



MAYOR GINA-LOUISE SCIARRA

City of Northampton

Office of the Mayor

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November 9, 2023

Elizabeth Mahony

Commissioner, Massachusetts Department of Energy Resources

100 Cambridge Street, 9th Floor

Boston, MA 02114

Dear Commissioner Mahony,

On behalf of the City of Northampton, I am pleased to submit our application to the Municipal Fossil Fuel Free Demonstration Project as a substitute community. Northampton is ready to lead in combating climate disruption, and we are grateful for the opportunity to participate in this important effort as a regional leader in clean energy initiatives.

Northampton filed a home rule petition (H.3224, *An Act relative to the electrification of new and substantially remodeled or rehabilitated buildings in the city of Northampton*, which was adopted/passed on October 6, 2022, attached) to participate in the fossil fuel-free pilot currently limited by law to 10 communities. We are eager to submit our application as a substitute community and welcome the opportunity to bring the fossil fuel-free demonstration project to represent western Massachusetts to make other regional communities aware of this essential next step to not only address adverse climate effects but also improve air quality.

Our unique geographic valley location exacerbates the negative impacts greenhouse gas emissions have on health, exemplified by the increased incidence of pediatric asthma rates compared with the state average. According to the latest data from the Massachusetts Asthma Database, Northampton's pediatric asthma prevalence is 14.7%. That's one in seven children ages 5-14 with an asthma diagnosis, which is statistically higher than state prevalence of 11.8%. Eliminating fossil fuel use in buildings is imperative in addressing this public health issue. We seek inclusion in the Municipal Fossil Fuel Free Demonstration Project to represent western Massachusetts in highlighting this unique and pressing matter.

Northampton adopted the Specialized Opt-in Stretch code on September 7, 2023, and is undertaking outreach to stakeholders to educate them on the pathways to accomplish in order to facilitate a smooth transition with the building community.

Northampton's commitment to environmental stewardship and greenhouse gas reduction runs deep, and our city consistently steps up to support those in need. Our progressive approach to housing began in the 1980s with policies allowing multi-family homes in diverse districts, reflecting our long-standing dedication to expanding affordable housing options.

The Sustainable Northampton Plan, implemented in 2008, has been a catalyst for important zoning changes that have paved the way for a mix of multi-family and two-family housing developments across the city. These changes include the elimination of single-family zoning, making two-family units permissible in every residential zone.

We proudly exceed the state's affordable housing mandate with a current rate of 10.67%. Furthermore, Northampton leads and collaborates on multiple Passive House-certified affordable housing projects, underscoring our commitment to environmentally sustainable development. Our endeavors underscore a clear objective: to ensure accessible, affordable housing for all community members.

In 2021, Northampton set ambitious objectives in the Sustainable Northampton Comprehensive Plan – Resilience and Regeneration Plan, targeting carbon neutrality in city operations by 2030 and citywide net zero carbon emissions by 2050. As a leader in social services for those on the fringes of the economy, we're now developing a fossil fuel-free Community Resiliency Hub.

Our proposal is backed by a steadfast commitment to a carbon-neutral future and the practical steps we're taking to fulfill Northampton's fossil fuel-free initiatives. We eagerly anticipate your assessment and the chance to work with the Department of Energy Resources toward our mutual climate ambitions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gina-Louise Sciarra". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gina-Louise Sciarra
Mayor

**CITY OF NORTHAMPTON
APPLICATION TO MUNICIPAL FOSSIL FUEL FREE BUILDING
DEMONSTRATION PROGRAM**

In accordance with 225 CMR 24.04, the City of Northampton submits the following application for the Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Program authorized by St. 2022, c. 179, § 84 (the “Demonstration Program”):

(1) Application Materials.

a) Copy of home rule petition and date submitted and proof of Local Approval.

