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.\(^7\)


