

SENATE No. 2116

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 to reduce greenhouse gas emissions by permitting local option all-electric buildings and homes ordinances.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/1/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/11/2023</i>

SENATE No. 2116

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 2116) of James B. Eldridge, Danillo A. Sena, Lindsay N. Sabadosa and Vanna Howard for legislation to reduce greenhouse gas emissions by permitting local option all-electric buildings and homes ordinances. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1333 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act to reduce greenhouse gas emissions by permitting local option all-electric buildings and homes ordinances.

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

1 Chapter 143 of the General Laws is hereby amended by inserting after section 100 the
2 following section:-

3 LOCAL OPTION FOR ALL-ELECTRIC BUILDINGS AND HOMES.

4 Section 101. (a) For the purposes of this section, the following words shall have the
5 following meanings unless the context clearly requires otherwise:

6 "All-Electric", the system, building or project uses a permanent supply of electricity or
7 geothermal energy for substantially all sources of energy for space conditioning, including, but
8 not limited to, heating and cooling, water heating (including pools and spas), cooling appliances,

clothes drying appliances and cooking equipment. An all-electric system, building or project may include solar thermal collectors, but installs no natural gas, heating oil or propane plumbing or equipment in or in connection with a building or within property lines of the premises, extending from the point of delivery at the gas meter.

"Building", a structure used for support or shelter of any use or occupancy, including, but not limited to, houses, apartment buildings, condominium buildings, office buildings, libraries, recreation centers, museums, airport buildings, public safety buildings, hospitals, clinics, education centers, transportation facilities, cruise ship terminals, marina buildings, convention facilities and other structures.

"Building construction project", any planning, design, building or construction activity, including, but not limited to, demolition, a new building, new construction, major renovation or building additions.

"Natural gas", a type of gas used as a fuel which originates in the ground and is predominantly methane and other hydrocarbons.

"Major renovation", a municipal or private construction project or renovation to an existing structure other than repair and regular maintenance. A major renovation shall include, but is not limited to, the following: a change in use or structural repair to an existing building or facility; remodeling, rehabilitation, reconstruction, historic restoration, changes to the plan configuration of wall and full-height partitions, where the scope of work is sufficient to support LEED certification and extensive enough such that normal building operations cannot be performed while the work is in progress or a new certificate of occupancy or similar official indication that it is fit and ready for use, is required; provided, however, that major renovation

shall not include regular maintenance, reroofing, floor covering, painting, wallpapering or changes to mechanical and electrical systems.

“New building”, any new construction that will require heating or cooling and that is associated with a valid building permit application on or after the effective date of this law, including but not limited to, construction (a) on a vacant lot, (b) to replace a demolished building or (c) of a new accessory building constructed on an existing residential or commercial property.

“On-site fossil fuel infrastructure”, an assemblage of materials and equipment, including, but not limited to, pipes, tanks, storage units, valves, gauges and other appurtenances, incorporated in a building or its surrounding premises, designed or to be used for the purpose of supplying fossil fuel to the building and its premises for on-site combustion. Such infrastructure shall include, but not be limited to, (1) in the case of natural gas, a supply line that runs from the gas meter to the building and its premises, including a gas supply line running directly to a heating system, a water heater, cook stove, clothes dryer or other appliances or equipment; (2) in the case of propane gas, a supply line that runs from a propane tank to appliances or equipment; and (3) in the case of fuel oil, also known as heating oil, a supply line that feeds directly from the tank to a furnace or boiler to produce heat.

(b) (1) Notwithstanding section 7 of chapter 40A, section 13 of chapter 142, sections 93, 94, 95 and 100 of chapter 143 and chapter 164, a new building, a building construction project or a major renovation project for which the building permit application is submitted on or after January 1, 2022 shall be all-electric and shall not possess on-site fossil fuel infrastructure, except as follows:

(2) Natural gas or propane service and plumbing may be installed if necessary for processes or features separate from the operation of systems integral to building functions, including, but not limited to, vehicle fueling and mechanic shop equipment;

(3) Emergency backup electricity generation systems

(c) A city or town may adopt rules to enforce subsection (b), including, but not limited to, imposing appropriate and reasonable fines for said violations.

(d) A city or town that accepts this section may adopt the provisions as stated in subsection (a) through subsection (c). Acceptance of this section shall be: (i) by a majority vote of the city council with the approval of the mayor in the case of a city with a mayor elected to serve as the chief executive officer of the city; (ii) by a majority vote of the city council in every other city; (iii) by a majority vote of the annual town meeting or a special meeting called for that purpose in the case of a municipality with a town meeting form of government; or (iv) by a majority vote of the town council in the case of a municipality with a town council form of government. This section shall take effect on the first day of the calendar quarter following 30 days after its acceptance or on the first day of a later calendar quarter as the city or town may designate