

HOUSE No. 2167

The Commonwealth of Massachusetts

PRESENTED BY:

Tami L. Gouveia and James B. Eldridge

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 reduce greenhouse gas emissions by permitting local option all-electric buildings and homes ordinances.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/5/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/5/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>

HOUSE No. 2167

By Representative Gouveia of Acton and Senator Eldridge, a joint petition (accompanied by bill, House, No. 2167) of Tami L. Gouveia, James B. Eldridge and Nika C. Elugardo relative to providing for local option all-electric buildings and homes ordinances. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to reduce greenhouse gas emissions by permitting local option all-electric buildings and homes ordinances.

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

1 Chapter 143 of the General Laws is hereby amended by inserting after section 100 the
2 following section:-

3 LOCAL OPTION FOR ALL-ELECTRIC BUILDINGS AND HOMES.

4 Section 101. (a) For the purposes of this section, the following words shall have the
5 following meanings unless the context clearly requires otherwise:

6 "All-Electric", the system, building or project uses a permanent supply of electricity or
7 geothermal energy for substantially all sources of energy for space conditioning, including, but
8 not limited to, heating and cooling, water heating (including pools and spas), cooling appliances,
9 clothes drying appliances and cooking equipment. An all-electric system, building or project may
10 include solar thermal collectors, but installs no natural gas, heating oil or propane plumbing or

11 equipment in or in connection with a building or within property lines of the premises, extending
12 from the point of delivery at the gas meter.

13 "Building", a structure used for support or shelter of any use or occupancy, including, but
14 not limited to, houses, apartment buildings, condominium buildings, office buildings, libraries,
15 recreation centers, museums, airport buildings, public safety buildings, hospitals, clinics,
16 education centers, transportation facilities, cruise ship terminals, marina buildings, convention
17 facilities and other structures.

18 "Building construction project", any planning, design, building or construction activity,
19 including, but not limited to, demolition, a new building, new construction, major renovation or
20 building additions.

21 "Natural gas", a type of gas used as a fuel which originates in the ground and is
22 predominantly methane and other hydrocarbons.

23 "Major renovation", a municipal or private construction project or renovation to an
24 existing structure other than repair and regular maintenance. A major renovation shall include,
25 but is not limited to, the following: a change in use or structural repair to an existing building or
26 facility; remodeling, rehabilitation, reconstruction, historic restoration, changes to the plan
27 configuration of wall and full-height partitions, where the scope of work is sufficient to support
28 LEED certification and extensive enough such that normal building operations cannot be
29 performed while the work is in progress or a new certificate of occupancy or similar official
30 indication that it is fit and ready for use, is required; provided, however, that major renovation
31 shall not include regular maintenance, reroofing, floor covering, painting, wallpapering or
32 changes to mechanical and electrical systems.

33 “New building”, any new construction that will require heating or cooling and that is
34 associated with a valid building permit application on or after the effective date of this law,
35 including but not limited to, construction (a) on a vacant lot, (b) to replace a demolished building
36 or (c) of a new accessory building constructed on an existing residential or commercial property.

37 “On-site fossil fuel infrastructure”, an assemblage of materials and equipment, including,
38 but not limited to, pipes, tanks, storage units, valves, gauges and other appurtenances,
39 incorporated in a building or its surrounding premises, designed or to be used for the purpose of
40 supplying fossil fuel to the building and its premises for on-site combustion. Such infrastructure
41 shall include, but not be limited to,: (1) in the case of natural gas, a supply line that runs from the
42 gas meter to the building and its premises, including a gas supply line running directly to a
43 heating system, a water heater, cook stove, clothes dryer or other appliances or equipment; (2) in
44 the case of propane gas, a supply line that runs from a propane tank to appliances or equipment;
45 and (3) in the case of fuel oil, also known as heating oil, a supply line that feeds directly from the
46 tank to a furnace or boiler to produce heat.

47 (b)(1) Notwithstanding section 7 of chapter 40A, section 13 of chapter 142, sections 93,
48 94, 95 and 100 of chapter 143 and chapter 164, a new building, a building construction project or
49 a major renovation project for which the building permit application is submitted on or after
50 January 1, 2022 shall be all-electric and shall not possess on-site fossil fuel infrastructure, except
51 as follows:

52 (2) Natural gas or propane service and plumbing may be installed if necessary for
53 processes or features separate from the operation of systems integral to building functions,
54 including, but not limited to, vehicle fueling and mechanic shop equipment;

55 (3) Emergency backup electricity generation systems

56 (c) A city or town may adopt rules to enforce subsection (b), including, but not limited to,
57 imposing appropriate and reasonable fines for said violations.

58 (d) A city or town that accepts this section may adopt the provisions as stated in
59 subsection (a) through subsection (c). Acceptance of this section shall be: (i) by a majority vote
60 of the city council with the approval of the mayor in the case of a city with a mayor elected to
61 serve as the chief executive officer of the city; (ii) by a majority vote of the city council in every
62 other city; (iii) by a majority vote of the annual town meeting or a special meeting called for that
63 purpose in the case of a municipality with a town meeting form of government; or (iv) by a
64 majority vote of the town council in the case of a municipality with a town council form of
65 government. This section shall take effect on the first day of the calendar quarter following 30
66 days after its acceptance or on the first day of a later calendar quarter as the city or town may
67 designate.