

HOUSE No. 3997

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to GreenWorks.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for climate change resiliency and the immediate preservation and improvement of the environmental and energy assets of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. To provide for a program of climate change resiliency for cities and towns
2 in the commonwealth, the sums set forth in this act, for the several purposes and subject to the
3 conditions specified in this act, are hereby made available, subject to the laws regulating the
4 disbursement of public funds, which sums shall be in addition to any other amounts previously
5 made available for these purposes; provided, however, that the amounts specified for a particular
6 project may be adjusted to facilitate projects authorized in this act.

7 SECTION 2.

8 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

9 2000-7076. For the GreenWorks infrastructure program established in section 28 of
10 chapter 21A of the General Laws.....\$1,000,000,000

11 SECTION 2A.

12 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

13 Department of Energy Resources

14 9300-8000. For the purpose of developing a matching grant program to support and
15 provide technical assistance for cities and towns to develop and deploy municipal microgrid
16 energy systems; provided that the department of energy resources, in consultation with the
17 Massachusetts clean energy center, shall establish eligibility and selection criteria which shall
18 include, but not be limited to, the following: (i) the microgrid shall be located in a city or town in
19 the commonwealth; (ii) the microgrid shall be located on the property of at least 2 neighboring
20 municipal buildings connected by an electric distribution company, and such microgrid provides
21 electricity to such buildings; (iii) the microgrid fulfills 1 of the following objectives: (a) mitigates
22 peak energy demand periods, (b) reduces energy costs for at least one of the host municipal
23 buildings served by the microgrid, or (c) provides local residents with access to electricity during
24 a power disruption in the local electric distribution system; (iv) the microgrid shall utilize clean
25 energy, as defined in section 1 of chapter 23J of the General Laws, or electricity that is generated
26 from renewable energy generating sources, as defined in subsection (b) of section 11F of chapter
27 25A of the General Laws, and is connected to on-site energy storage capacity, provided,
28 however, that the clean energy or renewable energy generating resources shall not include the
29 combustion of an energy source that emits greenhouse gases when generating electricity; and (v)
30 the municipality shall receive the majority of the benefits accrued from the municipal microgrid
31 project; provided further, that the department of energy resources may consider exemptions to
32 clause (ii) if a municipality demonstrates plans for a functioning microgrid located on a single

33 municipal building in the absence of 2 suitable neighboring municipal buildings; provided
34 further, that the department of energy resources shall determine the appropriate project cost share
35 that municipalities shall contribute; and provided further, that funds may be expended under this
36 item to cover up to the full cost of a microgrid for a municipality or municipalities that contain
37 an environmental justice
38 community.....\$100,000,000

39 9300-8001. For the purpose of developing and implementing grant programs designed to
40 encourage the electrification of vehicle fleets owned by municipalities or regional transit
41 authorities; provided that the department of energy resources may promulgate regulations
42 necessary for the operation of the programs; provided further, that not less than \$10,000,000
43 shall be expended for planning, training and technical assistance purposes including, but not
44 limited to, studies examining the feasibility of utilizing electric vehicles on existing public
45 transportation routes, studies examining how public transportation routes could be modified to
46 provide equivalent service while utilizing electric vehicles, studies examining the contracted use
47 of privately-owned vehicle fleets by municipalities and opportunities for expanding the
48 utilization of electric vehicles, studies evaluating the environmental and economic benefits of
49 replacing existing vehicles with electric vehicles and training or technical assistance necessary
50 for the operation and maintenance of electric vehicles and related infrastructure; provided
51 further, that not less than \$25,000,000 shall be expended to municipalities for the purchase of
52 light-duty vehicles belonging to 1 of the following classifications: plug-in hybrid electric
53 vehicles, battery electric vehicles, or other zero-emission vehicles, the purchase and installation
54 of related infrastructure, or both; provided further, that not less than \$90,000,000 shall be
55 expended to municipalities, regional transit authorities, or other political subdivisions for the

56 purchase of buses, medium-duty vehicles or heavy-duty vehicles belonging to one of the
57 following classes: plug-in hybrid electric vehicles, battery electric vehicles or other zero-
58 emission vehicles, the purchase and installation of related infrastructure, or both; provided
59 further, that, unless otherwise specified, any funds expended under this item for a vehicle itself
60 shall not exceed the difference between the purchase price of the electric vehicle and the
61 purchase price of an equivalent non-electric vehicle with regards to passenger capacity or
62 intended use; and provided further that funds may be expended under this item to cover up to the
63 full cost of a vehicle intended to serve the population of an environmental justice
64 community.....\$125,000,000

