



## **Town of Arlington, MA Redevelopment Board**

### **Agenda & Meeting Notice January 25, 2021**

This meeting is being held remotely in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20. Public comments will be accepted during the public comment periods designated in the agenda. The public may email or provide any written comments to [jraitt@town.arlington.ma.us](mailto:jraitt@town.arlington.ma.us) by January 25, 2021 at 4:00 p.m. If visual information is provided as part of your correspondence, the Board requests this by January 22, 2021 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, January 25, 2021 at 7:00 PM in the **Join Zoom Meeting with audio and video by connecting using this link and Meeting ID:**<https://town-arlington-ma-us.zoom.us/j/94387696913> | **Meeting ID: 943 8769 6913** or join by phone by calling: 1-646-876-9923, enter Meeting ID: 943 8769 6913 then #

#### **1. Public Hearing**

- 7:00 p.m. Arlington Redevelopment Board (ARB) for the Board's Draft Amended Rules and Regulations
- Members of the public will be provided time to comment.
  - Board members will discuss the document and may vote.

#### **2. Zoning Bylaw amendments to be submitted by the Redevelopment Board for 2021 Annual Town Meeting**

- 7:30 p.m. - Continued discussion from January 4, 2021  
- Discussion about zoning amendments related to Housing Choice and MBTA Communities

Board members will continue discussion and vote to file warrant articles

#### **3. Proposed Citizen Petition Zoning Warrant Article**

- 8:30 p.m. James Fleming will discuss his proposed warrant article, Board may discuss and ask questions

#### **4. Meeting Minutes (10/5/20)**

- 8:45 p.m. Board will review and approved minutes

#### **5. Open Forum**

- 8:50 p.m. Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the

presentation. There is a three minute time limit to present a concern or request.

## **6. Adjourn**

9:10 p.m.      Estimated Time for Adjournment

## **7. Correspondence Received**

Correspondence received from:

C. Cunningham 1-25-21

C. Loreti 1-25-21



## Town of Arlington, Massachusetts

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### Public Hearing

#### Summary:

- 7:00 p.m. Arlington Redevelopment Board (ARB) for the Board's Draft Amended Rules and Regulations
- Members of the public will be provided time to comment.
  - Board members will discuss the document and may vote.

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_1_-_ARB_Rules_and_Regs_adopted_070219_proposed_amendment_12-21-20.docx	ARB Rules and Regs adopted 070219 proposed amendment 122120

# **Arlington Redevelopment Board Rules and Regulations**



## ***Town of Arlington Redevelopment Board Rules & Regulations***

*On August 6, 2018, pursuant to M.G.L. Chapter 40A § 9, the Arlington Redevelopment Board held a Public Hearing to solicit comments on proposed Rules and Regulations and voted 5-0 to adopt Rules and Regulations as the official Arlington Redevelopment Board Rules and Regulations.*

*Draft Amendment to Rule 10 issued for public comment on January 7, 2020. Public hearing will be held on January 25, 2020.*

*For questions regarding these rules and regulations, please contact the Department of Planning and Community Development at 781-316-3090 or go to [www.arlingtonma.gov/arb](http://www.arlingtonma.gov/arb).*

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### **RULE 1 : AMENDMENT AND REVISION**

These Rules may be replaced, revised or amended at any time by a majority vote of the Redevelopment Board, where permissible under Federal, State, and local law.

### **RULE 2 : BOARD OFFICERS**

The first Redevelopment Board meeting in January shall begin as an organizational meeting. At that time, the Board shall elect a Chairperson and a Vice Chairperson. If a vacancy occurs in the office of Chairperson, the board shall elect a new Chairperson from among its members before two (2) regular meetings have passed. If a vacancy occurs in the office of Vice Chairperson, the board shall elect a new Vice Chairperson from among its members before two (2) regular meetings have passed.

### **RULE 3 : ROLE OF THE CHAIRPERSON**

The Chairperson shall coordinate with the Secretary Ex-Officio to schedule meetings and submit agendas to the Town Clerk in accordance with M.G.L. c. 30A, §§ 18-25 ("Massachusetts Open Meeting Law"). The Chairperson shall serve as ex-officio member of all Redevelopment Board committees, and as such shall have full power and authority to attend all meetings of such committees and subcommittees, including any portions of such meetings held in closed or executive sessions but shall have the right to vote only in the case of a tie.

### **RULE 4 : PRESIDING OFFICER**

The Chairperson of the Redevelopment Board shall preside at the meetings of the Redevelopment Board. In the absence of the Chairperson, the Vice Chairperson shall preside. In the absence of both, the members present will elect a board member to preside over the meeting. In the event that the Chairperson can no longer serve, the Vice Chairperson shall assume the powers and duties of the Chairperson.

### **RULE 5 : MEETINGS**

The Redevelopment Board will meet on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month, at 7:30 p.m., except not on federal and state holidays, in the Town Hall Annex, Second Floor Conference Room, unless otherwise posted with proper notice in accordance with the Massachusetts Open Meeting Law. The frequency, time, and place may be changed by a majority vote of the Board. Executive sessions shall be authorized and governed by M.G.L. c. 30A, § 21. Any three members of the Redevelopment Board may schedule a meeting of the Redevelopment Board and must submit the agenda to the Town Clerk in accordance with the Massachusetts Open Meeting Law.

### **RULE 6 : MEETING FORMAT**

During meetings or Public Hearings at which the Redevelopment Board is considering applications for approvals or special permits, the applicant shall be recognized for presentation, followed by staff comments, questions and comments by Board Members, questions and comments by abutters and other members of the public as addressed to the Chair, and additional questions and comments by Board Members and comments by staff. In presentations by abutters and the public, the Board may grant wide latitude in allowing people to speak, while reserving the right to limit presentations which are not relevant to the matters being discussed or are repetitive. Presentations by abutters and the public are always directed to the Board; it is not intended to allow discussion between those in attendance and the applicant. Time limits may be set by the Redevelopment Board prior to the beginning of a meeting or whenever necessary to facilitate discussion and deliberation in an orderly manner.

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No person shall address a meeting of the Redevelopment Board without the permission of the presiding officer, and all persons shall, at the request of the presiding officer, be silent. No person shall disrupt the proceedings of the Redevelopment Board. If, after clear warning from the presiding officer, a person continues to disrupt the proceedings, the presiding officer may order the person to withdraw from the meeting and if the person does not withdraw, the presiding officer may authorize a constable or other officer to remove the person from the meeting per M.G.L. c. 40A.

#### **RULE 7 : PARLIAMENTARY GUIDELINES**

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth and the Town Manager Act or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary questions, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Robert's Rules of Order, but guidance may also be provided by other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

#### **RULE 8 : QUORUM**

Four members of the Redevelopment Board shall constitute a quorum for M.G.L. c. 40A § 9 to grant a special permit.

#### **RULE 9 : RECORD KEEPING**

Unless otherwise provided for by the Redevelopment Board, the Secretary Ex-Officio shall keep a record of the proceedings and perform such duties as may be assigned by other Redevelopment Board vote. The Secretary Ex-Officio shall transmit copies of the previous meeting's minutes to all Board members prior to the next scheduled meeting. After the minutes have been approved by the Redevelopment Board, a copy shall be forwarded to the Town Clerk. Copies of the minutes of each meeting of the Redevelopment Board shall be posted online and may be requested through the Town Clerk who will provide copies of the requested minutes. Audio and visual recordings of meetings may be made and kept at the discretion of the Secretary Ex-Officio. If audio or visual recordings of meetings are made, the Chair shall notify the Board, participants, and the public at the start of the meeting.

#### **RULE 10 : FILING DEADLINES AND SUBMITTALS FOR REGULAR MEETINGS**

The submission of materials, incorporating materials into the agenda, the delivery of materials to the Board, and the posting of materials to the Town Clerk and on the website are all time sensitive and dependent on one another. The following chart outlines the responsible party and timeframe that each action shall occur:

<b>ARLINGTON REDEVELOPMENT BOARD SUBMITTALS SCHEDULE</b>			
	Action	Responsible Parties	Deadline
<b>1</b>	<i>Agenda material submission</i>	Department of Planning and Community Development (DPCD) Director, staff, ARB members, general public	Any time prior to submission deadline
<b>2</b>	<i>Agenda material</i>	DPCD Director, staff, ARB	At least one week prior to the

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	<i>submission ends</i>	members, general public	published meeting date
<b>3</b>	<i>Agenda finalized</i>	DPCD staff, ARB chair	4 p.m. of the day prior to posting the meeting agenda
<b>4</b>	<i>Meeting packet finalized</i>	DPCD staff	4 p.m. of the day prior to posting the meeting agenda
<b>5</b>	<i>Agenda posted to Clerk and website</i>	DPCD administrative assistant	At least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Open Meeting Law, G.L. c. 30A, § 20
<b>6</b>	<i>Meeting packet made available to ARB members and members of the public</i>	DPCD administrative assistant	At least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Open Meeting Law, G.L. c. 30A, § 20

Any member of the public may email or provide any written comments to the Director by 12:00 p.m. of the day of the meeting. If visual information is provided as part of this correspondence, material must be received by 12:00 p.m. at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Open Meeting Law, G.L. c. 30A, § 20.

