

Draft Proposed Home Rule Petition for Discussion

Date: February 1, 2022

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 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 non-residential or residential space.

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 Commissioner of Inspectional Services may grant a waiver from the provisions of the Ordinance in the event that compliance 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 a proposed Alternative Compliance Pathway. Any proposed Alternative Compliance Pathway shall 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.”

Waivers may be subject to reasonable conditions. Where possible, waivers shall 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.

The Commissioner of Inspectional Services shall issue guidance on the granting of waivers and the imposition of conditions.

[An alternative is to create an appeals board, along the lines that Brookline proposed. I can supply their approach if that alternative is of interest.]

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

- A. [Indoor residential and commercial cooking appliances—to be discussed]
- B. Freestanding outdoor cooking appliances that are not connected to the building natural gas or propane infrastructure.
- C. Freestanding outdoor heating appliances that are not connected to the building natural gas or propane infrastructure.
- D. Newton Wellesley Hospital/Mass General Brigham buildings located in the City of Newton.
- E. Emergency, back-up, or standby power production.
- F. 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.