Copies of the Home Rule Petition (passed on October 6, 2022) as well as certification of its local approval, are attached.

b) Copy of proposed by-law or ordinance for participation in the Demonstration Project and explanation of and rationale for differences from the Model Rule

All amendments will align with the intent of the legislation.

c) An implementation plan, including:

1. If Local Approval of the community’s proposed by-law or ordinance has not been acquired, the community’s plan, including any associated timelines, for acquiring Local Approval of the proposed by-law or ordinance;

Approval for the proposed ordinance has not been acquired yet. To approve the ordinance, City Councilor Maiore will introduce the fossil fuel free ordinance to the City Council. It is expected to be debated and voted on between March and June of 2024. If there are amendments, efforts will be made to ensure they align with the intent of the legislation. The final ordinance will be submitted to the Department no later than July 1, 2024.

2. If Local Approval of the community’s proposed by-law or ordinance has been acquired, timeline and effective dates of the by-law or ordinance’s provisions or requirements;

Local approval has not been acquired. The effective date would be 90 days following the date on which the City is authorized by the Department of Energy Resources to regulate fossil fuel infrastructure.

3. A demonstrated commitment to collaborate with the Department on data collection, reporting, and outreach/training;

Northampton is committed to achieving the success of the demonstration program and therefore the City commits to close collaboration with DOER on data collection, reporting, outreach, and

training. This includes annual reporting of the permit and energy data required by DOER, as outlined in 225 CMR 24.07(2).

The City has demonstrated collaboration and cooperation with DOER as part of several Department programs and initiatives, including, but not limited to, the Green Communities program and Stretch Code adoption. The City is committed to this same level of engagement and collaboration as part of the Demonstration Program.

Northampton conducted community outreach and education of its newly adopted Opt-in Specialized Stretch (OSS) Code (referred to as Specialized Municipal Opt-in Energy Code in the application materials). The community, including developers and builders were invited to the City Council's Legislative Matters Committee meeting held on August 14, 2023 after the City Council had approved the first reading of the language to adopt the OSS Code. Extra time was allotted for this outreach. The City Council formally and unanimously adopted the OSS Code on September 7, 2023 (see attached documentation).

After DOER approves this application, community outreach will be conducted with the community, including building owners, builders, architects and developers to explain fossil fuel free requirements in the Opt-in Specialized Stretch Code.

4. Description of the current process within each city and town for storing building permit data and certificates of occupancy;

The City of Northampton Building Department stores building permits in the [Laserfiche database system](#). Building permits are tracked by a unique identifier and are tied to a building parcel ID. Much of the data is made available on the City's [GIS Map](#) platform as well, where it can be downloaded in PDF format. New construction projects are permitted with a "[Building Permit \(One and Two Family Homes\)](#)", and new commercial and multi family construction projects are permitted with a [Commercial Building Permit](#) (which includes renovations, additions and alterations). Renovation and addition permits for other buildings are classified as "[Residential Renovations and Exterior Envelope Permits](#)". Certificates of Occupancy/Completion are issued with the building permit by the Building Department and stored in the Laserfiche database.

5. Description of how the by-law or ordinance will affect the use of fossil fuels for commercial and industrial Process Load in buildings subject to the by-law or ordinance, including but not limited to, restaurants, dry cleaners, and manufacturing uses;

Northampton has considered the effect of its Fossil Fuel Free draft ordinance on the operations of commercial and industrial facilities, including those that use fossil fuels for their business operations/production rather than solely for the conditioning of the building. Between the current development trends and the exemptions and waiver process to be added to the final ordinance, staff are confident the fossil fuel requirements will not pose a significant issue with regards to process loads.

Northampton has limited industrial and manufacturing facilities. The few large-scale commercial buildings in Northampton that have significant process loads are already exempt from the model

rule that is submitted as our draft ordinance (e.g. hospitals). Much of the smaller scale commercial properties are retail, restaurants, and other services. The city anticipates that most occupants of these spaces, to the extent that the spaces are renovated and subject to the ordinance, would be able to find suitable non-fossil fuel solutions.

In the circumstances that fossil fuel solutions are needed or significantly preferred for commercial and industrial activities, Northampton's final ordinance will include a clearly defined waiver and appeal process, which can be employed for any building permit, including those with commercial and industrial process loads. The waiver process is how Northampton will monitor and manage any conflicts between the final ordinance and industrial/commercial process loads.

