

**HOUSE . . . . . No. 3165**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Sean Garballey and Cindy F. Friedman*

*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 authorizing the town of Arlington to adopt and enforce local regulations restricting the use of fossil fuels in certain construction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/10/2023</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>1/11/2023</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/17/2023</i>

**HOUSE . . . . . No. 3165**

By Representative Garballey of Arlington and Senator Friedman, a joint petition (accompanied by bill, House, No. 3165) of Sean Garballey, Cindy F. Friedman and David M. Rogers (by vote of the town) that the town of Arlington be authorized to regulate new construction or major renovation projects that do not qualify as fossil fuel-free buildings. Telecommunications, Utilities and Energy. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3750 OF 2021-2022.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act authorizing the town of Arlington to adopt and enforce local regulations restricting the use of fossil fuels in certain construction.

*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. As used in this act, the term “fossil fuel-free building” shall mean an entire  
2 building or condominium unit that supports its operation without the use of coal, oil, natural gas,  
3 fuel hydrocarbons, including synthetic equivalents, or other fossil fuels.

4 SECTION 2. Notwithstanding section 13 of chapter 142 and chapter 164 of the General  
5 Laws, the state building code, as codified in 780 CMR, or any other general or special law to the  
6 contrary, the town of Arlington may adopt and further amend general or zoning by-laws that  
7 restrict new construction or major renovation projects that do not qualify as fossil fuel-free  
8 buildings.

9           SECTION 3. Notwithstanding section 7 of chapter 40A of the General Laws or any other  
10 general or special law to the contrary, the building inspector of the town of Arlington, or any  
11 designee thereof, may enforce restrictions on new construction and major renovation projects  
12 that do not qualify as fossil fuel-free buildings, including by withholding of building permits.

13           SECTION 4. Any by-law approved by the town meeting of the town of Arlington on or  
14 before the effective date of this act that is consistent with sections 1 to 3, inclusive, is hereby  
15 ratified, validated and confirmed.

16           SECTION 5. This act shall take effect upon its passage.