



**City of Northampton  
MASSACHUSETTS**

***In City Council, September 15, 2022  
Upon the recommendation of Mayor Gina-Louise Sciarra and  
Councilors Marissa Elkins and Rachel Maiore***

**22.173 An Order for Special Legislation Relative  
to Fossil Fuel Free New Construction in the City Of Northampton**

***Ordered, that***

WHEREAS, the Commonwealth of Massachusetts has a legally binding statewide requirement of a 100% reduction in greenhouse gas emissions from 1990 levels by 2050 and 50% by 2030;

WHEREAS, Northampton has committed to a goal of net zero Greenhouse Gas (GHG) emissions by 2050;

WHEREAS, In its latest 2022 report, the U.N. Intergovernmental Panel on climate Change forcefully stated “without immediate and deep emissions reductions across all sectors, limiting global warming to 1.5°C is beyond reach”;

WHEREAS, addressing climate change requires a just transition from fossil fuels to a decarbonized economy that is sustainable and equitable;

WHEREAS, building emissions represent over 40% of greenhouse gas emissions in the Commonwealth and over 70% of the greenhouse gas emissions in the state’s urban areas and therefore achieving the Commonwealth’s mandatory greenhouse gas emissions targets will require building decarbonization;

WHEREAS, natural gas and propane are dangerous fossil fuels that generate indoor and outdoor air pollution, leak explosive gas from aging infrastructure, and put the health and safety of the Commonwealth’s current and future citizens at risk;

WHEREAS, methane leaks from gas production and transportation via pipelines cause significant environmental damage and contribute to climate disruption;

WHEREAS, gas stoves produce harmful indoor emissions including nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and formaldehyde (HCHO), each of which can cause various respiratory and other health ailments, and cooking with gas has been linked to asthma and other adverse health effects, with children and low-income households particularly affected (data show that children have a 42% increased rate of asthma);

WHEREAS, all-electric technology and net-zero carbon building capability exists today, is feasible, and is cost-effective;

WHEREAS, the availability of renewable energy is growing and mandated to continue to grow;

WHEREAS, under current regulations, towns and cities in Massachusetts do not have the authority to adopt building codes and regulations, including those that would allow elimination of fossil fuels from our buildings and meet our legally binding emissions targets.

NOW, THEREFORE, BE IT ORDERED;

*Voted, to petition the General Court to the end that legislation be adopted precisely as follows.  
The General Court may make clerical or editorial changes of form only to the bill unless the mayor approves amendments to the bill before enactment by the General Court. The mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.*

**AN ACT RELATIVE TO THE ELECTRIFICATION OF NEW AND SUBSTANTIALLY REMODELED OR REHABILITATED BUILDINGS IN THE CITY OF NORTHAMPTON**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any other general or special law or any regulation to the contrary, the city of Northampton may by ordinance require new and substantially remodeled or rehabilitated buildings to use electricity for all building energy needs, including but not limited to heating and cooling systems, hot water systems, cooking, and clothes dryers by electricity, thermal solar or such other technology as the city, by ordinance, shall prescribe.

SECTION 2. As used in this chapter, the following words shall have the following meaning unless the context clearly indicates a different meaning:

“Substantially remodeled or rehabilitated” means a renovation that requires a building permit and includes a reconfiguration of space or building systems that affects 51% or more of the building gross floor area, excluding garages and other covered parking, and includes a new or substantially modified HVAC system or hot water system. In the case of a building that is both residential and non-residential, “substantially remodeled or rehabilitated” means a renovation that includes 51% or more of the gross floor area of the residential or non-residential space, in which case electrification of the residential or non-residential space, as applicable, would be required.

SECTION 3. The City of Northampton may require that building permit applications for new and substantially remodeled or rehabilitated buildings identify the source of energy that will be used in the building.

SECTION 4. The City of Northampton may withhold the issuance of a building permit for a new or substantially remodeled or rehabilitated building that does not use electricity or solar thermal for its power source.

SECTION 5. The City shall provide for a waiver and appeals process for those circumstances in which compliance makes a project impractical to implement or imposes extraordinary challenges. Waiver requests shall be supported by a detailed explanation of the justification for such request, and by a proposed Alternative Compliance Pathway to be created after the ordinance is adopted.. Any proposed Alternative Compliance Pathway will be required to limit greenhouse gas emissions to levels consistent with declining statewide greenhouse gas emissions limits specified in “An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy.”

The process will provide that waivers may be subject to reasonable conditions. Where possible, waivers will be issued for specific portions of a project for which compliance is infeasible, impractical to implement, or imposes extraordinary challenges, rather than for entire projects.

SECTION 6. The requirements of this Ordinance do not apply to any of the following:

- A. Freestanding outdoor cooking appliances that are not connected to the building natural gas or propane infrastructure.
- B. Freestanding outdoor heating appliances that are not connected to the building natural gas or propane infrastructure.
- C. Cooley Dickinson Hospital buildings constructed or substantially remodeled or rehabilitated in the future and located on the hospital campus in Northampton, if fossil fuel free operation is not feasible, because of cost or insufficient technology to meet the need.
- D. Industrial, commercial or institutional processing facilities if the Planning Board determines that fossil fuel free operation is not feasible.
- E. Emergency, back-up, or standby power production.
- F. Appliances to produce potable or domestic hot water from centralized hot water systems in buildings with a gross floor area of at least 10,000 square feet, if the Planning Board determines that to be the most feasible option.
- G. Emergency repairs, or repairs to fossil fuel pipes deemed unsafe or dangerous by the building inspector.
- H. Renovations that do not result in a new HVAC or hot water system installation, or substantial changes to existing fossil fuel infrastructure.

SECTION 7. This act shall take effect upon its passage.