

CITY OF NEWTON

IN CITY COUNCIL

March 21, 2022

ORDERED:

That the City Council hereby requests and authorizes Her Honor the Mayor to file a Home Rule Petition with the General Court of the Commonwealth of Massachusetts seeking the adoption of special legislation, as follows:

CHAPTER _____ AN ACT RELATIVE TO THE ELECTRIFICATION OF NEW AND
SUBSTANTIALLY REMODELED OR REHABILITATED
BUILDINGS IN THE CITY OF NEWTON

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

SECTION 1. Notwithstanding the State Building Code; the Gas Code; M.G.L c. 142, sec. 13; M.G.L. c. 164, and any other general or special law to the contrary, the City of Newton may by ordinance require new and substantially remodeled or rehabilitated residential and small non-residential buildings to use electricity instead of fossil fuels for heating and cooling systems and dryers, cooking and, for domestic hot water, by electricity or thermal solar.

SECTION 2. As used in this chapter, the following words shall have the following meaning unless the context clearly indicates a different meaning:

“Residential buildings” means buildings that include one or more dwelling units.

“Small non-residential buildings” means buildings the floor area of which is equal to or less than 20,000 square feet, and any portion of which is used for commercial, retail, office, professional, educational, or other non-residential purpose.

“Substantially remodeled or rehabilitated” means a renovation that affects 50% or more of the building gross floor area, excluding parking. In the case of a building that is both residential and non-residential, “substantially remodeled or rehabilitated” means a renovation that affects 50% or more of the gross floor area of the residential or non-residential space, in which case electrification of the residential or non-residential space, as applicable, would be required.

SECTION 3. An ordinance adopted under this Act may require new and substantially remodeled or rehabilitated residential and small non-residential buildings to use electricity instead of fossil fuels for heating and cooling systems, dryers, and hot water appliances and, for hot water, by electricity or thermal solar.

SECTION 4. The City of Newton may require that building permit applications for new and substantially remodeled or rehabilitated residential and small non-residential buildings identify the heating and cooling systems, dryers, and hot water appliances that will be used in the building.

SECTION 5. The City of Newton may withhold the issuance of a building permit for a new or substantially remodeled or rehabilitated residential and small non-residential building that does not use electricity instead of fossil fuels for heating and cooling systems, dryers, and hot water appliances and, for hot water, by electricity or thermal solar.

SECTION 6. The City intends to provide for a waiver and appeals process for those circumstances in which compliance makes a project impractical to implement or imposes extraordinary challenges. Waiver requests will have to be supported by a detailed explanation of the justification for such request, and by a proposed Alternative Compliance Pathway. Any proposed Alternative Compliance Pathway will be required to limit greenhouse gas emissions to levels consistent with declining statewide greenhouse gas emissions limits specified in "An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy."

The process will provide that waivers may be subject to reasonable conditions. Where possible, waivers will be issued for specific portions of a project for which compliance is infeasible, impractical to implement, or imposes extraordinary challenges, rather than for entire projects.

SECTION 7. The requirements of this Ordinance do not apply to any of the following:

- A. Freestanding outdoor cooking appliances that are not connected to the building natural gas or propane infrastructure.
- B. Freestanding outdoor heating appliances that are not connected to the building natural gas or propane infrastructure.
- C. Newton Wellesley Hospital/Mass General Brigham buildings constructed or substantially remodeled or rehabilitated in the future and located on the hospital campus in Newton.
- D. Emergency, back-up, or standby power production.
- E. Appliances to produce potable or domestic hot water from centralized hot water systems in buildings with a gross 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% of installation costs, compared to a conventional fossil fuel hot water system.

SECTION 8. This act shall take effect upon its passage.

Approved as to legal form and character:

Alissa O. Giuliani
Alissa O. Giuliani
City Solicitor

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Markiewicz)


(SGD) CAROL MOORE
City Clerk

Ruthanne Fuller
(SGD) RUTHANNE FULLER
Mayor

Date: 4/11/2022