

HOUSE No. 3850

The Commonwealth of Massachusetts

PRESENTED BY:

Tommy Vitolo and Cynthia Stone Creem

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 authorizing the town of Brookline to adopt green zoning by-laws and regulations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/21/2023</i>
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	<i>2/21/2023</i>

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By Representative Vitolo of Brookline and Senator Creem, a joint petition (subject to Joint Rule 12) of Tommy Vitolo and Cynthia Stone Creem (by vote of the town) that the town of Brookline be authorized to adopt green zoning by-laws and regulations in said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act authorizing the town of Brookline to adopt green zoning by-laws and regulations.

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. Notwithstanding section 3 of chapter 40A, section 95 of chapter 143 or
2 chapter 164 of the General Laws, any statute or regulation relating to the state building code and
3 its incorporated specialty codes or any other general or special law to the contrary, the town of
4 Brookline may adopt zoning by-laws and regulations for the purpose of reducing greenhouse gas
5 emissions, increasing energy efficiency and otherwise addressing specific harms stemming from
6 or contributing to the climate crisis.

7 SECTION 2. A zoning by-law or regulation, the adoption of which is authorized by this
8 act, shall not be deemed invalid or unenforceable or have its approval withheld by the attorney
9 general on the basis that it regulates:

10 (i) the use of materials or methods of construction of buildings, whether or not otherwise
11 regulated by the state building code; or

12 (ii) the use, inclusion or prohibition of certain design elements, components, equipment
13 or infrastructure for the construction of buildings including, but not limited to, heating and
14 cooling systems, solar energy systems and electric vehicle charging systems.

15 SECTION 3. A zoning by-law or regulation, the adoption of which is authorized by this
16 act, shall not be deemed invalid or unenforceable or have its approval withheld by the attorney
17 general on the basis that it regulates:

18 (i) air emissions regulated by the department of environmental protection;

19 (ii) seasonal, annual or lifetime greenhouse gas emissions of structures; or

20 (iii) greenhouse gas emissions attributable to construction, including those attributable to
21 the production and transportation of building materials.

22 SECTION 4. A zoning by-law or regulation, the adoption of which is authorized by this
23 act, shall not be deemed invalid or unenforceable or have its approval withheld by the attorney
24 general on the basis that it regulates:

25 (i) the installation or prohibition of appliances or equipment, whether for residential or
26 commercial purposes, that consume a utility product regulated under chapter 164 of the General
27 Laws or otherwise by the department of public utilities;

28 (ii) new connections to a transmission or distribution system for consumer utility
29 products that may impact directly or indirectly the sale or distribution of such utility products,
30 including, but not limited to, natural gas, fuel oil, electricity, renewable natural gas, hydrogen,
31 steam or hot or chilled water; or

32 (iii) greenhouse gas emissions attributable to the production, transmission, distribution or
33 consumption of such utility products.

34 SECTION 5. If any provision of this act or the application thereof to any person or
35 circumstance shall be found to be invalid for any reason in a court of competent jurisdiction,
36 such invalidity shall be construed as narrowly as possible and the balance of the act shall be
37 deemed to be affected to the minimum extent necessary, so as to secure the purposes of the act.

38 SECTION 6. This act shall take effect upon its passage