

HOUSE No. 3850

The Commonwealth of Massachusetts

PRESENTED BY:

Tami L. Gouveia

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a pathway to net zero buildings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/19/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>3/3/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>3/3/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>7/6/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/16/2021</i>

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By Ms. Gouveia of Acton, a petition (accompanied by bill, House, No. 3850) of Tami L. Gouveia, Kate Lipper-Garabedian and Michelle L. Ciccolo relative to providing a net zero pathway for both residential and commercial new construction and major renovations to be designed to ensure that buildings are highly energy efficient. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing a pathway to net zero buildings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Clause (14) of section 6 of chapter 25A of the General Laws, inserted by
2 section 31 of chapter 8 of the acts of 2021, is hereby amended by inserting after the figure
3 "21N" the following words:- ; provided, that the definition of net zero building shall apply to
4 both residential and commercial new construction and major renovation, shall be designed to
5 ensure that the building is highly energy efficient with all remaining electrical and thermal
6 energy needed for the building supplied by renewable sources generated onsite or through
7 approved, offsite locations or a combination of onsite and offsite and shall disallow combustion
8 for primary heating and fossil fuel for all applications, with the exception, if the department of
9 energy resources deems necessary, of energy required to heat water in multi-unit dwellings and
10 for back-up generators; provided further, that the definition of net zero buildings shall include
11 EV-ready wiring for all building types, and solar roof requirements for the majority of buildings;

12 provided further, that the department of energy resources shall review and update the definition
13 and exemptions every 3 years; and.

14 SECTION 2. Said section 6 of said chapter 25A is hereby further amended by inserting
15 after said clause (14) the following clause:-

16 (15) Regulations adopted by this section shall be reviewed and updated in increments of
17 not less than 3 years and in alignment with the same cycle as the base building energy code and
18 International Energy Conservation Code; provided further, that the department, in consultation
19 with the board of building regulations and standards, shall hold annual hearings to review such
20 updates including not less than 3 hearings held in environmental justice communities for each
21 review or update cycle with appropriate and reasonable advance notice to said communities.

22 SECTION 3. Paragraph (o) of section 94 of chapter 143 of the General Laws, as
23 appearing in the 2018 Official Edition, is hereby amended by adding the following paragraph:-

24 If the energy provisions of the state building code are not updated within 1 year of any
25 revision to the International Energy Conservation Code, the board shall report on the status of
26 approval of the latest International Energy Conservation Code into the commonwealth's base
27 building energy code and steps being taken to move towards expedient adoption. Reports shall
28 be filed with the joint committee on telecommunication, utility and energy, the joint committee
29 on consumer protection and professional licensure and the clerks of the house of representatives
30 and the senate no later than 30 days beyond the 1-year deadline described in this section and
31 again every 3 months until the past due International Energy Conservation Code provisions and
32 any more stringent amendments are adopted.

33 SECTION 4. Said chapter 143, as so appearing, is hereby amended by striking out
34 section 95 and inserting in place thereof the following section:-

35 Section 95. The powers and duties of the board set forth in section 94 shall be exercised
36 to affect the following general objectives:

37 (a) Uniform standards and requirements for construction and construction materials
38 compatible with accepted standards of engineering and fire prevention practices, energy
39 conservation, climate change mitigation and resilience and public health and safety.

40 In the formulation of such standards and requirements, performance for the use intended
41 shall be the test of acceptability in accordance with accredited testing standards. Such standards
42 and requirements shall be exercised to improve equity and meet statewide greenhouse gas
43 emission limits and sub-limits established pursuant to chapter 21N.

44 (b) Adoption of modern technical methods, devices and improvements which may reduce
45 the cost of construction and maintenance over the life of the building and avoid and mitigate the
46 impacts of and damage from climate change without affecting the health, safety and security of
47 the occupants or users of buildings.

48 (c) Elimination of restrictive, obsolete, conflicting and unnecessary building regulations
49 and requirements which may increase the cost of construction and maintenance and the impacts
50 of and damage from climate change over the life of the building or retard unnecessarily the use
51 of new materials, or which may provide unwarranted preferential treatment of types of classes of
52 materials, products or methods of construction without affecting the health, safety and security of
53 the occupants or users of buildings.

54 SECTION 5. The department of energy resources, in consultation with the board of
55 building regulations and standards, shall issue a written report to the clerks of the house of
56 representatives and the senate and the joint committee on telecommunications, utilities and
57 energy within 1 year of adoption of this act. The report shall include, but shall not be limited to,
58 analysis on the feasibility and timing for adopting the following: (i) taller mass timber buildings
59 than current allowances; (ii) reduction of embodied carbon; (iii) carbon storage in building
60 materials; (iv) low-carbon modular building systems; (v) smart grid technology; and (vi) healthy
61 non-toxic building materials.

62 The report shall include recommendations for any legislation that may be required to
63 adopt these or other innovations in the commonwealth.

64 SECTION 6. Notwithstanding any special or general law, rule or regulation to the
65 contrary, not later than January 1, 2025, the department of energy resources shall incorporate the
66 municipal opt-in specialized stretch energy code into the stretch energy code, supplanting it in
67 appendix 115AA of the Massachusetts building energy code. Upon such incorporation,
68 municipalities that previously adopted the opt-in specialized stretch energy code or the stretch
69 energy code in appendix 115AA shall be part of the stretch energy code in appendix 115AA of
70 the Massachusetts building energy code with no action required.

71 SECTION 7. Notwithstanding any special or general law, rule or regulation to the
72 contrary, not later than January 1, 2028, the state board of building regulations and standards
73 shall incorporate the provisions of the stretch energy code in appendix 115AA of the
74 Massachusetts building energy code into the base energy provisions of the state building code
75 adopted under section 93 of chapter 143 of the General Laws.