This workflow ensures effective and efficient business practices, accountability, and consistency in the ARB meeting process. “Material Submitters” are considered anyone who submits an agenda item or agenda item reference materials, including ARB members, DPCD staff, and the general public. All material submitters shall: submit reference materials for inclusion in the agenda packet as early in the process as possible; notify DPCD Administrative staff if reference materials will not meet that deadline; and submit reference and all supporting materials digitally as a Microsoft Office compatible file, a PDF, a common image format, or as an email. If any deadline cannot be met, the DPCD staff has the right to enforce the workflow policy; agenda items and reference materials that do not meet the deadline will not be included and will be moved to the following meeting. Further, the Board will not accept new supplemental application materials anytime between the posting of a meeting notice and the night of the meeting.

The DPCD Director and staff shall review and develop agenda items and reference materials at any time prior to the deadline for any ARB meeting; request a Material Submitter to submit reference materials in digital format as described above; post the agenda prior to the meeting in accordance with the schedule; distribute or notify the appropriate parties when the agenda packet is finalized and available; and print agendas, certain reference materials, or entire agenda packets as needed for meetings. Printed agendas, certain reference materials, or entire agenda packets may be requested from the DPCD Administrative Staff by 10 a.m. on Friday prior to the meeting date.

#### **RULE 11 : LEGAL NOTIFICATION**

Before granting a special permit, the ARB shall hold a public hearing, notice of which shall be given by the Department of Planning and Community Development in a local newspaper once in each of two successive weeks with the first publication to be not less than fourteen (14) days before the date of hearing, and to owners of all property abutting the proposed development or land in the same ownership or contiguous ownership, and to all property owners deemed by the ARB to be affected specifically thereby. The ARB shall upload all application materials through NovusAgenda



and make one copy available at the Department of Planning and Community Development.

**RULE 12 : FEES FOR APPEARING BEFORE THE REDEVELOPMENT BOARD**

The Redevelopment Board has the authority to set and adjust the fees periodically for appearing before the Redevelopment Board. The current fee schedule as of August 2018 is:

Minimum Fee for any application	\$500.00
New Construction fee	\$0.20/square ft. of new construction

**RULE 13 : APPLICATION TIMETABLES AND EXPIRATION**

All Special Permits before the Redevelopment Board are subject to the following timelines. Within 10 days of receipt of application, copies of the application must be transmitted by the Department of Planning and Community Development to Inspectional Services. Following staff evaluation of the proposal, the DPCD may determine that any of the following Boards, Departments, or Commissions need to be notified as part of project review: Board of Health; Conservation Commission; Public Works; Engineering; Historical Commission; Historic Districts Commission; Fire Department; Police Department; and Zoning Board of Appeals. All other boards, commissions, or departments will be given 35 days to respond. Failure to respond will be deemed to be lack of opposition. Additionally:

1. Hearings must start within 65 days of application submission.
2. Once the hearing has commenced, it may be continued. If continued beyond 90 days, the petitioner must receive a written agreement from the ARB in order to continue the hearing.
3. Final action must be taken by the Redevelopment Board within 90 days of the hearing's closure. If decision is not reached within 90 days after closure of the hearing, petitioner may notify the Town Clerk and abutters within 14 days after the 90<sup>th</sup> day that they are seeking approval of its application for failure of the Redevelopment Board to act on its application within 90 days, or any extended time period beyond the 90 days, pursuant to M.G.L. c.40A, § 9, and comply with the requirements set forth therein.
4. Within 14 days of the Board's final action, the Board must file a record of its Decision in the Town Clerk's Office pursuant to M.G.L. c. 40A, § 9.

**RULE 14 : ENVIRONMENTAL DESIGN REVIEW SUBMITTAL REQUIREMENTS**

For any project subject to an Environmental Design Review Special Permit, applicants and the Board shall reference and apply the Town of Arlington's Design Standards. These were developed to provide direction for the design of new development and redevelopment primarily in commercial and industrial areas (Business Districts, Industrial Districts, Multi-Use Districts, and for Mixed-Use Development). The Standards focus on development along Massachusetts Avenue, Broadway, the Minuteman Bikeway, and the Mill Brook areas.

All applications shall include plans certified by the land surveyor conducting the boundary survey and professional engineer or architect on the location of the building(s), setbacks, and all other required dimensions, elevations, and measurements. Plans shall be signed under the penalties of perjury. Corner points of a lot (or lots under common ownership) and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker shall be marked on plans. The site plan shall be subject to the standards of the Arlington Zoning Bylaw Section 3.4 and the ARB shall make a determination that the project meets these standards.

Submittals include but are not limited to the following:

1. **3-D Rendering.** 3-D renderings are required showing the parcel, abutting streets, proposed contours, proposed buildings, and the massing of abutting buildings. This requirement may be waived by DPCD staff for small projects. Proposals may also be required to provide computer-generated overlays on existing photographs.
2. **Physical Model.** The Board may request a physical model.
3. **Drawing of Existing Conditions.** A drawing (at a minimum of 1" = 20' unless another scale is found suitable by DPCD) showing the location, type, size, or dimension of existing trees, rock masses, existing topography at 2' contours, and other natural features with designations as to which features will be retained. In order to meet the conditions for approval of a Special Permit, all existing trees, rock masses, and other natural features shall be retained until a special permit is approved.
4. **Drawings of Proposal.**
  - i. Building/ Structure: Drawings illustrating the color and type of exterior materials including front, rear, and side elevations where there are no adjoining buildings. Floor plans are required for all floor levels.
  - ii. Landscape: Drawings showing the location, dimensions, and arrangements of all open spaces and yards, including type and size of planting materials, the color and type of surface materials, methods to be employed for screening, and proposed topography at 2' contours.
  - iii. Site Plan: A site plan is required including drainage, utilities, location of parking, and other site features.
5. **Photographs.** Photographs showing the proposed building site and surrounding properties. Applications for alterations and additions shall include photographs showing existing structure or sign to be altered and its relationship to adjacent properties.
6. **Samples.** The Board may request that the applicant provide physical samples of building materials.
7. **Impact Statement.** Applicant shall explain how each of the environmental design review standards is incorporated into the design of the proposed development. Where a particular standard is not applicable, a statement to that effect will suffice. An environmental impact report or statement prepared in accordance with state or Federal regulations may be accepted as a substitute in lieu of this statement, provided it explains how each of the environmental design review elements is incorporated into the design
8. **Signs.** Application for permit and accompanying plans as specified in Rule 14 for each sign that is to be erected on the proposed structure(s). In lieu of the required submittals listed above, an application for a special permit for a temporary sign per the Arlington Zoning Bylaw 6.2.4(M) shall include an overall signage plan comprised of the information required under the Arlington Zoning Bylaw Section 6.2.10 as well as perspectives, renderings, photographs, models, or other representation sufficient to show the nature of the proposed overall signage plan and its effect on the immediate surroundings.

All materials must be submitted in an electronic format. Additionally, two full sets of plans, submittal documents, and any supplemental documents are required for submission. The Board may request additional documents during the review and approval process, as well as following special permit approval.

#### **RULE 15 : BOARD DECISIONS**

The ARB shall review the plans and may grant a special permit subject to the conditions and safeguards listed in the Arlington Zoning Bylaw Section 3.3 and 3.3.4. For stated reasons the ARB may deny approval of a special permit or may approve a special permit without a finding of hardship. As required by M.G.L. c. 40A, §9, a positive vote of at least four members of the Redevelopment Board is needed to issue a special permit. Upon the Board's approval, the Secretary Ex-Officio may sign decisions following a vote of the Board and file decisions per requirements of M.G.L. c. 40A. The final decision shall be emailed and may receive administrative corrections following the Board's votes.

