



BOSTON CITY COUNCIL

Committee on Government Operations

Ruthzee Louijeune, Chair

One City Hall Square ♦ 5th Floor ♦ Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ Fax: (617) 635-4203

REPORT OF COMMITTEE CHAIR

September 14, 2022

Dear Councilors,

Docket #1017, message and order for your approval a home rule petition to the General Court entitled “Petition for a Special Law Re: An Act Authorizing the City of Boston to Establish Fossil Fuel-Free Standards for New Construction and Major Renovation Projects” was sponsored by the Administration and referred to the Committee on Government Operations on August 31, 2022. The Committee held a public hearing on September 8, 2022.

Summary of Legislation:

This home rule petition will make the City of Boston eligible to apply to participate in the 10-municipality pilot program administered by the Massachusetts Department of Energy Resources. Under the state’s recently enacted Bill H. 5060, the pilot program will allow ten cities and towns to develop local ordinances that restrict or prohibit new building construction or major renovation projects that use fossil fuels, including through the withholding or conditioning of building permits. However, by the provisions of Bill H. 5060, the ordinance will not apply to research laboratories for scientific or medical research or to hospitals or medical offices regulated by the department of public health as healthcare facilities.

The home rule petition language is broad due to the nature of the process to participate in the state’s program. Filing the home rule petition tells the state that Boston would like to create an ordinance. The scope of the ordinance is broadly described so that if and when Boston is chosen to participate, the language and scope of the ordinance may be deliberated upon in collaboration with the Council. The petition states what the ordinance will do and how the ordinance will be created. The ordinance will establish definitions and criteria for applicability and timelines for transitioning to fossil fuel-free new construction and major renovation projects. The city will develop these definitions, criteria, and timelines by collaborating with an Advisory Committee of individuals selected by the Mayor in collaboration with the Council. Individuals on the Advisory Committee will reflect a diversity of perspectives and backgrounds from outside stakeholders, including representatives from the fields of environmental justice, economic justice, racial equity, affordable housing, labor and workers’ rights, small business, workforce development, healthcare and public health, building engineering and energy, real estate development and management, architecture, distributed energy systems, or any combination thereof.

Information Gathered at the Hearing:

The following individuals participated at the hearing on behalf of the Administration: Reverend Mariama White-Hammond, Chief of Environment, Energy, and Open Space; Dr. Alison Brizius, Commissioner, Environment Department; Dr. Bisola Ojikutu, Executive Director, Boston Public Health Commission (BPHC); Sheila A. Dillon, Chief of Housing; Jessica Boatright Deputy Director, Mayor's Office of Housing; Arthur Jemison Chief of Planning; and Oliver Garcia, Green New Deal Director. The Committee discussed the City's goal of becoming Carbon Neutral by 2050 and how an ordinance to ban the use of Fossil Fuels would bring the City closer to that goal. The Committee discussed the impact buildings in Boston have on the environment and then, in turn, how the environment and climate change impact the City as a whole. It was stated that buildings in the City account for nearly 70% of greenhouse gas emissions in Boston, and Dr. Ojikutu of the BPHC explained the effects that pollutants have on the health and wellbeing of residents in the City. The Committee discussed the negative impacts climate change-related weather emergencies this past summer had on the health of the City's residents and the strain they put on city resources. Along with discussing the positive impacts carbon neutrality would have on the City, Councilors raised concerns about the negative impacts an ordinance banning the use of fossil fuels could have on the City's economy and affordable housing availability. The Committee discussed how important it would be to prioritize a just transition for laborers by creating a path so they may participate in the green economy, as well as how important it will be to focus on providing incentives and support to ensure these requirements do not disincentivize new affordable housing construction for renters and homebuyers in the City. Given these concerns, it was confirmed that further hearings and working sessions would be held if the opportunity arises to promulgate an ordinance for the City.

Summary of Amendments

Based upon the discussions between councilors and the administration during the hearing, the docket is amended as follows: two changes were made in section 5.

The first change adds language to the first sentence to include "economic justice" and "racial equity."

*"An Advisory Committee shall be established that reflects a diversity of perspectives and backgrounds from outside stakeholders including representatives from the fields of environmental justice, *economic justice*, *racial equity*, affordable housing, labor and workers' rights, small business, workforce development, healthcare and public health, building engineering and energy, real estate development and management, architecture, distributed energy systems, or any combination thereof."*

The second change adds language to the Advisory Committee selection process to provide the Council with a role in the selection process.

*"The Chair and Members of the Advisory Committee will be appointed by the Mayor *in partnership with the City Council.*"*

Rationale and Recommended Action:

Passage of this docket will assist in the City's efforts to meet its goal of becoming carbon neutral, and will place Boston in the running with the other cities and towns applying to be considered for the state pilot program. As discussed in the hearing, other cities and towns have already submitted their home rule petitions and are already under consideration. Therefore, it is imperative that the petition is filed with the state house sooner rather than later.

The Chair of the Committee on Government Operations, to which the following was referred:

Docket #1017, message and order for your approval a home rule petition to the General Court entitled "Petition for a Special Law Re: An Act Authorizing the City of Boston to Establish Fossil Fuel-Free Standards for New Construction and Major Renovation Projects,"

submits a report recommending that this docket **ought to pass in a new draft.**

A handwritten signature in black ink, appearing to read 'R. Louijeune', with a stylized flourish at the end.

Ruthzee Louijeune, Chair
Committee on Government Operations