



**AIA**  
Massachusetts



February 3, 2021

Governor Charlie Baker  
Massachusetts State House  
24 Beacon St. Room 280,  
Boston, MA 02133

Re: **S. 9 - An Act creating a next-generation roadmap for Massachusetts climate policy**

Dear Governor Baker:

We write to you as the Executive Directors of the Massachusetts Chapter of the American Institute of Architects (AIA MA) and the American Council of Engineering Companies of Massachusetts (ACEC/MA) to express our strong support for S. 9 – An Act creating a next-generation roadmap for Massachusetts climate policy, including the one-year deadline to develop and adopt, as an appendix to the state building code, a municipal opt-in net zero code.

As organizations representing the profession of architecture and engineering, we are very pleased that the Legislature has re-enacted a climate change bill designed to, among other things, re-envision the way the Commonwealth approaches energy efficiency in the built environment. We support the ambitious goals set forth by this bill and those that you have set forth in the 2030 Clean Energy and Climate Plan. We affirm that a net zero code is a critical part of this effort.

We strongly support the provisions of S. 9 that strengthen existing statutes to ensure DOER has sole authority for the development of current and future editions of the stretch energy code. We also applaud the effort already underway by DOER to develop a new municipal opt-in net zero code.

That said, we understand you intend to send the bill back to the Legislature with amendments. In doing so, we ask that you please consider the following suggestion:

- Retain existing authority of the Board of Building Regulations and Standards (BBRS) to adopt and promulgate current and future editions of the stretch energy code developed by DOER
- Reject sharing responsibility for the proper administration of BBRS activities and staff supervision by DOER

We suggest this change because we are extremely concerned that the changes to code promulgation envisioned in S. 9 will result firstly, in delays producing the opt-in net zero code and secondly, cause confusion in code enforcement once the codes are promulgated.

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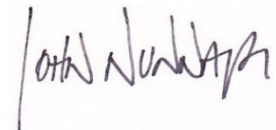
Attached to the letter you will find an appendix outlining our legislative recommendations.

Established in 1963, AIA Massachusetts represents over 5,000 architects, design professionals and allied members statewide. We are the state chapter of our national organization, the American Institute of Architects, which consists of over 90,000 members representing more than 200,000 U.S. jobs.

Established in 1960, ACEC/MA is the business association of engineering, land surveying and A/E firms in Massachusetts. Our firms design the public and private infrastructure that contributes to the economic vitality, safety, and quality of life here in the Commonwealth. We have 120 member firms employing about 7000 people in the Commonwealth, including engineers, land surveyors, architects, planners and other design professionals focused on public and private infrastructure.

Thank you for your consideration.

Very truly yours;



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Cc EOHEd Secretary Mike Kennealy  
OCABR Undersecretary Edward Palleschi  
DPL Commissioner Layla D'Emilia



## **Proposed Changes to SB 9**

### **Key:**

Black text = Language proposed in SB 9 language

~~Red strikethrough text~~ = Language proposed to be struck from SB 9

Blue underlined text = Proposed new language for SB 9

Green text = AIA MA/ACEC comments

SECTION 31. Section 6 of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out clauses (12) and (13) and inserting in place thereof the following 3 clauses:-

(12) intervene and advocate on behalf of small commercial and industrial users before the department of public utilities in any dispute between such businesses and generation or distribution companies, as defined pursuant to section 1 of chapter 164; **(We support the language enacted in SB 9)**

(13) plan, develop, oversee and operate the commercial sustainable energy program, with the Massachusetts Development Finance Agency, in accordance with the provisions of chapter 23M. In accordance with this section, the department shall approve each commercial PACE project prior to the issuance of a PACE bond under chapter 23M and in so doing shall consider whether the energy cost savings of the commercial energy improvements over the useful life of such improvements exceed the costs of such improvements; and **(We support the language enacted in SB 9)**

~~(14) develop and adopt, as an appendix to the state building code, in consultation with the board of building regulations and standards, a municipal opt-in specialized stretch energy code that includes, but is not limited to, a definition of net-zero building;~~ develop a net-zero energy code to be adopted by the board of building regulations and standards as an appendix to the state building code.