#### **RULE 16 : CODE OF ETHICS CONDUCT**

##### **A. Generally**

In supplement to and above State and Town ethics, public records, open meeting and non-discrimination laws, the Redevelopment Board requires an atmosphere of professional conduct and civility among its members, and shall not tolerate harassment, discrimination, or offensive behavior based on race, color, religion, national origin, gender, gender identify, age, disability, or sexual orientation, nor shall any member of the Redevelopment Board use profanity, insulting, threatening, or abusive language in the course of public debate or in testimony before any Town Department, Board or Commission. Furthermore, this code of ethics conduct shall apply whenever a Redevelopment Board Member is in any public setting representing said Board.

##### **B. Internal Board Relations**

A Redevelopment Board member, in their relations with fellow Board members, should:

1. Recognize that action at official legal meetings is binding and that they alone cannot bind the Board outside of such meetings;
2. Refrain from public statements or promises of how they will vote on matters that will come before the Board until he or she has had an opportunity to fully vet the issue during a Board meeting;
3. Make decisions only after all facts on a question have been presented and discussed;
4. Uphold the intent of executive session and respect the privileged communication that exists in executive session;
5. Refrain from communicating the position of the Redevelopment Board to anyone unless the full Board has previously agreed on both the position and the language of the statement conveying the position;
6. Treat with respect the rights of all members of the Board despite differences of opinion;

7. Afford members of the Board the opportunity to speak on matters in Board meetings and hearings without interruption.

### **C. Board-Town Staff Relations**

A member of the Redevelopment Board, in their relations with Town staff, should:

1. Treat all staff as professionals that respects the abilities, experience, and dignity of each individual;
2. Exercise caution and discretion in public criticism of any individual Town employee. Member concerns about performance of staff reporting to the Town Manager should, under ordinary circumstances only be articulated to the Town Manager, or, in limited circumstances, other appropriate Town personnel, such as the Director of Planning and Community Development, Town Counsel or other Department heads.
3. Keep requests for staff support to a minimum wherever possible, and ensure that all requests go through the Director of Planning and Community Development's Office.
4. To the extent practicable, insure that any materials or information provided to an individual member from a staff member be made available to all members of the Redevelopment Board.

These principles shall be enforced by public admonition through resolution, censure, and other action deemed appropriate by the Board or its appointing authorities. Jurisdiction rests with the Redevelopment Board as a whole, and therefore any member may motion for a finding of a violation of this Rule.

## **RULE 17 : RULES FOR HIRING OUTSIDE CONSULTANTS UNDER M.G.L. c. 44 §53G**

### **A. Purpose**

As provided by M.G.L. c. 44 §53G, the Redevelopment Board may impose reasonable fees for the employment of outside consultants, engaged by the Redevelopment Board for specific expert services. Such services shall be deemed necessary by the Board to come to a final decision on an application submitted to the Redevelopment Board pursuant to the regulations and requirements of the Arlington Zoning Bylaw or any other Town bylaw, regulation, or rule as they may be amended or enacted from time to time.

### **B. Special Account**

Funds received pursuant to these rules shall be deposited with the Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Redevelopment Board without further appropriation as provided in M.G.L. c. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. For the purposes of this rule, any person or entity claiming to be an applicant's successor in interest shall provide the Board with

documentation acceptable to the Board establishing such succession in interest.

**C. Consultant Services**

In hiring outside consultant(s), the Redevelopment Board may engage engineers, planners, lawyers, urban designers, or any other appropriate professional who can assist the Redevelopment Board in analyzing the project and to ensure compliance with all relevant federal, state, and local laws, statutes, ordinances, and regulations. Specific consultant services may include, but are not limited to, site plan review, stormwater review, traffic analysis, or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Redevelopment Board. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three (3) or more years of practice in the field at issue, or a related field. The consultant shall be chosen by, and report only to, the Redevelopment Board and/or its administrator. Hiring outside consultants shall comply with the Uniform Procurement Act, M.G.L. c. 30B §§ 1-19.

**D. Notice**

The Redevelopment Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed by first class United States Postal Service or delivered by e-mail. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five (5) business days of the date notice is given.

**E. Payment of Fee**

The fee must be received prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Redevelopment Board within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Redevelopment Board to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in the Arlington Zoning Bylaw. The Redevelopment Board will state as such in a letter to the applicant. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee, other than a denial based on insufficient evidence. When the Redevelopment Board's review of a project is completed and a permit issued, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or their successor.

**F. Appeals**

The applicant may appeal the selection of the outside consultant to the Town Manager, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. Such an appeal must be in writing and received by the Town Manager within ten (10) days of the date consultant fees were requested by the Redevelopment Board with a copy received by the Redevelopment Board on the same date as received by

the Town Manager. The required time limits for action upon the application shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Manager within one month following the filing on an appeal, the selection made by the Redevelopment Board shall stand.

**RULE 18 : SIGN APPLICATIONS AND REVIEW PROCEDURES FOR ADMINISTRATIVE APPROVAL**

Sign modifications on properties subject to Environmental Design Review (EDR) may be considered for administrative approval by the Director of Planning and Community Development provided the applicant demonstrates that the following criteria are met:

1. The ARB previously approved a sign through the Environmental Design Review Special Permit process or a prior sign permit was approved by Inspectional Services;
2. The sign(s) meet zoning requirements;
3. There are no known zoning or general bylaw violations outstanding on the property;
4. All of the following conditions are met:
  - a. The same number or fewer signs are proposed;
  - b. The same size or smaller sign(s) or sign area is proposed; and
  - c. The sign(s) proposed is in the same locations as the existing sign(s).
5. The sign(s) illumination is the same illumination as for existing sign(s);
6. The new sign(s) are not internally illuminated;
7. The sign(s) are legible from the public way in the Director or their designees' opinion; and
8. There are not any sign(s) proposed for storefront windows.

If sign proposals do not meet all of the criteria above, then the applicant must submit a full Environmental Design Review application for the Redevelopment Board's review and approval. The Department of Planning and Community Development is not required to provide administrative approval and may at any time refer the application to the Board.

Procedure: Submit a \$500 fee payable to the Town of Arlington and one copy of the following documents to the Department of Planning and Community Development

1. Photos of existing signs maintained on the premises;
2. Drawing of building facade indicating location of the proposed sign(s).
3. Drawing to scale of proposed sign(s) with dimensions and construction specifications, materials, mounting method, lighting, and wiring;
4. Cut sheet for any lighting; and
5. Photo simulation, perspectives, renderings, or other representations sufficient to show the nature of the proposed sign(s) and its effect on the immediate surroundings.

**RULE 19 : Review of Religious and Educational Uses**

**A. Purpose**

The purpose of Rule 19 is to provide for reasonable regulation of religious, non-profit educational, and child care facilities used primarily for such purposes consistent with G.L. c. 40A, §3. Specifically, "reasonable regulation" refers to the bulk and height of structures and in determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements. When applying reasonable regulation, the Town shall not unreasonably impede the protected use without appreciably advancing the purposes of the Zoning Bylaw, goals of the Arlington Master Plan, or other development plans and policies of the Town.

## **B. Procedures**

1. Building Inspector Review: To determine whether a religious, non-profit educational, or child care facility use is protected under G.L. c. 40A, §3, the property owner or agent of an owner shall submit to the Building Inspector such information necessary to make the following findings:

- That the applicant has sufficiently demonstrated that the proposed use of the property or structures is for a religious, non-profit educational, or child care purpose, or appropriate combination thereof; and
- That the applicant has sufficiently demonstrated that the proposed use of the property or structure for these purposes is the principal use.

If the applicant has satisfied the Building Inspector as outlined above, the Building Inspector shall so inform the applicant and the Department of Planning and Community Development (“Department”) in writing, within 30 days of having received the information provided by the applicant, that the application is appropriate for administrative review for the purposes set forth by Rule 19. If the applicant has not satisfied the Building Inspector as outlined above, the Building Inspector shall so inform the applicant in writing within 30 days of having received the information provided by the applicant.

2. Department of Planning and Community Development Review: The Department shall apply those requirements allowed by G.L. c. 40A, §3, in a reasonable fashion within the specific context of the proposed project as an administrative approval process.

- The applicant bears the burden of establishing that the application of a given regulation should be waived, reduced, or altered as unreasonable within the specific facts of both the site and the proposed use.
- The Department shall apply the reasonable regulations in accordance with the purposes of the Zoning Bylaw, the goals of the Arlington Master Plan, or other development plans and policies of the Town, and G.L. c. 40A, §3

The Department shall prepare an administrative decision outlining any conditions within 30 days, and provide copies to the applicant and the Building Inspector. The applicant may then pursue a permit from the Department of Inspectional Services which shall be issued by the Building Inspector.

