

SENATE No.

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 to incentivize the adoption of local climate resilience policies.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

Norfolk and Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 599 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to incentivize the adoption of local climate resilience policies.

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 21N of the General Laws is hereby amended by inserting the
2 following new section:-

3 Section 12. (a) As used in this section, the following word shall have the following
4 meanings:

5 “Program”, the municipal vulnerability preparedness plus grant program, or MVP plus
6 program, established in this section.

7 (b) The secretary shall develop and support a municipal vulnerability preparedness plus
8 grant program, to be known as the MVP plus program. Municipalities that are certified as MVP
9 plus communities shall annually receive a share of the funds deposited into the Municipal
10 Vulnerability Preparedness Trust Fund. Municipalities shall use their share of the funds for

11 climate resilience projects approved by the executive office or to hire personnel who implement
12 and manage climate resilience and sustainability projects; provided, that the project approval
13 process shall be designed to minimize burdens on municipalities and that projects not approved
14 or denied within 30 days shall be deemed approved; provided further, that municipalities may
15 use funds for regional projects or for personnel shared with one or more other municipalities; and
16 provided further, that municipalities may use funds to contract with regional planning agencies,
17 nonprofit watershed associations, or other nonprofit entities for the management of regional
18 projects.

19 The executive office shall establish a formula for the disbursement of funds from the
20 Municipal Vulnerability Preparedness Trust Fund to MVP plus-certified communities. Variables
21 and weighted proportions of the formula shall include, but not be limited to: (i) the road mileage
22 within the municipality; (ii) the total population of the municipality; (iii) the total number of
23 employed individuals within the borders of the municipality; (iv) the Centers for Disease Control
24 and Prevention’s Social Vulnerability Index scores for census tracts within the municipality; and
25 (v) the proportion of the municipality that lies within an area that is designated as a special flood
26 hazard area by the Federal Emergency Management Agency, or the proportion of the
27 municipality that is vulnerable to flooding according to a different measure approved by the
28 secretary that is at least as inclusive as the special flood hazard area designation.

29 (c) Municipalities seeking designation as an MVP plus community shall file an
30 application in a form and manner to be prescribed by secretary. To qualify as a MVP plus
31 community, a municipality shall: (1) complete the community-led resilience building process and
32 vulnerability assessment described in section 11 of this chapter; (2) adopt the specialized stretch
33 resilience code; and (3) adopt at least 4 of the following 6 policies and programs:

34 (i) a stormwater utility program to fund upgrades to stormwater infrastructure and other
35 projects that mitigate flooding and protect natural bodies of water;

36 (ii) a program establishing climate resilience hubs, or participation in multi-community
37 climate resilience hubs, located in buildings including but not limited to schools, libraries, and
38 community centers, to educate residents about extreme weather preparedness and the impacts of
39 climate change and to provide shelter and assistance during weather-related emergencies;

40 (iii) a policy for the use of green infrastructure in appropriate public works and public
41 infrastructure projects and a requirement that municipal employees who participate in the
42 planning and design of public works and public infrastructure projects participate in a green
43 infrastructure training program approved or designed by the secretary that includes at least 35
44 hours of training on subjects including nature-based stormwater management practices and
45 nature-based climate resilience strategies; provided, that members of local planning boards,
46 conservation commissions, or other public bodies that participate in the planning and design of
47 public works and public infrastructure projects but who are not full-time municipal employees
48 may participate in an abbreviated green infrastructure training program approved or designed by
49 the secretary that includes 5 hours of such training;

50 (iv) a floodplain overlay district that covers special flood hazard areas designated by the
51 Federal Emergency Management Agency and other areas designated by the municipality that are
52 projected to become vulnerable to flooding due to climate change and that imposes restrictions
53 on construction, significant renovation, dumping, and filling that are designed to protect human
54 life and property from the hazards of periodic flooding, preserve the natural flood control

55 characteristics and the flood storage capacity of the floodplain, and preserve and maintain the
56 groundwater table and water recharge areas within the floodplain;

57 (v) a tree ordinance or by-law that (A) requires the planting of trees to provide adequate
58 shade to large paved areas such as parking lots; and (B) designates trees with a diameter at breast
59 height of 8 or more inches as protected trees and prohibits the removal of protected trees under
60 circumstances designated by the ordinance or by-law, unless the applicant plants native
61 replacement trees or makes a contribution to a municipal tree preservation fund that is used to
62 plant and care for trees; provided, that the ordinance or by-law shall require an applicant who
63 plants native replacement trees to consult the municipal tree warden about which species of tree
64 are suitable for planting and which locations are optimal for planting; and

65 (vi) an ordinance that, whenever permits require an analysis involving precipitation,
66 requires the use of National Oceanic and Atmospheric Administration Atlas 14 precipitation
67 estimates or the best available forward-looking precipitation estimates, as determined by the
68 secretary.

69 (d) The executive office shall be responsible for the administration and oversight of the
70 MVP plus program, including by: (1) adopting rules, regulations and guidelines for the
71 administration and enforcement of this section, including, but not limited to, establishing
72 application forms and procedures; (2) developing and disseminating model ordinances and by-
73 laws that meet the requirements described in subsection (c) and making them available to public
74 on the executive office's website; and (3) submitting an annual report by September 1 to the
75 clerks of the senate and the house of representatives detailing the municipalities participating in
76 the program, the expenditures of the program, and the projects supported by the program.

