

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,

The City of Somerville is consistently recognized as a global leader in climate action. We have led the way in science-based, equitable approaches towards an overarching goal of becoming net zero carbon negative by 2050. We appreciate DOER's longstanding partnership with the City of Somerville in helping achieve the Commonwealth's climate goals, and we believe that the municipal fossil fuel free building demonstration program is a critical step in achieving those goals.

About two-thirds of Somerville's total greenhouse gas emissions stem from buildings. Because of our interest in building decarbonization, residents, City staff, and elected officials closely followed the proceedings of *An Act Driving Clean Energy and Offshore Wind*, with particular interest in the Fossil Fuel Free Demonstration Program. When the law was passed on August 11, 2022, we were excited to finally have a simple, state-authorized pathway towards decarbonization in new construction and major renovation building projects.

As you know, the primary factor for participation, was that "the department shall issue approvals under this section to not more than 10 applications in the order in which cities and towns have submitted or submit home rule petitions to the general court." Within days of the law's passage, Somerville became the first municipality to pass and submit a Home Rule Petition (H.5291, *An Act authorizing the city of Somerville to establish a net zero emissions standard for new constructed buildings and major renovation projects*) following the law's enactment.

The criteria outlined in the draft regulations for substitute communities that would replace any of the priority 10 communities outlined in the draft regulations do not include any consideration of the order in which communities filed a home rule petition. We urge you to revise this provision of the regulations and consider the order in which communities filed home rule petitions as the primary factor in considering whether a substitute community becomes part of the program.

Additionally, we urge you to reconsider the effective date timelines proposed in the draft regulations to allow substitute communities who are ready to participate and meet the programs requirements and participate sooner. There are municipalities that meet the program eligibility criteria now that cannot enact local fossil fuel free regulations until the end of 2023 or early 2024 based on the draft regulations. For example, Somerville anticipates compliance with MGL40A Sec 3A MBTA Communities through an overlay district and has completed all procedural steps required to date, including submittal of our community Information Form and Action Plan to DHCD. Adoption of a compliant MBTA communities zoning district is expected well before the deadline of December 31, 2023. For possible substitute communities this timeline is even more delayed, since DOER proposes to only review substitute

applications after a priority community has submitted a letter of withdrawal from the program or has defaulted on the eligibility requirements. We request that you allow for applications to be considered on a rolling timeline to allow for substitute communities to participate as soon as possible.

DOER should also consider adding additional criteria to the eligibility requirements. Somerville appreciates the emphasis placed on transit-oriented development, housing development, and environmental justice communities in the draft regulations. DOER should consider including additional criteria relative to actual population density. Including actual population density as a criterion will further DOER's goals for this program and its impact.

Thank you for your time, and we look forward to working with you and the DOER staff.

Sincerely,

Katjana Ballantyne
Mayor
City of Somerville

Patricia D. Jehlen
State Senator
2nd Middlesex District

Christine P. Barber
State Representative
34th Middlesex District

Mike Connolly
State Representative
26th Middlesex District

Erika Uyterhoeven
State Representative
27th Middlesex District