

Attachment A: DOER Model Rule

PROCESS for ADOPTION

In a city having a Plan D or Plan E charter the governing body shall be the city manager and the city council, and in any other city the mayor and city council. In towns the governing body shall be the town meeting or town council. In order to be adopted, the regulations must be considered at an appropriate municipal public hearing, subject to the municipality's existing public notice provisions. Cities are advised to adopt the Fossil Fuel-Free Demonstration by zoning or general ordinance and towns are advised to adopt as a zoning or general by-law.

The following sample article, sample motion, and sample by-law are provided as recommendations:

SAMPLE TOWN WARRANT ARTICLE:

To see if the Town will vote to enact Chapter ____ of the Town of _____General [or Zoning] By-laws, entitled "Fossil Fuel-Free Demonstration" for the purpose of restricting and prohibiting new building construction and major renovation projects that are not fossil fuel-free, pursuant to the entirety of 225 CMR 24.00, with an effective date of ---_____, a copy of which is on file with the Town Clerk, or take any other action relative thereto. This shall only take effect if approved by the Massachusetts Department of Energy Resources as a Participating Community pursuant to 225 CMR 24.00.

SAMPLE TOWN MEETING MOTION:

I move that the Town will enact Chapter ____ of the Town of _____General [or Zoning] By-laws, entitled "Fossil Fuel-Free Demonstration" for the purpose of restricting and prohibiting new building construction and major renovation projects that are not fossil fuel-free, pursuant to the entirety of 225 CMR 24.00, with an effective date of _____. This shall only take effect if approved by the Massachusetts Department of Energy Resources as a Participating Community pursuant to 225 CMR 24.00.

SAMPLE BY-LAW:

Chapter ____
FOSSIL FUEL-FREE DEMONSTRATION
[Adopted 0-0-2023 ATM / STM by Art.]

§ ____-1 Definitions

§ ____-2 Purpose

§ ____-3 Applicability

§ ____-4 Fossil Fuel-Free Demonstration

§ ____-1 Definitions

Fossil Fuel-Free Demonstration – Codified by the entirety of 225 CMR 24.00, the Fossil Fuel-Free Demonstration

Major Renovation - As defined in 225 C.M.R. 24.00.

Specialized Energy Code – Codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

§ ____-2 Purpose

The purpose of 225 CMR 24.00, also referred to as the Fossil Fuel-Free Demonstration is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free.

§ ____-3 Applicability

This restriction applies to residential and non-residential buildings that qualify as new construction or major renovation, as defined in 225 CMR 24.00. This restriction shall not apply to research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in 225 CMR 24.00.

§ ____-4 Fossil Fuel-Free Demonstration

The Fossil Fuel-Free Demonstration, as codified by the entirety of 225 CMR 24.00, is herein incorporated by reference into the Town of _____ General [or Zoning] By-laws, Chapter _____ with an effective date of _____.

With adoption of the Fossil Fuel-Free Demonstration, and upon approval by DOER, the following amendments to the Specialized Energy Code are adopted. These changes are enforceable by the inspector of buildings or building commissioner and will go into effect for any project seeking a permit after the effective date.

- a. Low-rise Residential Code (225 CMR 22 Appendix RC)
 1. Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction.
- b. Commercial and All Other (225 CMR 23 Appendix CC)
 - i. Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction, with the following exceptions:
 1. Research laboratories for scientific or medical research,
 2. Hospitals regulated by the department of public health as a health care facility,
 3. Medical offices regulated by the department of public health as a health care facility,
 4. Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027 may utilize gas or propane for domestic water heating as the only combustion equipment.
- c. Equipment or appliances used for space heating, service water heating, cooking, clothes drying, and/or lighting that can utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels may not be installed as part of any residential or non-residential Major Renovation, with the exception of b.i.1-4 above. All Major Renovations associated with b.i.1-4 must follow applicable stretch code requirements.