

HOUSE No. 3691

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 relative to healthy and sustainable schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/20/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/20/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/23/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/6/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/6/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/7/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/7/2023</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/7/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/7/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/8/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/8/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/8/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/9/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/9/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/9/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/10/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/13/2023</i>
<i>Samantha Montaña</i>	<i>15th Suffolk</i>	<i>2/16/2023</i>

<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/16/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/16/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/20/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/22/2023</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>3/1/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>3/14/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/16/2023</i>

HOUSE No. 3691

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 3691) of Marjorie C. Decker and others relative to energy assessments and energy efficiency improvements at schools and public institutions of higher education. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to healthy and sustainable schools.

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 25A of the General Laws is hereby amended by adding the
2 following section:

3 Section 20(A): An Act Relative to Healthy and Sustainable Schools Preamble

4 a. The Massachusetts General Court finds and declares that:

5 (i) Whereas building decarbonization is crucial to meeting international, national, and
6 state climate goals and must be rapidly scaled to meet the growing climate crisis.

7 (ii) Whereas buildings account for 34 percent of Massachusetts emissions.

8 (ii) Whereas Massachusetts public institutions of higher education, municipally-owned
9 institutions of higher education, and public elementary and secondary schools account for
10 228,000,000 SQ FT of public building space.

11 (iii) Whereas Massachusetts public institutions of higher education, municipally-owned
12 institutions of higher education, and public elementary and secondary school students and
13 employees are already facing existing and expanding climate risks including: extreme weather,
14 heatwaves, and flooding. With 68 schools expected to be affected by sea level rise.

15 (iv) Whereas Massachusetts public institutions of higher education, municipally-owned
16 institutions of higher education, and public elementary and secondary schools use an estimate of
17 4,503,680,671.2 KWH of energy each year and K-12 schools spending \$628,597,062.21
18 annually.

19 (v) Whereas the Massachusetts Building Authority has periodically conducted a School
20 Survey on building conditions in K-12 public schools.

21 (vi) Whereas 102,788 KW of solar energy are already installed on Massachusetts public
22 institutions of higher education, municipally-owned institutions of higher education, and public
23 elementary and secondary schools with an estimated additional 1,317,604 KW of renewable
24 energy to be needed to power these educational buildings after deep retrofits are completed.

25 (vii) Where for every \$1 million invested an estimated 3.8 solar direct jobs and 4.7
26 retrofitting direct jobs are expected to be created with over 40,000 direct jobs estimated to be
27 created from investment into decarbonization of schools.

28 (viii) Whereas 12.9 percent of children in Massachusetts currently have asthma and there
29 is overlap with schools with the highest building condition issues and asthma rates in Boston.

30 (ix) Whereas the State has set forth a goal that public institutions of higher education,
31 municipally-owned institutions of higher education, and public elementary and secondary
32 schools be carbon-free in their energy by 2033.

33 SECTION 2. Chapter 25A of the General Laws is hereby further amended by adding the
34 following section:

35 Section 20(B) An Act Relative to Healthy and Sustainable Schools Definitions

36 For the purpose of this statute, the following definitions apply:

37 (a) As used in this legislation, the term “energy audit” refers to an investment-grade
38 study of a school that yields recommendations on energy efficiency improvements and
39 renewable energy systems to install on or nearby school properties. Energy audits shall estimate
40 the costs, savings, and greenhouse gas reductions from implementing the recommendations and
41 shall include a list of financing options, including federal, state, and local funding sources.
42 Energy audits shall also include, but not be limited to, mechanical insulation evaluation and
43 inspection of the building envelope(s).

