

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**James Arciero**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act relative to Clean and Renewable Energy.**

PETITION OF:

NAME:

James Arciero

DISTRICT/ADDRESS:

2nd Middlesex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT RELATIVE TO CLEAN AND RENEWABLE ENERGY.

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

1           SECTION 1. Section 4E of chapter 40J of the General Laws, as appearing in the 2004  
2 Official Edition, is hereby amended by inserting after subsection (l) the following 2 subsections:-

3           “(m). The board may draw upon monies in the fund for the public purpose of generating  
4 tax credits in the amount of 5 per cent of the total construction or renovation cost for commercial  
5 construction and renovation projects that exceed the IECC by at least 30 per cent to the  
6 ratepayers of the commonwealth who use renewable energy materials.

7           (n). the executive office of environmental affairs or its designee will certify any  
8 commercial project that exceeds the 30 per cent standard of the IECC. The office will designate  
9 the project as reaching this goal and inspect the same yearly to ensure that the level is maintained  
10 throughout the life of the tax credit. Any failure to maintain the standard for certification under  
11 this section shall result in notification to the board, whereupon the board shall immediately  
12 revoke the tax credit at the time of the decertification.”

13 SECTION 2. Clause (1) of subsection (b) of section 6J of chapter 62 of the General Laws, as so  
14 appearing, is hereby amended by adding the following subclause:-

15 (iii) A commercial taxpayer that incurs qualified rehabilitation expenditures by exceeding  
16 the 30 per cent standard of the IECC may be allowed a credit, to be computed as hereinafter  
17 provided, against the tax imposed by this chapter. The credit shall be equal to a percentage, not  
18 to exceed 30 per cent, of the qualified rehabilitation expenditures made by the taxpayer with  
19 respect to a qualified historic structure which has received final certification and has been placed  
20 in service as provided for in this section. The Massachusetts historical commission shall  
21 administer and determine eligibility, upon the written certification of the secretary of EOEAE, or  
22 any office designated by the secretary, for the Massachusetts rehabilitation tax credit and allocate  
23 the credit in accordance with this section; but, the Massachusetts historical commission may  
24 impose a fee for the processing of applications for the certification of any rehabilitation under  
25 this section.

26 (iv). The executive office of environmental affairs or its designee will certify any commercial  
27 building renovation project that exceeds the 30 per cent standard of the IECC. The secretary will  
28 designate the project as reaching this goal and inspect the same yearly to ensure that the level is  
29 maintained throughout the life of the tax credit. Any failure to maintain the standard for  
30 certification under this section shall result in notification to the secretary of the commonwealth,  
31 whereupon the secretary shall immediately revoke the tax credit at the time of the decertification.

32 SECTION 3. Section 221 of chapter 112 of the General Laws, as so appearing, is hereby  
33 amended, in lines 19 and 20, by inserting after the words “and any other residential housing  
34 components” the following text:-

35 “, as well as the home energy score.”

36 SECTION 4. Section 94 of Chapter 143 of the General Laws, as so appearing, is hereby  
37 amended, in clause (h), by inserting, in line 61, after the word “ninety-six,” the following text:-

38 “and including the IECC,”

39 SECTION 5. Said section 94 of said chapter 143, as so appearing, is hereby further amended by  
40 adding the following clause:-

41 (m) To adopt, no later than 6 months after the latest edition of the model energy conservation  
42 code, the IECC, published by the International Code Council. No amendments to the  
43 Massachusetts energy conservation code shall be adopted that increase energy consumption in  
44 buildings.

45 SECTION 6. The general court finds and declares that:

46 (a) the development of green energy and promotion of energy efficiency can significantly  
47 improve Massachusetts’ energy reliability and security, economic development, and  
48 environment;

49 (b) as a commonwealth with abundant human capital, Massachusetts has the opportunity to  
50 achieve national and global leadership in research, design, construction, manufacturing, and  
51 development of green energy;

52 (c) the construction of public buildings meeting certain green energy standards will save  
53 municipalities and school districts significant long-term costs; and

54 (d) supporting responsible energy by commercial buildings and increasing their energy  
55 efficiency is important to Massachusetts' environment.

56 SECTION 7. For the purposes of this act, the following terms shall be defined as follows:

57 (a) "Public building", a building constructed with state, municipal, school district or county  
58 funds, including grants, loans or technical assistance, constructed under chapter 40B of the  
59 General Laws, or a building that is on public property.

60 (b) "Private building", a building constructed as a private home, including but not limited to  
61 single family homes, multi-family homes, apartments and condominiums.

62 (c) "Commercial building", a building constructed for the purpose of commerce.

63 (d) "IECC", the International Energy Conservation Code, published by the International Code  
64 Council on or before January 10, 2007.

65 (e) "Division" the division of capital asset management and maintenance.

66 (f) "Commissioning" an investigation that yields findings concerning ways to improve building  
67 operations and maintenance and to improve building systems so they use less energy with greater  
68 efficacy.

69 (g) "Public renovation project", a building renovated with state, municipal or county funds,  
70 including grants or technical assistance, or a building on public property that has undergone a  
71 complete overhaul of a significant portion of the original structure resulting in a cost greater than  
72 50 per cent of the assessed value of the building.

73 (h) “Private renovation project”, a complete overhaul of a significant portion of the original  
74 structure resulting in a cost greater than 50 per cent of assessed value of the building.

75 (i) “The Massachusetts green energy construction advisory committee”, the “Massachusetts  
76 green energy construction advisory committee” as established under section 13b.

