

February 8, 2023

Department of Energy Resources (DOER)
100 Cambridge Street, Suite 1020
Boston, MA 02114

Re: **Ten Communities Demonstration Project** (public testimony submitted for written record)

Dear Commissioner Woodcock, Director McCarey, and DOER Staff:

My name is Ellen Watts. I am an **architect** of net zero buildings – one of three elected Boston Society of Architecture representatives on the AIA MA board, past president of the CREW Boston Commercial Real Estate Women, and past co-chair of the MA Governor’s Zero Net Buildings Task Force. I am also a resident of the Town of Wellesley which is not a home rule community but no less focused on meeting state and municipal climate goals. These views are strictly my own. I am not speaking for my profession, municipality, or any of the many organizations in which I participate.

I strongly support DOER’s proposal for fossil free building regulations as variation of the Opt-In Specialized Code, the highest level of three overlay building energy codes, eliminating the “Mixed Fuel” pathways for both residential and commercial new construction. I think this is quite ingenious.

I strongly suggest that DOER extend these fossil free provisions to alterations, additions, and changes-of-use currently regulated under the Updated Stretch Code but not the Opt-In Specialized Code. If this is what DOER intended, I believe this needs clarification.

I further urge the legislature, working with DOER, to offer the opportunity for all communities, not limited to ten, as they may elect, when they feel the time is right, to adopt this variation of the Opt-In Specialized Code through home rule. The ten-community limit is arbitrary and unequitable.

My views are shaped by five observations:

First, we need to do more to meet 2030 emissions limits; broadening fossil free regulations will help.

By law, from 2020 to 2030, residential heating emissions will need to drop by 40% and commercial heating emissions will need to drop by 35%. This will require 3X the rate of reduction this decade as achieved during the prior three decades. What will it take to do this? In broad strokes, making all future growth net zero – AND – electrifying approximately 100,000 existing buildings each year. Fossil free regulations will help us meet the 2030 emissions limits.

Second, significant development pressure coincides with what scientists tell us is the most crucial decade for climate action. According to the Next Generation Roadmap report, 3X more development is forecast to occur this decade, 2020-2030, than in either of the next two decades, 2030-2050. Anticipated is a 46% residential increase and 21% commercial increase. To keep our housing affordable, workers plentiful, and economy strong, we need support fossil free growth now.

Third, nearly half of Massachusetts ratepayers already enjoy favorable electricity rates as compared with fossil fuel rates, making fossil free buildings attractive investments today. Analysis shows there is a 3X variance among what communities pay for electricity, depending on whether they are on Basic

Service, participate in Community Choice programs, or are one of the 41 Municipal Light Plant communities generating their own power. It only makes sense for communities with lower electricity rates to be allowed to require building electrification if and when they choose, as will support property values, realize savings for rate payers, and promote public health.

Fourth, it is natural for building codes to evolve by adding and subtracting compliance pathways.

DOER has come up with a promising solution to standardize fossil free construction statewide. By eliminating the “Mixed Fuel” pathway, many more than 10 communities can help meet 2030 state and municipal goals, accelerate electrification and associated energy cost savings, and benefit public health.

Fifth, home rule has significant importance in Massachusetts. I believe Massachusetts is somewhat unique in allowing home rule petitions and has a rich history of successful home rule actions in cases where public health is concerned. Health hazards pertaining to fossil fuel combustion threaten us all, not just a handful of communities. Restricting the number of communities seems arbitrary and is certainly not equitable. Moreover, nearly half of Massachusetts communities have electricity rates which would support driving harder toward electrification with the option of fossil free regulations. I strongly support newly filed legislation to lift or eliminate the restriction on the number of communities.

Finally, I would like to thank DOER for giving us what amounted to a holiday miracle. DOER issued three documents just before Christmas – **the stretch codes, technical guidance, and the fossil free proposal** – and while the complex details of these documents warrant comment, the effort to coordinate the timing and substance of these documents is commendable. It bodes well. Thank you.

Sincerely,

Ellen Watts, FAIA, LEED