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HOUSE OF REPRESENTATIVES
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Commissioner Patrick Woodcock
Department of Energy Resources
100 Cambridge Street, 9th Fl
Boston, MA 02114

Friday, February 10, 2023

RE: Municipal Fossil Fuel Free Building Demonstration Program Draft Regulation

Dear Commissioner Woodcock,

Thank you to you, to the former Baker Administration, to the new Healey Administration, and to all of the staff and professionals at the state's Department of Energy Resources (DOER) for working to implement the Fossil Fuel Free Building Demonstration Program that we in the legislature enacted as part of *An Act Driving Clean Energy and Offshore Wind*.

I was proud to work closely with House Chair Jeff Roy and all of my legislative colleagues in the House and Senate to ensure this vital legislation made it over the finish line last session. Furthermore, I was particularly focused on the need to include the Fossil Fuel Free Building Demonstration in the new law, since this program will play a vital role in leading us toward the future of sustainable development, design, and construction, and in planning for a net zero emissions future across our Commonwealth.

I have the honor of representing parts of the cities of Cambridge and Somerville, and I am delighted to report that in both of my communities, interest in this program is incredibly strong. On April 6, 2022, I was proud to file a home rule petition on behalf of the City of Cambridge (HD.4996, H.4085, *An Act authorizing the city of Cambridge to establish a net zero emissions standard for newly constructed buildings*). Pursuant to the text of the statute, I am pleased to see Cambridge appears on the list of prioritized communities in draft regulations.

The main focus of my public comment on the draft regulations has to do with the timing of program implementation and the mechanisms for selecting substitute communities. Naturally, I am particularly interested in advocating for the City of Somerville to be included in the demonstration program. To that end, I am proud to say myself and Representative Barber filed a home rule petition on behalf of Somerville on September 6, 2022 (HD.5368, H.5291, *An Act authorizing the city of Somerville to establish a net zero emissions standard for new constructed buildings and major renovation projects*). It is our understanding

that this makes Somerville the first municipality to submit a home rule petition following enactment of the new law, and this makes us the 11th municipality overall to have filed a home rule on this topic. Furthermore, it has come to my general attention that at least one and possibly up to three or more of the municipalities on the prioritized list are likely to withdraw or otherwise be unable to qualify for the demonstration program.

Therefore, I want to echo comments made at this week's public hearing by Mayor Ballantyne, Senator Barrett, Rep. Vitolo, and others, and **I want to strongly urge DOER to consider both prioritized communities and substitute applications on a rolling basis.** Our legislative intent was to establish a demonstration program that could effectively be used to collect data and prove the viability of the fossil fuel free building concept, and **the value of the program will be enhanced if we can get to a place where a full set of ten participating municipalities are all able to get going with the program as quickly as possible.**

The draft regulations say that substitute communities cannot be considered until at least March 1, 2024, at the earliest. I would respectfully urge that the draft regulations be revised with a view toward achieving a full set of ten participating municipalities as quickly as possible. While I recognize the text of the statute appears to give DOER some leeway to potentially run the demonstration program with fewer than ten communities, I would suggest that doing so would be a lost opportunity to better realize the objective of the demonstration.

Moreover, I would respectfully encourage DOER to revise the Selection Criteria for substitute communities, to consider additional factors such as: 1) the order in which substitute communities submitted a home rule petition to the legislature; 2) the population density of the substitute community; 3) the potential for adjacent communities to participate in the demonstration; 4) existing features of a community that support continued development and construction activity for the duration of the demonstration.

Thank you for considering these comments, and I look forward to continuing to advocate for Somerville's inclusion in the demonstration alongside Cambridge and the other participating communities.

Yours in service,



Mike Connolly