



**AIA**  
Massachusetts



January 5, 2021

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

**Re: S. 2995 - An Act creating a next-generation roadmap for Massachusetts climate policy**

Dear Governor Baker:

We are writing to you to 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 general support for S. 2995 and note our concerns with Sections 31 clause (14), 71, 73 and 101. If you are considering sending this bill back to the Legislature, please include the changes we propose below in your request for consideration.

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.

As organizations representing the profession of architecture and engineering, we are very pleased that the House and Senate have now enacted a climate change bill designed to, among other things, re-envision the way the Commonwealth approaches energy efficiency in the built environment.

We know that smart, energy-efficient design alone will not help us to meet the carbon-reduction goals needed to forestall or to prevent the worst effects of climate change, but we also acknowledge that the way we design and construct buildings can and does have a critical part to play in reducing our overall carbon footprint.

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SB 2995 represents another meaningful step in advancing the states climate policy goals, but Sections 31 clause (14), 71, 73 and 101 move us in the wrong direction.

In combination, these four sections propose the following:

- Empower the Department of Energy Resources (DOER) to develop and adopt, as an appendix to the state building code, a municipal opt-in specialized net-zero building code;
- Require joint administration of the Board of Building Regulations and Standards (BBRS) by both the Division of Professional Licensure (DPL) and DOER;
- Require the BBRS to incorporate the new DOER code into the state building code as a “specialized code”;
- Establish a one year timeframe for the development and adoption of the new DOER net-zero code.

Our concern is that while these four sections are well-intentioned, it appears the Legislature has either overlooked or discounted the efforts already underway by the BBRS. Currently, the BBRS is on track to promulgate a new version of the state building code, the 10<sup>th</sup> edition, by the Fall of 2022.

Through their efforts, the BBRS has committed that the 10<sup>th</sup> edition will include the following:

- An update to the existing stretch energy code, Appendix 115 AA, which currently regulates the “above base code” requirements related to higher energy performance standards for base building designs.
- A new, separate, municipal opt-in renewable energy appendix based on the Zero Code Renewable Energy Appendix.<sup>1</sup>

Given this commitment, we are hard pressed to see the benefit in stopping a stakeholder involved public process that has been underway for over a year, in order to begin anew under the direction of a newly charged state agency. While we acknowledge that Section 101 would require DOER to promulgate a new net-zero code within one year of the bill becoming law, our decades of advocacy experience in the Commonwealth suggest no state agency would be able to meet such an aggressive schedule – let alone one now charged with establishing new sector based statewide greenhouse gas emissions sublimits (Section 9).

Further, per Section 64 through 67, the membership of the BBRS is to be expanded by adding four new Board members whose primary purpose is to ensure better energy efficiency in the code. That said, we question the wisdom of separating the responsibility for the development and adoption of the three energy codes<sup>2</sup> between the BBRS and DOER.

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<sup>1</sup> The Zero Code Renewable Energy Appendix (ZCREA) was approved by the International Code Council (ICC) as an appendix to the 2021 International Energy Conservation Code (IECC) in January 2020

<sup>2</sup> Three energy codes: Base Energy Code (Chapters 13 and 51), the stretch energy code (Appendix 115 AA) and new municipal opt-in specialized net-zero building code.

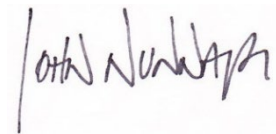
Lastly, we are unaware that this arrangement exists for any other Board in the Commonwealth. We question the public benefit of allowing two state agencies, the DPL and DOER, to jointly share administrative oversight of the BBRS.

In closing, we ask that should you consider not signing this bill, that you might return it by rejecting Sections 31 clause (14), 71, 73 and 101 with the following suggested changes:

- Provide DOER with sole authority to lead the efforts to develop a municipal opt-in specialized stretch energy code;
- Make clear that the BBRS is to play a consulting role in the development of the proposed new municipal opt-in specialized stretch energy code;
- Leave responsibility for adoption, promulgation and enforcement of the new municipal opt-in specialized stretch energy with the BBRS and DPL.

Thank you for your consideration.

Very truly yours;



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