6. Description of exemption or waiver process from any requirements, if any, to be included in the by-law or ordinance.

Northampton's proposed draft ordinance follows the model rule and therefore includes the following exemptions:

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 propane for domestic water heating as the only combustion equipment.

The final Northampton ordinance will include a waiver process and possibly other exemptions and will be provided to DOER for review as soon as it is adopted.

(d) Documentation sufficient to demonstrate that the applicant has achieved at least one of the three housing production eligibility thresholds set forth in 24.05(2).

Northampton has met the 10% housing affordability threshold set under chapter 40B of the General Laws as of December 21, 2020. Northampton achieved an 11.4% subsidized housing inventory as of Dec 21, 2020, as documented by the former Department of Housing and Community Development: <https://www.mass.gov/doc/subsidized-housing-inventory/download>.

(2) Additional Materials for Substitute Communities: A description of the actions it has taken or will take after the adoption of the proposed by-law or ordinance, to encourage the production of multi-family housing. This description should include, but is not limited to:

(a) The community's progress toward creation of a multi-family zoning district compliant with Sec. 3A of G.L. Ch. 40A, if applicable.

The City of Northampton is not an MBTA Community subject to Sec. 3A of GL 40A. Northampton does not have any restrictions in zoning for age. There is flexibility in the zoning to encourage a wide range of housing types of various sizes for families with and without children.

(b) Initiatives taken by the community to support the preservation and production of housing units, including multi-family housing.

The City of Northampton has allowed multifamily housing by-right in several of its residential and commercial districts since the 1980s. In 2008, the City adopted a number of zoning amendments to facilitate multifamily housing units and two family housing units to meet housing demand. These changes included the elimination of single-family-only zoning districts everywhere in the city and allowed at least two-family housing by-right in all residential zones. In 2013, the City expanded the allowed number of units by-right in its urban neighborhoods . More recently, (since 2020) in addition to the multifamily mixed use buildings that were already allowed, Northampton modified its multiuse downtown districts to allow stand-alone multifamily on side streets. Northampton eliminated parking requirements in downtown districts to further incentivize housing development.

Northampton has several incentives in zoning for the development of deed-restricted affordable housing. Once those units are created, they are dedicated as affordable units under zoning for 99 years to preserve affordable housing.

(c) Substitute Communities may submit letters of support from community leaders and/or community members.

One letter is included with the application packet, from a well established grassroots community organization- Climate Action Now, Western Massachusetts.

**Northampton Draft Ordinance for
FOSSIL FUEL-FREE DEMONSTRATION Project Application**

§ ____ -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 City of Northampton General Ordinances with an effective date 3 months after DOER approval.

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 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.



**City of Northampton
MASSACHUSETTS**

In City Council, September 15, 2022

***Upon the recommendation of Mayor Gina-Louise Sciarra and
Councilors Marissa Elkins and Rachel Maiore***

**22.173 An Order for Special Legislation Relative
to Fossil Fuel Free New Construction in the City Of Northampton**

Ordered, that

WHEREAS, the Commonwealth of Massachusetts has a legally binding statewide requirement of a 100% reduction in greenhouse gas emissions from 1990 levels by 2050 and 50% by 2030;

WHEREAS, Northampton has committed to a goal of net zero Greenhouse Gas (GHG) emissions by 2050;

WHEREAS, In its latest 2022 report, the U.N. Intergovernmental Panel on climate Change forcefully stated “without immediate and deep emissions reductions across all sectors, limiting global warming to 1.5°C is beyond reach”;

WHEREAS, addressing climate change requires a just transition from fossil fuels to a decarbonized economy that is sustainable and equitable;

WHEREAS, building emissions represent over 40% of greenhouse gas emissions in the Commonwealth and over 70% of the greenhouse gas emissions in the state’s urban areas and therefore achieving the Commonwealth’s mandatory greenhouse gas emissions targets will require building decarbonization;

WHEREAS, natural gas and propane are dangerous fossil fuels that generate indoor and outdoor air pollution, leak explosive gas from aging infrastructure, and put the health and safety of the Commonwealth’s current and future citizens at risk;