## **C. Appeals/ Grievances**

An appeal to the Board of Appeals may be taken by any person aggrieved by the determination of the Building Inspector, as provided in G.L. c. 40A, § 8 and § 15. A grievance to the Town Manager may be taken by any person aggrieved by the determination of the Department of Planning and Community Development.



## Town of Arlington, Massachusetts

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### Zoning Bylaw amendments to be submitted by the Redevelopment Board for 2021 Annual Town Meeting

#### Summary:

- 7:30 p.m.
- Continued discussion from January 4, 2021
  - Discussion about zoning amendments related to Housing Choice and MBTA Communities

Board members will continue discussion and vote to file warrant articles

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_2A_-_Memo_to_JR_re_draft_warrant_article_submissions_01-19-21.pdf	Memo to JR re draft warrant article submissions 01-19-21
▢ Reference Material	Agenda_Item_2B_-_ARB_Town_Meeting_Process_Draft.pdf	Town Meeting Process Draft
▢ Reference Material	Agenda_Item_2B_-_H5250.pdf	H5250
▢ Reference Material	Agenda_Item_2C_-_H5250_-_Signed_Letter.pdf	H5250 - Signed Letter





**TOWN OF ARLINGTON**  
DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

**MEMORANDUM**

To: Jennifer Raitt, Director, Planning and Community Development

From: Erin Zwirko, Assistant Director, Planning and Community Development

Date: January 20, 2021

RE: DRAFT Warrant Articles for 2021 Annual Town Meeting

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Based on the conversation at the ARB's January 4, 2021, meeting, please find the draft warrant articles for consideration.

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ AFFORDABLE HOUSING REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaw to increase the time during which the affordable housing requirements apply from a two-year period to a three-year period in alignment with G.L. c.40A § 9 by amending SECTION 8.2.2. APPLICABILITY; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ APARTMENT CONVERSION**

To see if the Town will vote to amend the Zoning Bylaw to include a definition of apartment conversion by amending SECTION 2 DEFINITIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ GROSS FLOOR AREA**

To see if the Town will vote to amend the Zoning Bylaw to clarify how landscaped and usable open space is calculated relative to gross floor area by amending SECTION 5.3.22. GROSS FLOOR AREA to add subsection C; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ PROHIBITED USES**

To see if the Town will vote to amend the Zoning Bylaw to indicate that uses without a "Y" or "SP" in the Tables of Uses are prohibited by amending SECTION 5.2.2. PROHIBITED USES to add subsection C; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/  
OTHER DISTRICTS DIMENSIONAL AND DENSITY REGULATIONS**

To see if the Town will vote to amend the Zoning Bylaw to include the legend for tables by amending SECTION 5.6.2. DIMENSIONAL AND DENSITY REGULATIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ ADMINISTRATIVE AMENDMENTS**

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative corrections;

1. Correcting references to Board of Selectmen in subparagraph B of SECTION 3.1.4. PENALTY and in Section 3.2.1. ESTABLISHMENT;
1. Removing gendered terms in subparagraph A of SECTION 3.2.3. RULES AND REGULATIONS and subparagraph D of SECTION 6.2.7. NONCONFORMING SIGNS;
2. Correcting reference to August, 1975 in subparagraphs C and D in SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS; and
3. Correcting reference to seven feet three inches in subsection A(1) in SECTION 5.3.22. APPLICABILITY;

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ MARIJUANA USES**

To see if the Town will vote to amend the Zoning Bylaw to allow Marijuana Delivery-Only Retailers and other amendments for consistency with the state regulations for the adult use of marijuana and the medical use of marijuana by amending SECTION 2 DEFINITIONS, SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS, SECTION 5.6.3. USE REGULATIONS FOR MU, PUD, I, T, AND OS DISTRICTS, and SECTION 8.3 STANDARDS FOR MARIJUANA USES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ INDUSTRIAL USES**

To see if the Town will vote to amend the Zoning Bylaw to update and modernize the Industrial Zoning Districts by amending SECTION 2 DEFINITIONS to define new uses; SECTION 5 DISTRICT REGULATIONS to clarify the applicability of the upper story building step back, to redefine the Industrial Zoning District, to clarify amenity requirements in the Table of Maximum Height and Floor Area Ratio and to add development standards, to include new uses and amend existing uses in the Table of Uses, and to provide additional standards for uses; and SECTION 6 SITE DEVELOPMENT STANDARDS to adjust the parking requirement for light manufacturing, to include standards for the Industrial Zoning Districts, to include standards for the Industrial Zoning Districts; and to adjust the bicycle parking standards for light manufacturing and office, medical or clinic uses; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING MAP ADOPTION**

To see if the Town will vote to readopt the Zoning Map of the Town of Arlington, Massachusetts, as amended by previous Town Meeting action; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ MULTIFAMILY ZONING FOR MBTA COMMUNITIES**

To see if the Town will vote to amend the Zoning Bylaw to comply with M.G.L. c. 40A to allow multifamily housing to be permitted as of right with a minimum gross density of 15 units per acre without age restrictions and suitable for families with children in the B2A and B4 Districts.

(Inserted at the request of the Redevelopment Board)

Additionally, Mr. Loreti has requested that the Redevelopment Board resubmit his citizen petition from the 2020 Annual Town Meeting:

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ CLARIFICATION OF DEFINITION OF MIXED USE**

To see if the Town will vote to amend the definition of Mixed Use in the Zoning Bylaw to clarify that as enacted by Town Meeting, land uses individually prohibited in any particular zoning district are also prohibited as part of Mixed Use developments in the same zoning district; or take any action related thereto.

(Inserted at the request of Christopher Loreti and 10 registered voters)

Finally, as discussed during the January 4, 2021 meeting, the ARB is interested in continuing the discussion relative to Mr. Miettinen's proposal regarding energy efficient homes on nonconforming lots. The following was suggested to Mr. Miettinen and is provided here for discussion purposes:

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ ENERGY EFFICIENT HOMES ON NONCONFORMING LOTS**

To see if the Town will vote to amend the Zoning Bylaw to allow new construction of energy efficient foundations and homes on nonconforming lots in the R0, R1, and R2 Districts that meet certain energy efficiency industry standards; or take any action related thereto.

(Inserted at the request of XXX)



## TOWN OF ARLINGTON

DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

### Redevelopment Board Review Process and Schedule for Town Meeting

Date	Process	Description and Action Items
January 29, 2021	Warrant Closes	<p>This is the final date for submission of articles to the Town Meeting warrant.</p> <p><b>ARB Action Item:</b> The ARB will submit any zoning articles to the warrant.</p> <p><b>Petitioner Action Item:</b> Members of the public will submit any zoning articles to the warrant. The ARB recommends that petitioners reach out to the Director and Assistant Director for Planning and Community Development to discuss their article and to learn more about the review timeline. The Planning and Community Development staff is available to provide technical assistance to petitioners throughout the process.</p> <p><b>General Public Action Item:</b> This is the due date for topics (articles on zoning or other topics) to be submitted to warrant for consideration by Town Meeting beginning on April 26, 2021.</p>
February 11, 2021	Legal Notice Published/ Zoning Warrant Articles Posted	<p>As required by M.G.L. Chapter 40A, The Zoning Act, a legal notice will be placed in a local newspaper that identifies the hearing dates, location (all virtual for Town Meeting 2021), and the topics. At the same time, a document will be published that compiles all of the zoning warrant articles and amendment text (known as a main motion) if available.</p> <p><b>ARB Action Item:</b> On behalf of the ARB, DPCD staff submits the legal notice and the compiled zoning warrant articles. Additionally, the DPCD staff will communicate the hearing schedule to all petitioners and other interested parties.</p> <p><b>Petitioner Action Item:</b> At this time, it is important for petitioners to be in touch with DPCD Director and Assistant Director to review the amendment text (main motion) and other relative resources and documents. The DPCD staff is available for technical assistance to any petitioner.</p>

