

ARTICLE 31: Fossil Fuel

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New General Bylaw and Home Rule Petition to Prohibit the Expansion of Fossil Fuel Infrastructure for New Construction

Select Board Public Hearing

April 27, 2021

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To determine whether the Town will authorize the Select Board to petition the General Court for special legislation substantially in the form below to **establish the Town's authority to regulate the use of fossil fuels in new construction as an important step in meeting the greenhouse gas emission reductions approved by Concord voters in Article 51 of the 2017 Town Meeting**, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court that are within the scope of the general objectives of the petition.

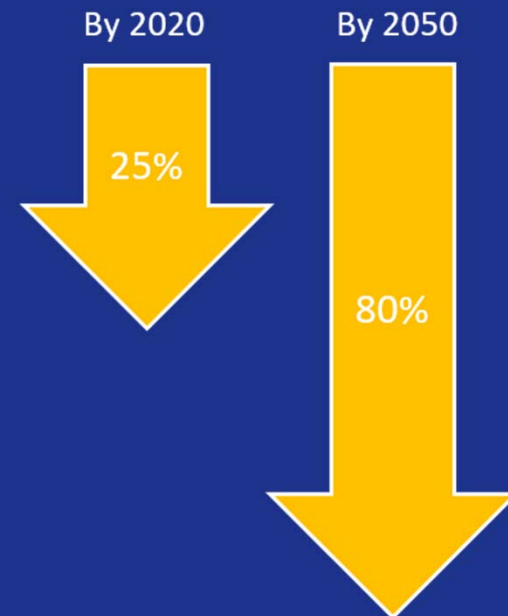
ARTICLE 31: Fossil Fuel

This article seeks Town Meeting approval to both **establish a new Town Bylaw that would require that all new construction be fossil fuel free** and further request Home Rule Legislation for the authority to implement the bylaw.

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Concord's GHG Reduction Goals

