COMMONWEALTH OF MASSACHUSETTS
MASS SAVE THREE-YEAR PLAN UPDATES
2025 - 2027

Browning the Green Space

January 28, 2026

TO: Energy Efficiency Advisory Council

FROM: Alisha Harrington, Managing Director, Browning the Green Space

RE: Testimony in support of Fair Chance Hiring Practices in the Mass Save Program

Good Morning,

My name is Alisha Harrington and I am the Managing Director at Browning the Green Space and a part of the Coalition for CORI Climate Inclusion (C3I). I'm submitting testimony today urging the EEAC to support Fair Chance Hiring Principles as the new model for background checks under Mass Save and to ensure the implementation steps put forth by C3I are also adopted.

Fair chance hiring is not a new or untested concept in Massachusetts.The Commonwealth already applies fair chance hiring principles in other sectors with public safety responsibilities, such as transportation network companies. The Department of Public Utilities has established clear, time-bound, role-specific background check standards for companies like Uber and Lyft as is evidenced by the attached CMR. These regulations clearly demonstrate the application of Fair Chance Hiring principles for the transportation network sector. The DPU specifically highlighted this example for C3I members in order to illustrate how these principles have already been applied right here in the Commonwealth.

I am urging the EEAC to lead on this critical issue and ensure Fair Chance Hiring principles and the recommended implementation steps are adopted throughout the Mass Save program. Equity commitments only matter if they are operationalized. The principles exist. The implementation pathway exists. What's needed now is alignment and leadership to ensure equity is reflected in practice.

Sincerely,

Alisha Harrington
Managing Director, Browning the Green Space

UBER/Lyft Background Check Standards

220 CMR: DEPARTMENT OF PUBLIC UTILITIES
220 CMR 274.00: TRANSPORTATION NETWORK COMPANIES

274.21: Suitability Standard

All categories are construed as within time frames (look-back periods) during which a Driver shall not have a particular condition, offense, or violation. All conditions, offenses, and violations are construed to include Massachusetts law or like/similar law(s) of another state, the United States, a military, territorial or Native American tribal authority, or any other jurisdiction. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation.

All look-back periods for criminal conditions, offenses, and violations commence upon the date of disposition; provided, however, that if the disposition results in incarceration in any institution, the look-back period shall commence upon release from incarceration. All look-back periods for motor vehicle conditions, offenses, and violations commence upon the date of finding of the condition, offense, or violation; provided, however, that if the violation resulted in a license suspension, the look-back period shall commence upon the termination of the suspension. A conviction is a mandatory disqualification for all look-back periods. A continuance without a finding is a mandatory disqualification if within seven years and a presumptive disqualification if after seven years. All conditions within the present look-back period and the three-year look-back period are mandatory disqualifying conditions, offenses, and violations. A discretionary disqualification is a presumptive disqualification.

PRESENT

Age Requirements

(a) Must be at least 21 years old;

(b) If under 23 years old, must have held a valid United States driver's license for not less than three years; and

(c) If 23 years of age or older, must have held a valid United States driver's license for not less than one year

Open/Unresolved Criminal Proceeding(s)

Any outstanding or unresolved criminal proceeding, the disposition for which would result in a negative determination of suitability, including but not limited to cases of active probation.

Open/Unresolved Motor Vehicle Violation(s)

Any outstanding or unresolved driving infraction that would result in a negative determination of suitability.

1220 CMR: DEPARTMENT OF PUBLIC UTILITIES

Open/Unresolved Criminal Warrant(s)

Any outstanding or unresolved warrant for arrest.

Sex Offender Registration

Required to register as a sex offender in any jurisdiction.