44 (b) As used in this legislation, the term “energy efficiency improvements” refers to any
45 improvement, repair, alteration, or betterment of any building or facility, subject to all applicable
46 building codes, owned or operated by a public institution of higher education, municipally-
47 owned institution of higher education, and public elementary and secondary school or any
48 equipment, fixture, or furnishing to be added to or used in any such building or facility that is
49 designed to reduce energy consumption. Energy efficiency improvements include, but are not
50 limited to: adding square footage to existing school facilities; building envelope improvements;
51 heating, ventilating, and cooling upgrades; lighting retrofits; installing or upgrading an energy

52 management system; motor, pump, or fan replacements; domestic water use reductions;
53 information technology improvements associated with an energy conservation improvement to
54 school facilities; mechanical insulation; municipal utility improvements associated with an
55 energy conservation improvement to school facilities; and upgrading other energy consuming
56 equipment or appliances

57 (c) As used in this legislation, the term “environmental justice communities” refers to a
58 population with an annual median household income of not more than 65 per cent of the
59 statewide median income or with a segment of the population that consists of residents that is not
60 less than 25 per cent minority, foreign born or lacking in English language proficiency based on
61 the most recent United States census.

62 (d) As used in this legislation, the term “historically marginalized communities” refers to
63 a community that has historically suffered from discrimination and has not had equal access to
64 public or private economic benefits due to the race, ethnicity, gender, geography, language
65 preference, immigrant or citizen status, sexual orientation, gender identity, socioeconomic status,
66 or disability status of its members.

67 (d) As used in this legislation, the term “Office” refers to the Healthy and Sustainable
68 Schools Office.

69 (e) As used in this legislation, the term “renewable energy systems” refers to energy
70 generated from any source that qualifies as a Class I or Class II renewable energy source under
71 sections 11F of chapter 25A.

72 (f) As used in this legislation, the term “School Building Authorities” refers to the
73 Massachusetts School Building Authority, University of Massachusetts Building Authority, and
74 Massachusetts State College Building Authority.

75 SECTION 3. Chapter 25A of the General Laws is hereby further amended by adding the
76 following section:

77 Section 20(C): An Act Relative to Healthy and Sustainable Schools Act

78 (a) All public institutions of higher education, municipally-owned institutions of higher
79 education, and public elementary and secondary schools shall receive Energy audits. Energy
80 audits shall be provided to schools at no cost. Energy audits shall be performed within 24 months
81 after the effective date of this Act.

82 (b) Energy audits shall be prioritized for all public institutions of higher education,
83 municipally-owned institutions of higher education, and public elementary and secondary
84 schools located in environmental justice communities.

85 (c) Public institutions of higher education, municipally-owned institutions of higher
86 education, and public elementary and secondary schools that are located in environmental justice
87 communities shall receive priority for any energy efficiency improvements or installations of
88 renewable energy systems that are authorized under this act.

89 SECTION 4. Chapter 25A of the General Laws is hereby further amended by adding the
90 following section:

91 Section 20(D): An Act Relative to Healthy and Sustainable Schools- Healthy and
92 Sustainable Schools Office

93 (a) In the department of energy resources within the executive office of energy and
94 environmental affairs, there shall be a Healthy and Sustainable Schools Office. The Office shall
95 carry out its duties and responsibilities in coordination with School Building Authorities.

96 (b) The Office shall have a director appointed by the Governor; two members appointed
97 by the State Senate, one of whom shall be a representative of organized labor; and two members
98 appointed by the Assembly, one of whom shall be a representative of organized labor. The
99 Office shall employ architects, consulting engineers, attorneys, construction, financial and other
100 experts, superintendents, managers, and such other employees and agents as may be necessary in
101 its judgment.

102 (c) The Office shall conduct energy audits at all public institutions of higher education,
103 municipally-owned institutions of higher education, and public elementary and secondary
104 schools. Energy audits shall be prioritized for public institutions of higher education,
105 municipally-owned institutions of higher education, and public elementary and secondary
106 schools located in environmental justice communities.

107 (d) The results of each energy audit shall be memorialized by the Office and shall be
108 provided to the applicable school and School Building Authorities. The Office shall retain a copy
109 of each energy audit and promptly make the results available for public inspection on its website.
110 Any information sensitive to school safety and security shall be redacted before being made
111 public.

112 (e) The Office shall facilitate implementing recommended energy efficiency
113 improvements and installing renewable energy systems on or nearby school property. The Office
114 is authorized and encouraged to aggregate projects to maximize efficiency, including but not

115 limited to negotiating bulk purchases of renewable energy and energy efficiency equipment,
116 energy audits, and installation services. The Office shall prioritize installing energy efficiency
117 improvements and renewable energy systems at schools located in environmental justice
118 communities.

