



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., 9th FLOOR
BOSTON, MA 02114
Telephone: 617-626-7300

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, also known as the Stretch and Specialized Code. DOER published updates to 225 CMR 22.00 and 23.00 in February of 2025, introducing the concept of a District Energy System (DES) Order of Conditions (OoC), which provides a pathway for relief from some of the codes' efficient electrification provisions if the District Energy System is granted an OoC from DOER. In June 2025, DOER released a draft 'Guideline for District Energy Systems' (DES Guideline) and accepted public comments until July 15th. Since the publication of these updates, DOER has received significant feedback on the mixed-fuel relief options for DESs, as well as a number of requests for clarifying language in various sections of the Stretch and Specialized code, notably relating to Accessory Dwelling Units. As a result, DOER is proposing minor clarifying revisions of 225 CMR 22.00 and 23.00. As proposed, this consists of clarifications to the OoC process and the introduction of a new relief pathway from the requirements for highly ventilated buildings for DESs, together with numerous small edits to address errata and other text clarifications requested by code users. None of these proposed updates are intended to increase the stringency or expand the scope of these energy codes.

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

Location: **Virtual Hearing via Zoom**
https://zoom.us/webinar/register/WN_KYZw7fiNTqOCLj_wLKtSjQ

Date: **June 16, 2026, starting at 2:00PM**

Verbal testimony will be accepted at the hearing; however, parties may also provide written copies of their testimony. Written comments will be accepted beginning May 8, 2026 and ending at 5 pm on June 24, 2026. DOER requests that written comments be submitted to stretchcode@mass.gov, with the words STRETCH CODE PUBLIC COMMENT 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/2025-massachusetts-building-energy-codes> or by contacting stretchcode@mass.gov.

Language interpretation services are available upon request. To request this service, please email stretchcode@mass.gov at least four (4) business days prior to the June 16th hearing. Please include your name, the event name and date, the language requested, and your phone number should we have any questions.

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.

- Will small businesses have to create, file, or issue additional reports?
No. 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 is minimally impacted by these updates to regulations which are both minor in scope and are focused primarily on large-scale commercial district energy systems. 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.
- Will small businesses have to implement additional recordkeeping procedures?
No, the modifications to the regulations do not require additional recordkeeping.
- Will small businesses have to provide additional administrative oversight?
No. There is no change in the level of administrative oversight anticipated with these revisions.
- Will small businesses have to hire additional employees in order to comply with the proposed regulation?
No. DOER does not expect that compliance will require additional employees.
- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
No. The existing code already requires 3rd party energy specialists for new buildings such as residential HERS ratings or Passive house rating. This approach continues unchanged with the updated code. One of the modest updates removes the need for Passivehouse Institute (PHI) verifiers at the building permit stage, allowing qualified members of the project team to instead do this work, thereby reducing the cost of compliance with the regulation for this sub-set of projects.
- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
No. To the extent an entity meets the small business standard, the additional compliance requirements are incremental to existing obligations.
- 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. 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 add additional flexibility for regulated entities to comply with the energy code using performance standards.
- 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.
- Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?
No. No new enforcement activities beyond existing requirements are proposed.
- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
No. While the regulation does not require any individual or entity to keep up to date with regulatory requirements, professionals in the construction industry often have continuing education requirements that would require them to keep up to date with changes to the building code. 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 to help them keep up to date.

- Is the regulation likely to *deter* the formation of small businesses in Massachusetts?
No, the updated regulations add clarification and accommodations that will improve code useability for small and large businesses and will not deter the formation of small businesses.
- Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?
Yes. 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 buildings that connect with district energy systems and the numerous small clarifications of existing requirements should make it easier to implement the regulations, which may encourage new small businesses in Massachusetts.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
Yes. The regulation maintains stringency of existing compliance or reporting requirements in most cases, but does allow less stringent compliance for some commercial buildings, particularly buildings designed to connect to district energy systems.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
Yes. 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 3rd party certification pathway.
- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
No. The regulation makes no changes to deadlines for compliance or reporting requirements, other than to simplify compliance for projects utilizing the Passivehouse Institute certification
- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
No. 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.
- 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.