

HOUSE No. 1310

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

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 to incentivize the adoption of local climate resilience policies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/14/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>3/14/2025</i>

HOUSE No. 1310

By Representative Sabadosa of Northampton, a petition (accompanied by bill, House, No. 1310) of Lindsay N. Sabadosa relative to the adoption of local climate resilience policies. Financial Services.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to incentivize the adoption of local climate resilience policies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 21N of the General Laws is hereby amended by inserting the following new
2 section:-

3 Section 12. (a) As used in this section, the following word shall have the following
4 meanings:

5 “Program”, the municipal vulnerability preparedness plus grant program, or MVP plus
6 program, established in this section.

7 (b) The secretary shall develop and support a municipal vulnerability preparedness plus
8 grant program, to be known as the MVP plus program. Municipalities that are certified as MVP
9 plus communities shall annually receive a share of the funds deposited into the Municipal
10 Vulnerability Preparedness Trust Fund. Municipalities shall use their share of the funds for
11 climate resilience projects approved by the executive office or to hire personnel who implement
12 and manage climate resilience and sustainability projects; provided, that the project approval

process shall be designed to minimize burdens on municipalities and that projects not approved or denied within 30 days shall be deemed approved; provided further, that municipalities may use funds for regional projects or for personnel shared with one or more other municipalities; and provided further, that municipalities may use funds to contract with regional planning agencies, nonprofit watershed associations, or other nonprofit entities for the management of regional projects.

The executive office shall establish a formula for the disbursement of funds from the Municipal Vulnerability Preparedness Trust Fund to MVP plus-certified communities. Variables and weighted proportions of the formula shall include, but not be limited to: (i) the road mileage within the municipality; (ii) the total population of the municipality; (iii) the total number of employed individuals within the borders of the municipality; (iv) the Centers for Disease Control and Prevention's Social Vulnerability Index scores for census tracts within the municipality; and (v) the proportion of the municipality that lies within an area that is designated as a special flood hazard area by the Federal Emergency Management Agency, or the proportion of the municipality that is vulnerable to flooding according to a different measure approved by the secretary that is at least as inclusive as the special flood hazard area designation.

(c) Municipalities seeking designation as an MVP plus community shall file an application in a form and manner to be prescribed by secretary. To qualify as a MVP plus community, a municipality shall: (1) complete the community-led resilience building process and vulnerability assessment described in section 11 of this chapter; (2) adopt the specialized stretch resilience code; and (3) adopt at least 4 of the following 6 policies and programs:

(i) a stormwater utility program to fund upgrades to stormwater infrastructure and other projects that mitigate flooding and protect natural bodies of water;

(ii) a program establishing climate resilience hubs, or participation in multi-community climate resilience hubs, located in buildings including but not limited to schools, libraries, and community centers, to educate residents about extreme weather preparedness and the impacts of climate change and to provide shelter and assistance during weather-related emergencies;

(iii) a policy for the use of green infrastructure in appropriate public works and public infrastructure projects and a requirement that municipal employees who participate in the planning and design of public works and public infrastructure projects participate in a green infrastructure training program approved or designed by the secretary that includes at least 35 hours of training on subjects including nature-based stormwater management practices and nature-based climate resilience strategies; provided, that members of local planning boards, conservation commissions, or other public bodies that participate in the planning and design of public works and public infrastructure projects but who are not full-time municipal employees may participate in an abbreviated green infrastructure training program approved or designed by the secretary that includes 5 hours of such training;

(iv) a floodplain overlay district that covers special flood hazard areas designated by the Federal Emergency Management Agency and other areas designated by the municipality that are projected to become vulnerable to flooding due to climate change and that imposes restrictions on construction, significant renovation, dumping, and filling that are designed to protect human life and property from the hazards of periodic flooding, preserve the natural flood control

characteristics and the flood storage capacity of the floodplain, and preserve and maintain the groundwater table and water recharge areas within the floodplain;

(v) a tree ordinance or by-law that (A) requires the planting of trees to provide adequate shade to large paved areas such as parking lots; and (B) designates trees with a diameter at breast height of 8 or more inches as protected trees and prohibits the removal of protected trees under circumstances designated by the ordinance or by-law, unless the applicant plants native replacement trees or makes a contribution to a municipal tree preservation fund that is used to plant and care for trees; provided, that the ordinance or by-law shall require an applicant who plants native replacement trees to consult the municipal tree warden about which species of tree are suitable for planting and which locations are optimal for planting; and

(vi) an ordinance that, whenever permits require an analysis involving precipitation, requires the use of National Oceanic and Atmospheric Administration Atlas 14 precipitation estimates or the best available forward-looking precipitation estimates, as determined by the secretary.

