

SENATE No. 2127

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

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:	
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>2/8/2023</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>2/8/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/8/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/13/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/16/2023</i>

SENATE No. 2127

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 2127) of Paul R. Feeney, Paul W. Mark, Walter F. Timilty, Michael D. Brady and other members of the General Court for legislation relative to healthy and sustainable schools. 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, as appearing in the 2020 Official
2 Edition, is hereby amended by adding the following section:-

3 Section 25(A). An Act Relative to Healthy and Sustainable Schools

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% 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% of children in Massachusetts currently have asthma and there is
29 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 (b) For the purposes of this section, the following words shall, unless the context clearly
34 requires otherwise, have the following meanings:

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

41 “energy efficiency improvements”, any improvement, repair, alteration, or betterment of
42 any building or facility, subject to all applicable building codes, owned or operated by a public
43 institution of higher education, municipally-owned institution of higher education, and public
44 elementary and secondary school or any equipment, fixture, or furnishing to be added to or used
45 in any such building or facility that is designed to reduce energy consumption. Energy efficiency
46 improvements include, but are not limited to: adding square footage to existing school facilities;
47 building envelope improvements; heating, ventilating, and cooling upgrades; lighting retrofits;
48 installing or upgrading an energy management system; motor, pump, or fan replacements;
49 domestic water use reductions; information technology improvements associated with an energy
50 conservation improvement to school facilities; mechanical insulation; municipal utility

51 improvements associated with an energy conservation improvement to school facilities; and
52 upgrading other energy consuming equipment or appliances

53 “environmental justice communities”, a population with an annual median household
54 income of not more than 65 per cent of the statewide median income or with a segment of the
55 population that consists of residents that is not less than 25 per cent minority, foreign born or
56 lacking in English language proficiency based on the most recent United States census.

57 “historically marginalized communities”, a community that has historically suffered from
58 discrimination and has not had equal access to public or private economic benefits due to the
59 race, ethnicity, gender, geography, language preference, immigrant or citizen status, sexual
60 orientation, gender identity, socioeconomic status, or disability status of its members.

61 “Office”, the Healthy and Sustainable Schools Office.

62 “renewable energy systems”, energy generated from any source that qualifies as a Class I
63 or Class II renewable energy source under sections 11F of chapter 25A.

64 “School Building Authorities”, the Massachusetts School Building Authority, University
65 of Massachusetts Building Authority, and Massachusetts State College Building Authority.

66 (c) (1) All public institutions of higher education, municipally-owned institutions of
67 higher education, and public elementary and secondary schools shall receive Energy audits.
68 Energy audits shall be provided to schools at no cost. Energy audits shall be performed within 24
69 months after the effective date of this Act.

70 (2) Energy audits shall be prioritized for all public institutions of higher education,
71 municipally-owned institutions of higher education, and public elementary and secondary
72 schools located in environmental justice communities.

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

77 (d) (1) In the department of energy resources within the executive office of energy and
78 environmental affairs, there shall be a Healthy and Sustainable Schools Office. The Office shall
79 carry out its duties and responsibilities in coordination with School Building Authorities.

80 (2) The Office shall have a director appointed by the Governor; two members appointed
81 by the State Senate, one of whom shall be a representative of organized labor; and two members
82 appointed by the Assembly, one of whom shall be a representative of organized labor. The
83 Office shall employ architects, consulting engineers, attorneys, construction, financial and other
84 experts, superintendents, managers, and such other employees and agents as may be necessary in
85 its judgment.

86 (3) The Office shall conduct energy audits at all public institutions of higher education,
87 municipally-owned institutions of higher education, and public elementary and secondary
88 schools. Energy audits shall be prioritized for public institutions of higher education,
89 municipally-owned institutions of higher education, and public elementary and secondary
90 schools located in environmental justice communities.

91 (4) The results of each energy audit shall be memorialized by the Office and shall be
92 provided to the applicable school and School Building Authorities. The Office shall retain a copy
93 of each energy audit and promptly make the results available for public inspection on its website.
94 Any information sensitive to school safety and security shall be redacted before being made
95 public.

96 (5) The Office shall facilitate implementing recommended energy efficiency
97 improvements and installing renewable energy systems on or nearby school property. The Office
98 is authorized and encouraged to aggregate projects to maximize efficiency, including but not
99 limited to negotiating bulk purchases of renewable energy and energy efficiency equipment,
100 energy audits, and installation services. The Office shall prioritize installing energy efficiency
101 improvements and renewable energy systems at schools located in environmental justice
102 communities.

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

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

108 (8) The Office is authorized to make and enter into all contracts and agreements
109 necessary or incidental to the performance of its duties and the execution of its powers under this
110 act.

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

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

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

120 (iii) Comply with the Commonwealth's public bidding laws, including G.L. c. 149, s.
121 44A, c. 149A, s.8, and c. 30, s. 39M, as applicable.

122 (iv) Comply with all other Federal, State, and Local laws.

123 (v) Prioritize hiring residents from environmental justice communities and members of
124 historically marginalized communities.

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

126 (vii) Provide documentation of its partnership(s) with high-quality preapprenticeship
127 training programs.

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

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

134 (10) The Office shall ensure that contractors and subcontractors of all tiers, as part of the
135 bid process, disclose and certify the following:

136 (i) Contractors and sub-contractors on the project are currently, and will remain, in
137 compliance with Massachusetts General Laws Chapters 149, 151, 151A, 151B, and 152 and/or
138 29 U.S.C. § 201, et seq. and Federal anti-discrimination laws for the duration of the project.

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

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

148 (e) (1) The State shall appropriate funds to a revolving fund to finance activities
149 authorized under this act, including but not limited to providing energy assessments and
150 installing energy efficiency improvements and renewable energy systems on or nearby school
151 property. The Office shall be responsible for administering this fund.

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

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

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

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

161 (iv) State bonds,

162 (v) funding from green banks, and

163 (vi) department funding.