SECTION 64. Section 93 of chapter 143 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the word “eleven” and inserting in place thereof the following figure:- 15. **(We support the language enacted in SB 9)**

SECTION 65. Said section 93 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 8, the word “both” and inserting in place thereof the following words:- 1 of whom shall be the commissioner of energy resources or a designee and all 3. **(We support the language enacted in SB 9)**

SECTION 66. Said section 93 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 9, the word “nine” and inserting in place thereof the following figure:- 12. **(We support the language enacted in SB 9)**

SECTION 67. Said section 93 of said chapter 143, as so appearing, is hereby further amended by inserting after the word “department”, in line 17, the following words:- , 1 of whom shall be an expert in commercial building energy efficiency, 1 of whom shall be an expert in residential building energy efficiency, 1 of whom shall be an expert in advanced building technology. **(We support the language enacted in SB 9)**

SECTION 68. Said section 93 of chapter 143, as so appearing, is hereby further amended by inserting after the word “reappointment”, in lines 26 and 27, the following words:- for a second term, but shall not serve more than 10 total years. **(We support the language enacted in SB 9)**

SECTION 69. Said section 93 of chapter 143, as so appearing, is hereby further amended by inserting after the word “years”, in line 37, the following words:- or more than 4 years total. (We support the language enacted in SB 9)

SECTION 70. The second paragraph of said section 93 of said chapter 143, as so appearing, is hereby amended by adding the following sentence:- The board shall keep detailed and accurate minutes of its meetings and shall publish such minutes within 30 days of each meeting. (We support the language enacted in SB 9)

SECTION 71. ~~Said section 93 of said chapter 143, as so appearing, is hereby further amended by inserting after the word “designee”, in line 46, the following words:—, in consultation with the commissioner of energy resources;~~

SECTION 72. Section 94 of said chapter 143, as so appearing, is hereby amended by striking out, in lines 110 to 113, inclusive, the words “as part of the state building code, together with any more stringent energy-efficiency provisions that the board, in consultation with the department of energy resources, concludes are warranted” and inserting in place thereof the following words:- and any amendments thereto as part of the state building code, in consultation with the department of energy resources. (We support the language enacted in SB 9)

SECTION 73. ~~Section 96 of said chapter 143, as so appearing, is hereby amended by inserting, in line 7, after the word “to” the following words:—, the specialized stretch energy code developed and adopted by the department of energy resources and adopted by the board of building regulations and standards.~~  
SECTION 73. Section 94 of said chapter 143, as so appearing, is hereby amended by inserting the following new subsection:- (s) In consultation with the department of energy resources, adopt a net-zero energy code as an appendix to the state building code.

SECTION 74. Section 97 of said chapter 143, as so appearing, is hereby amended by striking out, in line 22, the words “a reasonable time” and inserting in place thereof the following words:- 45 days (We support the language enacted in SB 9)

~~SECTION 101. To develop the specialized stretch energy code required by section 6 of chapter 25A of the General Laws, the department of energy resources shall: (i) hold not less than 5 public hearings in geographically diverse locations throughout the commonwealth that shall represent the distinguishing characteristics of rural, suburban and urban households, 1 of which shall be held in an underserved community or community with a high percentage of low-income households; and (ii) consider the development of a tiered implementation plan for the adoption of the stretch energy code including, but not limited to, phasing in requirements based on building type or uses. The specialized stretch energy code required by said section 6 of said chapter 25A shall be developed, adopted and incorporated as an appendix to the state building code not later than 1 year after the passage of this act. The DOER shall develop a net-zero energy code and the BBRs shall adopt and incorporate it as an appendix to the state building code not later than 1 year after the passage of this act per the requirements Section 31 and 73.~~