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To: Department of Energy Resources
green.communities@mass.gov

Re: Ten Community Demonstration Comments

The City of Newton appreciates the opportunity to comment on the Massachusetts Department of Energy Resources draft regulations at 225 CMR 24.00, Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project, and on the associated proposed Model Rule.

Our comments are addressed to two issues: (1) the applicability of the requirement that the municipality has met the 10% housing affordability threshold under MGL chapter 40B, or other housing eligibility thresholds; (2) the exemptions from the Model Rule that DOER will consider permissible.

Applicability of the 10% housing affordability threshold

A question in this regard is how DOER would treat the following situation: a community satisfies the 10% threshold as of the date of its letter of intent (e.g., September 1, 2023), and then falls below that threshold for some period of time after that. How would DOER treat the community's participation in the Ten Communities Program in that situation? In that circumstance, would DOER consider relevant the magnitude of the change in the percentage or the length of time that the community falls below the threshold?

The exemptions from the Model Rule that DOER will consider permissible

DOER's regulations allow communities to propose exemptions, but they do not specify what exemptions may be acceptable. Newton's Home Rule Petition provides for a variety of exemptions, including:

- freestanding outdoor heating and cooking appliances that are not connected to the building's natural gas or propane infrastructure;
- emergency, back-up, or standby power production;
- appliances to produce potable or domestic hot water from centralized hot water systems in larger buildings in specified cost scenarios.

Our understanding is that outdoor heating and cooking appliances are acceptable. We would appreciate confirmation that emergency, back-up, and standby power are acceptable, as well as your views of the hot water systems that will be permissible.

Thank you for this opportunity to comment, and also for DOER's collaborative approach with the communities that intend to participate in the program.

Sincerely,

Ann G. Berwick
Co-Director of Sustainability