

SENATE No. 2097

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 promoting resilience against the heat-related impacts of climate change.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>4/12/2023</i>

SENATE No. 2097

By Ms. Creem, a petition (accompanied by bill, Senate, No. 2097) of Cynthia Stone Creem for legislation to promote resilience against the heat-related impacts of climate change. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act promoting resilience against the heat-related impacts of climate change.

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. Chapter 23B of the General Laws, as appearing in the 2020 Official
2 Edition, is hereby amended by adding after section 24B the following new section:-

3 Section 24C.

4 (a) As used in this section, the following words shall have the following meanings unless
5 the context clearly requires otherwise:

6 “Department”, the department of housing and community development.

7 “ENERGY STAR”, the federal government program that sets energy efficiency standards
8 for appliances including air-conditioning units.

9 “Program”, the low-income cooling assistance program established in this section.

10 “Vulnerable person”, an individual who (i) is over the age of 65; (ii) is under the age of
11 five; or (iii) has a medical condition that increases the individual’s risk of heat-related illness
12 including, but not limited to, cardiovascular disease, obesity, and diabetes.

13 (b) The undersecretary shall operate a low-income cooling assistance program in
14 accordance with the Low-Income Home Energy Assistance Act, 42 United States Code sections
15 8621 through 8630, to cover the cost of an eligible household purchasing and installing an air-
16 conditioning unit or box fan. To be eligible for the program, a household shall meet the
17 following conditions: (i) household income does not exceed 60 percent of state median income;
18 (ii) one or more vulnerable persons is part of the household; (iii) no operable air-conditioner is
19 owned or available to the household; and (iv) the applicant is the homeowner or the applicant
20 provides a written statement from the landlord allowing the installation of a window air-
21 conditioning unit; provided, that no such written statement shall be required for a box fan.

22 (c) The undersecretary shall administer the program in partnership with councils on
23 aging, community action agencies, federally qualified health centers, community development
24 corporations, local housing authorities, and other agencies and service providers who assist the
25 department in administering the Low-Income Home Energy Assistance Program.

26 (d) The air-conditioning units provided by the program shall be ENERGY STAR-
27 certified or have efficiency standards equal to or greater than ENERGY STAR-certified air-
28 conditioning units. The undersecretary shall coordinate with the administrators of the Mass Save
29 energy efficiency program established pursuant to section 21 of chapter 25 to ensure that
30 program participants receive Mass Save rebates for their air-conditioning units, when eligible.

31 (e) The assistance provided to a household for the purchase and installation of a box fan
32 shall not exceed a maximum benefit of \$75, and the assistance provided to a household for the
33 purchase and installation of an air-conditioning unit shall not exceed a maximum benefit of
34 \$500; provided, that the department shall review these maximum benefits every year and may
35 increase them if it determines that doing so is necessary to cover the costs of purchasing and
36 installing a box fan or an air-conditioning unit that meets the requirements of subsection (c).

37 (f) If a household has previously received an air-conditioning unit or box fan through the
38 program, the household is only eligible to receive another air-conditioning unit or box fan
39 through the program if: (i) the air-conditioning unit or box fan previously received through the
40 program is inoperable and the unit had no warranty or the warranty is expired; or (ii) the air-
41 conditioning unit or box fan previously received through the program was stolen and the
42 household can provide a copy of a filed police report of the theft. A household that has been
43 found to have sold or attempted to sell an air-conditioning unit or box fan provided through the
44 program shall be ineligible to receive further assistance through the program.

45 (g) Each fiscal year, the department shall dedicate at least 5 percent of the funds allocated
46 for the purposes of the Low Income Home Energy Assistance Program to the program
47 established in this section.

48 (h) The undersecretary shall submit an annual report to the joint committee on housing
49 and the house and senate committees on ways and means summarizing the activities of the
50 program, including, but not limited to, the number of applicants for the program, the number of
51 accepted applications, a list of participating retailers, a list of entities that assist the department in

52 administering the program, the total number of air-conditioning units and box fans distributed
53 under the program, and the costs of the program.

54 (i) The undersecretary shall advertise the program on the department’s website and shall
55 annually promote awareness of the program by sending a letter describing the program to current
56 households participating in the Low-Income Home Energy Assistance Program and by
57 collaborating with the agencies and service providers who assist the department in administering
58 the Low-Income Home Energy Assistance Program.

59 (j) The department may promulgate regulations for the administration and enforcement of
60 this section.

61 SECTION 2. Section 124F of chapter 164 of the General Laws, as appearing in the 2020
62 Official Edition, is hereby amended by inserting after the word “building” the following:

63 “. No gas or electric company shall shut off gas or electric utility service to any
64 residential customer who cannot pay an overdue charge because of financial hardship, when such
65 gas or electric service is used to provide space cooling or to control or operate the space cooling
66 equipment of the customer's unit or building, on: (1) any day when the National Weather Service
67 forecast for the following 48 hours covering the area of the gas or electric company in which the
68 residence is located includes a forecast that the heat index will be 95 degrees Fahrenheit or
69 above; or (2) on any day preceding a holiday or weekend when the National Weather Service
70 forecast covering the area of the gas or electric company in which the residence is located
71 includes a forecast that the heat index will be 95 degrees Fahrenheit or above at any time during
72 the holiday or weekend”

73 SECTION 3. The department of public health, in consultation with the department of
74 housing and community development, shall conduct a study of whether and how to amend the
75 state sanitary code promulgated pursuant to section 127A of chapter 111 to incorporate
76 maximum temperature requirements for habitable rooms and rooms containing a toilet, shower
77 or bathtub. The study shall consider the costs and benefits of such an amendment, including the
78 effect it would have on public health, environmental justice, housing affordability, and resilience
79 against the current and future impacts of climate change. By no later than December 31, 2024,
80 the department of public health shall submit a report containing its findings and
81 recommendations to the clerks of the senate and the house of representatives, the chairs of the
82 joint committee on public health, and the chairs of the joint committee on housing.