Date	Process	Description and Action Items
		<p><b>General Public Action Item:</b> Once the legal notice is published, the hearing schedule will be published. If you are interested in any of the zoning topics, you can save the date to attend a virtual public hearing with the ARB.</p>
March 2021	ARB Public Hearings	<p>M.G.L. Chapter 40A requires that the ARB hold public hearings to obtain feedback on all of the zoning warrant articles proceeding to Town Meeting.</p> <p><b>ARB Action Item:</b> The ARB will hold public hearings on most Mondays in March to obtain feedback. On behalf of the ARB, the DPCD Director and Assistant Director will communicate the hearing schedule and protocol to all petitioners and coordinate obtaining materials from petitioners for inclusion in the ARB's meeting packet which is publically accessible.</p> <p><b>Petitioner Action Item:</b> At least a week in advance of a petitioner's hearing date, petitioners should provide to the DPCD Director and Assistant Director the amendment text (main motion) and other relevant materials. The petitioner should prepare to make a short presentation (no more than 3-5 minutes) at the public hearing and answer questions from the ARB members regarding the petition.</p> <p><b>General Public Action Item:</b> All public hearings are open for attendance by the general public. Anyone may join and provide feedback based on the information presented or just listen. Written comments are also welcome. All materials will be posted online at <a href="http://arlingtonma.gov/arb">arlingtonma.gov/arb</a>.</p>
Late March/Early April (Actual Dates to be determined)	ARB Votes on Zoning Articles	<p>M.G.L. Chapter 40A requires that the ARB vote on each article and prepare a report for Town Meeting. The ARB can vote to recommend action or recommend no action to Town Meeting. The Report to Town Meeting, which outlines the votes taken and why, is typically written, but can also be given verbally at Town Meeting.</p> <p><b>ARB Action Item:</b> After hearing from all petitioners and interested parties, the ARB will vote on each article and outline their reasons for each vote. The Report to Town Meeting will be finalized and voted on and submitted to Town Meeting Members and posted online for review.</p> <p><b>Petitioner Action Item:</b> Prior to the ARB's vote, each Petitioner should work with the DPCD Director and Assistant Director to finalize their amendment text (main motion) for consideration by the ARB. Any other relevant information should be provided by the petitioner.</p> <p><b>General Public Action Item:</b> At this stage, all feedback has been obtained by the ARB either verbally or written, the public hearing has closed, and the ARB will vote on each article individually.</p>
April 2021	Public Information	Typically in April 2021, Arlington Town Meeting Members will hold precinct meetings. Additionally,

Date	Process	Description and Action Items
(Actual Dates to be determined)	Sessions	<p>the ARB may hold public information sessions on the zoning warrant articles.</p> <p><b>ARB Action Item:</b> On behalf of the ARB, DPCD Staff and ARB members will hold virtual public information session(s) to provide an overview the zoning articles to be considered by Town Meeting. The public information session will include time for questions and answers.</p> <p><b>Petitioner Action Item:</b> Petitioners may want to attend the precinct meetings and ARB public information sessions to provide information about their zoning warrant articles.</p> <p><b>General Public Action Item:</b> Attendance at the precinct meetings and at public information sessions will provide a venue to seek additional information and to let your Town Meeting Members know your opinion on any article.</p>
April 26, 2021	Town Meeting Begins	<p>Town Meeting begins on April 26, 2021 and continues on Mondays and Wednesdays until completed. The format for the 2021 Annual Town Meeting will be virtual. The Town Meeting Members will vote on each article. In most cases, zoning articles require an affirmative vote of two-thirds of Town Meeting Members.</p> <p><b>ARB Action Item:</b> The ARB Chair will provide a presentation of the warrant article. DPCD staff may be on hand to provide additional information to respond to Town Meeting Member questions.</p> <p><b>Petitioner Action Item:</b> If the petitioner is not the ARB, the petitioner will be given a chance to present and answer any questions from Town Meeting Members.</p> <p><b>General Public Action Item:</b> The general public can watch the Town Meeting proceedings through ACMi.</p>
Post Town Meeting	Submission to the Attorney General	<p>Towns are required to submit to the Attorney General's Municipal Law Unit information about zoning articles, the process, and the votes taken. Unless otherwise described in the article, the effective date of a zoning amendment is the date Town Meeting voted.</p> <p><b>ARB Action Item:</b> On behalf of the ARB, the DPCD staff work with the Town Clerk and Town Counsel to prepare and submit the appropriate forms and update the Zoning Bylaw.</p> <p><b>There are no action items for Petitioners and the General Public.</b></p>

If you have any questions about this timeline and process, please contact Erin Zwirko, Assistant Director, Department of Planning and Community Development at 781-316-3091 or [ezwirko@town.arlington.ma.us](mailto:ezwirko@town.arlington.ma.us).

# HOUSE . . . . . No. 5250

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## The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2874; and by striking out the title and inserting in place thereof the following title: “An Act to encourage new development and usher in a recovering economy”) of the House Bill enabling partnerships for growth (House, No. 4887), reports recommending passage of the accompanying bill (House, No. 5250). [Fiscal note: \$626, 504,000.00]. January 6, 2021.

Aaron Michlewitz	Eric P. Lesser
Ann-Margaret Ferrante	Michael J. Rodrigues
Donald H. Wong	Patrick M. O'Connor

# HOUSE . . . . . No. 5250

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act enabling partnerships for growth.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith finance improvements to the commonwealth's economic infrastructure and promote economic opportunity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 SECTION 1. To provide for a program of economic development and job creation, the sums set  
2 forth in sections 2 and 2A, for the several purposes and subject to the conditions specified in this  
3 act, are hereby made available, subject to the laws regulating the disbursement of public funds;  
4 provided, however, that the amounts specified in an item or for a particular project may be  
5 adjusted in order to facilitate projects authorized in this act. These sums shall be in addition to  
6 any amounts previously authorized and made available for these purposes.

7 SECTION 2.

8 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

9 Office of the Secretary

10 7002-8000 For the program administered by the Massachusetts Development Finance Agency  
11 for site assembly, site assessment, predevelopment permitting and other predevelopment and  
12 marketing activities that enhance a site's readiness for commercial, industrial or mixed-use  
13 development; provided, that a portion of the funds shall be used to facilitate the expansion or  
14 replication of successful industrial parks; and provided further, that funding shall be awarded in a  
15 manner that promotes geographic equity.....\$15,000,000



16 7002-8001 For the Massachusetts Growth Capital Corporation established in section 2 of chapter  
 17 40W of the General Laws for a program to provide matching grants to community development  
 18 financial institutions certified by the United States Treasury or community development  
 19 corporations certified under chapter 40H of the General Laws to enable the community  
 20 development financial institution or community development corporation to leverage federal or  
 21 private investments for the purpose of making loans and grants to small businesses including, but  
 22 not limited to, businesses owned by women, veterans, minorities and immigrants; provided, that  
 23 the program shall prioritize socially or economically disadvantaged businesses, which may  
 24 include, but shall not be limited to, minority-owned, women-owned, veteran-owned, and  
 25 immigrant-owned small businesses, that have historically faced obstacles accessing capital and  
 26 have been disproportionately impacted by the 2019 novel coronavirus pandemic; and provided  
 27 further, that grants shall be awarded in a manner that promotes geographic  
 28 equity.....\$35,000,000

29 7002-8002 To provide funds to the Massachusetts Broadband Incentive Fund established in  
 30 section 6C of chapter 40J of the General Laws for capital repairs and improvements to  
 31 broadband infrastructure owned by the Massachusetts Technology Park Corporation established  
 32 by section 3 of chapter 40J.....\$5,000,000

33 7002-8003 For the Massachusetts Technology Park Corporation established by section 3 of  
 34 chapter 40J for matching grants that support collaboration among manufacturers located in the  
 35 commonwealth and institutions of higher education, non-profits and other public or quasi-public  
 36 entities; provided, that eligible grantees shall include, but not be limited to, participants in the  
 37 Manufacturing USA institutes established under the National Network for Manufacturing  
 38 Innovation; provided further, that grants shall be awarded and administered consistent with the  
 39 strategic goals and priorities of the advanced manufacturing collaborative established by section  
 40 10B of chapter 23A; and provided further, that grants shall be awarded in a manner that  
 41 promotes geographic, social, racial, and economic equity.....\$10,000,000

42 7002-8004 For projects receiving assistance from the Scientific and Technology Research and  
 43 Development Matching Grant Fund established by section 4G of chapter 40J of the General  
 44 Laws; provided, that not less than \$2,000,000 shall be expended for the University of  
 45 Massachusetts Amherst for capital improvements to the marine station in Gloucester; provided  
 46 further, that use of funds may include the following purposes: (i) capital improvements,  
 47 equipment and faulty start-up costs at the marine station, and (ii) capital equipment and other  
 48 start-up costs for a sustainable seafood production center of excellence including, but not limited  
 49 to, acquiring, expanding, improving or leasing a facility on Gloucester Harbor in Gloucester; and  
 50 provided further, that the University of Massachusetts Amherst shall provide a 50 per cent match  
 51 to these funds; and provided further, that grants shall be awarded in a manner that promotes  
 52 geographic, social, racial and economic equity..... \$52,000,000

