

HOUSE No. 5392

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa and Joanne M. Comerford

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 Northampton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>10/25/2022</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>11/1/2022</i>

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By Representative Sabadosa of Northampton and Senator Comerford, a joint petition (accompanied by bill, House, No. 5392) of Lindsay N. Sabadosa and Joanne M. Comerford (with the approval of the mayor and city council) that the city of Northampton be authorized to require new and substantially remodeled or rehabilitated buildings to use electricity for all building energy needs. 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 Northampton.

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 any other general or special law or any regulation to the
2 contrary, the City of Northampton may by ordinance require new and substantially remodeled or
3 rehabilitated buildings to use electricity for all building energy needs, including but not limited
4 to heating and cooling systems, hot water systems, cooking, and clothes dryers by electricity,
5 thermal solar, or such other technology as the City, by ordinance, shall prescribe.

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 "Substantially remodeled or rehabilitated" means a renovation that requires a building
9 permit and includes a reconfiguration of space or building systems that affects 51% or more of
10 the building gross floor area, excluding garages and other covered parking, and includes a new or

11 substantially modified HVAC system or hot water system. In the case of a building that is both
12 residential and non-residential, "substantially remodeled or rehabilitated" means a renovation
13 that includes 51% or more of the gross floor area of the residential or non-residential space, in
14 which case electrification of the residential or non-residential space, as applicable, would be
15 required.

16 SECTION 3: The City of Northampton may require that building permit applications for
17 new and substantially remodeled or rehabilitated buildings identify the source of energy that will
18 be used in the building.

19 SECTION 4. The City of Northampton may withhold the issuance of a building permit
20 for a new or substantially remodeled or rehabilitated building that does not use electricity or
21 solar thermal for its power source.

22 SECTION 5. The City shall provide for a waiver and appeals process for those
23 circumstances in which compliance makes a project impractical to implement or imposes
24 extraordinary challenges. Waiver requests shall be supported by a detailed explanation of the
25 justification for such request, and by a proposed Alternative Compliance Pathway to be created
26 after the ordinance is adopted. Any proposed Alternative Compliance Pathway will be required
27 to limit greenhouse gas emissions to levels consistent with declining statewide greenhouse gas
28 emission limits specified in "An Act Creating a Next-Generation roadmap for Massachusetts
29 Climate Policy." The process will provide that waivers may be subject to reasonable conditions.
30 Where possible, waivers will be issued for specific portions of a project for which compliance is
31 infeasible, impractical to implement, or imposes extraordinary challenges, rather than for entire
32 projects.

33 SECTION 6. The requirements of this Ordinance do not apply to any of the following:

34 A. Freestanding outdoor cooking appliances that are not connected to the building's
35 natural gas or propane infrastructure.

36 B. Freestanding outdoor heating appliances that are not connected to the building's
37 natural gas or propane infrastructure.

38 C. Cooley Dickinson Hospital buildings constructed or substantially remodeled or
39 rehabilitated in the future and located on the hospital campus.

40 D. Industrial, commercial or institutional processing facilities if the Planning Board
41 determines that fossil fuel free operation is not feasible, because of cost or insufficient
42 technology to meet the need.

43 E. Emergency, back-up, or standby power production.

44 F. Appliances to produce potable or domestic hot water from centralized hot water
45 systems in buildings with a gross floor area of at least 10,000 square feet, if the Planning Board
46 determines that to be the most feasible option.

47 G. Emergency repairs, or repairs to fossil fuel pipes deemed unsafe or dangerous by the
48 building inspector.

49 H. Renovations that do not result in a new HVAC or hot water system installation, or
50 substantial changes to existing fossil fuel infrastructure.

51 SECTION 7. This act shall take effect upon its passage.