WHEREAS, methane leaks from gas production and transportation via pipelines cause significant environmental damage and contribute to climate disruption;

WHEREAS, gas stoves produce harmful indoor emissions including nitrogen dioxide (NO₂), carbon monoxide (CO), and formaldehyde (HCHO), each of which can cause various respiratory and other health ailments, and cooking with gas has been linked to asthma and other adverse health effects, with children and low-income households particularly affected (data show that children have a 42% increased rate of asthma);

WHEREAS, all-electric technology and net-zero carbon building capability exists today, is feasible, and is cost-effective;

WHEREAS, the availability of renewable energy is growing and mandated to continue to grow;

WHEREAS, under current regulations, towns and cities in Massachusetts do not have the authority to adopt building codes and regulations, including those that would allow elimination of fossil fuels from our buildings and meet our legally binding emissions targets.

NOW, THEREFORE, BE IT ORDERED;

*Voted, to petition the General Court to the end that legislation be adopted precisely as follows.
The General Court may make clerical or editorial changes of form only to the bill unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.*

AN ACT RELATIVE TO THE ELECTRIFICATION OF NEW AND SUBSTANTIALLY REMODELED OR REHABILITATED BUILDINGS IN THE CITY OF NORTHAMPTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any other general or special law or any regulation to the contrary, the City of Northampton may by ordinance require new and substantially remodeled or rehabilitated buildings to use electricity for all building energy needs, including but not limited to heating and cooling systems, hot water systems, cooking, and clothes dryers by electricity, thermal solar or such other technology as the city, by ordinance, shall prescribe.

SECTION 2. As used in this chapter, the following words shall have the following meaning unless the context clearly indicates a different meaning:

“Substantially remodeled or rehabilitated” means a renovation that requires a building permit and includes a reconfiguration of space or building systems that affects 51% or more of the building gross floor area, excluding garages and other covered parking, and includes a new or substantially modified HVAC system or hot water system. In the case of a building that is both residential and non-residential, “substantially remodeled or rehabilitated” means a renovation that includes 51% or more of the gross floor area of the residential or non-residential space, in which case electrification of the residential or non-residential space, as applicable, would be required.

SECTION 3. The City of Northampton may require that building permit applications for new and substantially remodeled or rehabilitated buildings identify the source of energy that will be used in the building.

SECTION 4. The City of Northampton may withhold the issuance of a building permit for a new or substantially remodeled or rehabilitated building that does not use electricity or solar thermal for its power source.

SECTION 5. The City shall provide for a waiver and appeals process for those circumstances in which compliance makes a project impractical to implement or imposes extraordinary challenges. Waiver requests shall be supported by a detailed explanation of the justification for such request, and by a proposed Alternative Compliance Pathway to be created after the ordinance is adopted. Any proposed Alternative Compliance Pathway will be required to limit greenhouse gas emissions to levels consistent with declining statewide greenhouse gas emissions limits specified in “An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy.”

The process will provide that waivers may be subject to reasonable conditions. Where possible, waivers will be issued for specific portions of a project for which compliance is infeasible, impractical to implement, or imposes extraordinary challenges, rather than for entire projects.

SECTION 6. The requirements of this Ordinance do not apply to any of the following:

- A. Freestanding outdoor cooking appliances that are not connected to the building's natural gas or propane infrastructure.
- B. Freestanding outdoor heating appliances that are not connected to the building's natural gas or propane infrastructure.
- C. Cooley Dickinson Hospital buildings constructed or substantially remodeled or rehabilitated in the future and located on the hospital campus in Northampton, if fossil fuel free operation is not feasible, because of cost or insufficient technology to meet the need.
- D. Industrial, commercial or institutional processing facilities if the Planning Board determines that fossil fuel free operation is not feasible.
- E. Emergency, back-up, or standby power production.
- F. Appliances to produce potable or domestic hot water from centralized hot water systems in buildings with a gross floor area of at least 10,000 square feet, if the Planning Board determines that to be the most feasible option.
- G. Emergency repairs, or repairs to fossil fuel pipes deemed unsafe or dangerous by the building inspector.
- H. Renovations that do not result in a new HVAC or hot water system installation, or substantial changes to existing fossil fuel infrastructure.

