

MEMORANDUM

To: All AIA Members
From: Russel Feldman AIA, Co-chair, AIA MA Government Affairs Committee
Christine Clements AIA, Co-chair, AIA MA Government Affairs Committee
John Nunnari, AIA MA Executive Director
Date: 08/05/2022
Re: HB 5060 - An Act driving clean energy and offshore wind

On July 21st, the Legislature delivered the second significant piece of climate legislation to Governor Baker in less than two years. [HB 5060 - An Act driving clean energy and offshore wind](#) is a compromise offshore wind, energy, and climate policy bill that intends to reshape how Massachusetts gets offshore wind power and takes steps to hasten the state's shift away from fossil fuels. On July 29th, the Governor returned the bill with substantial amendments. On July 31st, the last day of formal legislative sessions, the House and Senate agreed on a response to the Governor's amendments. They re-enacted the bill and sent it back to the Governor for consideration. He now has till August 10th to either sign or veto the bill in its entirety.

Building on the next-generation roadmap climate law enacted in early 2021 and among other things, [HB 5060](#) provides the following:

- Establishes tools allowing Massachusetts to achieve its 2050 net-zero emissions mandate through the installation of between 15 to 20 gigawatts of offshore wind and 15 to 20 gigawatts of solar;
- Requires that all new vehicles sold in the state would need to produce zero emissions by the end of 2035;
- Requires MBTA to purchase or lease only zero-emission buses by the end of 2030 and convert the entire bus fleet by the end of 2040;
- Requires the Massachusetts Department of Transportation to create a town-by-town anonymized and aggregated database of motor vehicle types, locations, and total number of vehicle miles traveled by each category of vehicle over a defined 12-month period;
- Calls for a public directory of buildings larger than 20,000 square feet and their annual energy usage. This is similar to requirements previously adopted by Boston and Cambridge and based on required reports from gas, electric, and steam distribution companies and building owners;
- Requires the Massachusetts School Building Authority (MSBA), the Department of Energy Resources (DOER), and the Department of Public Health (DPH) to comprehensively assess the needs and costs associated with meeting our climate goals by conducting an assessment of elementary and secondary school buildings relative to energy efficiency, building conditions, safety, and public health, and cataloging the age and condition of any building systems relying on the on-site combustion of fossil fuels; and
- Creates a demonstration project that allows up to ten municipalities to limit the use of fossil fuels in new construction and major renovation projects via changes to their zoning ordinances.

While HB 5060 proposes many positive advances in greenhouse gas (GHG) emission reductions, we note the following AIA MA advocacy efforts related to three of these items above:

- Energy disclosure requirements for buildings over 20,000 square feet;
- The MSBA/DOER/DPH assessment study; and

- The ten municipality demonstration project

Energy Disclosure Requirements for Buildings Over 20,000 Square Feet

AIA MA began working with Rep. Marie Robinson, who took the seat vacated with the passing of AIA MA board member Chris Walsh AIA, after she expressed a solid willingness to build on Chris's work in advancing our advocacy efforts related to greenhouse gas emission reductions within the vertically built environment. (*Note: President Joe Biden has nominated Rep. Robinson to serve as [Assistant Secretary of Energy for Electricity Delivery and Energy Reliability](#).*)

AIA MA worked with Rep. Robinson in helping to craft [HB 3366 – An Act known as the Better Buildings Act](#). [HB 3366](#) which established a framework for energy use benchmarking and the reporting of large buildings' energy use and greenhouse gas emissions. It also required that DOER create an energy use benchmarking tool that would require building owners to report their usage yearly and require DOER to make the information collected publicly available. [HB 3366's](#) companion Senate bill, [SB 2232 – An Act relative to better buildings](#), came before the Joint Committee on Telecommunication, Utilities, and Energy (TUE). AIA MA has regularly worked with TUE chair Senator Michael Barrett on climate policy issues related to the vertically built environment and SB 2232 was reported favorably out of TUE. The senator then pushed to include these same disclosure requirements for buildings over 20,000 square feet in the base bill brought before the Senate in April 2022. That disclosure provision is now included in the climate bill awaiting the Governor's signature or veto.