119 (f) Third party contractors shall be prohibited from performing both energy audits and
120 installing energy efficiency improvements and renewable energy systems at the same school.

121 (g) The Office shall seek public input from stakeholders, including but not limited to
122 school boards, labor union representatives, and community representatives when implementing
123 recommended energy efficiency improvements and installing renewable energy systems.

124 (h) The Office is authorized to make and enter into all contracts and agreements
125 necessary or incidental to the performance of its duties and the execution of its powers under this
126 act.

127 (i) The office shall ensure that contractors and subcontractors of all tiers engaging in the
128 construction and installation of energy efficiency improvements and renewable energy systems
129 submit sworn certifications as part of the bidding process that the firm will:

130 (1) Provide documentation of its participation in State or Federally registered
131 apprenticeship training program(s) for each trade in which it employs craft workers.

132 (2) Ensure that each employee on the project will be paid, at minimum, wages and
133 benefits that are not less than the prevailing wage and fringe benefits rates as prescribed in
134 sections 26 through 27D of Chapter 149, for the corresponding classification in which the
135 employee is employed.

136 (3) Comply with the Commonwealth’s public bidding laws, including G.L. c. 149, s.
137 44A, c. 149A, s.8, and c. 30, s. 39M, as applicable.

138 (4) Comply with all other Federal, State, and Local laws.

139 (5) Prioritize hiring residents from environmental justice communities and members of
140 historically marginalized communities.

141 (6) Comply with all State and Local hiring goals for women, minorities, and veterans.

142 (7) Provide documentation of its partnership(s) with high-quality preapprenticeship
143 training programs.

144 (8) Become signatory to a project labor agreement if such an agreement is selected as the
145 project delivery method for the construction project by the contracting authority.

146 A bid will not be considered complete and ready for review until all certifications have
147 been submitted as part of its bid package. The failure to include complete and accurate
148 certifications prior to the bid deadline shall be grounds for disqualification from the bidding
149 process.

150 (i) The Office shall ensure that contractors and subcontractors of all tiers, as part of the
151 bid process, disclose and certify the following:

152 (1) Contractors and sub-contractors on the project are currently, and will remain, in
153 compliance with Massachusetts General Laws Chapters 149, 151, 151A, 151B, and 152 and/or
154 29 U.S.C. § 201, et seq. and Federal anti-discrimination laws for the duration of the project.

155 (2) Contractors and sub-contractors on the project, have complied with Massachusetts
156 General Laws Chapters 149, 151, 151A, 151B, and 152 and/or 29 U.S.C. § 201, et seq. and
157 Federal anti-discrimination laws for the last three (3) calendar years.

158 (3) When contractors or sub-contractors on the project cannot meet the certification
159 requirements provided for in Paragraphs (1) and (2) of this subsection, the contractors or
160 subcontractors must submit proof of a wage bond or other comparable form of insurance in an
161 amount equal to the aggregate of one year's gross wages for all workers projected to be
162 employed by the contractor or sub-contractor for which certification is unavailable, to be
163 maintained for the life of the project.

164 Section IV.

165 Chapter 25A of the Massachusetts General Laws is hereby amended by adding the
166 following new Section:

167 Section 20(E): An Act Relative to Healthy and Sustainable Schools- Funding

168 (a) The State shall appropriate funds to a revolving fund to finance activities authorized
169 under this act, including but not limited to providing energy assessments and installing energy
170 efficiency improvements and renewable energy systems on or nearby school property. The
171 Office shall be responsible for administering this fund.

172 (b) The Office shall make application for, receive, and accept funding from local and
173 federal sources to carry out its duties, including but not limited to the following sources:

174 (i) funding authorized under the Infrastructure Investment and Jobs Act, including but not
175 limited to funding programs under the Department of Energy's State and Community Energy
176 Program,

177 (ii) funding authorized under the Inflation Reduction Act, including but not limited to the
178 Greenhouse Gas Reduction Fund,

179 (iii) funding authorized under the American Rescue Plan Act, including but not limited to
180 funds for elementary and secondary emergency relief,

181 (iv) State bonds,

182

183 (v) funding from green banks, and

184 (vi) department funding.