

## **One-Pager on Stretch/Specialized Energy Codes, Ten Communities Program, BERDO**

### ***Stretch/Specialized Energy Codes (Residential and Commercial)***

A new building Stretch Energy Code went into effect in December 2022. As a “Green Community,” Newton is automatically subject to the new Stretch Code. By State law a new Specialized Code also became available for adoption in December 2022. The City Council is in the process of deciding whether to adopt the Specialized Code. The new Stretch Code is more stringent—i.e., more emphasis on energy efficiency and electrification—than the Base Code, and the Specialized Code is more stringent still. Brookline, Watertown, Cambridge, and Somerville have already adopted the Specialized Code.

### ***Ten Communities Program***

A number of cities and towns, including Newton, filed Home Rule Petitions with the Legislature over the last few years, seeking authority to require all new construction and substantial renovations to be all or mostly electric. Instead of acting on the Petitions, the Legislature passed a statute that provides the requested authority to the first ten communities that filed the Petitions, which include Newton.

The Department of Energy Resources (DOER) has published its [proposed regulations](#) and [model rule](#) on the Ten Communities Program. Communities that intend to participate must submit a letter of intent to DOER not later than September 1, 2023.

To participate, communities must meet one of three affordable housing requirements specified in the applicable legislation. The City’s Planning Department is optimistic that we will be able to do so ahead of September 1 by achieving the 10% unit threshold in Ch 40B. Participating communities must substantially track DOER’s model rule (which includes electric cooking and large commercial buildings), although limited exemptions are permissible. By statute, medical facilities and laboratories are excluded from the Program.

### ***Relationship of Ten Communities Program to Specialized Codes***

DOER “recommends” (DOER doesn’t have statutory authority to require) that the communities that want to participate in the Ten Communities Program adopt *both* the Specialized Code and adhere closely to the Model Rule.

DOER says that the Model Rule “ensures appropriate integration” with the Specialized Code. What DOER means is that the Specialized Code and the Model Rule need to be integrated because the Specialized Code specifies certain compliance pathways that allow the use of fossil fuels, in contrast to the Model Rule. One way to think about this is that the Model Rule provides a variant of the Specialized Code for communities that participate in the Ten Communities Program.

### ***Building Energy Reporting and Disclosure Ordinance (BERDO)***

Boston and Cambridge have adopted a BERDO ordinance. BERDO 1 requires that large buildings report their greenhouse gas (GHG) emissions, and BERDO 2 requires reduction in those emissions over a specified glide path extending to 2050. The key differences between BERDO on the one hand and the new building codes and the Ten Communities Program on the other hand are that BERDO affects existing buildings, is phased in over time, and is limited to a smaller number of buildings (i.e., 400 buildings with 205 owners, and 27% of the entire City’s total GHG emissions, including transportation). Comparing BERDO to the Ten Communities Program is comparing apples to oranges. BERDO is also entirely separate from these new energy codes, except that it is far more cost effective to build to higher performance standards initially, rather than to retrofit a building to meet the BERDO standards at a later date.