65 9300-8002. For the purposes of a sustainability coordinator grant program to be
66 established by the executive office of energy and environmental affairs to provide grants to a
67 municipality or group of municipalities to hire a sustainability coordinator to organize, secure
68 funding for, implement and monitor projects that have been awarded grant funding pursuant to
69 the GreenWorks infrastructure program under section 28 of chapter 21A of the General Laws;
70 provided, however that the executive office of energy and environmental affairs shall develop a
71 certification process for sustainability coordinators participating in the program, which shall take
72 into account expertise and experience with technologies and methodologies outlined in this act;
73 provided further, that a municipality or group of municipalities may apply for such grants and
74 preference shall be given to municipalities without the equivalent of a sustainability coordinator;
75 provided further, that grant recipients shall execute a contract of up to 5 years with a
76 sustainability coordinator; provided further, that grants awarded under this program shall provide
77 funding for not more than the first 2 years of such contract; and provided further, that grants
78 awarded to a municipality or municipalities that contain an environmental justice community

79 shall provide funding for not more than the first 3 years of such
80 contract.....\$20,000,000

81 9300-8003. For the purpose of establishing a fund to be known as the Green Resiliency
82 Fund within the executive office of energy and environmental affairs to provide loans to a
83 qualifying municipality or groups of municipalities for purposes including, but not limited to, the
84 following: (a) assistance to a municipality or municipalities to provide matching funds for
85 projects awarded grant funding pursuant to the GreenWorks infrastructure program under section
86 28 of chapter 21A of the General Laws; (b) resiliency improvements, including hardening of
87 assets or nature-based solutions, or any combination thereof to prepare for extreme weather
88 events; or (c) resiliency investments which result in economic revitalization; provided that the
89 executive office of energy and environmental affairs shall promulgate rules and regulations for
90 the operation of the fund, which may include, but not be limited to, eligibility and selection
91 criteria, ensuring timely repayment by borrowers and the use of interest rates to ensure that the
92 fund maintains a consistent purchasing power from the time loans are disbursed to the time of
93 their collection..... \$50,000,000

94 9300-8004. For the purpose of continuing the Massachusetts Offers Rebates for Electric
95 Vehicles program upon the depletion of its existing funds; provided, however, that the
96 department of energy resources shall offer rebates of not less than \$2,500 and not more than
97 \$5,000 for the purchase or lease of battery electric vehicles, fuel cell electric vehicles and zero-
98 emissions vehicles for sale or lease with a retail price of not more than
99 \$40,000.....\$30,000,000

100 SECTION 3. Chapter 21A of the General Laws is hereby amended by adding the
101 following section:-

102 Section 28. (a) The executive office of energy and environmental affairs shall establish a
103 GreenWorks infrastructure program to: (i) issue public infrastructure grants to municipalities,
104 local government bodies and other public instrumentalities for design, construction, building,
105 land acquisition, rehabilitation, repair and other improvements to publicly-owned infrastructure
106 that improve climate adaptation and resiliency, mitigate the impacts of climate change, reduce
107 carbon emissions, implement energy efficient or conservation measures, improve the energy
108 efficiency of publicly-owned buildings, improve the climate resiliency of water infrastructure
109 and water resources or contribute to the commonwealth meeting its greenhouse gas emissions
110 limits established pursuant to section 3 of chapter 21N; (ii) issue grants to municipalities to assist
111 in financing the siting and construction of renewable energy, energy storage and alternative
112 energy projects on municipally-owned land, provided, however, that the renewable energy,
113 energy storage and alternative energy projects shall not involve the combustion of an energy
114 source that emits greenhouse gases when generating electricity; (iii) issue grants to
115 municipalities to implement adaptation and resiliency measures and infrastructure or building
116 improvements outlined in the statewide adaptation strategy pursuant to section 10 of said chapter
117 21N; or (iv) issue grants to municipalities to implement nature-based solutions, infrastructure or
118 other improvements to the built or natural environment as identified through the municipal
119 vulnerability preparedness program.

120 (b) Eligible public infrastructure projects authorized pursuant to subsection (a) shall be
121 located on public land or on public leasehold, right-of-way or easement. A project that uses
122 grants to municipalities for public infrastructure provided by this section shall be procured by a

123 municipality in accordance with chapter 7, section 39M of chapter 30, chapter 30B and chapter
124 149.

125 (c) There shall be at least 1 open solicitation period each year to accept and consider new
126 applications. Not less than 12 weeks before the annual open solicitation period, the executive
127 office of energy and environmental affairs shall release the criteria upon which the applications
128 shall be evaluated, including, but not limited to, a minimum project readiness standard, overall
129 spending targets by project type and other preferences applying to that funding round. The
130 criteria may also establish additional levels of funding that may be provided to a municipality or
131 municipalities that: (i) contain an environmental justice community; or (ii) have committed to
132 providing matching funds; provided, however, that the funding levels for projects that meet these
133 criteria shall be higher proportionally than other GreenWorks projects that do not meet the
134 criteria. Grants may be made outside of the open solicitation period at the discretion of the
135 secretary of energy and environmental affairs subject to subsections (d) and (e).

