

HOUSE No. 4730

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

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 relative to the electrification of new and substantially remodeled or rehabilitated buildings in the city of Newton.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|------------------------------------|------------------|
| <i>Ruth B. Balser</i> | <i>12th Middlesex</i> | <i>4/20/2022</i> |
| <i>Cynthia Stone Creem</i> | <i>First Middlesex and Norfolk</i> | <i>4/21/2022</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>4/21/2022</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>4/25/2022</i> |

HOUSE No. 4730

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 4730) of Ruth B. Balsler and others (with the approval of the mayor and city council) relative to the electrification of new and substantially remodeled or rehabilitated buildings in the city of Newton. Telecommunications, Utilities and Energy. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to the electrification of new and substantially remodeled or rehabilitated buildings in the city of Newton.

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. Notwithstanding the State Building Code; the Gas Code; M.G.L c. 142, sec.
2 13; M.G.L. c. 164, and any other general or special law to the contrary, the City of Newton may
3 by ordinance require new and substantially remodeled or rehabilitated residential and small non-
4 residential buildings to use electricity instead of fossil fuels for heating and cooling systems and
5 dryers and, for domestic hot water, by electricity or thermal solar.

6 SECTION 2. As used in this chapter, the following words shall have the following
7 meaning unless the context clearly indicates a different meaning:

8 “Residential buildings” means buildings that include one or more dwelling units.

9 “Small non-residential buildings” means buildings the floor area of which is equal to or
10 less than 20,000 square feet, and any portion of which is used for commercial, retail, office,
11 professional, educational, or other non-residential purpose.

12 “Substantially remodeled or rehabilitated” means a renovation that affects 50% or more
13 of the building gross floor area, excluding parking. In the case of a building that is both
14 residential and non-residential, “substantially remodeled or rehabilitated” means a renovation
15 that affects 50% or more of the gross floor area of the residential or non-residential space, in
16 which case electrification of the residential or non-residential space, as applicable, would be
17 required.

18 SECTION 3. An ordinance adopted under this Act may require new and substantially
19 remodeled or rehabilitated residential and small non-residential buildings to use electricity
20 instead of fossil fuels for heating and cooling systems, dryers, and hot water appliances and, for
21 hot water, by electricity or thermal solar.

22 SECTION 4. The City of Newton may require that building permit applications for new
23 and substantially remodeled or rehabilitated residential and small non-residential buildings
24 identify the heating and cooling systems, dryers, and hot water appliances that will be used in the
25 building.

26 SECTION 5. The City of Newton may withhold the issuance of a building permit for a
27 new or substantially remodeled or rehabilitated residential and small non-residential building that
28 does not use electricity instead of fossil fuels for heating and cooling systems, dryers, and hot
29 water appliances and, for hot water, by electricity or thermal solar.

30

31 SECTION 6. The City intends to provide for a waiver and appeals process for those
32 circumstances in which compliance makes a project impractical to implement or imposes
33 extraordinary challenges. Waiver requests will have to be supported by a detailed explanation of
34 the justification for such request, and by a proposed Alternative Compliance Pathway. Any
35 proposed Alternative Compliance Pathway will be required to limit greenhouse gas emissions to
36 levels consistent with declining statewide greenhouse gas emissions limits specified in “An Act
37 Creating a Next-Generation Roadmap for Massachusetts Climate Policy.”

38 The process will provide that waivers may be subject to reasonable conditions. Where
39 possible, waivers will be issued for specific portions of a project for which compliance is
40 infeasible, impractical to implement, or imposes extraordinary challenges, rather than for entire
41 projects.

42 SECTION 7. The requirements of this Ordinance do not apply to any of the following:

43 A. Freestanding outdoor cooking appliances that are not connected to the building natural
44 gas or propane infrastructure.

45 B. Freestanding outdoor heating appliances that are not connected to the building natural
46 gas or propane infrastructure.

47 C. Newton-Wellesley Hospital/Mass General Brigham buildings constructed or
48 substantially remodeled or rehabilitated in the future and located on the hospital campus in
49 Newton.

50 D. Emergency, back-up, or standby power production.

51 E. Appliances to produce potable or domestic hot water from centralized hot water
52 systems in buildings with a gross floor area of at least 10,000 square feet, provided that the
53 architect, engineer, or general contractor on the project certifies by affidavit that no
54 commercially available electric hot water heater exists that could meet the required hot water
55 demand for less than 150% of installation costs, compared to a conventional fossil fuel hot water
56 system.

57 SECTION 8. This act shall take effect upon its passage.