The MSBA/DOER/DPH Assessment Study

In late November 2020, AIA MA President-elect Dorrie Brooks AIA worked with senate chair of the Joint Committee on Public Health Sen. Joanne Comerford on issues related to healthy and equitable schools. Working through AIA MA, Dorrie assembled a brain-trust of architects specializing in public school facility design and healthy environments. This group worked with Sen. Comerford to help craft [SB 1382 – An act for healthy and green public schools](#). The bill generally directed DPH and the Department of Elementary and Secondary Education (DESE) to implement a healthy and green public schools program. The program would determine the extent to which school buildings provide students a healthy environment conducive to learning, are energy efficient, and limit exposure to toxic building materials. As the Senate debated their version of the climate bill, AIA MA urged them to establish three priorities:

- An assessment study of Massachusetts K-12 public schools to determine their existing conditions relative to health, safety, and energy use;
- A requirement to set standards for a healthy and effective school building relative to specific building metrics (energy use intensity, air quality, thermal comfort, daylighting, etc.); and
- A plan for the Commonwealth and localities to achieve 2050 emission reduction goals in public school buildings.

The Senate passed these priorities as part of their climate bill and these provisions are now pending before the Governor awaiting his signature or veto.

The Ten Municipality Demonstration Project

In January 2018, at the Freshman Legislators Breakfast sponsored by AIA MA, a friendship began with the newly elected state representative from Brookline, Tommy Vitolo. In 2019, AIA MA testified before a joint legislative committee supporting an amendment crafted by Representative Vitolo and AIA MA, built on the efforts by the Town of Brookline to eliminate the use of fossil fuels in new

construction. While the amendment failed, its real intention was to open a conversation amongst legislative members about “outside the box” thinking to drive down GHG emissions from the building sector.

In April 2022, the Senate began debate on their version of the climate bill. This bill included a demonstration project in which ten municipalities could adopt and amend general or zoning by-laws that restrict or prohibit new building construction or major renovation projects that are not fossil fuel-free. As the House had no such provision in their bill, in May 2022, a conference committee of three state representatives and three state senators met to negotiate the differences between the two bills.

At that time, AIA MA approached the two conference committee chairs, Sen. Barrett, and Representative Jeff Roy. We were concerned about an unintended consequence of the language being considered by the conference committee. Chapter 40B Comprehensive Permit development proposals often obtain site and building design waivers from local zoning requirements. As a result, the proposed fossil-fuel-free provision, which would be enforced through zoning regulations, would be subject to negotiation. We felt that, from an equity perspective, the developers of projects serving those on the lower end of the economic scale should not be free to negotiate away the requirement to construct fossil-fuel-free buildings. The legislators agreed with our concern and included language to this effect in the climate bill now awaiting the Governor’s signature or veto.

Final Thoughts

The Massachusetts Legislature is a full-time body that works in two year sessions. On July 31st, they concluded their 2021-2022 formal sessions. Over the 30+ years that AIA MA has been actively engaged in advocacy efforts here in Massachusetts, we have learned that most policy initiatives/advocacy efforts take a long time to see fruition. The legislative process is purposefully designed to be methodical, slow, and deliberative. Legislative effort fails more often than it succeeds.

The three examples here reflect advocacy efforts that began many years ago. Our success can only be achieved by understanding that the process is slow and requires dedicated time, effort, and coalition building.

Our three initiatives are now provisions in the climate bill awaiting the Governor's signature or veto. Regardless of how the Governor chooses to proceed with the bill, we thought our members should be informed of at least some our profession’s advocacy work. We pledge to continue this effort and invite any member to join us, either by contacting us directly about your concerns and ideas, or participating in our Government Affairs Committee.

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