THREE YEARS

Multiple Traffic Violations
(a) More than four traffic violations, as defined by 211 CMR 134.00 Appendix A: Traffic Law Violations, and M.G.L. c. 159A½, § 7; or
(b) Any one major traffic violation pursuant to 211 CMR 134.00 Appendix A: Traffic Law Violations.
FIVE YEARS
License Suspension
Any suspension of driver's license for reasons related to the operation of a motor vehicle, including:
(a) license suspension for three or five surchargeable incidents as defined by 211 CMR 134.00 Appendix A: *Traffic Law Violations* and subsequent failure to take the related driver retraining course within the prescribed amount of time;
(b) license suspension for seven surchargeable incidents as defined by 211 CMR 134.00 Appendix A: *Traffic Law Violations*;
(c) refusal to take a chemical breath test;
(d) immediate threat;
(e) complaint fraud; or
(f) racing.

2220 CMR: DEPARTMENT OF PUBLIC UTILITIES

SEVEN YEARS
Felony Conviction
A conviction for an offense with an available maximum penalty of more than 2½ years' imprisonment.
Felony Fraud
Including but not limited to:
M.G.L. c. 90, § 24B (counterfeiting motor vehicle documents)
M.G.L. c. 266, § 30 (larceny – over $250 only)
M.G.L. c. 266, § 30B (unlawful possession of theft detection shielding device or deactivator)
M.G.L. c. 266, § 30C (use of counterfeit receipt with intent to defraud)
M.G.L. c. 266, § 30D (organized retail crime)
M.G.L. c. 266, § 31 (obtaining signature by false pretenses)
M.G.L. c. 266, § 32 (fraudulent conversion of property by captain of vessel)
M.G.L. c. 266, § 33 (larceny by false pretenses relating to contracts, banking transactions or credit)
M.G.L. c. 266, § 35A (false material statements in connection with mortgage lending)
M.G.L. c. 266, § 37 (uttering fraudulent checks)
M.G.L. c. 266, § 37C (fraudulent use of credit cards – felony form only)
M.G.L. c. 266, § 39 (destruction or concealment of will)
M.G.L. c. 266, § 40 (common and notorious thief)
M.G.L. c. 266, § 50 (fraud or embezzlement by state treasury employee)
M.G.L. c. 266, § 51 (fraud or embezzlement by city, town or county employee)
M.G.L. c. 266, § 52 (fraud or embezzlement by bank officer or employee)
M.G.L. c. 266, § 53A (misconduct by bank officer or employee)
M.G.L. c. 266, § 55 (embezzlement by liquidating agent or receiver)
M.G.L. c. 266, § 56 (embezzlement by broker or agent)
M.G.L. c. 266, § 57 (embezzlement by fiduciary)
M.G.L. c. 266, § 60A (buying or selling stolen trade secrets)
M.G.L. c. 266, § 66 (fraudulent issue of stock)
M.G.L. c. 266, § 67 (false entry in corporate books)

M.G.L. c. 266, § 67A (false statement in procurement)
M.G.L. c. 266, § 67B (presentation of false claims)
M.G.L. c. 266, § 67C (false entry in records relating to capital construction projects)
M.G.L. c. 266, § 73 (obtaining goods under false pretenses)
M.G.L. c. 266, § 74 (fraudulent use of corporate credit)
M.G.L. c. 266, § 75 (obtaining property by trick – over $250 only)
M.G.L. c. 266, § 76 (gross fraud or cheat at common law)
M.G.L. c. 266, § 110 (false invoice of cargo)
M.G.L. c. 266, §111 (false affidavit or protest)
M.G.L. c. 266, § 111A (insurance fraud)
M.G.L. c. 266, § 111B (motor vehicle insurance fraud)
M.G.L. c. 266, § 111C (fraudulently obtaining benefits under insurance contract)

