



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
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October 29, 2024

Via Electronic Mail

Mayor Gina-Louise Sciarra
Northampton City Hall
210 Main Street
Northampton, MA 01060

Dear Mayor Sciarra,

The Department of Energy Resources (Department) is contacting you regarding Northampton's Substitute Community 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 Act requires the Department to establish a Demonstration Project for not more than ten municipalities to adopt and amend general or zoning ordinances or by-laws that require new building construction or major renovation projects to be fossil fuel-free. The Act requires the Department to prioritize the applications of municipalities that submitted home rule petitions to the legislature requesting the ability to implement such by-laws and ordinances prior to the passage of the law (Prioritized Communities). The Act further requires the Department to select a Substitute Community if a Prioritized Community is unable or elects not to participate in the Demonstration Project. The Department promulgated regulations detailing the application process for Prioritized and Substitute Communities as well as other requirements of the Demonstration Project as 225 CMR 24.00.

On September 29, 2022, West Tisbury, a Prioritized Community, submitted a letter to the Department indicating that it would not be participating in the Demonstration Project. As of July 12, 2024, all other nine Prioritized Communities have been accepted as Participating Communities in the Demonstration Project. This leaves one slot available in the

Demonstration Project for a Substitute Community.

On November 9, 2023, Northampton submitted its Substitute Community application. The application included the required materials under 225 CMR 24.04 and 225 CMR 24.05, including a draft fossil fuel-free ordinance and materials sufficient to demonstrate Northampton's compliance with the housing production eligibility threshold detailed in 225 CMR 24.05(2)(a). On July 24, 2024, representatives from Northampton met with the Department to present additional details on their application and answer questions from the Department. The Department has reviewed Northampton's application and additional materials.

The Department's criteria for Substitute Community selection are detailed in 225 CMR 24.06(3) as follows:

(3) Selection Criteria. In addition to ensuring that Substitute Communities meet the requirements set forth in 225 CMR 24.04 and 225 CMR 24.05, the Department will consider the following factors when evaluating applications and selecting Substitute Communities for participation up to a total of 10 Participating Communities and may consider such additional factors as the Department deems appropriate.

- (a) Contribution to the overall Demonstration Project, including diversity of Participating Communities which includes but is not limited to gateway cities, environmental justice communities, diversity of demographics, diversity of size, scale of building development, and type of housing development;
- (b) Ability to meet Department reporting requirements and effectively monitor and ensure code compliance and implementation;
- (c) Consistency of proposed by-law or ordinance to the model rule provided by the Department;
- (d) A preference for cities and towns that meet the compliance guidelines implementing section 3A of chapter 40A of the General Laws through an approved zoning ordinance or, in the case of a town that must seek by-law approval from the Attorney General (AGO) pursuant to G.L. c.40 § 32, an AGO-approved by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as right, or, if not applicable, a similar commitment to multi-family housing production as determined by the Department, in consultation with the Executive Office of Housing and Economic Development;
- (e) Localized electric grid investments needed to support the Demonstration Project as determined through consultation between the Department and electric distribution companies;
- (f) Demonstrated support from community members and municipal leaders.

Upon review of Northampton's application and additional materials as well as the criteria

detailed in 225 CMR 24.06(3), including the relevant consultations with the electric distribution companies and the Executive Office of Housing and Livable Communities (formerly the Executive Office of Housing and Economic Development), the Department selects Northampton as a Participating Community in the Demonstration Project. Northampton may now proceed with the implementation of its fossil fuel-free ordinance.

Pursuant to 225 CMR 24.04(4)(a), a final version of a municipality's fossil fuel-free ordinance that has received Local Approval must be submitted to the Department by July 1, 2024. On July 9, 2024, the Department granted Northampton's request for an extension of this deadline for good cause, citing the pending nature of Northampton's Substitute Community application. As Northampton's application has now been accepted, Northampton must submit a final version of Northampton's Locally Approved fossil fuel-free ordinance to the Department within 90 calendar days from the date of this letter, January 27, 2025.

The Department will be in contact in the coming months 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 me at joanne.bissetta@mass.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Bissetta".

Joanne Bissetta
Director, Green Communities Division

cc: Dr. Ben Weil, Director, Climate Action and Project Administration