



## City of Northampton

### MASSACHUSETTS

*In the City Council, December 5, 2024*

Upon the Recommendation of:      Councilor Alex Jarrett  
   Councilor Rachel Maiore  
   Mayor Gina-Louise Sciarra

#### **24.170**

### **A FOSSIL FUEL-FREE CONSTRUCTION ORDINANCE IN ACCORDANCE WITH THE MASSACHUSETTS FOSSIL FUEL-FREE DEMONSTRATION PROGRAM**

#### **§ 145-1 Definitions**

**Fossil Fuel-Free** – An entire building or entire condominium unit that does not, in support of its operation after construction, utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels.

**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.

**§ 145-2 Purpose** This ordinance is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free.

**§ 145-3 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.

#### **§ 145-4 Fossil Fuel-Free Construction**

Upon the effective date of this ordinance, the following amendments to the Specialized Energy Code are adopted, and all New Construction and Major Renovations shall be constructed in accordance therewith:

a. Low-rise Residential Code (225 CMR 22 Appendix RC)

Sections RC102 and RC104 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction or Major Renovations, with the following exceptions:

- i. Emergency generators and standby power systems.
- ii. For existing fossil fuel equipment:
  - 1. If existing fossil fueled heating or hot water appliances have sufficient capacity to satisfy the additional loads of major renovation, the existing equipment may be utilized;
  - 2. If the existing fossil fueled heating or hot water appliances do not have sufficient capacity to satisfy the additional loads of a major renovation, the existing equipment may be retained and used, and any additional heating load must be satisfied with all electric equipment.
  - 3. Existing fossil fueled heating or hot water appliances may be replaced with new equipment of higher efficiency and the same or lower capacity as measured in Btu/h or kW as the existing equipment.

b. Commercial and All Other (225 CMR 23 Appendix CC)

Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction or Major Renovations, with the following exceptions:

- i. Research Laboratories for Scientific or Medical Research;
- ii. Hospitals or Medical Offices;
- iii. Indoor or outdoor cooking appliances for commercial use, provided that sufficient electrical capacity and infrastructure, including outlets, are installed to accommodate conversion to all electric cooking with appliances having equivalent thermal power and intensity to all gas-fired appliances specified in the building permit application, that any new gas combustion cooking appliances be either directly vented to the outside or provided with a capture hood and fan exhausting 100 CFM to the outside for every 1000 Btu/h of appliance capacity with make-up air provided in compliance with current regulations, and the building permit application is filed prior to January 1, 2035;
- iv. Freestanding outdoor cooking appliances that are not connected to the building's natural gas or propane infrastructure;
- v. Freestanding outdoor heating appliances that are not connected to the building's natural gas or propane infrastructure;
- vi. Emergency generators and standby power systems;
- vii. Appliances to produce potable or domestic hot water from hot water systems in buildings with a gross floor area of at least 10,000 square feet, provided that sufficient electrical capacity and infrastructure is installed to accommodate conversion to all electric heating of domestic water at the location(s) with

- equipment having equivalent thermal power and intensity to domestic hot water equipment as specified in the building permit application, and the building permit application is filed prior to January 1, 2035;
- viii. Fossil fuels for process loads for manufacturing, industrial, and commercial purposes, provided that the process engineer on the project certifies by affidavit that no commercially available technology that uses only renewable energy or electricity can satisfy the process load requirement at a cost that allows the project to continue to be technically or financially viable.
  - ix. Change of use, provided all associated renovations and alterations do not consist of Major Renovations.
  - x. For buildings connected to a district thermal network for the provision of heating, cooling, and domestic hot water, up to 20% of the design heating load, as determined by an approved ASHRAE Standard 90.1 submittal, shall be permitted to be supplied by fossil fuel.
  - xi. For existing fossil fuel equipment:
    - 1. If existing fossil fueled heating or hot water appliances have sufficient capacity to satisfy the additional loads of major renovation, the existing equipment may be utilized;
    - 2. If the existing fossil fueled heating or hot water appliances do not have sufficient capacity to satisfy the additional loads of a major renovation, the existing equipment may be retained and used, and any additional heating load must be satisfied with all electric 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 fossil fuel hydrocarbons, including synthetic equivalents, or other fossil fuels may not be installed as part of any residential or non-residential Major Renovation, with exceptions listed in sections 4a and 4b above, and waivers in section 5. All Major Renovations must follow applicable stretch code requirements.

#### **§ 145-5 Waivers.**

- a. A waiver shall be granted by the Building Commissioner for heating appliances that combust wood pellets or firewood if the appliance emissions rating meets the most stringent EPA New Source Performance Standard (2020 NSPS = 2 g/hr tested with crib wood) provided it is not the solitary or primary heating system and is specified for emergency back-up, occasional or aesthetic use.
- b. A waiver shall be granted by the Building Commissioner for Major Renovation Projects if an architect, engineer, or general contractor on the project certifies by affidavit that compliance with the requirements of the ordinance will increase the costs of the project by fifty (50%) percent or more, compared to the costs of complying only with the requirements of the applicable (i.e., residential or commercial) Stretch Code; or
- c. A waiver shall be granted by the Building Commissioner for New Construction and Major Renovation Projects if the electric utility company notifies the City, in writing, that the

project is unable to comply with the provisions of this ordinance because of insufficient electric grid, transmission, distribution, or related electrical infrastructure capacity in the particular location necessary for the project, and that the electric utility also confirms in writing that all electrical equipment specified meets standards for efficiency necessary to qualify for incentives under the current utility-managed energy efficiency program; or

- d. A waiver shall be granted by the Building Commissioner in the case of rebuilding after a natural disaster or other force majeure.

**§ 145-6 Enforcement.** The provisions of this ordinance shall be enforced by the Building Commissioner.

**§ 145-7 Effective Date.** This ordinance shall take effect on January 27, 2025, which is the 90<sup>th</sup> day after the date of approval of the Department of Energy Resources in accordance with 225 CMR 24.00.

In City Council, January 16, 2025  
Adopted in Final Reading on Roll Call Vote of 8 Yes, 0 No, 1 Absent (Councilor Rothenberg)

Attest: , Clerk of Council

Passed final reading and enrolled.  
I hereby certify that the above Ordinance was adopted by the Northampton City Council on January 16, 2025

Approved: Gina-Louise Sciarra, Mayor

Gina-Louise Sciarra, Mayor, approved the ordinance on January 23, 2025

Attest: , Clerk of Council