7002-8027 For a competitive program of grants or other financial assistance to support economic development, job creation and housing and climate resilience initiatives, including nature-based solutions projects that incorporate these elements for the public purpose of promoting economic opportunity and prosperity in small towns or rural areas of the commonwealth; provided, that such financial assistance may be offered to a municipality or other public entity, a community development corporation, non-profit entity or for-profit entity; provided further, that such financial assistance shall support a project located in a municipality with a population of not more than 7,000 year-round residents or a population density of not more than 500 persons per square mile; provided further, that financial assistance offered pursuant to this line item may be administered by the executive office through a contract with the Massachusetts Development Finance Agency established by section 2 of chapter 23G; provided further, that grants shall be awarded in a manner that promotes geographic, social, racial, and economic equity; and provided further, that the administering agency may establish additional program requirements through regulations or policy guidelines.\$20,000,000

7002-8028 For the Massachusetts Growth Capital Corporation, established in section 2 of chapter 40W of the General Laws to provide, in consultation with the microbusiness development center within the Massachusetts office of business development, grants to low- and moderate-income entrepreneurs to acquire, expand, improve or lease a facility, to purchase or lease equipment or to meet other capital needs of a business with not more than 20 employees and annual revenues not exceeding \$2,500,000, including alternative energy generation projects; provided, that grants may be used for capital projects or equipment purchases necessary to uphold public health and social distancing protocols for customers and staff related to the 2019 novel coronavirus pandemic; provided, that preference shall be given to businesses located in low-income or moderate-income areas or socially and economically disadvantaged businesses, which shall include, but shall not limited to, minority-owned, women-owned, immigrant-owned and veteran-owned businesses; and provided further, that prioritization in awarding grants shall be given to businesses that have been disproportionately impacted by the 2019 novel coronavirus pandemic; and provided further, that grants shall be awarded in a manner that promotes geographic equity.....\$25,000,000

7002-8029 For a competitive grant program administered by the office of travel and tourism; provided, that funds may be used to: (i) provide tourism and cultural marketing funds to businesses and regional tourism councils for the purpose of promoting and advertising in-state tourism in order to create jobs, support tourism-related businesses in the commonwealth and stimulate the state and local economies of the commonwealth; and (ii) improve facilities and destinations visited by in-state and out-of-state travelers, with the goals of increasing visitation, enticing repeat visitation and increasing the direct and indirect economic impacts of the tourism industry in all regions of the commonwealth; provided further, that grants shall support the design, repair, renovation, improvement, expansion and construction of facilities owned by municipalities or non-profit entities; provided further, that all grantees to improve facilities and

92 destinations visited by in-state and out-of-state travelers shall provide a match based on a  
93 graduated formula determined by the Massachusetts office of travel and tourism; provided  
94 further, that grant recipients shall be required to measure and report on return-on-investment data  
95 after the expenditure of grant funds; provided further, that the program shall prioritize socially or  
96 economically disadvantaged businesses, which may include, but shall not be limited to, minority-  
97 owned, women-owned, veteran-owned, and immigrant-owned small businesses, that have  
98 historically faced obstacles accessing capital; provided further, that grants shall be awarded in a  
99 manner that promotes geographic equity; and provided further, that not less than \$4,000,000  
100 shall be allocated to regional tourism councils in order to provide regional advertising, public  
101 relations and other marketing initiatives that will promote in-state tourism and encourage the  
102 upholding of necessary public health and social distancing protocols relative to the 2019 novel  
103 coronavirus pandemic.....\$14,000,000

104 7002-8031 For a program to provide assistance to projects that will improve, rehabilitate or  
105 redevelop blighted, abandoned, vacant or underutilized properties to achieve the public purposes  
106 of eliminating blight, increasing housing production, supporting economic development projects,  
107 increasing the number of commercial buildings accessible to persons with disabilities and  
108 conserving natural resources through the targeted rehabilitation and reuse of vacant and  
109 underutilized property; provided, that such assistance shall take the form of a grant or a loan  
110 provided to a municipality or other public entity, a community development corporation, non-  
111 profit entity or for-profit entity; provided further, that eligible uses of funding shall include, but  
112 not be limited to, improvements and additions to or alterations of structures and other facilities  
113 necessary to comply with requirements of building codes, fire or other life safety codes and  
114 regulations pertaining to accessibility for persons with disabilities, where such code or regulatory  
115 compliance is required in connection with a new commercial residential or civic use of such  
116 structure or facility, and the targeted removal of existing underutilized structures or facilities to  
117 create or activate publicly-accessible recreational or civic spaces; provided further, that funding  
118 shall be awarded on a competitive basis in accordance with guidelines developed by the agency;  
119 provided further, that financial assistance offered pursuant to this line item may be administered  
120 by the executive office through a contract with the Massachusetts Development Finance Agency  
121 established by section 2 of chapter 23G; provided further, that the executive office or the  
122 Massachusetts Development Finance Agency may establish additional program requirements  
123 through regulations or policy guidelines; provided further, that financial assistance offered  
124 pursuant to this item shall be awarded, to the extent feasible, in a manner that reflects geographic  
125 and demographic diversity and social, racial, and economic equity within the commonwealth;  
126 and provided further, that program funds may be used for the reasonable costs of administering  
127 the program not to exceed 5 per cent of the total assistance made during the fiscal year  
128 .....\$40,000,000

129 7002-8032 For grants and technical assistance to be made to municipalities and regional  
130 applicants to support planning and locally-driven initiatives related to community development,

housing production, workforce training and economic opportunity, childcare and early education initiatives and climate resilience initiatives, including nature-based solutions projects, that incorporate these elements, across the commonwealth within individual communities, regions or a defined subset of communities therein; provided, that funds may be expended for culturally competent and multi-lingual technical assistance and training to small businesses; provided further, that preference for these funds shall be given to businesses located in low- or moderate-income areas and owned by women, veterans, minorities or immigrants; and provided further, that grants shall be awarded in a manner that promotes geographic equity..... \$10,000,000

7002-8033 For an employment social enterprise capital grant program to be administered by the executive office of housing and economic development, in consultation with the executive office of labor and workforce development, for the development of eligible facilities for non-profit employment social enterprises that sell goods and services and enhance economic development; provided, that eligible applicants shall be non-profit organizations operating employment social enterprises targeting individuals facing significant barriers to employment; provided further, that grants to non-profits shall support costs associated with the acquisition of real property, the design, construction, repair, rehabilitation or renovation of an eligible facility and soft costs directly related to the development of an eligible facility; provided further, that eligible employment social enterprises shall offer paid employment opportunities to low-income individuals, with priority to socially and economically disadvantaged populations who experience complex needs and barriers to employment that require intensive interventions; provided further, that eligible organizations shall provide the following services for targeted individuals as an integrated part of their paid employment in a social enterprise: (i) outreach to targeted populations; (ii) on-the-job training and skill development, including worksite supervision and performance coaching; (iii) comprehensive supportive services for at least 1 year, including, but not limited to, case management, aimed at helping to overcome barriers to employment; (iv) assistance to obtain external employment; and (v) job retention services which includes follow up with beneficiaries for at least 1 year and employers to support job retention and advancement; provided further, that prioritization for grant awards shall be given to organizations: (a) targeting low-income communities specifically aimed at reducing social and economic inequities, including, but not limited to, inequities affecting individuals who have faced racial or ethnic prejudice; (b) serving high-risk populations that can demonstrate a significant social return on investment; and (c) providing goods and services that can demonstrate a positive community or environmental impact; provided further, that grants shall be awarded in a manner that promotes geographic, social, racial, and economic equity; and provided further, that not less than \$2,700,000 shall be expended to UTEC, Inc. for costs associated with the acquisition, design, construction and renovation of buildings to provide programming, training, instruction, manufacturing, distribution, retail or storage for the purpose of providing a pathway to social and economic success for high-risk young adults.....\$27,700,000

169 7002-8034 For the Commonwealth Zoological Corporation established in section 2 of chapter  
170 92B of the General Laws, for costs associated with the preparation of plans, studies and  
171 specifications, repairs, construction, renovations, improvements, maintenance, asset management  
172 and demolition and other capital improvements including those necessary for the operation of  
173 facilities operated by Zoo New England, including the Franklin Park Zoo and the Walter D.  
174 Stone Memorial Zoo; provided, that not less than \$2,500,000 shall be used for construction and  
175 be required to have a one-to-one match; provided further, that grants shall be awarded in a  
176 manner that promotes geographic equity; and provided further, that Zoo New England shall  
177 provide a matching amount equal to \$1 for every \$1 disbursed from this item....\$12,500,000

