



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
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Kimberley Driscoll
Lt. Governor

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Commissioner

December 22, 2023

Via Electronic Mail

Kerry Lafleur
Town Manager
Town of Concord
P.O. 535
Concord, Massachusetts 01742
klafleur@concordma.gov

Dear Kerry Lafleur,

The Department of Energy Resources (Department) is contacting you in regard to Concord's application to become a Participating Community in the Department's Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project (Demonstration Project) as authorized by St. 2022, c. 179, § 84 (Act).

The Department has reviewed Concord's application and determined that it contains the required application materials listed in 225 CMR 24.04(1) and that Concord meets the Housing Eligibility Thresholds detailed in 225 CMR 24.05(2). The Department hereby approves Concord's application to become a Participating Community in the Department's Demonstration Project.

The Department notes that Concord's final by-law contains certain exemptions not contained in the Department's Model Rule. Notably, it exempts major renovations and the construction of new affordable housing facilities from the requirement to be fossil fuel-free. While the Department views such exemptions as within the discretion the Act affords communities to define "fossil fuel-free," the Department notes that Concord is the only Prioritized Community to have made such an exemption. The Department notes that part of the purpose of the Demonstration Project is to determine the impact of fossil fuel free by-laws and ordinances on

new construction, major renovations. The Department is concerned that Concord's exemptions from the requirement to be fossil fuel-free will provide an incomplete picture of the impact of banning the use of fossil fuels in new construction and major renovations. The Department recommends that Concord consider removing or revising these exemptions in the future.

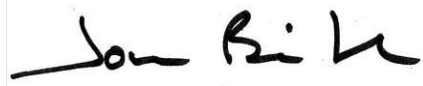
The Department additionally notes that while the Act grants municipalities the discretion to adopt exemptions and define the exemption and waiver process within their fossil fuel-free by-law or ordinance, such exemptions and waivers must not conflict with 225 CMR 24.00 or the applicable provision of the building energy code in the adopting municipality, including (if applicable) the stretch energy code and specialized energy code contained in 225 CMR 22.00 and 23.00. The Department would be happy to clarify any questions regarding this.

The Department will be in contact in the coming weeks regarding the collecting and reporting of data to the Department detailed in 225 CMR 24.07(2).

In accordance with the effective date contained in Concord's fossil fuel-free by-law, Concord may now proceed with the implementation of their fossil fuel-free by-law.

If you have any questions regarding this determination, please contact Joanne Bissetta at joanne.bissetta@mass.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Bissetta", is written over a light gray rectangular background.

Joanne Bissetta
Director, Green Communities Division