



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
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**Maura T. Healey**  
Governor

**Rebecca L. Tepper**  
Secretary

**Kimberley Driscoll**  
Lt. Governor

**Elizabeth Mahony**  
Commissioner

### **NOTICE OF PUBLIC COMMENT AND HEARING**

Notice is hereby given that the Massachusetts Department of Energy Resources (DOER), acting under M.G.L. c. 25A, § 6 and St. 2021, c. 8, and in conformance with Chapter 30A of the General Laws, is holding a public hearing and accepting public comments on amendments to 225 CMR 22.00 and 23.00. 225 CMR 22.00 and 23.00 contain the Massachusetts opt-in provisions to the building energy code. DOER first promulgated an updated Stretch Energy Code (Stretch Code) and a new Municipal Opt-in Specialized Code (Specialized Code) as 225 CMR 22.00 and 225 CMR 23.00 in December 2022. After a year and a half of working with these new regulations, DOER has received a significant volume of detailed and helpful feedback from regulated entities, building officials and the design and construction industry. Based on this collective input, DOER is proposing modest revisions to the Stretch and Specialized Codes. A virtual public hearing will be conducted to receive verbal comments on the regulation.

A public hearing will be conducted to receive verbal and written comments on the regulation.

**Location:**     **Virtual Hearing via Zoom**  
                  **10 AM – 12 PM**  
                  [https://zoom.us/webinar/register/WN\\_dp6evcDIQZWx3tPOZ7xStQ#/registration](https://zoom.us/webinar/register/WN_dp6evcDIQZWx3tPOZ7xStQ#/registration)

**Date:**           **September 16, 2024**

Verbal testimony will be accepted at the hearing; however, parties may also provide written copies of their testimony. Written comments will be accepted beginning August 12, 2024 and ending at 5 pm on September 17, 2024. DOER requests that written comments be submitted as attached pdf files to [stretchcode@mass.gov](mailto:stretchcode@mass.gov), with the words STRETCH CODE FEEDBACK in the subject line. Alternatively, comments can be submitted via mail to Ian Finlayson at the Department of Energy Resources, 100 Cambridge Street, 9th Floor, Boston, MA 02114. Copies of the proposed regulations may be obtained from the DOER website at <https://www.mass.gov/info-details/stretch-energy-code-development> or by contacting [stretchcode@mass.gov](mailto:stretchcode@mass.gov).

BY ORDER OF:     Elizabeth Mahony, Commissioner  
                          Department of Energy Resources

## Small Business Impact Statement

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

**CMR No: 225 CMR 22.00 & 23.00**

**Estimate of the Number of Small Businesses Impacted by the Regulation: none, as detailed below.**

**Select Yes or No and Briefly Explain**

Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Entities with commercial building compliance obligations pursuant to this statute and regulation are not typically “small businesses”. To the extent entities that comply with the building code meet the small business standard, they are most prevalent in work on existing residential buildings, either residential additions and alterations. This sub-sector will benefit from an increase in the allowed energy use under the performance standard for large additions and alterations. As a result, for general contractors and trades working on additions and alterations to existing homes, the compliance obligations will be the same or less onerous than existing obligations. For small businesses that otherwise participate in the construction and energy efficiency trades, participation is voluntary.
Yes <input type="checkbox"/>	<u>No</u> <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"/>	<u>No</u> <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? There is no change in the level of administrative oversight anticipated with these revisions.
Yes <input type="checkbox"/>	<u>No</u> <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 additional employees.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? The existing code already requires 3 <sup>rd</sup> party energy specialists for new buildings such as residential HERS ratings or Passivehouse rating. This approach continues unchanged with the updated code.
Yes <input type="checkbox"/>	<u>No</u> <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 are incremental to existing obligations.
Yes <input type="checkbox"/>	<u>No</u> <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.) The Stretch energy Code and Specialized Code make more extensive use of performance standards than the regulations currently in effect for base energy code communities, these modest revisions do add additional flexibility for regulated entities to comply with the energy code.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No. There is an explicit process with the Building Code Coordinating Council (BCCC) to ensure that there is no duplication or conflict with other building codes.

Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No new enforcement activities beyond existing requirements are proposed.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? Participation in the program by small businesses is voluntary. In addition, DOER works with the Statewide Mass Save program to provide free or subsidized training on building energy codes for interested stakeholders in the design and construction community.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? Participation in the program by small businesses is voluntary.
<u>Yes</u> <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? The regulation is likely to continue to encourage the formation of small businesses to develop eligible building energy projects – Massachusetts has seen a growth in the design and energy performance rating jobs since the original stretch energy code in 2009. The amendments to the regulations will also likely make it marginally easier to build on campuses with district energy systems and to make residential home additions and alterations, which may encourage new small businesses in Massachusetts.
<u>Yes</u> <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation maintains stringency of existing compliance or reporting requirements in most cases, but does allow less stringent compliance in residential additions and alterations that are greater than 1,000 square feet in area, as well as for some commercial buildings.
<u>Yes</u> <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? In almost all cases, the regulation makes no changes to deadlines for compliance or reporting requirements. However, for projects using the certified Passivehouse approach – common in multi-family, the regulation is modified to allow more time for reporting the full test results associated with this 3 <sup>rd</sup> party certification pathway.
Yes <input type="checkbox"/>	<u>No</u> <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"/>	<u>No</u> <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? This update to the regulations makes no changes to the use of performance standards. 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"/>	<u>No</u> <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?

		No, compliance with the building codes is mandatory for new construction and major renovations, however these alternative options (Stretch code and Specialized code) provide a streamlined and performance-based pathway to compliance.
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