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From: Cory Alperstein <cory.alperstein@gmail.com>
Sent: Friday, 12 August 2022 10:33 AM
To: STRETCHCODE (ENE)
Subject: Comment letter re DOER Stretch Code

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Massachusetts Department of Energy Resources

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As I listened to the presentation by your staff of the content of the revised code proposal (I did submit one of those 1200 comments that led to some of the changes) I was encouraged. Thank you for listening to the community of advocates and making several key improvements in the revised code language. These key revisions include:

- incorporating the industry-standard definition of net zero building and the optional pathway found in 2021 Base Code Appendix, also known as the Zero Code, advanced by AIA 2030 and endorsed by the national AIA.
- requiring multi-family projects greater than 12,000 square feet to meet Passive House standards.
- forming a Technical Advisory Committee with expertise in building codes and climate resilient buildings.

However, I would like to be counted again as one of the climate advocates who is urging DOER to go even further, and I don't think it is that hard to make a shift in priorities given the urgent time line we face for substantial GHG reductions.

I would like to reiterate the points made in the joint letter:

The building code is a powerful tool to accelerate the Commonwealth's clean energy transformation. In order to ensure that change happens in an equitable way, and in order for DOER to adhere to the mandate in the Next Generation Roadmap bill signed by Governor Baker in March 2021, the opt-in specialized stretch energy code must:

- Accelerate the construction of energy efficient, all-electric buildings powered by renewable and clean energy. Retaining the fossil fuels pathway for new buildings perpetuates health risks and increasingly unaffordable utility bills which will disproportionately harm residents in environmental justice neighborhoods and low-income residents throughout the state. Residents cannot afford to make complicated, expensive retrofits down the road. **We demand that DOER remove the fossil fuel pathways for new construction.**
- Require annual energy reporting of buildings and disclosure. This is a standard approach for tracking progress and evaluating if buildings are working as they are intended. Requiring the commissioning of net zero buildings would allow developers to assess building performance relative to the net zero standards of performance. We must have a transparent accounting of building energy use and performance to ensure public knowledge about how the specialized stretch energy code supports meeting the state's 2030 building sector limits. Building energy reporting and disclosure, together with initial and periodic commissioning, are needed

to guarantee that new building systems operate as they are designed. **We demand that DOER require building energy reporting and disclosure with periodic commissioning.**

- Restore the provision to reduce embodied carbon. Only by reducing operational *and* embodied carbon can buildings become climate mitigators with impacts beyond the building scale. **We urge DOER to require: (1) all buildings to meet specifications for low-carbon construction materials and (2) require Whole Building Life Cycle Analysis modeling for larger buildings -- this will encourage smart design choices that are so urgently needed.**
- Allow for municipal adoption by vote to take place any time before the Jan 1st or July 1st effective dates. DOER plans to issue final code language on December 23, 2022. **We demand that DOER allow municipalities the ability to vote whenever they choose to have the earliest effective date for adoption of the specialized stretch energy code.**
- Revise Section on Substantial Improvements to Existing Buildings. Currently, the specialized stretch energy code includes “Substantial Improvements” as part of alterations to existing buildings that would trigger compliance with the Home Energy Ratings System (HERS) pathway. This creates a loophole that allows renovation projects to use the assessed value of a property to determine compliance with specialized stretch energy code. The implications of using the assessed value is that this will unfairly burden small homes, while also missing substantial changes on large homes with high valuations. Any threshold using cost-to-value burdens low-value buildings in environmental justice communities and relaxes standards for wealthy communities -- which is exactly the opposite of any sound environmental equity policy. **We ask DOER to clarify and optimize the threshold for substantial improvements to existing buildings, and suggest DOER use >50% enclosed area for triggering HERS compliance.**
- Require Continuing Education Credits in Energy Code for Construction Supervisor license (CSL) holders. Currently, CSL holders only need a maximum of 1 hour of training on energy code every 2 years to renew their license. *This is inadequate.* With the increasing complexity of the existing stretch code and the upcoming specialized stretch energy code, CSL holders need more training on an annual basis. As a point of reference, Massachusetts registered architects are required to complete 12 hours of Continuing Education credits every year. All 12 CE hours must qualify as Health, Safety & Welfare (for which building energy and other code related topics qualify). **We recommend that DOER to require annual trainings on the updated building codes -- including the current stretch and specialized stretch energy code -- for CSL holders to ensure that professionals are completing the necessary education as the codes are developed and updated.**

Timing is everything and we ALL KNOW we are running out of time. Acceleration is critical and will align with MA's new climate legislation and the resources coming down from the pike from the federal government as the Inflation Reduction Act sees final passage in the next few weeks.

Along with thousands of other residents and climate activists I look to DOER to release an opt-in specialized stretch energy code that pulls no punches and fully supports climate resilient, all-electric, low-embodied carbon construction for all buildings and for all communities.

Thank you.

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