

**HOUSE . . . . . No. 2038**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Simon Cataldo*

*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 adoption of the accompanying bill:

An Act to prohibit the expansion of fossil fuel infrastructure for new construction in the town of Concord.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>1/20/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/20/2023</i>

# HOUSE . . . . . No. 2038

By Representative Cataldo of Concord, a petition (accompanied by bill, House, No. 2038) of Simon Cataldo and Carmine Lawrence Gentile (by vote of the town) for legislation to prohibit the expansion of fossil fuel infrastructure for new construction in the town of Concord. Municipalities and Regional Government. [Local Approval Received.]

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court  
(2023-2024)

An Act to prohibit the expansion of fossil fuel infrastructure for new construction in the town of Concord.

*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. Purpose

2 This Bylaw is adopted by the Town of Concord to protect the health, safety and welfare  
3 of the inhabitants of the town from the effects of air pollution, including greenhouse gas  
4 emissions that are contributing to climate change, and from fuel leaks and explosions that  
5 threaten the Town and its inhabitants.

6 Section 2. Definitions

7 For the purposes of this bylaw, the following definitions shall apply:

8 “Building” shall have the same meaning as set forth in Section 1.3.4 of the Concord  
9 Zoning Bylaw, provided that the pertinent structure is or will be furnished with a heating or hot  
10 water system.

11 “Effective Date” shall mean six months following the date by which the Town is  
12 authorized by the Department of Energy Resources to regulate fossil fuel infrastructure.

13 “New Building” shall mean any new construction that will require heating or cooling and  
14 that is associated with a valid building permit application on or after the effective date of this  
15 bylaw, including but not limited to, construction (a) on a vacant lot, (b) to replace a demolished  
16 building, or (c) of a new accessory building constructed on an existing residential or commercial  
17 property.

18 “On-Site Fossil Fuel Infrastructure” shall mean piping for coal, oil, natural gas or other  
19 fuel hydrocarbons, including synthetic equivalents, or other fossil fuels that are in a building, in  
20 connection with a building, or otherwise within the property lines of a premises, extending from  
21 a supply tank or from the point of delivery behind a gas meter (customer-side of a gas meter).

### 22 Section 3. Applicability and Exemptions

23 3.1. On and after the Effective Date, no building permit shall be issued by the Town for  
24 the construction of New Buildings or that include the installation of new On-Site Fossil Fuel  
25 Infrastructure subject to this Chapter.

26 3.2. The provisions of this bylaw shall not apply to (i) the development of new affordable  
27 housing, as defined in Mass. Gen. Laws c. 184, § 26; (ii) to cooking stoves and ovens used in  
28 restaurants or commercial kitchens; (iii) any fossil fuel infrastructure the exclusive purpose of  
29 which is to fuel backup electrical generators; (iv) public utilities, their operations, or installations  
30 other than in the Buildings constructed by others; or (v) research laboratories for scientific or  
31 medical research, or to hospitals or medical offices regulated by the department of public health  
32 as a health care facility.

33           3.3. The requirements of this article shall not apply to the piping required to produce  
34 potable or domestic hot water from centralized hot water systems in buildings with building floor  
35 areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no  
36 commercially available electric hot water heater exists that could meet the required hot water  
37 demand for less than 150% of installation or operational costs, compared to a conventional  
38 fossil-fuel hot water system.

39           Section 4. Administration

40           4.1 . Enforcement

41           The Building and Inspections Department is hereby authorized to enforce the provisions  
42 of this bylaw.

43           Section 5. Appeal

44           Any applicant who is aggrieved by a denial of a building permit, in whole or part, in  
45 connection with this bylaw, may appeal to the board or committee designated by the Town  
46 Manager to hear and resolve such appeals within 20 days from the date of denial.

47           Section 6. Severability

48           Each provision of this bylaw shall be construed as separate to the extent that if any  
49 section,

50           sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-  
51 law

52           shall continue in full force and effect.

53           Section 7. Reporting

54           The Town Manager, or the Town Manager’s designee, shall provide data and other  
55 information on the impacts of this Bylaw on emissions, building costs, operating costs, the  
56 number of building permits issued, and other information as required or requested by the  
57 Department of Energy Resources and the Secretary of Housing and Economic Development.