

HOUSE No. 3151

The Commonwealth of Massachusetts

PRESENTED BY:

Simon Cataldo

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 establishing a pathway to net zero buildings.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------|-----------------------|------------------|
| <i>Simon Cataldo</i> | <i>14th Middlesex</i> | <i>1/10/2023</i> |
| <i>Danillo A. Sena</i> | <i>37th Middlesex</i> | <i>2/21/2023</i> |

HOUSE No. 3151

By Representative Cataldo of Concord, a petition (accompanied by bill, House, No. 3151) of Simon Cataldo and Danillo A. Sena relative to the definition of net-zero buildings and establishing a pathway to net zero for residential and commercial new construction and major renovations. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act establishing a pathway to net zero buildings.

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. Clause (14) of section 6 of chapter 25A of the General Laws, inserted by
2 section 31 of chapter 8 of the acts of 2021, is hereby amended by adding the following
3 paragraph:-

4 The definition of net-zero building shall: (i) apply to both residential and commercial
5 new construction and major renovation; (ii) be designed to ensure that the building is highly
6 energy efficient with all remaining electrical and thermal energy needed for the building supplied
7 by renewable sources generated onsite or through approved, offsite locations or a combination of
8 onsite and offsite; and (iii) disallow combustion for primary heating and fossil fuel for all
9 applications, with the exceptions of, if the department deems necessary, energy required to heat
10 water in multi-unit dwellings and energy required for back-up generators. The definition of net-
11 zero building shall include the requirement for electric vehicle-ready wiring for all building
12 types. The department shall review and update the definition and exemptions every 3 years; and.

13 SECTION 2. Said section 6 of said chapter 25A, as amended by said section 31 of said
14 chapter 8, is hereby further amended by adding the following clause:-

15 (15) The department shall review and update regulations adopted pursuant to this section
16 in increments of not less than 3 years and in alignment with the same cycle as the base building
17 energy code and International Energy Conservation Code. The department, in consultation with
18 the board of building regulations and standards, shall hold annual hearings to review such
19 updates including not less than 3 hearings held in environmental justice communities for each
20 review or update cycle with appropriate and reasonable advance notice to said communities.

21 SECTION 3. Paragraph (o) of section 94 of chapter 143 of the General Laws, as amended
22 by section 72 of chapter 8 of the acts of 2021, is hereby amended by adding the following
23 paragraph:-

24 If the energy provisions of the state building code are not updated within 1 year of any
25 revision to the International Energy Conservation Code, the board shall report on the status of
26 approval of the integration of the latest International Energy Conservation Code into the
27 commonwealth's base building energy code and steps being taken to move towards expedient
28 adoption. The board shall file the reports with the joint committee on telecommunications,
29 utilities and energy, the joint committee on consumer protection and professional licensure and
30 the clerks of the house of representatives and the senate not later than 30 days beyond the 1-year
31 deadline described in this clause and again every 3 months until the International Energy
32 Conservation Code provisions and any more stringent amendments are adopted.

33 SECTION 4. Said chapter 143 is hereby further amended by striking out section 95 and
34 inserting in place thereof the following section:-

35 Section 95. The powers and duties of the board set forth in section 94 shall be exercised
36 to effect the following general objectives:

37 (a) Uniform standards and requirements for construction and construction materials
38 compatible with accepted standards of engineering and fire prevention practices, energy
39 conservation, climate change mitigation and resilience, and public health and safety.

40 In the formulation of such standards and requirements, performance for the use intended
41 shall be the test of acceptability in accordance with accredited testing standards. Such standards
42 and requirements shall be exercised to meet statewide greenhouse gas emission limits and sub-
43 limits established pursuant to chapter 21N.

44 (b) Adoption, without affecting the health, safety and security of the occupants or users of
45 buildings, of modern technical methods, devices and improvements, which may reduce the cost
46 of construction and maintenance over the life of the building, and avoid and mitigate the impacts
47 of and damage from climate change.

48 (c) Elimination, without affecting the health, safety and security of the occupants or users
49 of the buildings, of restrictive, obsolete, conflicting and unnecessary building regulations and
50 requirements, which may over the life of the building: (i) increase the cost of construction and
51 maintenance; (ii) increase the impacts of and damage from climate change; (iii) impede
52 unnecessarily the use of new materials; or (iv) provide unwarranted preferential treatment of
53 types of classes of materials, products or methods of construction.

54 SECTION 5. (a) The department of energy resources, in consultation with the board of
55 building regulations and standards, shall submit a written report to the clerks of the house of
56 representatives and the senate and the joint committee on telecommunications, utilities and

57 energy not later than 1 year following the adoption of this act. The report shall include, but shall
58 not be limited to, an analysis of the feasibility and timing for adopting the following: (i) taller
59 mass timber buildings than current allowances; (ii) reduction of embodied carbon; (iii) carbon
60 storage in building materials; (iv) low-carbon modular building systems; (v) smart grid
61 technology; and (vi) healthy, non-toxic building materials.

62 (b) The report shall include recommendations for any legislation that may be required to
63 adopt these or other innovations in the commonwealth.

64 SECTION 6. Notwithstanding any special or general law, rule or regulation to the
65 contrary, not later than January 1, 2025, the department of energy resources shall incorporate the
66 municipal opt-in specialized stretch energy code into the stretch energy code, supplanting it in
67 appendix 115AA of the Massachusetts building energy code. Upon such incorporation,
68 municipalities that previously adopted the opt-in specialized stretch energy code or the stretch
69 energy code in appendix 115AA shall be part of the stretch energy code in appendix 115AA of
70 the Massachusetts building energy code with no action required.

71 SECTION 7. Notwithstanding any special or general law, rule or regulation to the
72 contrary, not later than January 1, 2028, the state board of building regulations and standards
73 shall incorporate the provisions of the stretch energy code in appendix 115AA of the
74 Massachusetts building energy code into the base energy provisions of the state building code
75 adopted under section 93 of chapter 143 of the General Laws.