77 SECTION 2. Chapter 29 of the General Laws, as amended by section 13 of chapter 358
78 of the acts of 2020, is hereby amended by inserting the following section:-

79 Section 2PPPPPP. (a) There shall be established and set upon the books of the
80 commonwealth a separate fund to be known as the Municipal Vulnerability Preparedness Trust
81 Fund. The secretary of energy and environmental affairs shall administer the fund.
82 Notwithstanding any general or special law to the contrary, there shall be credited to the fund
83 any revenue subject to appropriations or other money authorized by the general court and
84 specifically designated to be credited to the fund and any gifts, grants, private contributions,
85 investment income earned by the fund's assets and any designated funds from other sources. No
86 expenditures from the fund shall cause the fund to be in deficiency at the close of the fiscal year.
87 All available monies in the trust fund that are unexpended at the end of each fiscal year shall not
88 revert to the General Fund, shall be available for expenditure in the subsequent fiscal year, and
89 shall not be subject to section 5C; provided, that at least 50 percent of the funds deposited into
90 the fund each fiscal year shall be disbursed according to the formula established pursuant to
91 subsection (b) of section 12 of chapter 21N and remaining funds may be used for the grant
92 program established in section 11 of chapter 21N.

93 SECTION 3. Section 2 of chapter 21A of the General Laws, as so appearing, is hereby
94 amended by inserting after clause (30) the following clause:

95 (31) develop and promulgate, in consultation with the executive office of housing and
96 economic development and the board of building regulations and standards, as an appendix to
97 the state building code and to the state residential code, a municipal opt-in specialized stretch
98 resilience code that incorporates forward-looking data on climate risks including, but not limited

99 to, inland and coastal flooding, extreme temperatures, wind, and changes in precipitation patterns
100 and that is more stringent than the most recent edition of the international building code and
101 international residential code. The code shall include, at a minimum, the following provisions
102 that go beyond those in the most recent edition of the state building code: (i) requirements as to
103 freeboard and elevation above base flood elevation based on forward-looking climate data and
104 future flood risks; (ii) requirements as to the location of utilities and other critical infrastructure
105 within a structure; (iii) requirements as to wet and dry flood proofing of a structure; (iv)
106 requirements as to habitable space and uses of a structure; (v) requirements as to points of
107 ingress and egress; (vi) requirements as to ability to withstand extreme winds; and (vii)
108 requirements as to ability to withstand extreme temperatures. The code shall also include any
109 further language that is required to adequately prepare construction for future climate impacts
110 including from wind, extreme temperature, and flooding.

111 SECTION 4. The secretary of the executive office of energy and environmental affairs
112 shall form and consult with an advisory committee in the development of the municipal opt-in
113 specialized stretch resilience code. The advisory committee shall consist of at least 17 members
114 who shall include: the secretary of energy and environmental affairs or a designee, the chair of
115 the board of building regulations and standards or a designee, the secretary of the executive
116 office of housing and economic development or a designee, the commissioner of public health or
117 a designee, the director of the Massachusetts emergency management agency or a designee, the
118 director of the office of coastal zone management or a designee, 1 representative from an
119 organization that represents or serves an environmental justice community, 1 representative from
120 an affordable housing organization, 1 representative from a regional planning organization, 1
121 member with professional expertise in climate science and data, 1 member who is a professional

122 planner with experience in climate adaptation and resilience, 1 member who is a certified
123 building inspector in a city or town, 1 member who is a municipal planner, 1 member who is a
124 certified civil engineer, 1 member who is a certified coastal engineer, 1 representative from the
125 insurance industry, and 1 representative from the real estate development industry. The advisory
126 committee shall be formed within 3 months of the effective date of this act and shall produce
127 recommendations on requirements for the code within 12 months of the effective date of this act.
128 The stretch resilience code shall be promulgated not later than 18 after the effective date of this
129 act. The secretary shall, in consultation with the board of building regulations and standards,
130 periodically review and update the stretch resilience code.

131 SECTION 5. Section 96 of chapter 143, as so appearing, is hereby amended by striking
132 the second paragraph and inserting in place thereof the following:-

133 For the purposes of this section, “specialized codes” shall include, but not be limited to,
134 the specialized stretch energy code developed and promulgated by the department of energy
135 resources, the specialized stretch resilience code developed and promulgated by the secretary of
136 energy and environmental affairs, the state plumbing code, electrical code, architectural barriers
137 regulations, fire safety code, fire prevention regulations, sheet metal regulations and elevator
138 regulations.

139 SECTION 6. Section 100 of said chapter 143, as so appearing, is hereby amended by
140 striking the second paragraph and inserting in place thereof the following:-

141 Whoever is aggrieved by an interpretation, order, requirement, direction or failure to act
142 by any state or local agency or any person or state or local agency charged with the
143 administration or enforcement of the state building code or any of its rules and regulations,

144 except any specialized codes as described in section 96, other than the specialized stretch energy
145 code developed and promulgated by the department of energy resources and the specialized
146 stretch resilience code developed and promulgated by the secretary of energy and environmental
147 affairs, may within forty-five days after the service of notice thereof appeal from such
148 interpretation, order, requirement, direction, or failure to act to the appeals board. Appeals
149 hereunder shall be on forms provided by the appeals board and shall be accompanied by such fee
150 as said appeals board may determine.