions might be combined rather than just one prevailing. • Unclear where to go with “d” around compliance delay as the 2036 start of compliance may have already resolved this concern. In terms of language around tax syndication that should be revised after consulting with Tax Affinity Group around QAP guidelines. • Delete “e” because Principle #4 should cover this idea. • “f” looks good. • Reconsider the need for “g” – will other recommendations address any concerns that historic might have or is it valuable to have a specific recommendation around historic? • Revisit “h” – is this still needed since City BPS will be energy-based? Do we just recommend something about State efficiency standards here even if this is going to the City – much like we might have language to SDCI, etc.? Does City’s GHG per square foot metric capture some part of what was intended here or is this speaking to occupancy mentioned in Policy & Metrics and there needs to be further elucidation. “h” is currently unclear in intent.
DISCUSSION AROUND WORKING DRAFT EDITS: TECHNICAL ASSISTANCE & STANDARDS SECTION	<ul style="list-style-type: none"> • It is not clear what the city can do around a roster of providers and fees, but we should continue to ask for what we want regardless of perceived limitations. • This section was not thoroughly examined during this meeting and a close review should occur to ensure it is complete before further Task Force input.
DISCUSSION AROUND WORKING DRAFT EDITS: MULTI-LAYERED FUNDING & FINANCING SECTION	<ul style="list-style-type: none"> • Add recommendation that WSHFC update their Qualified Allocation Plan and align tax credits with BPS and Code recommendations, so providers get points for their work? Consult with Tax Affinity Group on this. • Where does City’s portfolio compliance idea fit in with funding? Is there something to delineate concerning this? • How does an organization like Elevate fit into what we may want to recommend? Do we recommend that the City go with someone like Elevate or create an internal City version of it? Have we already clearly stated all that in (a) and so we are good to go? Review. • Does “f” need to be here? Does “1c”, once revised, make “f” repetitive or is it important to consider funding and keep it here? Revisit after language for “1c” is determined.
DISCUSSION AROUND WORKING DRAFT EDITS: POLICY & METRICS	<ul style="list-style-type: none"> • Should this section be deleted now that City BPS is GHG per square foot, or is there something that still needs to be captured here?
MISC.	<ul style="list-style-type: none"> • Link to the video recording of this meeting HERE. • Link to the HDC BPS website page HERE. <p>ACTION ITEMS</p> <ul style="list-style-type: none"> • Mark Deutsch, in consultation with Patience, will determine the date and time of a reconvening of the Task Force to consider the audit report. • Patience Malaba will make an HDC advocacy plan for the BPS legislative and budgeting process this winter and fall. Mark Deutsch will support as needed. • Patience will connect with the HDC Tax Affinity Group around recommendation suggestion about Qualified Allocation Plan. • Patience Malaba and Steve Gelb will revise the current version of the final recommendations as per the input from this meeting.