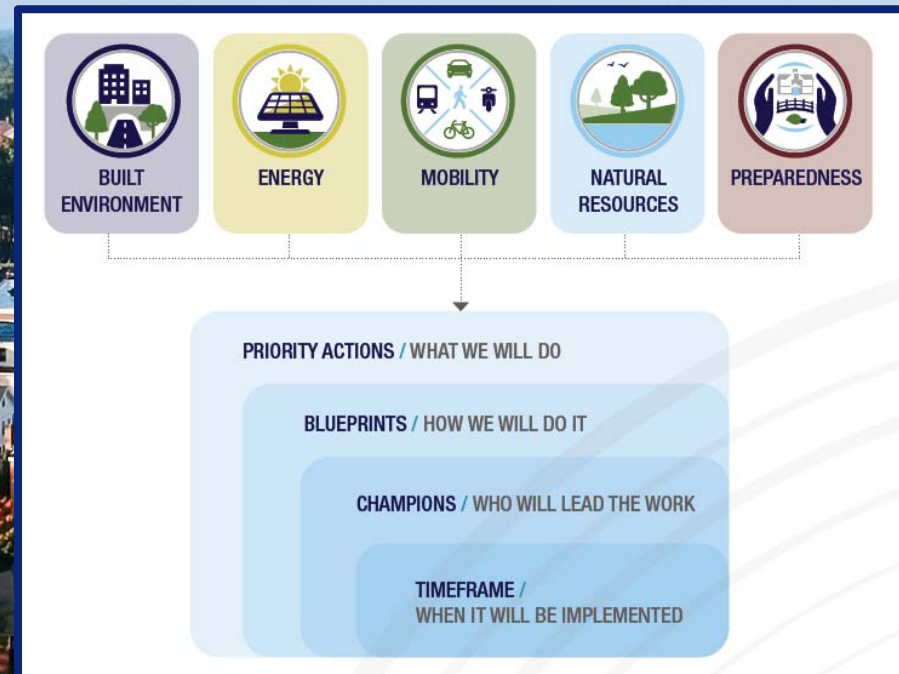


SUSTAINABLE CONCORD

Revolutionary

Resilient

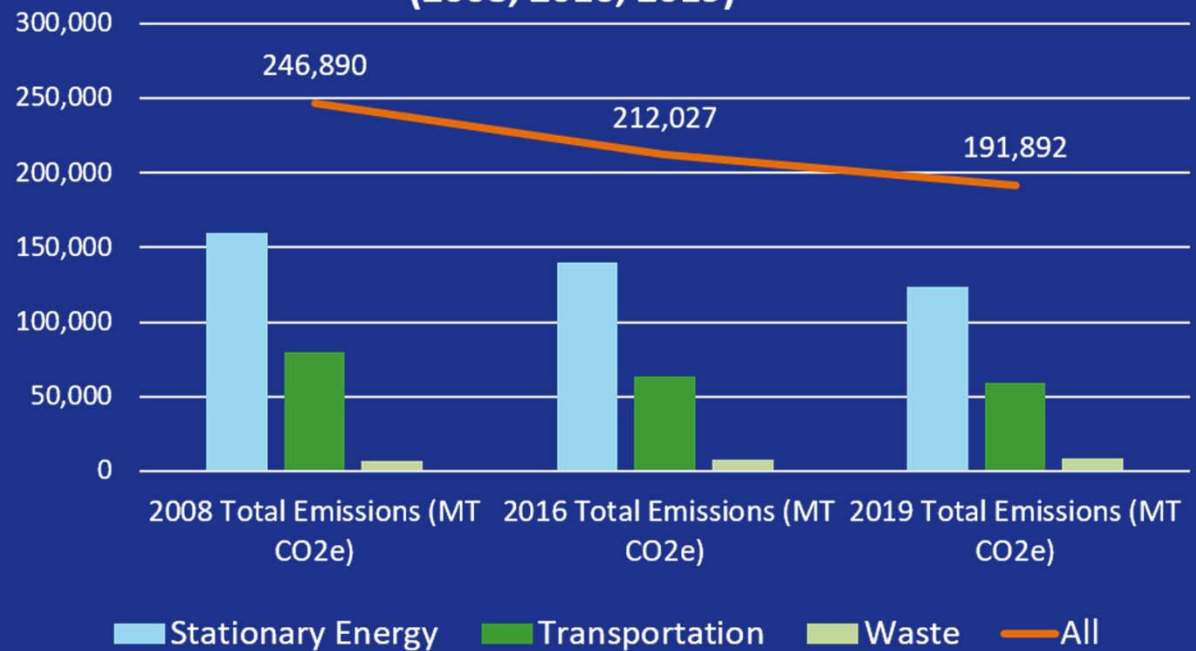
Ready



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**Emissions
have dropped,
but we need
to take
additional
action.**

**Concord's Community-Wide GHG Emissions
(2008, 2016, 2019)**

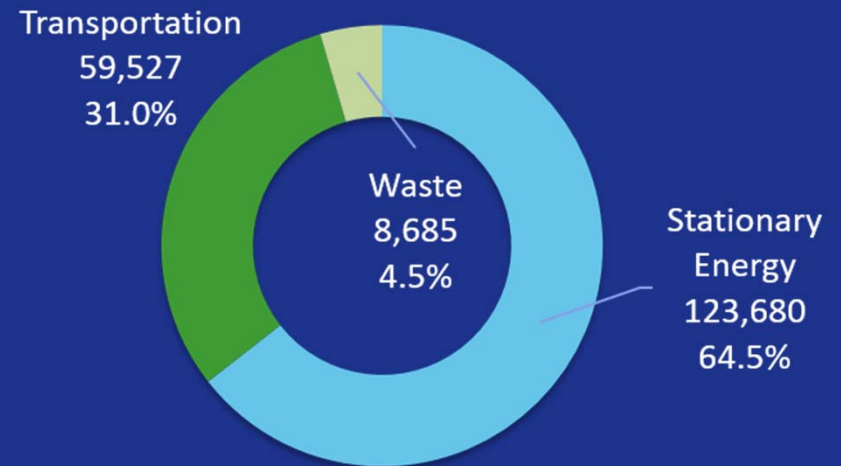


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Decarbonizing buildings through electrification is key to success.