SECTION 7. This act shall take effect upon its passage.

In City Council, October 6, 2022
Adopted in Final Reading on Roll Call Vote of 9 Yes, 0 No, 0 Absent

Attest: Laura Krutts, Clerk of Council

Passed final reading and enrolled.
I hereby certify that the above Order was adopted by the Northampton City Council on October 6, 2022

Approved: Gina-Louise Sciarra, Mayor

Per Charter Section 2-9 (a), this order became effective 10 days after adoption on October 16, 2022

Attest: Laura Krutts, Clerk of Council

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the City Council,

Upon the Recommendation of Mayor Gina-Louise Sciarra and Councilors Rachel Maiore and Alex Jarrett.

**O-23.337
AN ORDER**

**TO ADOPT THE MASSACHUSETTS MUNICIPAL
OPT-IN SPECIALIZED STRETCH CODE**

Ordered, that

WHEREAS, Buildings are one of the largest sources of greenhouse gas emissions in Massachusetts. Between oil and gas heating, hot water heaters and gas stoves, they're responsible for about 27% of our annual emissions. The largest greenhouse gas emissions impact for many buildings stems from the heating loads and choice of heating fuel for the building; and

WHEREAS, The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code, is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code; and

WHEREAS, The Department of Energy Resources (DOER), recommends that the communities that want to participate in the Ten Communities Program (requiring all electric heating for new construction) adopt the Specialized Code, and Northampton has filed a home rule petition to become part of that pilot program; and

WHEREAS, the Opt-in Specialized Energy Code will help us meet the carbon neutrality goals of Northampton's Climate and Regeneration Plan.

NOW, THEREFORE, BE IT ORDERED

That the the City of Northampton hereby adopts 225 CMR 22 and 23, including Appendices RC and CC, known as the Massachusetts Municipal Opt-In Specialized Stretch Code, to take effect in the City of Northampton as of January 2024, as required by state regulation.

In City Council, September 7, 2023
Adopted in Final Reading on Roll Call Vote of 9 Yes, 0 No, 0 Absent

Attest: Lana Krutzler, Clerk of Council

Passed final reading and enrolled.
I hereby certify that the above Order was adopted by the Northampton City Council on September 7, 2023

Approved: Gina-Louise Sciarra, Mayor

Gina-Louise Sciarra, Mayor approved the Order on September 10, 2023

Attest: Lana Krutzler, Clerk of Council

HOUSE No. 3224

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa and Joanne M. Comerford

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 relative to the electrification of new and substantially remodeled or rehabilitated buildings in the city of Northampton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/4/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/5/2023</i>

HOUSE No. 3224

By Representative Sabadosa of Northampton and Senator Comerford, a joint petition (accompanied by bill, House, No. 3224) of Lindsay N. Sabadosa and Joanne M. Comerford (with the approval of the mayor and city council) that the city of Northampton be authorized to require new and substantially remodeled or rehabilitated buildings to use electricity for all building energy needs. Telecommunications, Utilities and Energy. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to the electrification of new and substantially remodeled or rehabilitated buildings in the city of Northampton.

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. Notwithstanding any other general or special law or any regulation to the
2 contrary, the City of Northampton may by ordinance require new and substantially remodeled or
3 rehabilitated buildings to use electricity for all building energy needs, including but not limited
4 to heating and cooling systems, hot water systems, cooking, and clothes dryers by electricity,
5 thermal solar, or such other technology as the City, by ordinance, shall prescribe.

6 SECTION 2. As used in this chapter, the following words shall have the following
7 meaning unless the context clearly indicates a different meaning:

8 "Substantially remodeled or rehabilitated" means a renovation that requires a building
9 permit and includes a reconfiguration of space or building systems that affects 51% or more of
10 the building gross floor area, excluding garages and other covered parking, and includes a new or

11 substantially modified HVAC system or hot water system. In the case of a building that is both
12 residential and non-residential, "substantially remodeled or rehabilitated" means a renovation
13 that includes 51% or more of the gross floor area of the residential or non-residential space, in
14 which case electrification of the residential or non-residential space, as applicable, would be
15 required.

