

SENATE No. 2115

The Commonwealth of Massachusetts

PRESENTED BY:

Lydia Edwards

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 building.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2023</i>

SENATE No. 2115

By Ms. Edwards, a petition (accompanied by bill, Senate, No. 2115) of Lydia Edwards and Michael O. Moore for legislation relative to the electrification of new and substantially remodeled or rehabilitated building. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act relative to the electrification of new and substantially remodeled or rehabilitated building.

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 143 of the General Laws is hereby amended by inserting after
2 section 96 the following section:-

3 Section 96A. (a) As used in this section the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Biolab”, a newly constructed building or substantially remodeled or rehabilitated
6 building or group of buildings having, or designed to have, a laboratory for biological research.

7 “Carbon Dioxide Equivalent” or “CO₂e”, greenhouse gas emissions, including but not
8 limited to carbon dioxide, methane and nitrous oxide, which shall be calculated according to
9 regional energy and greenhouse gas factors as set forth in the United States Environmental
10 Protection Agency’s online tool for reporting and managing building energy data.

11 “Department”, the department of energy resources.

“Gross building floor area”, the floor area within the inside perimeter of the building’s exterior walls, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or similar features.

“Hospital”, a newly constructed building or substantially remodeled or rehabilitated building or group of buildings having, or designed to have, an institution as defined in section 52 of chapter 111.

“Newly constructed building”, a building that has never before been used or occupied for any purpose.

“Substantially remodeled or rehabilitated”, a renovation that affects 50 per cent or more of the gross building floor area.

(b) Except as provided in this section and notwithstanding any general or special law, code, appendix to any code, ordinance or bylaw or any rule or regulation to the contrary, all newly constructed commercial buildings and substantially remodeled or rehabilitated commercial buildings and newly constructed buildings and substantially remodeled or rehabilitated buildings containing a residential dwelling unit shall use electricity instead of fossil fuels for space heating and cooling; cooking; and clothes drying; and, in the case of hot water, including for pools and spas, shall use electricity or thermal solar.

(c) (1) A newly constructed or substantially remodeled or rehabilitated biolab or hospital, unless granted a waiver pursuant to this section, shall comply with the emissions standards set forth in this subsection.

(2) Any such biolab or hospital shall, not later than the year 2050, have net 0 CO₂e emissions.

(3) Any such biolab shall require a heating, ventilation and air conditioning (HVAC) system with a first stage of heating that does not use on-site fossil fuel combustion and which has a minimum heating capacity of 5 British thermal units (Btu) per hour per gross square foot or equal to the building's design heating load, whichever is lower. Any additional stage of heating capacity above 5 Btu per hour per gross square foot may utilize on-site combustion, but only if the HVAC and building management systems are designed and programmed such that normal operation relies on the non-combustion system to serve all building heating loads as the first stage before using any on-site combustion heating systems to supplement in a subsequent stage.

(4) Any such hospital shall: (i) from the years 2025 to 2029 have CO₂e emissions of no greater than 15.4 kilograms of CO₂e per square foot per year; (ii) from the years 2030 to 2034 have CO₂e emissions of no greater than 10.0 kilograms of CO₂e per square foot per year; (iii) from the years 2035 to 2039 have CO₂e emissions of no greater than 7.4 kilograms of CO₂e per square foot per year; (iv) from the years 2040 to 2044 have CO₂e emissions of no greater than 4.9 kilograms of CO₂e per square foot per year; and (v) from the years 2045 to 2049 have CO₂e emissions of no greater than 2.4 kilograms of CO₂e per square foot per year.

(d) The Department shall promulgate regulations regarding implementation of and compliance with this section, including but not limited to the use of renewable energy credits for compliance purposes, and including but not limited to periodic updates of the 5 Btu per hour per gross square foot standard for biolabs.

(e) Nothing in this section shall prevent a municipality from adopting a bylaw or ordinance regarding the reporting and CO2e emissions reduction requirements for existing hospitals, biolabs or other facilities.

(f) The requirements of this section shall not apply to any of the following:

(i) freestanding cooking appliances that are not connected to the building's natural gas or propane infrastructure;

(ii) freestanding outdoor heating appliances that are not connected to the building's natural gas or propane infrastructure;

(iii) emergency generators, back-up and stand-by power;

(iv) appliances to produce potable or domestic hot water from centralized hot water systems in buildings with a gross building floor area of at least 10,000 square feet; provided, that the architect, engineer or general contractor on the project certifies by affidavit that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150 per cent of installation costs, compared to a fossil fuel hot water system.

(g) The department may grant a waiver from the provisions of this section in the event that compliance with this section makes a project impractical to implement or imposes extraordinary challenges. Waiver requests shall be supported by a detailed explanation of the justification for such request and by the applicant's proposal for limiting emissions to levels consistent with the goals specified in chapter 8 of the acts of 2021.

73 Waivers may be subject to reasonable conditions. Where possible, waivers shall be issued
74 for specific portions of a project that are impractical to implement or impose extraordinary
75 challenges, rather than for entire projects.

76 (h) By local bylaw or ordinance, a municipality may impose reasonable penalties for
77 violations of this section.

78 SECTION 2. The requirements of this act shall take effect on January 1, 2025.