Buildings are the largest source of GHG emissions in Concord, contributing over 60%.

2019 Community-wide Emissions (MT CO₂e) by Sector



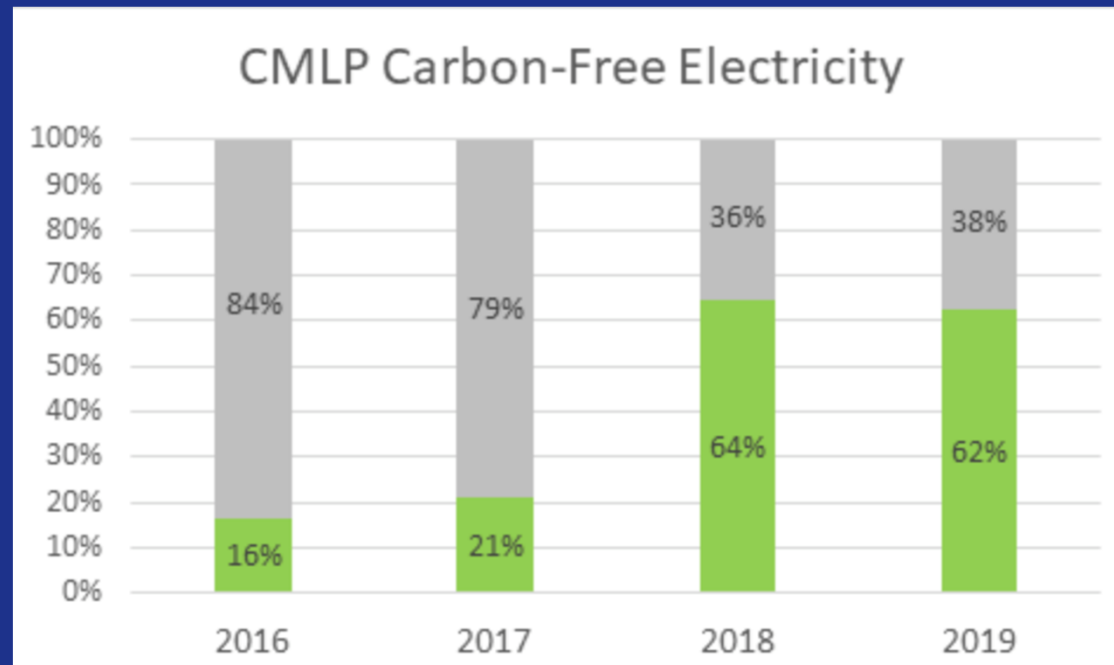
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The solution is simple:

- ✓ Electrify everything
- ✓ Clean up the grid



**Electricity is
the only fuel
we can make
renewable.**



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Heat pumps are a practical and cost-effective solution to heat and cool homes with clean electricity.