178 7002-8035 For the Massachusetts Growth Capital Corporation established in section 2 of chapter  
179 40W of the General Laws, to provide working capital loans to small businesses severely  
180 impacted by the 2019 novel coronavirus pandemic; provided, that funds shall include, but not be  
181 limited to, employee payroll and benefit costs, mortgage interest, rent, utilities and interest on  
182 other debt obligations; provided further, that loan amounts dispersed under this item shall not  
183 require repayment if the loan recipient: (i) expends the entirety of the loan payment on employee  
184 payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt obligations  
185 and not less than 60 per cent of the loan payment on payroll and benefit costs; (ii) maintains the  
186 same or greater number of employees as the period prior to the governor's March 10, 2020  
187 declaration of a state of emergency relative to the 2019 novel coronavirus pandemic; and (iii)  
188 maintains employee wage or annual salary levels at not less than 75 per cent as the period prior  
189 to the governor's March 10, 2020 declaration of a state of emergency relative to the 2019 novel  
190 coronavirus pandemic; provided further, that priority in awarding grants shall be given to: (i)  
191 businesses that serve areas of the commonwealth particularly impacted by the outbreak of the  
192 2019 novel coronavirus pandemic; and (ii) businesses that have not received aid from federal  
193 programs related to the 2019 novel coronavirus; provided further, that not less than \$20,000,000  
194 shall be made available to minority-owned, women-owned immigrant-owned, and veteran-  
195 owned businesses; provided further, that loans shall be awarded in a manner that promotes  
196 geographic equity; and provided further, that not later than April 1, 2021, the Massachusetts  
197 Growth Capital Corporation shall submit a report to the house and senate committees on ways  
198 and means detailing: (i) loan recipients; (ii) loan amounts by recipient; and (iii) any additional  
199 criteria considered in the awarding of loans and in determining loan forgiveness.\$30,000,000

200 7002-8036 For local economic development projects; provided, that not less than \$500,000 shall  
201 be expended to the Boch Center for capital improvements needed to safely reopen the Wang and  
202 Shubert theatres located in the city of Boston; provided further, that not less than \$500,000 shall  
203 be expended for the department of veterans' services to develop and operate a 3-year pilot  
204 program to assist veterans and members of the Massachusetts National Guard in transitioning  
205 their military skill sets into civilian skill sets; provided further, that the program shall focus on  
206 priorities including, but not limited to: (i) assisting veterans and members of the Massachusetts  
207 National Guard in navigating applicable professional licensure requirements; (ii) providing

208 analysis of veterans' and members' of the Massachusetts National Guard current skill sets; and  
209 (iii) matching military skill sets with civilian workforce skill sets, particularly in those areas of  
210 the civilian workforce with a need for additional skilled workers; provided further, that the  
211 department shall submit annual reports to the clerks of the senate and the house of  
212 representatives, the joint committee on veterans and federal affairs, the joint committee on labor  
213 and workforce development and the house and senate committees on ways and means detailing  
214 the results of the pilot program including, but not limited to: (a) the number of veterans placed in  
215 civilian jobs; (b) the number of women veterans participating in the program; (c) the types of  
216 jobs veterans were placed in; (d) the number of veterans who required assistance with navigating  
217 professional licensure requirements; (e) the efficacy of the pilot program in assisting veterans in  
218 finding civilian employment; and (f) an analysis of remaining barriers facing veterans  
219 transitioning to civilian jobs; provided further, that at the conclusion of the 3-year pilot program,  
220 the annual report shall also include any draft legislation or recommendations for funding to  
221 continue or improve the program; provided further, that not less than \$300,000 shall be expended  
222 for the removal of a blighted structure on Main street, in the town of Ware; provided further, that  
223 not less than \$250,000 shall be expended for Springfield Neighborhood Housing Services, Inc. in  
224 the city of Springfield for capitalization of the revolving loan funds program; provided further,  
225 that not less than \$250,000 shall be expended for Revitalize CDC in the city of Springfield for  
226 the GreenNFit Neighborhood Rebuild program; provided further, that not less than \$200,000  
227 shall be expended for improvements to telecommunications and electric infrastructure in order to  
228 facilitate the extension of internet service infrastructure to properties on Pamet Point road, Old  
229 County road and Bound Brook Island road in the towns of Wellfleet and Truro; provided further,  
230 that not less than \$500,000 shall be expended in equal amounts to the towns of Avon, Braintree,  
231 Canton, East Bridgewater, Easton, Milton, Randolph, Sharon, Stoughton and West Bridgewater  
232 for local economic development projects; provided further, that not less than \$400,000 shall be  
233 equally expended for business development, infrastructure and streetscape improvements to the  
234 towns of Abington, Holbrook, Rockland and the city known as the town of Braintree; provided  
235 further, that not less than \$500,000 shall be expended for costs associated with establishing a  
236 health and life science center at Greenfield Community College, including, but not limited to,  
237 design and engineering studies, that will support the expansion of the health science workforce;  
238 provided further, that not less than \$100,000 shall be expended for business development,  
239 infrastructure and streetscape improvements in Wollaston center in the city of Quincy; provided  
240 further, that not less than \$500,000 shall be expended for a downtown trolley implementation  
241 pilot program between the city of Peabody and the city of Salem; provided further, that \$55,000  
242 shall be expended to Lazarus House, Inc., for the construction, reconstruction and renovation of  
243 the Holly Street Shelter to support self-sufficiency and housing stability; provided further, that  
244 not less than \$1,000,000 shall be expended for the University of Massachusetts at Amherst to  
245 establish new testing and piloting facilities and upgrade existing facilities and equipment for the  
246 advancement of water technology and testing; provided further, that \$100,000 shall be expended  
247 to Lazarus House, Inc. for renovations to their soup kitchen to improve their respite and

248 supportive services for the purpose of providing a pathway to social and economic success to  
249 low-income or homeless residents of the Greater Merrimack Valley; provided further, that not  
250 less than \$100,000 shall be expended for urban and community forestry greening in the city of  
251 Malden; provided further, that not less than \$300,000 shall be expended for the department of  
252 housing and community development to create a Cape Cod and Islands Covid-19 Workforce  
253 Housing Relief Fund to be managed and administered by the Housing Assistance Corporation to  
254 provide funds for any combination of property acquisition, soft costs or gap construction funding  
255 in order to develop housing for low-to-moderate income year-round residents of Cape Cod,  
256 Martha's Vineyard and Nantucket; provided further, that said fund shall have funds available for  
257 expenditure for fiscal years 2021 to 2026, inclusive, based on a plan to be submitted by the  
258 Housing Assistance Corporation in consultation with the Falmouth Housing Trust, Inc., the  
259 Lower Cape Community Development Corporation, the Cape Cod commission, the Martha's  
260 Vineyard commission, the town of Nantucket, the Island Housing Trust Corporation and  
261 Housing Nantucket; provided further, that not less than \$250,000 shall be provided to the  
262 Community Development Corporation of Southern Berkshire, Inc. for the remediation of 100  
263 Bridge street in the town of Great Barrington; provided further, that not less than \$200,000 shall  
264 be expended for the Berkshire Family Young Men's Christian Association, Inc. in the city of  
265 Pittsfield for facility renovations; provided further, that not less than \$50,000 shall be provided to  
266 the Senior Center Consortium representing the towns of Ashfield, Buckland and Shelburne and  
267 the western Franklin county region for the project management and design of the renovation and  
268 expansion of the senior center in the village of Shelburne Falls; provided further, that not less  
269 than \$100,000 shall be expended for the planning, design and construction of municipal  
270 buildings in the town of Wilmington; provided further, that not less than \$100,000 shall be  
271 expended for economic development improvements on the state highway route 113 corridor  
272 located in the towns of Groveland and West Newbury; provided further, that not less than  
273 \$350,000 shall be expended for the town of Falmouth to administer a grant program to support  
274 small businesses in reopening and resuming their operations by assisting in paying costs  
275 associated with rent, utilities, staffing, insurance and the cost of required personal protection  
276 equipment; provided further, that not less than \$250,000 shall be expended for Project Mission, a  
277 non-profit organization dedicated to build and advance financial empowerment and self-reliance  
278 among Latino and immigrant families; provided further, that not less than \$275,000 shall be  
279 expended to the Newton Housing Authority in the city of Newton for the purpose of replacing in-  
280 unit natural gas appliances, including stoves, ranges, dryers and water heaters, with electric  
281 appliances; provided further, that not less than \$250,000 shall be expended for a feasibility study  
282 to identify an optimal location and operational model for a parking structure within the transit-  
283 oriented development district in the downtown section of the city of Attleboro; provided further,  
284 that not less than \$250,000 shall be expended for the demolition, cleanup and development of the  
285 former Attleboro Dye Works site located on Maple avenue adjacent to the Ten Mile river in the  
286 town of Seekonk; provided further, that not less than \$75,000 shall be expended to the Wellesley  
287 Housing Authority in the town of Wellesley for the purpose of replacing in-unit natural gas