136 (d) An eligible city or town, acting by and through its municipal officers or by and
137 through any agency designated by such municipal officers to act on their behalf, may apply to
138 the program for a grant in a specific amount to fund a specified project. Two or more
139 municipalities may apply jointly, with 1 municipality acting as fiscal agent, or through a regional
140 planning agency or watershed association acting as fiscal agent. The grants may be made in
141 addition to other forms of local, state or federal assistance.

142 (e) Within the program, at least 10 per cent of the grant funds shall be dedicated annually
143 to assist towns with populations of 7,000 or fewer in undertaking qualifying projects. Such towns
144 shall be eligible for a grant not to exceed \$1,000,000 and shall be eligible to receive 1 grant

145 every 3 fiscal years. Two or more towns eligible under this subsection may file a joint
146 application for a single project serving those towns; provided, however, the total amount
147 distributed to any 1 town shall not exceed the maximum amount allowed under this section.
148 Receipt of a grant which is part of a joint application shall not preclude a town from receiving
149 additional funds under a separate application.

150 (f) The secretary of energy and environmental affairs and the secretary of housing and
151 economic development, in consultation with appropriate secretariats as determined by the
152 governor, may coordinate efforts of the GreenWorks infrastructure program and the MassWorks
153 infrastructure program under section 63 of chapter 23A to enhance safety, avoid duplicative costs
154 and strengthen the resiliency of communities, including but not limited to: (i) promoting
155 GreenWorks and MassWorks projects that are consistent with the statewide adaptation strategy
156 pursuant to section 10 of chapter 21N; and (ii) coordinating among cross-cutting project
157 categories between GreenWorks and MassWorks to capitalize upon priority projects with
158 potential co-benefits for climate change adaptation, resiliency or mitigation, environmental
159 protection, public health or other factors that achieve program and administration efficiencies
160 and leverage resources from federal, state and private sources.

161 (g) The secretary of energy and environmental affairs may establish rules and regulations
162 to govern the application and distribution of grants under the program. The rules and regulations
163 may include provisions for joint applications by 2 or more eligible municipalities for a single
164 project serving those municipalities.

165 (h) The secretary of energy and environmental affairs shall report annually to the clerks
166 of the house of representatives and the senate, who shall forward the report to the chairs of the

167 joint committee on telecommunications, utilities and energy, the chairs of the house and senate
168 committees on ways and means and the chairs of house and senate committees on bonding,
169 capital expenditures and state assets on the activities and status of the program. The report shall
170 include a list and description of all projects that received grant funds under the program, the
171 amount of the grant awarded to the project, other sources of public funds that supported the
172 project, a detailed analysis of the environmental impact of each project including, where
173 applicable, the number of construction and full time equivalent jobs to be created, the private
174 investment in the project, the expected tax revenue generated from the project, the projected
175 energy efficiency savings and the projected greenhouse gas emission reductions.

176 SECTION 4. To meet the expenditures necessary in carrying out section 2, the state
177 treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the
178 commonwealth in an amount to be specified by the governor from time to time, but not
179 exceeding, in the aggregate, \$1,000,000,000. All bonds issued by the commonwealth, as
180 aforesaid, shall be designated on their face, GreenWorks Capital Improvement Act of 2019, and
181 shall be issued for a maximum term of years, not exceeding 20 years, as the governor may
182 recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the
183 Constitution; provided, however, that all such bonds shall be payable not later than June 30,
184 2050. All interest and payments on account of principal on such obligations shall be payable
185 from the General Fund. Bonds and interest thereon issued under the authority of this section
186 shall, notwithstanding any other provisions of this act, be general obligations of the
187 commonwealth.

188 SECTION 5. To meet the expenditures necessary in carrying out section 2A, the state
189 treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the

190 commonwealth in an amount to be specified by the governor from time to time, but not
191 exceeding, in the aggregate, \$295,000,000. All bonds issued by the commonwealth, as aforesaid,
192 shall be designated on their face, Climate Resiliency Act of 2019, and shall be issued for a
193 maximum term of years, not exceeding 20 years, as the governor may recommend to the general
194 court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided,
195 however, that all such bonds shall be payable not later than June 30, 2050. All interest and
196 payments on account of principal on such obligations shall be payable from the General Fund.
197 Bonds and interest thereon issued under the authority of this section shall, notwithstanding any
198 other provisions of this act, be general obligations of the commonwealth.

199 SECTION 6. Notwithstanding any general or special law to the contrary, bonds or notes
200 issued under section 4 shall not be included in the computation of bonds issued and outstanding
201 for purposes of the limit imposed by the second paragraph of section 60A of chapter 29 of the
202 General Laws. The bonds or notes issued under section 4 and the debt service authorized under
203 section 4 shall not be considered in the estimate required under subsection (f) of section 60B of
204 said chapter 29 or the determination required under subsection (h) of said section 60B of said
205 chapter 29.

206 SECTION 7. The secretary of energy and environmental affairs shall open the first
207 solicitation period for the GreenWorks infrastructure program required by section 28 of chapter
208 21A of the General Laws on or before September 1, 2020.