AN ACT
RELATING TO PUBLIC PROPERTY AND WORKS -- ALL-ELECTRIC BUILDING ACT

Introduced By: Representatives Potter, McGaw, Kislak, Felix, and Morales

Date Introduced: February 09, 2022

Referred To: House Corporations

It is enacted by the General Assembly as follows:

SECTION 1. Title 37 of the General Laws entitled "PUBLIC PROPERTY AND WORKS" is hereby amended by adding thereto the following chapter:

CHAPTER 25

ALL-ELECTRIC BUILDING ACT

This chapter shall be known and may be cited as the "All-Electric Building Act".


As used in this chapter:

(1) "All-electric building or project" means a building or project that uses a permanent supply of electricity as the sole source of energy to meet building energy needs. An all-electric building or project shall have no natural gas, propane, or oil heaters, boilers, piping systems, fixtures or infrastructure installed to meet building energy needs.

(2) "All-electric ready" means a building, project, or portion thereof that contains electrical systems and designs that provide sufficient capacity for a future retrofit of a mixed-fuel building to an all-electric building, including sufficient space, drainage, electrical conductors or raceways, bus bar capacity, and overcurrent protective devices for such retrofit. The public utilities commission in conjunction with the office of housing and community development and state building code commission shall promulgate guidelines for an electric-ready building on or before January 1, 2023.

(3) "Building energy needs" means all space conditioning including heating and cooling.
water heating including pools and spas, cooking appliances and clothes drying appliances.

    (4) “Mixed-fuel building” means a building that uses a combination of electricity and natural gas, propane, or oil to meet building energy needs. For the purposes of this section, “mixed-fuel building” shall not include buildings that use geothermal or solar energy to meet heating and/or cooling building energy needs but are otherwise all-electric buildings.

    (5) “Mixed-use building” means a building used for both residential and commercial purposes.

37-25-3. All-electric building act.

    (a) No city or town shall issue a permit for the construction of any new commercial, residential, or mixed-use building that is not an all-electric building if the initial application for such permit was submitted after December 31, 2023, unless the circumstances set forth in subsection (b) or (e) of this section apply. For purposes of this subsection, the initial application shall be the first site or building permit application associated with the building or project.

    (b) Notwithstanding the provisions of subsection (a) of this section, a city or town may issue a permit for construction of a new mixed-fuel building upon a finding by the permitting body of such city or town that constructing an all-electric building or project is physically or technically infeasible and that a modification is warranted. Financial considerations shall not be a sufficient basis to determine physical or technical infeasibility. Modifications shall only be issued under this exception where the permitting body finds that:

        (1) Sufficient evidence was submitted to substantiate the infeasibility of an all-electric building or project design. Such evidence must show that the building either:

            (i) Cannot satisfy necessary building code requirements without the usage of gas or oil piping systems, fixtures and/or infrastructure; or

            (ii) If the building is specifically designated for occupancy by a commercial food service establishment, that such establishment cannot feasibly operate using commercially available all-electric appliances;

        (2) The installation of natural gas or oil piping systems, fixtures and/or infrastructure is strictly limited to the system and area of the building for which all-electric building or project design is infeasible;

        (3) The area or service within the project where gas or oil piping systems, fixtures and/or infrastructure are installed is all-electric ready; and

        (4) The project's modified design provides equivalent health, safety and fire protection to all-electric building or project design.

    (c) No local permitting body shall issue building or construction permits that would convert
an all-electric building or project into a mixed-fuel building where the initial application was

(d) On or before February 1, 2023, the public utilities commission, the office of housing
community development and the state building code commission shall report jointly to the
governor, the senate president, and the speaker of the house, regarding what changes to electric rate
designs, new or existing subsidy programs, policies, or laws are necessary to ensure this section
does not diminish the production of affordable housing or the affordability of electricity for
customers in all-electric buildings. For the purpose of this subsection, "affordability of electricity"
means that electricity does not cost more than six percent (6%) of a residential customer's income.

(e) Exemptions. Notwithstanding the provisions of subsection (a) of this section, a city or
town shall issue a permit for new construction, substantial remodel, or rehabilitation of a building
or group of buildings, in which the use of mixed-fuel is used to meet building energy needs and
said building or group of buildings are for the sole use as a hospital, medical facility, laboratory for
biological research or restaurant.

SECTION 2. This act shall take effect upon passage.
This act would provide that no city or town would issue a permit for the construction of new buildings that are not an all-electric building, if the initial application for a permit was submitted after December 31, 2023, unless certain circumstances apply. Exceptions for restaurants, hospitals, medical facilities or biolabs.

This act would take effect upon passage.