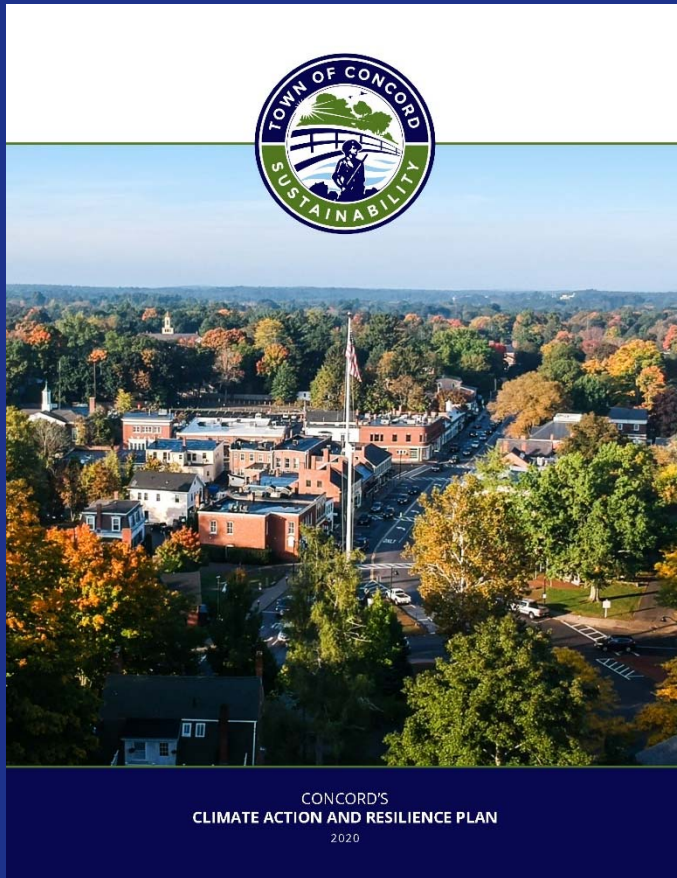
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**Town buildings
are leading the
way on building
electrification.**



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**If Home Rule Petition is approved,
Concord would require new construction
to be fossil fuel free.**



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The purpose of this article is to protect the health, safety, and welfare of Town residents from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change.

It is also the next step in Concord's strategy to meet its climate goals and implement its Climate Action and Resilience Plan.

What does “new construction” mean?

Any new construction that will require heating and/or cooling and that is associated with a valid building permit application on or after the effective date of this bylaw, including but not limited to, construction (a) on a vacant lot, (b) to replace a demolished building, or (c) of a new accessory building constructed on an existing residential or commercial property.

How will it work?

The Concord Building and Inspections Department is authorized to enforce this bylaw.

An applicant who is aggrieved by a denial of a building permit, in whole or part, in connection with this bylaw, may appeal to the board or committee designated by the Town Manager to hear and resolve such appeals.

Are there exemptions?

Yes, exemptions include:

- Backup generators
- Commercial kitchens
- Portable propane appliances
- Affordable housing

What does this mean for existing buildings?

This article only applies to new construction. However, many Concord residents and businesses are transitioning existing buildings to heat pumps for heating and cooling. There are many rebates and incentives available from CMLP including heating/cooling coaching available through the Concord Clean Comfort program.

When does it become effective?

The bylaw will be effective December 1, 2022, or six months following the date by which the Town is authorized by the Massachusetts General Court to regulate fossil fuel infrastructure, whichever is later.

Didn't the state just pass a climate bill?

Yes. On March 26, 2021, Governor Baker signed into law a climate change bill known as the Next-Gen Generation Roadmap Bill. The legislation includes a provision to allow municipalities to opt-in to a net zero stretch code.

It is unclear exactly when the new code will be available and if the net zero stretch code will require buildings to be all-electric.

It is clear that electrification of homes is practical, cost-effective and critical for meeting our climate goals, so it makes sense to move forward with this article now to lay the groundwork for a future net zero stretch code.

Didn't we consider this last year?

The Select Board was prepared to move an article at 2020 Town Meeting to pass a fossil-fuel free new construction bylaw modeled after Brookline's bylaw. In summer 2020, the Attorney General decided that a general bylaw was preempted by state law, so Concord's article was not moved. Beginning in fall 2020, Concord and dozens of other communities participated in a Building Electrification Accelerator program run by RMI to understand legal pathways to accelerate electrification given the AG's decision. It was determined that a home rule petition to enforce a bylaw is a feasible approach.

Is Concord the first to do this?

No. Brookline, Arlington, and Lexington have already approved home rule petition with a fossil fuel bylaw at their 2021 town meetings. Several other communities are planning to take similar action this year.

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