



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
100 CAMBRIDGE ST., 9<sup>th</sup> FLOOR  
BOSTON, MA 02114  
Telephone: 617-626-7300

**Maura T. Healey**  
Governor

**Rebecca L. Tepper**  
Secretary

**Kimberley Driscoll**  
Lt. Governor

**Elizabeth Mahony**  
Commissioner

December 22, 2023

**Via Electronic Mail**

Ann G. Berwick  
Co-Director of Sustainability  
City of Newton  
1000 Commonwealth Avenue  
Newton Centre, Massachusetts 02459  
[aberwick@newtonma.gov](mailto:aberwick@newtonma.gov)

Dear Ann G. Berwick,

The Department of Energy Resources (Department) is contacting you regarding Newton's application to become a Participating Community in the Department's Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project (Demonstration Project) as authorized by St. 2022, c. 179, § 84 (Act).

The Department has reviewed Newton's application and determined that it contains the required application materials listed in 225 CMR 24.04(1). The Department has also determined that Newton has not yet met the Housing Eligibility Thresholds detailed in 225 CMR 24.05(2). Pursuant to 225 CMR 24.04(3)(b), the Department conditionally approves Newton's participation in the Department's Demonstration Project.

Pursuant to the Act and 225 CMR 24.05(2), Newton has until February 11, 2024 to meet the Housing Eligibility Thresholds detailed in 225 CMR 24.05(2). If Newton achieves these thresholds by this date, it will be issued an acceptance letter granting it Participating Community status and will be fully permitted to participate in the Department's Demonstration Project. If

Newton does not meet the Housing Eligibility Thresholds by this date, Newton's conditional approval will be revoked and Newton's application will be denied.

The Department further notes that Newton has submitted a proposed fossil fuel-free ordinance as part of its application. Pursuant to 24.04(4)(a), in order to maintain Newton's conditionally approved status, the Applicant must submit a final version of the ordinance that has received Local Approval, as defined in 225 CMR 24.02, by July 1, 2024. The Department notes that it reserves the right to revoke Newton's conditionally approved status if this final ordinance conflicts with the requirements of the Act or 225 CMR 24.00.

The Department additionally notes that while the Act grants municipalities the discretion to adopt exemptions and define the exemption and waiver process within their fossil fuel-free by-law or ordinance, such exemptions and waivers must not conflict with 225 CMR 24.00 or the applicable provision of the building energy code in the adopting municipality, including (if applicable) the stretch energy code and specialized energy code contained in 225 CMR 22.00 and 23.00. The Department would be happy to clarify any questions regarding this.

The Department will be in contact in the coming weeks regarding the collecting and reporting of data to the Department detailed in 225 CMR 24.07(2).

If you have any questions regarding this determination, please contact Joanne Bissetta at [joanne.bissetta@mass.gov](mailto:joanne.bissetta@mass.gov).

Sincerely,

A handwritten signature in black ink that reads "Joanne Bissetta". The signature is written in a cursive, flowing style.

Joanne Bissetta  
Director, Green Communities Division