



Renewable Communities 2020

Massachusetts cities and towns
leading the way to 100% renewable energy

Brookline: All-electric new buildings

Brookline became the first community on the East Coast to pass a bylaw prohibiting the installation of oil and gas heating systems in new buildings. The measure was approved by a town meeting vote of 207 to 3 in November 2019.¹

The bylaw required space heating and water heating systems to use electric technologies, such as air source or ground source heat pumps, rather than fossil fuels. The Brookline bylaw covered residential and commercial buildings, and included significant renovations to existing buildings as well as new buildings.²

The policy exempted certain types of buildings, including research laboratories and medical offices, and it allowed project developers to seek a waiver if there was no cost-effective alternative to fossil fuel heating, particularly for affordable housing. It also allowed for gas stoves.³

Brookline participates in a municipal electricity aggregation program that provides a higher percentage of renewable electricity to residents than the default statewide level, and residents can choose to opt up to 100% renewable electricity. As the proponents noted, an all-electric building powered entirely with renewable electricity could operate with zero emissions today.⁴

At the time the bylaw was adopted, the town's advisory committee noted that there may be legal obstacles to a town imposing restrictions on building construction in conflict with state statutes. The bylaw was crafted with this concern in mind, regulating the installation of fossil fuel piping rather than building construction techniques.⁵

In July 2020, Attorney General Maura Healey ruled that Brookline's bylaw could not go into effect because it conflicted with the state building code, gas code, and gas utility regulation.⁶ Activists in Brookline have vowed to continue their efforts for fossil-fuel-free buildings, and leaders in Cambridge, Arlington, and Newton say they are looking at other approaches to eliminate gas in new buildings through policies adopted at the municipal level.⁷

1. "How Brookline's Ban On Gas Heating Could Seed Regional Change," Frederick Hewett, WBUR, 2 December 2019, <<https://www.wbur.org/cognoscenti/2019/12/02/brookline-bylaw-gas-ban-frederick-hewett>>.

2. "November 2019 Special Town Meetings Supplemental Mailing," Town of Brookline, November 2019, <<https://www.brooklinema.gov/DocumentCenter/View/20732/November-2019-Special-Town-Meetings-Supplemental-Mailing>>.

3. "November 2019 Special Town Meetings Supplemental Mailing," Town of Brookline, November 2019, <<https://www.brooklinema.gov/DocumentCenter/View/20732/November-2019-Special-Town-Meetings-Supplemental-Mailing>>.

4. "November 2019 Special Town Meetings Supplemental Mailing," Town of Brookline, November 2019, <<https://www.brooklinema.gov/DocumentCenter/View/20732/November-2019-Special-Town-Meetings-Supplemental-Mailing>>.

5. "November 2019 Special Town Meetings Supplemental Mailing," Town of Brookline, November 2019, <<https://www.brooklinema.gov/DocumentCenter/View/20732/November-2019-Special-Town-Meetings-Supplemental-Mailing>>.

6. "Re: Brookline Special Town Meeting of November 19, 2019 - Case # 9725 Warrant Article # 21 (General)," Margaret J. Hurley, Office of the Attorney General, Commonwealth of Massachusetts, 21 July 2020, <<https://massago.onbaseonline.com/Massago/1700PublicAccess/PublicAccessProvider.ashx?action=ViewDocument&overlay=Print&overrideFormat=PDF>>.

7. Brookline: "Brookline moved to ban oil and gas pipes in new buildings. Maura Healey says they can't," Nik DeCosta-Klipa, Boston.com, 22 July 2020, <<https://www.boston.com/news/local-news/2020/07/22/maura-healey-brookline-oil-gas-ban-ruling>>. Cambridge, Arlington, and Newton: "Mass. gas ban backers press ahead after state strikes down 1st East Coast bylaw," Tom DiChristopher, S&P Global Market Intelligence, 24 July 2020, <<https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/mass-gas-ban-backers-press-ahead-after-state-strikes-down-1st-east-coast-bylaw-59580494>>.