3220 CMR: DEPARTMENT OF PUBLIC UTILITIES

M.G.L. c. 267, § 1 (false or forged records)
M.G.L. c. 267, § 2 (forged tickets)
M.G.L. c. 267, § 3 (forged seal of land court)
M.G.L. c. 267, § 4 (forged railroad company stamp)
M.G.L. c. 267, § 5 (uttering false record)
M.G.L. c. 267, § 6 (uttering forged ticket)
M.G.L. c. 267, § 7 (forged bill of credit issued by treasurer)
M.G.L. c. 267, § 8 (forged bank bill or note)
M.G.L. c. 267, § 9 (possession of ten or more counterfeit notes)
M.G.L. c. 267, § 10 (uttering counterfeit note)
M.G.L. c. 267, § 11(common utterer)
M.G.L. c. 267, § 12 (possession of counterfeit notes)
M.G.L. c. 267, § 13 (possession of tools for counterfeiting)
M.G.L. c. 267, § 17 (possession of ten or more counterfeit coins)
M.G.L. c. 267, § 18 (possession of fewer than ten counterfeit coins)
M.G.L. c. 267, § 19 (common utterer of counterfeit coins)
M.G.L. c. 267, § 20 (tools for making counterfeit coin)
M.G.L. c. 267, § 27 (possession of worthless bank notes)
M.G.L. c. 267, § 28 (uttering worthless bank notes)
M.G.L. c. 268, § 1 (perjury)
M.G.L. c. 268, § 2 (subordination of perjury)
M.G.L. c. 268, § 3 (attempt to procure perjury)
M.G.L. c. 268, § 6 (false report before state departments)
M.G.L. c. 268, § 13 (corrupting masters, auditors, jurors, arbitrators)
M.G.L. c. 268, § 13B (willfully misleading to obstruct a criminal investigation)
M.G.L. c. 268, § 13E (tampering with record document for use in judicial proceeding)
M.G.L. c. 268, § 36 (compounding or concealing a felony)
M.G.L. c. 268, § 39 (perjury related to motor vehicle theft)

Motor Vehicle Offenses

Any offense under M.G.L. c. 90, § 24
M.G.L. c. 90B, § 8 (operating under the influence watercraft)
M.G.L. c. 90F, § 11 (operating a commercial vehicle under the influence)

Violent Crimes & Abuse-Related Offenses

A “violent crime” pursuant to M.G.L. c. 127, § 133E or M.G.L. c. 140, § 121
M.G.L. c. 209A (abuse prevention or restraining order)
M.G.L. c. 258E (harassment protection order)
M.G.L. c. 265, § 13A (assault or assault and battery)

M.G.L. c. 266, § 16 (breaking and entering nighttime – felony)
M.G.L. c. 266, § 17 (entering without breaking – felony)
M.G.L. c. 266, § 18 (breaking and entering daytime – felony)
M.G.L. c. 266, § 25 (larceny from a person)

4220 CMR: DEPARTMENT OF PUBLIC UTILITIES

M.G.L. c. 266, § 37 (identity fraud)
M.G.L. c. 268, § 13B (witness intimidation)
M.G.L. c. 272, § 53 (indecent exposure and annoying or accosting another person)
M.G.L. c. 275, § 2 (threats)
A crime involving the illegal use or possession of weapons

TEN YEARS

Habitual Traffic Offender

Habitual traffic offender license suspension, by an adjudicatory body or motor vehicle licensing authority.

INDEFINITE

Felony Robbery

M.G.L. c. 265, § 17 (armed robbery)
M.G.L. c. 265, § 18 (assault to rob)
M.G.L. c. 265, § 19 (unarmed robbery)
M.G.L. c. 265, § 21 (stealing by confining or putting in fear)
M.G.L. c. 265, § 21A (carjacking)
M.G.L. c. 266, § 14 (armed burglary)

Multiple Driving Offenses

Two or more of the following offenses, in any combination:
(a) Any form of operating under the influence;
(b) Any leaving the scene of personal injury;
(c) Any leaving the scene of property damage;
(d) Any negligent operation; or
(e) Any reckless operation.

