

**ARTICLE 73                      RESOLUTION/TRUE NET-ZERO OPT-IN CODE FOR CITIES  
AND TOWNS**

**VOTED:            That Town Meeting hereby resolves as follows:**

**A True Net Zero Opt-In Code for Massachusetts Towns and Cities**

**WHEREAS,**

- A. Global warming is an existential planetary crisis.**
- B. On June 2, 2021, Arlington’s Town Meeting adopted a resolution declaring a climate emergency and calling for an immediate urgent mobilization to protect the climate, reducing the pace of warming and slowing down ecological collapse to the maximum extent possible. Among other things, the resolution committed the town to use all of its influence to encourage climate action by other government authorities including the state in order to support rapid greenhouse gas reductions. This is important not just for the environment but the economy as well. In December 2021, the U.S. Financial Stability Council reported to Congress that climate change was an “emerging threat” to the United States financial system.**
- C. Global warming is not only an environmental issue, or even an economic one. It is also a profound moral issue. Almost every disaster brought about or exacerbated by climate change disproportionately affects the poor and marginalized. This is true on a global scale, but also within countries, and states, and towns and cities. As the Climate Emergency Resolution approved by Town Meeting in 2021 stated: “the marginalized populations in Arlington, the Commonwealth of Massachusetts and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, homeless persons, and people with disabilities, are already disproportionately affected by climate change, and will continue to bear an excess burden as temperatures increase.”**
- D. There is no time to lose. Global warming is not a future catastrophe. It is here already. It is causing hurricanes, fires, floods, and droughts. The sea is rising as polar ice melts. Massachusetts is not immune from any of this. Indeed, reports in early 2022 suggest that the consequences of global warming are more severe in New England than they are elsewhere in the United States. As science writer Bill McKibbin puts it, “If we don’t act quickly, and on a global scale, then the problem will literally become insoluble.” Or, more simply, “winning slowly is the same as losing.”**
- E. The fight against global warming requires action at every level. We must act globally, but we must also act locally.**

- F. Massachusetts has adopted legally binding policies for achieving net zero greenhouse gas emissions by 2050. This target is unattainable without a radical reduction in fossil fuel use in the Massachusetts building sector. Emissions from buildings account for 27% of greenhouse gas emissions in the Commonwealth, a contribution that is second only to the transportation sector.**
- G. In March 2021, the Massachusetts Legislature enacted the Next Generation Road Map on Climate Change, reasserting the Commonwealth’s commitment to leadership in the fight against global warming. Among the many features of that legislation was the requirement that the Department of Energy Resources (DOER) develop an opt-in specialized stretch building code aimed at achieving net-zero greenhouse gas emissions in buildings. This provision was passed by a large majority in the legislature, despite an earlier veto. A strong code will give towns and cities that choose to adopt it – hopefully the great majority - the tools they need to achieve their own net-zero objectives in a timely way. A weak code, however, will not only be ineffective in itself but also stand in the way of stronger actions at the local level. The “net zero stretch code” provided for in the Road Map is a critical step in the Commonwealth’s strategy to meet net zero by 2050.**
- H. DOER must promulgate an opt in specialized stretch code by late December 2022. It is required to engage in extensive public consultation, including at least 5 hearings within 18 months after the Roadmap becomes effective. The hearings must be held in various locations in the state, including urban, suburban, and rural settings, and at least one hearing must be held in an underserved community or one with a high percentage of low income households. As of January 2022, DOER had not published a draft code or conducted any of the required hearings.**
- I. Arlington has been a leader in the fight against global warming. In December 2020, it became the second town in the Commonwealth to enact a “Clean Heat” Bylaw limiting the adoption of fossil-fuel infrastructure in newly constructed buildings and major renovations. That bylaw requires approval by the state legislature through a “home rule petition” because it is thought to be preempted by the existing state building code. The necessary legislation has been filed and subjected to a hearing, but it has not been reported out of committee. In the absence of the Clean Heat bylaw approved by Town Meeting, new construction and major renovations in the town have continued to install fossil fuel infrastructure, usually for natural gas, frustrating the Town’s net zero policy**
- J. In early 2021, the town adopted a comprehensive Net Zero Action Plan that called for strong action to control building emissions in the town and ensure that the town will achieve net-zero in the building sector by 2050. And in November 2021, Arlington was a leader in organizing 30 Massachusetts municipalities to encourage DOER to adopt a strong, true net-zero stretch code.**
- K. Adoption of a strong opt-in specialized net zero stretch code is essential if Arlington is to achieve the net zero objectives that its residents need and demand.**

**THEREFORE BE IT RESOLVED BY TOWN MEETING OF THE TOWN OF ARLINGTON, MASSACHUSETTS,**

- 1. Town Meeting calls upon the DOER to promulgate a true net-zero opt-in building code that will allow towns that are willing to do so to pursue aggressive policies in controlling greenhouse gas emissions in the building sector in order to achieve net zero emissions by 2050 or before. In this connection, Town Meeting considers a net-zero building to be an all-electric, highly energy-efficient building that uses renewable sources to generate at least as much energy as it uses each year, so that operations are carbon neutral and emissions of embodied carbon are minimized.**
- 2. The Net Zero Opt-In Code must cover both commercial and residential construction and both new construction and major renovations.**
- 3. The Net Zero Opt-In Code must --**
  - a. Achieve energy efficiency by prescribing leading standards, such as Passive House, New Buildings Institute, or Living Building standards, to reduce greenhouse gas emissions operational expenses, and grid load.**
  - b. Require primary heating/cooling and other systems to be 100% electric.**
  - c. Require buildings to be powered by 100% renewable energy, which can be on- or off-site, generated or purchased, providing associated grid and other emissions are fully offset.**
  - d. Effectively address the challenge of minimizing embodied carbon in the use, production and transportation of building materials.**
  - e. Require appropriate monitoring, disclosure, and correction to ensure that buildings systems are operating as designed.**
  - f. Require the selection of low-impact refrigerants and refrigerant recycling (prohibiting disposal) to limit ozone depletion and carbon emissions.**
  - g. Ensure that any exemptions are narrowly defined, fully justified and last only as long as the justification exists. Waivers, if any, should be available in limited instances, based on a clearly defined process.**