



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
**DEPARTMENT OF ENERGY
RESOURCES**

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Patrick C. Woodcock
Commissioner

NOTICE OF PUBLIC COMMENT AND HEARING

Notice is hereby given that the Massachusetts Department of Energy Resources ("DOER"), acting under statutory authority of St. 2022, c. 179, § 84, and in conformance with Chapter 30A of the General Laws, is holding a public hearing on 225 CMR 24.00. An Act Driving Clean Energy and Offshore Wind requires that DOER establish a Fossil Fuel Free Demonstration Project and further authorized DOER to establish regulations governing the project.

One virtual public hearing will be conducted to receive verbal comments on the proposed Fossil Fuel Free Demonstration Project regulations.

Date: February 8th, 2023

Time: 2:00 pm – 4:00 pm

Participants will need to register beforehand using this link:

https://zoom.us/webinar/register/WN_PG1Aj2lMSnygNYuMXKzflg

Interpretation services can be provided upon request. Please email a request to green.communities@mass.gov by January 27th, 2023.

Verbal testimony will be accepted at the hearing; however, all parties giving verbal testimony are requested to provide written copies of their testimony.

Written comments will be accepted until 5 PM on February 10th. Please submit written comments on the regulations to the Department of Energy resources electronically to green.communities@mass.gov with the words TEN COMMUNITY DEMONSTRATION COMMENTS in the subject line. Alternatively, comments can be submitted via mail to Energy Efficiency Division, Department of Energy Resources, 100 Cambridge Street, 9th floor, Boston, MA 02114.

Copies of the proposed regulations may be obtained from the DOER website www.mass.gov/doer or by contacting DOER at green.communities@mass.gov.

BY ORDER OF: Patrick C. Woodcock, Commissioner
Department of Energy Resources

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 225 CMR 24.00

Estimate of the Number of Small Businesses Impacted by the Regulation: none

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Entities with compliance obligations pursuant to this statute and regulation are not typically "small businesses." To the extent entities that comply with fossil fuel free requirements in the ten communities meet the small business standard, for some types of building construction, there will be additional compliance obligations beyond the building energy code. For small businesses that otherwise participate in the construction and energy efficiency trades, participation is voluntary.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No, the modifications to the regulations do not require additional recordkeeping.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? Any additional administrative oversight is expected to be minimal.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? DOER does not expect that compliance will require small businesses to hire additional employees.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? The energy code already requires developers to hire 3 rd party energy specialists for new buildings such as residential HERS ratings or Passivehouse rating. This approach is consistent with the Fossil Fuel Free Demonstration.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? To the extent an entity meets the small business standard, the additional compliance requirements under the fossil fuel free requirements are incremental to existing obligations under the building code.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) No. However, the underlying energy code requirements make extensive use of performance standards.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The fossil fuel free requirements are incremental to existing building energy code.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulation makes no changes to deadlines for compliance or reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. Where applicable, these regulations require or encourage use of performance standards in lieu of more prescriptive building codes – for example in low-rise residential new construction the stretch energy code increases use of performance standards relative to both the national model building energy code and the base energy code in 780 CMR. For small commercial new construction both prescriptive and performance pathways are offered to provide small businesses with greater choice.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No.