



**MASSACHUSETTS  
MUNICIPAL  
ASSOCIATION**

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June 28, 2016

Department of Public Safety

ATTN: Stephen Carley

**RE: Comments on Proposed Changes to 780 CMR State Board of Building Regulations and Standards, Chapter 13.00 Energy Efficiency and 780 CMR Appendix 115.AA Stretch Energy Code**

Dear Mr. Carley:

On behalf of the cities and towns of the Commonwealth, the Massachusetts Municipal Association is hereby submitting comments on the Massachusetts Department of Public Safety's (DPS) proposed changes to 780 CMR State Board of Building Regulations and Standards (BBRS) Chapter 13.00, regarding Energy Efficiency, and Appendix 115.AA, regarding the Stretch Energy Code. The MMA would like to express our concerns about the requirements in the new regulations and the cost burden that they would impose on municipalities.

Municipal officials care deeply about energy efficiency and are stewards of the environment. Municipalities have played a key role in helping the Commonwealth exceed its solar energy goals established in the 2008 Green Communities Act. There are now 1158 megawatts of solar in the Commonwealth, and Massachusetts has been ranked number one in the nation in energy efficiency by the American Council for an Energy-Efficient Economy. Cities and towns have been the bedrock of Massachusetts' success in meeting its solar goals and communities have an in-depth understanding of the value of energy efficiency.

155 communities are now designated Green Communities and fifty-four percent of Massachusetts residents now live in a Green Community. Some of these communities have adopted the BBRS's stretch code in order to meet the criteria to become a Green Community. However, the new proposed requirements in the stretch code and energy efficiency code could create additional costs and unfunded mandates for municipalities. Though communities see the benefit to energy efficiency, decisions regarding energy efficiency are best left up to individual communities and not prescribed in a one-size-fits-all manner. In some cases, these requirements include updated lighting system controls and other energy efficiency building upgrades, such as HVAC systems and water heaters. We ask that the DPS take into account the burden that these requirements would place on municipalities.

One requirement in the energy efficiency code related to electric vehicles is an example of a particularly burdensome and costly mandate. The code would require that buildings with more than 3 dedicated parking spaces provide sufficient electrical capacity and physical capacity at the service panel to accommodate simultaneous vehicle charging at a minimum of 4% of parking spaces. The current language would require at least one parking space to be dedicated for electric

vehicles and contains no exemption for small parking lots. This requirement is a mandate on municipalities and would create a loss in parking revenue. We request an exemption for municipal and school parking lots. While cities and towns support the promotion of electric vehicles, flexibility is required to find a system that makes sense for each individual community.

The MMA is also concerned about the impact of the draft regulations on economic development in cities and towns. These regulations could hinder development in our communities by adding requirements that developers and local businesses must meet. We urge DPS to take into consideration the cost that these regulations would impose on municipalities and the impact on economic development.

The proposed changes to these regulations could have a serious impact on municipalities. For this reason, the MMA respectfully requests that a municipal impact statement, required under Executive Order 145, be provided for these proposed regulatory changes. A full impact statement, including cost estimates, is needed to ascertain any fiscal and administrative burden to municipalities.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Beckwith', written in a cursive style.

Geoffrey C. Beckwith  
Executive Director & CEO

cc: Rachel Madden, Undersecretary, Executive Office for Administration & Finance