



Patrick Woodcock, Commissioner
Department of Energy Resources
100 Cambridge Street
Suite 1020
Boston, MA 02114

August 11, 2022

Re: Proposed Stretch Energy Code and Municipal Opt-in Specialized Stretch Energy Code

Dear Commissioner Woodcock:

On behalf of the Home Builders and Remodelers Association of Massachusetts (HBRAMA), I am submitting these supplemental comments to our letters of March 15, 2022 and May 20, 2022 regarding the Department of Energy Resources (DOER) relative to its Straw Proposal for Stretch Code Update and New Specialized Stretch Code (225 CMR 22.00 and 23.00).

Requirements by Residential Building Size and Fuel

The most recent summary provided by DOER delineates the size of new homes between up to 4,000 and greater than 4,000 square feet in area. The latter removes one of the three pathways to demonstrate energy code compliance – the Mixed Fuel Pathway. However, a later section of the summary states that new low-rise buildings containing one or more dwelling units greater than 4,000 square feet in area and using fossil fuels, must meet HERS 0 or PHIUS ZERO requirements. This seems contradictory, so we are requesting the department provide clarification on this proposed requirement.

We would also like to reiterate our comments of May 20, 2022, regarding the size of homes that would trigger a different set of requirements. We continue to believe that the 4,000 square foot benchmark is too low. While consumer preferences in recent years trended towards smaller homes, the coronavirus pandemic has resulted in a shift back to slightly larger homes. New homebuyers are increasingly requesting dedicated office space to work from home, as well as space for their children for hybrid schooling.

Further, there is a growing trend of multi-generational living in single-family homes. These homes will often exceed 4,000 square feet in area to satisfy the requirements of these changing family needs, and we do not consider such home as luxury homes. Imposing the cost of compliance with the Municipal Opt-in Specialized Stretch Energy Code on these buyers could well deny them the ability to purchase a home that meets the needs of such families.

Homes exceeding 4,800 square feet are generally more expensive, luxurious residences and are purchased by so-called “move up” buyers, often without regard to the family needs noted above. The incremental cost of building such a new home under the Municipal Opt-in Specialized Stretch Energy Code, although not insignificant, is less likely to be a financial barrier to those buyers.

We also recommend that for clarity and consistency of enforcement by local building officials, finished basement space be excluded from the calculated square-footage (whether the department establishes the benchmark at 4,000 square feet, 4,800 square feet, or some number in between). There has been a wide discrepancy of how the different municipal building departments determine what is or isn’t finished and/or conditioned living space below grade.

Adding further confusion, is the fact that a finished basement is often planned for but not built out until a future date post-occupancy. Some building departments have classified basement space as finished space because it may have rough wiring and plumbing in place even though it is not finished/conditioned space at the time of occupancy, and might never be in the future. We feel that resolving an issue that has been historically problematic from an enforcement aspect will ensure that implementation of the code’s requirements will be done uniformly from town to town.

Existing Buildings: Additions, Alterations and Changes of Use

The stated compliance triggers for additions, while a sound metric, should be somewhat higher than the 1,000 square foot number proposed, for many of the same reasons stated in the above section (dedicated office space to work from home, space for hybrid schooling and multi-generational living). The added expense of additional requirements will make many projects where families require more space financially difficult. A larger square foot trigger of 1,500 square feet would provide relief for such projects while still achieving greater energy efficiency and reduced emissions.

We would like compliment the department on the language regarding Historic Buildings. Massachusetts is fortunate to have a large number of these buildings, many of which are private residences, that are part of the fabric of many communities. The proposed language allows for an appropriate balance of preservation and energy efficiency improvements in a commonsense manner.

Limited Use Fossil Fuel Appliances

There are several types of fossil fuel appliances that are in very high demand by today’s homebuyers. These appliances, whether fueled by natural gas or propane, are used by homeowners either infrequently or seasonally. They are gas fireplaces, connected gas grilles and pool heaters. To date, none of the proposed language in the regulations have addressed this issue. We recommend that such appliances be allowed under the proposed updated Stretch Energy Code as well as the proposed Municipal Opt-in Specialized Code, as their use by future homeowners will have virtually no impact on emissions, but contribute to many families’ use and enjoyment of their residence.

Projects under approval

The HBRAMA strongly urges the department to exempt those housing developments from the provisions of the Municipal Opt-in Specialized Energy Code that have obtained local approvals (e.g., a subdivision plan approval, special permit, or comprehensive permit) prior to the adoption of that code by a municipality. Often these projects (which have been designed and financed) have already executed signed contracts with the utility companies for gas service for which they have made non-refundable CIAC (Contribution in Aid of Construction) payments totaling thousands of dollars. If these projects must incur these unnecessary costs, they will either become uneconomical or far more expensive to potential buyers.

Conclusion

The HBRAMA believes the above recommendations are reasonable and relatively small in scope and will help mitigate the code's impact on housing affordability without jeopardizing the goals of 225 CMR 22.00 and 23.00 in support of Chapter 8 of the Acts of 2021.

Thank you once again for your consideration of our views, and as always, we would welcome the opportunity to discuss them further with you or your staff.

Respectfully,

A handwritten signature in black ink, reading "Emerson Clauss III". The signature is written in a cursive style with a large, stylized "E" and "C".

Emerson Clauss III
HBRAMA President

C: Bethany Card, Secretary, Executive Office of Energy and Environment Affairs
Michael Kennealy, Secretary, Executive Office of Housing and Economic Development