16 SECTION 3: The City of Northampton may require that building permit applications for
17 new and substantially remodeled or rehabilitated buildings identify the source of energy that will
18 be used in the building.

19 SECTION 4. The City of Northampton may withhold the issuance of a building permit
20 for a new or substantially remodeled or rehabilitated building that does not use electricity or
21 solar thermal for its power source.

22 SECTION 5. The City shall provide for a waiver and appeals process for those
23 circumstances in which compliance makes a project impractical to implement or imposes
24 extraordinary challenges. Waiver requests shall be supported by a detailed explanation of the
25 justification for such request, and by a proposed Alternative Compliance Pathway to be created
26 after the ordinance is adopted. Any proposed Alternative Compliance Pathway will be required
27 to limit greenhouse gas emissions to levels consistent with declining statewide greenhouse gas
28 emission limits specified in "An Act Creating a Next-Generation roadmap for Massachusetts
29 Climate Policy." The process will provide that waivers may be subject to reasonable conditions.
30 Where possible, waivers will be issued for specific portions of a project for which compliance is
31 infeasible, impractical to implement, or imposes extraordinary challenges, rather than for entire
32 projects.

33 SECTION 6. The requirements of this Ordinance do not apply to any of the following:

34 A. Freestanding outdoor cooking appliances that are not connected to the building's
35 natural gas or propane infrastructure.

36 B. Freestanding outdoor heating appliances that are not connected to the building's
37 natural gas or propane infrastructure.

38 C. Cooley Dickinson Hospital buildings constructed or substantially remodeled or
39 rehabilitated in the future and located on the hospital campus.

40 D. Industrial, commercial or institutional processing facilities if the Planning Board
41 determines that fossil fuel free operation is not feasible, because of cost or insufficient
42 technology to meet the need.

43 E. Emergency, back-up, or standby power production.

44 F. Appliances to produce potable or domestic hot water from centralized hot water
45 systems in buildings with a gross floor area of at least 10,000 square feet, if the Planning Board
46 determines that to be the most feasible option.

47 G. Emergency repairs, or repairs to fossil fuel pipes deemed unsafe or dangerous by the
48 building inspector.

49 H. Renovations that do not result in a new HVAC or hot water system installation, or
50 substantial changes to existing fossil fuel infrastructure.

51 SECTION 7. This act shall take effect upon its passage.



www.ClimateActionNowMA.org

To Whom it May Concern,

Climate Action Now, Western Massachusetts would like to express our wholehearted endorsement for Northampton's application for designation as a substitute community for the Fossil Fuel Free Demonstration project under the oversight of the Department of Energy Resources. Northampton has clearly demonstrated its unwavering commitment to climate leadership, marking a significant milestone as the first municipality in Western Massachusetts to adopt the Specialized Opt-in Stretch Energy Code on September 7th, 2023. Furthermore, the city submitted a Home Rule Petition in the preceding year on October 6th, 2022, seeking the authorization to mandate all-electric construction for new homes and significant renovations.

As a forward-thinking community, Northampton has allowed multifamily housing by right in several of its residential and commercial districts since the 1980's. Since the adoption of the Sustainable Northampton plan in 2008, the City has eliminated single family only zoning districts, and allows at least two family by right districts in all residential zones. In addition to this, the city has expanded the number of allowable units by right and eliminated the parking requirements downtown to incentivize housing development.

Northampton has also established a set of ambitious targets for reducing greenhouse gas emissions. These objectives would be substantially more challenging to attain if fossil fuel combustion continues to be permitted in new construction projects. In alignment with its commitment to climate action, the city has recently established a dedicated Climate Action and Project Administration department, complete with a seasoned director to lead the way. The city's investment in this new department underscores its dedication and history of driving sustainability initiatives and being a forward-thinking municipality.

Climate Action Now, Western Massachusetts enthusiastically recommends Northampton as a substitute community for the Fossil Fuel Free Demonstration Project.

Sincerely,

Susan Theberge

On behalf of the Climate Action Now Steering Committee