77 SECTION 8. Notwithstanding any general or specific law to the contrary, the executive office of  
78 environmental affairs, or its designee, will inspect and certify all new public, private, and  
79 commercial buildings to ensure that they comply with section 221 of chapter 112 of the General  
80 Laws and section 94 of chapter 143 of the General Laws.

81 SECTION 9. Notwithstanding any general or special law to the contrary, the division shall  
82 require third party building commissioning for public construction and public renovation  
83 projects.

84 The division shall require public construction and renovation projects to adopt plans to reduce  
85 potable water consumption for irrigation by at 50 per cent or incorporate strategies that will  
86 conserve at 20 per cent of building water use.

87 SECTION 10. Notwithstanding any general or special law to the contrary, the division shall  
88 establish a certification for public buildings under this act. The certification shall identify each  
89 building’s annual energy and water use, operations and maintenance costs, environmental  
90 impacts, resource use, indoor air quality and building performance. The inspection shall be in  
91 addition to the requirements of section 8 of this act.

92 SECTION 11. Notwithstanding any general or special law to the contrary, the division shall  
93 produce a guide for public construction and renovations projects that includes:

94 (a) identified green building strategies, materials or technologies that can reduce the long-term  
95 operating costs of buildings, including but not limited to, energy, water, maintenance, product  
96 repair and replacement;

97 (b) in the study and design phase, all identified strategies, materials and technologies if there is a  
98 payback of 10 years or less after accounting for incentives, grants and other incremental funding;  
99 and

100 (c) a process by which initial construction project capital budgets incorporate possible higher  
101 first costs for building elements that have paybacks of 10 years or less.

102 SECTION 12. Notwithstanding any general or special law to the contrary, the division shall  
103 require all public construction and renovation projects to:

104 (a) Ensure an approach to design and construction that includes the participation of all major  
105 stakeholders involved in the design, construction, use and operational elements of the building;

106 (b) Set goals and targets for annual energy and water use, operations and maintenance costs,  
107 environmental impacts, resource use, indoor air quality and building performance; and

108 (c) Examine a building and its systems as a whole, rather than component by component, to  
109 maximize budgetary and environmental gains.

110 SECTION 13. (a) Notwithstanding any general or special law to the contrary, the Massachusetts  
111 green energy construction advisory committee is established within the division to ensure that  
112 key state personnel at construction agencies, agencies at which buildings will be constructed or  
113 partnered with, municipalities and school districts receive appropriate training on the benefits of  
114 green buildings and potential implementation strategies. The committee shall offer  
115 recommendations to the division to implement.

116 (b) The Massachusetts green energy construction advisory committee shall include the director  
117 of the school building authority, the commissioner of the department of energy resources, the  
118 secretary of public safety, the director of housing and community development, the secretary of  
119 environmental affairs, the secretary of administration and finance, an appointee of the president  
120 of the senate, an appointee of the speaker of the house, an appointee of the minority leader of the  
121 senate, an appointee of the minority leader of the house, the lieutenant governor, an appointee of  
122 the president of Worcester polytechnic institute, an appointee of the chancellor of the university  
123 of Massachusetts at Lowell, an appointee of the president of the Massachusetts institute of  
124 technology, and the director of the Massachusetts technology collaborative. The lieutenant  
125 governor shall chair the committee.

126 SECTION 14. (a) Notwithstanding any general or special law to the contrary, the Massachusetts  
127 green energy construction advisory committee, created in section 13(b) of this act, shall  
128 implement the Green Energy Construction Fund. Said Fund will be funded, subject to available  
129 appropriations, for the purpose of low interest loans to construct new public buildings, renovate  
130 existing public buildings, and maintaining public buildings for the purpose of receiving or



131 maintaining certification as an energy efficient building under this act which exceeds the IECC  
132 by 30 per cent.

133 (b) The Green Energy Construction Grant Program will be initially funded with \$10 million for  
134 the purpose of creating the Program. Said moneys are to be maintained by the green energy  
135 construction advisory committee. The Program will only be allocated through low interest  
136 loans, according to the purpose of this section.

137 (c) The Massachusetts green energy construction advisory committee shall authorize low interest  
138 loans for the building, renovating, and maintenance of all public buildings that exceed the  
139 standards of the IECC by at least 30 per cent

140 (d) The executive office of environmental affairs or its designee will certify any public building,  
141 renovation or maintenance project that exceeds the 30 per cent standard of the IECC. The office  
142 will designate the project as reaching this goal and inspect the same yearly to ensure that the  
143 level is maintained throughout the life of the loan. Any failure to maintain the standard for  
144 certification under this section will result in notification to the green energy construction  
145 advisory committee. Whereas as the committee will immediately increase the interest rate on the  
146 loan to the fair market rate at the time of the decertification.

147 SECTION 15. Notwithstanding any general or special law to the contrary, a taxpayer who  
148 purchases a new private building or a private renovation project as defined in section 7 of this  
149 act, and exceeds the requirements of section 94 of chapter 143 of the General Laws by at least 30  
150 per cent, as certified by the executive office of environmental affairs, may take a credit in an  
151 amount equal to 5 per cent of the total cost of the construction or renovation.

152 SECTION 16. Notwithstanding any general or special law to the contrary, the office for  
153 commonwealth development shall consider increasing a municipality's commonwealth capital  
154 score if the municipality constructs or renovates a public building that exceeds section 94 of  
155 chapter 143 of the General Laws by at least 30 per cent.