Serious Bodily Injury Offenses

Any offense involving the serious bodily injury or death of another person, including but not limited to:
M.G.L. c. 90B, § 8A (operating under the influence causing serious bodily injury – watercraft)
M.G.L. c. 90B, § 8B (operating under the influence causing death – watercraft)
M.G.L. c. 90, § 24(2)(a½)(2) (leaving the scene of an accident causing death)
M.G.L. c. 90, § 24G (motor vehicle homicide)
M.G.L. c. 90, § 24L (operating under the influence causing serious bodily injury – motor vehicle)
M.G.L. c. 265, § 13½ (operating under the influence causing manslaughter)

5220 CMR: DEPARTMENT OF PUBLIC UTILITIES

Sexual Conduct & Abuse-Related Offenses

Any "sex offense" as defined by M.G.L. c. 6, § 178C and M.G.L. c. 127, § 133E, including but not limited to:
M.G.L. c. 265, § 13B (indecent assault and battery on a child under 14 year old)
M.G.L. c. 265, § 13B½ (aggravated indecent assault and battery on a child under 14years old)
M.G.L. c. 265, § 13B¾ (indecent assault and battery on a child under 14 years old by a previously similarly convicted offenders, adjudicated delinquent, or youthful offender)
M.G.L. c. 265, § 13F (indecent assault and battery on a mentally retarded person)

M.G.L. c. 265, § 13H (indecent assault and battery on a person age 14 years of age or older)
M.G.L. c. 265, § 13L (child endangerment)
M.G.L. c. 265, § 22 (rape)
M.G.L. c. 265, § 22A (rape of a child with force)
M.G.L. c. 265, § 22B (aggravated rape of a child under 16 years old with force)
M.G.L. c. 265, § 22C (rape of a child with force by similarly previously convicted offenders, delinquency adjudications, or youthful offenders)
M.G.L. c. 265, § 23 (rape and abuse of a child)
M.G.L. c. 265, § 23A (aggravated rape and abuse of a child)
M.G.L. c. 265, § 23B (rape and abuse of a child by similarly previously convicted offenders, delinquency adjudications, or youthful offenders)
M.G.L. c. 265, § 24 (assault with intent to commit rape)
M.G.L. c. 265, § 24B (assault of a child with intent to commit rape)
M.G.L. c. 265, § 26 (kidnapping of a child)
M.G.L. c. 265, § 43 (stalking)
M.G.L. c. 265, § 43A (criminal harassment)
M.G.L. c. 272, § 2 (enticing away a person for prostitution or sexual intercourse)
M.G.L. c. 272, § 3 (drugging persons for sexual intercourse)
M.G.L. c. 272, § 4A (inducing a minor into prostitution)
M.G.L. c. 272, § 4B (living off or sharing earnings of a minor prostitute)
M.G.L. c. 272, § 6 (owner of place inducing or suffering person to resort in such place for sexual intercourse)
M.G.L. c. 272, § 7 (support from, or sharing, earnings of prostitute)
M.G.L. c. 272, § 8 (soliciting prostitute)
M.G.L. c. 272, § 12 (procuring person to practice, or enter a place for, prostitution; employment office procuring person)
M.G.L. c. 272, § 13 (detaining, or drugging to detain, person in place for prostitution)
M.G.L. c. 272, § 16 (open and gross lewdness and lascivious behavior)
M.G.L. c. 272, § 17 (incestuous marriage or intercourse)
M.G.L. c. 272, § 28 (disseminating to a minor matter harmful to a minor)
M.G.L. c. 272, § 29A (exposing or exhibiting a child in a state of nudity)
M.G.L. c. 272, § 29B (dissemination of visual material of a child in a state of nudity or sexual conduct)
M.G.L. c. 272, § 35A (unnatural and lascivious acts with a child under 16 years old)
M.G.L. c. 272, § 39 (aggravated rape)
M.G.L. c. 272, § 105 (upskirting)

6220 CMR: DEPARTMENT OF PUBLIC UTILITIES

Violent Crime II
A "violent crime" pursuant to M.G.L. c. 127, § 133E or M.G.L. c. 140, § 121 that is punishable by ten years or more in state prison.

DISCRETIONARY
A presumptive negative suitability determination may issue if reliable information demonstrates that a Driver acted in a manner that resulted in jeopardy to the health, safety, or welfare of any person, or that a Driver's provision of Services is not consistent with the public interest.
REGULATORY AUTHORITY
220 CMR 274.00: M.G.L. c. 6, § 172(a)(33); c. 25, § 23(a); c. 159A½.