

February 3, 2020

American Institute of
Architects - Massachusetts
Citizens' Housing and Planning
Association
Conservation Law Foundation
Environmental League of
Massachusetts
LivableStreets Alliance
Local Initiatives Support
Corporation - Boston
Massachusetts Association of
Community Development
Corporations
Massachusetts Public Health
Association
Metropolitan Area Planning
Council

His Excellency Charles D. Baker
Office of the Governor
State House, Room 360
Boston, MA 02133

Dear Governor Baker:

The Massachusetts Smart Growth Alliance (MSGA) is writing today to urge you to sign *S.9 An Act creating a next-generation roadmap for Massachusetts climate policy*.

MSGA comprises diverse policy organizations that work on many issues—healthy and diverse communities, critical environmental resources, housing and transportation choices, and equitable community development and urban reinvestment. We bring a broad and, we hope, useful perspective to your work in reviewing the bill before you.

MSGA recognizes that climate change is the largest environmental challenge of our time. We also believe that smart growth development – locating people and jobs near each other and near existing infrastructure – will help address this crisis by reducing vehicles miles traveled and greenhouse gas (GHG) emissions.

This bill is identical to legislation sent to your office earlier this month, which you returned unsigned, accompanied by an explanatory letter dated January 14, 2021. Although your letter raised various concerns regarding the legislation, MSGA will focus on two key issues: the cost of housing production and the need for Environmental Justice provisions.

Housing costs. Respectfully, MSGA rejects arguments quoted in your letter regarding increased housing production costs or a slowdown in housing construction. These same arguments were made a decade ago when the current stretch code was put in place. Opponents argued that it would add burdensome costs, drive people out of development, and create a patchwork quilt of regulation. All these arguments proved untrue. The Commonwealth made a reasonable stretch code available for adoption by cities and towns, with roughly 20% energy efficiency improvements over the base code. At first, municipalities adopted the code slowly, but with the encouragement of the Green

Communities program, over 80% have now adopted the code and it has become the industry standard.

The housing industry has adapted, with the pace of construction far more influenced by other factors such as cost of land, restrictive local zoning ordinances, the cost of materials, and the business cycle. No serious observer of residential construction would argue today that the stretch has had any significant negative impact on development.

In fact, it is now quite evident that the existing stretch code is no longer a stretch! The urgency of action to reduce GHG emissions has created the need for a more aggressive stretch code, and the construction industry is already adapting to provide more energy efficient homes that the public demands.

Still, the process established in the legislation will ensure that numerous voices, including those of the real estate industry, are considered in promulgating the new code – and it will also become available as a local option, alongside the current stretch code. Although some might argue that this will create the much-feared “patchwork quilt” of regulation, we know with certainty that if the code were established without local option, it would be attacked as “one size fits all.” A local option stretch code will enable Massachusetts to obtain the buy-in of local officials to reduce emissions, as their constituents increasingly demand. Over time, we fully expect it to become standard practice across the Commonwealth, just as the current stretch code did over the past decade.

Using affordable housing as a rationale to oppose an expanded stretch code ignores two key realities about the housing market. Firstly, lower-income residents have a higher chance of living in units that are not energy efficient, leading to higher utility costs, which they can ill afford. In fact, building more efficient units is one of the best ways to ensure the long-term financial viability of those who reside in affordable units.

Secondly, climate change is already raising the costs of creating and preserving affordable housing, requiring greater storm and flood protection and more robust cooling systems. By reducing GHG emissions from all sectors, including development and construction, the Commonwealth can continue to play a leading role in forestalling some of the most deleterious impacts of climate change.

Environmental Justice. The COVID-19 pandemic has made clear what the environmental justice movement has been saying for decades: the impacts of climate change are not distributed equally. The legislation provides an opportunity for Massachusetts to address the severe impacts of climate on environmental justice neighborhoods, giving them new tools and protections and ensuring that neighborhoods already overburdened by pollution are not left behind during a clean energy transition. It would also increase community access to information about project proposals by requiring translation and public meetings.

Your letter of January 14 argues that additional resources are needed to make these changes more effective, and we certainly agree. However, this climate bill is not a money bill. Both the Administration and the Legislature will have opportunities during the FY2022 budget debate to put resources behind the legislation, and the Administration can already use funds authorized in the most recent environmental bond bill to address some of these issues. We also hope that revenue from the Transportation and Climate Initiative (TCI) will be used to support critical steps along the path to a greener and more resilient and equitable future.

Specifically, passing the Housing and Environmental Revenue Opportunities (HERO) act – modeled on some of the provisions in the Administration’s S.10 and soon to be refiled by Senator James Eldridge and Representative Nika Elugardo – would be an excellent way to generate additional revenue for climate mitigation and adaptation, as well as the development and preservation of affordable housing. We hope this legislation will have your support.

In the meantime, we respectfully request that you sign S.9 into law. MSGA stands ready to continue working with you and your Administration in implementing many of the critical programs authorized and created in this high-impact legislation. Please don’t hesitate in reaching out to any of the MSGA members with any questions you or your team might have.

Sincerely,



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Massachusetts Public Health Association



Rachel Heller
Chief Executive Officer, Citizens'
Housing & Planning Association



Karen Kelleher
Executive Director, Local Initiatives
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Deanna Moran
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Joseph Kriesberg
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Nancy Goodman
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Marc Draisen
Executive Director, Metropolitan Area
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Stacy Thompson
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cc: Secretary Michael Kennealy, Executive Office of Housing and Economic
Development
Secretary Katie Theoharides, Executive Office of Energy and
Environmental Affairs