(d) The executive office shall be responsible for the administration and oversight of the MVP plus program, including by: (1) adopting rules, regulations and guidelines for the administration and enforcement of this section, including, but not limited to, establishing application forms and procedures; (2) developing and disseminating model ordinances and by-laws that meet the requirements described in subsection (c) and making them available to public on the executive office's website; and (3) submitting an annual report by September 1 to the clerks of the senate and the house of representatives detailing the municipalities participating in the program, the expenditures of the program, and the projects supported by the program.

SECTION 2. Chapter 29 of the General Laws, as amended by section 13 of chapter 358 of the acts of 2020, is hereby amended by inserting the following section:-

Section 2PPPPPP. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Municipal Vulnerability Preparedness Trust Fund. The secretary of energy and environmental affairs shall administer the fund. Notwithstanding any general or special law to the contrary, there shall be credited to the fund any revenue subject to appropriations or other money authorized by the general court and specifically designated to be credited to the fund and any gifts, grants, private contributions, investment income earned by the fund's assets and any designated funds from other sources. No expenditures from the fund shall cause the fund to be in deficiency at the close of the fiscal year. All available monies in the trust fund that are unexpended at the end of each fiscal year shall not revert to the General Fund, shall be available for expenditure in the subsequent fiscal year, and shall not be subject to section 5C; provided, that at least 50 percent of the funds deposited into the fund each fiscal year shall be disbursed according to the formula established pursuant to subsection (b) of section 12 of chapter 21N and remaining funds may be used for the grant program established in section 11 of chapter 21N.

Section 2 of chapter 21A of the General Laws, as so appearing, is hereby amended by inserting after clause (30) the following clause:

(31) develop and promulgate, in consultation with the executive office of housing and economic development and the board of building regulations and standards, as an appendix to the state building code and to the state residential code, a municipal opt-in specialized stretch resilience code that incorporates forward-looking data on climate risks including, but not limited

to, inland and coastal flooding, extreme temperatures, wind, and changes in precipitation patterns and that is more stringent than the most recent edition of the international building code and international residential code. The code shall include, at a minimum, the following provisions that go beyond those in the most recent edition of the state building code: (i) requirements as to freeboard and elevation above base flood elevation based on forward-looking climate data and future flood risks; (ii) requirements as to the location of utilities and other critical infrastructure within a structure; (iii) requirements as to wet and dry flood proofing of a structure; (iv) requirements as to habitable space and uses of a structure; (v) requirements as to points of ingress and egress; (vi) requirements as to ability to withstand extreme winds; and (vii) requirements as to ability to withstand extreme temperatures. The code shall also include any further language that is required to adequately prepare construction for future climate impacts including from wind, extreme temperature, and flooding.

SECTION 4. The secretary of the executive office of energy and environmental affairs shall form and consult with an advisory committee in the development of the municipal opt-in specialized stretch resilience code. The advisory committee shall consist of at least 17 members who shall include: the secretary of energy and environmental affairs or a designee, the chair of the board of building regulations and standards or a designee, the secretary of the executive office of housing and economic development or a designee, the commissioner of public health or a designee, the director of the Massachusetts emergency management agency or a designee, the director of the office of coastal zone management or a designee, 1 representative from an organization that represents or serves an environmental justice community, 1 representative from an affordable housing organization, 1 representative from a regional planning organization, 1 member with professional expertise in climate science and data, 1 member who is a professional

planner with experience in climate adaptation and resilience, 1 member who is a certified building inspector in a city or town, 1 member who is a municipal planner, 1 member who is a certified civil engineer, 1 member who is a certified coastal engineer, 1 representative from the insurance industry, and 1 representative from the real estate development industry. The advisory committee shall be formed within 3 months of the effective date of this act and shall produce recommendations on requirements for the code within 12 months of the effective date of this act. The stretch resilience code shall be promulgated not later than 18 after the effective date of this act. The secretary shall, in consultation with the board of building regulations and standards, periodically review and update the stretch resilience code.

SECTION 5. Section 96 of chapter 143, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following:-

For the purposes of this section, “specialized codes” shall include, but not be limited to, the specialized stretch energy code developed and promulgated by the department of energy resources, the specialized stretch resilience code developed and promulgated by the secretary of energy and environmental affairs, the state plumbing code, electrical code, architectural barriers regulations, fire safety code, fire prevention regulations, sheet metal regulations and elevator regulations.

SECTION 6. Section 100 of said chapter 143, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following:-

Whoever is aggrieved by an interpretation, order, requirement, direction or failure to act by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations,

144 except any specialized codes as described in section 96, other than the specialized stretch energy
145 code developed and promulgated by the department of energy resources and the specialized
146 stretch resilience code developed and promulgated by the secretary of energy and environmental
147 affairs, may within forty-five days after the service of notice thereof appeal from such
148 interpretation, order, requirement, direction, or failure to act to the appeals board. Appeals
149 hereunder shall be on forms provided by the appeals board and shall be accompanied by such fee
150 as said appeals board may determine.