288 appliances, including stoves, ranges, water heaters and dryers, with electric appliances; provided  
289 further, that not less than \$5,000,000 shall be transferred to the aquaculture innovation fund  
290 within the department of agricultural resources established in section 125 of chapter 128 of the  
291 General Laws; provided further, that not less than \$200,000 shall be expended for tourism  
292 development, including, but not limited to, signage and pedestrian accommodations, in the towns  
293 of Essex, Manchester-by-the-Sea and Rockport and the city of Gloucester; provided further, that  
294 not less than \$500,000 shall be expended to Salisbury Beach Partnership, Inc., a 501(c)(3) non-  
295 profit organization, for the purchase and restoration of the historic carousel at Salisbury beach in  
296 the town of Salisbury; provided further, that not less than \$165,000 shall be expended for the  
297 planning, purchase and installation of electric vehicle charging stations in the town of Bedford;  
298 provided further, that not less than \$165,000 be expended for the planning, purchase and  
299 installation of electric vehicle charging stations in the city of Waltham; provided further, that not  
300 less than \$165,000 shall be expended for the planning, purchase and installation of electric  
301 vehicle charging stations in the town of Carlisle; provided further, that not less than \$500,000  
302 shall be expended for the Massachusetts Biomedical Initiatives, Inc. to support academic-based  
303 research and development, to raise scientific awareness and to support initiatives to increase  
304 diversity in the fields of life sciences and biotechnology; provided further, that not less than  
305 \$75,000 shall be expended for the Pilgrim Hall museum in the town of Plymouth to support  
306 necessary capital improvements; provided further, that not less than \$500,000 shall be expended  
307 to the city of Boston for activation, beautification and enhancements of public spaces in  
308 commercial districts and for the expansion of the ReStore program to include indoor  
309 improvements and capital needs for small businesses associated with reopening during the 2019  
310 novel coronavirus; provided further, that not less than \$75,000 shall be expended for the  
311 Plymouth Antiquarian Society to support necessary capital improvements; provided further, that  
312 not less than \$300,000 shall be expended to the town of Maynard for traffic control measures at  
313 the Assabet River rail trail crossing; provided further, that not less than \$325,000 shall be  
314 expended to the Neponset River Regional Chamber for businesses in the town of Norwood that  
315 were impacted by the June 28, 2020 rainstorm; provided further, that not less than \$125,000 shall  
316 be expended for the Bussey Brook Boardwalk as part of the Roslindale Gateway Path project  
317 located in the Roslindale section of the city of Boston; provided further, that not less than  
318 \$50,000 shall be expended for the Roslindale Village Main Street, Inc. Wayfinding and  
319 Placemaking Initiatives located in the Roslindale section of the city of Boston; provided further,  
320 that not less than \$125,000 shall be expended for costs associated with the vocation technical  
321 training program at the Blackstone Valley Education Hub; provided further, that not less than  
322 \$100,000 shall be expended for costs associated with the renovation of the Milford Area  
323 Chamber of Commerce office and the purchase of equipment, computers and software; provided  
324 further, that not less than \$500,000 shall be expended equally to the city of Worcester and the  
325 towns of Auburn, Grafton, Leicester, Millbury, Northbridge, Shrewsbury and Upton for  
326 economic development purpose; provided further, that not less than \$100,000 shall be expended  
327 to the town of Hudson for improvements to the Hudson Housing Authority community room;



provided further, that not less than \$250,000 shall be expended to design a waterfront park in the city of Chelsea; provided further, that not less than \$100,000 shall be expended for costs associated with the renovation of the Italian American World War II Veterans of the United States, Post No. 40, building in the town of Milford; provided further, that not less than \$78,000 shall be expended for Choices4Teens Mentoring Group Inc. in the city of Brockton to acquire, upgrade and maintain technology and equipment; provided further, that not less than \$75,000 shall be expended for costs associated with the repair of the Sacarrappa bridge in the town of Oxford; provided further, that not less than \$100,000 shall be expended to the town of Shirley for improvements to the War Memorial Building that comply with the federal Americans with Disabilities Act; provided further, that not less than \$100,000 shall be expended for an economic development master plan for the town of Sterling; provided further, that not less than \$50,000 shall be expended for the celebration of the Schooner Ernestina-Morrissey return to the city of New Bedford in collaboration with the Massachusetts Maritime Academy, Schooner Ernestina-Morrissey Advisory Board, Schooner Ernestina-Morrissey Association, Inc., Cape Verdean Association in New Bedford, Inc. and the city of New Bedford; provided further, that not less than \$100,000 shall be expended for the Zeiterion Theatre in the city of New Bedford to safely and sustainably reopen to the public, including, but not limited to, for outdoor cultural events and concerts in downtown New Bedford; provided further, that not less than \$75,000 shall be expended for a land geo-technical feasibility study for economic development in the town of Westminster; provided further, that the unexpended balance in item 7066-8110 of chapter 113 of the acts of 2018 shall be made available for the purposes of renovating the University of Massachusetts at Dartmouth Star Store college of visual and performing arts campus in the city of New Bedford into a twenty-first century arts and design hub connecting downtown arts, commerce and entertainment to working waterfront venues and activities, including expanded mixed use at the New Bedford state pier; provided further, that funds shall be made available for immediate site readiness needs for mixed-use development at the New Bedford State Pier in the city of New Bedford in accordance with section 58 of chapter 228 of the acts of 2018; provided further, that such funds shall be in addition to the unexpended balance in item 6720-1350, as authorized in chapter 286 of the acts of 2014, to carry out the mixed-use development of the pier which may include, but shall not be limited to, water-dependent cargo, commercial fishing, marine transportation, marine educational facilities, fresh produce and seafood markets and other uses related to tourism and public recreation connecting the working waterfront to the arts and culture center in the downtown area of the city of New Bedford; provided further, that not less than \$100,000 shall be expended for costs associated with economic development projects in the town of Millville; provided further, that not less than \$250,000 shall be expended for capital improvements and technology upgrades for training, academic credit certificates and associate degree programs in high-demand fields for Springfield Technical Community College in the city of Springfield; provided further, that not less than \$500,000 be expended for a competitive grant program to be administered by the department of early education and care for licensed early education and care providers in the city of Attleboro and the towns of Franklin, Millis, Natick,

368 Needham, Norfolk, North Attleborough, Plainville, Sherborn, Wayland, Wellesley and  
369 Wrentham for the purpose of defraying fixed operating costs and costs associated with  
370 modifications to early education and care services necessitated by the COVID-19 public health  
371 emergency to be awarded based on demonstrated financial need and current reopening status or  
372 future plans to reopen during the pandemic; provided further, that not less than \$50,000 shall be  
373 expended for improvements to the biology laboratory in Wilson hall at Westfield State  
374 University in the city of Westfield; provided further, that not less than \$125,000 shall be  
375 expended to Valley Opportunity Council, Inc., in the city of Chicopee for capital improvements  
376 to facilities and technology used for the workforce development programs that it administers;  
377 provided further, that not less than \$100,000 shall be expended for developing automated city  
378 services in the city of Melrose; provided further, that not less than \$500,000 shall be expended  
379 for a zero interest small business revolving loan fund to be administered by the South Eastern  
380 Economic Development Corporation in the city of Taunton for small business owners for general  
381 business purposes that have been impacted by COVID-19 in the towns of Berkley, Carver,  
382 Dighton, Marion, Middleborough, Raynham and Wareham, the city of Taunton and the city  
383 known as the town of Bridgewater; provided further, that not more than 12 per cent of the  
384 amount appropriated in this item shall be retained by the South Eastern Economic Development  
385 Corporation for technical loan services and for the administration of the program; provided  
386 further, that not less than \$125,000 shall be expended to the Springfield Cultural Partnership  
387 Incorporated in the city of Springfield for capital improvements to make upgrades to cultural and  
388 arts programs to encourage tourism; provided further, that not less than \$300,000 shall be  
389 expended to the city of Malden for economic development and environmental remediation  
390 projects along the Malden river and Roosevelt park; provided further, that not less than \$100,000  
391 shall be expended for improvements to the snack shack located at the South Common recreation  
392 fields in the town of Berlin; provided further, that \$200,000 shall be expended to the city of  
393 Lowell for economic development programming; provided further, that not less than \$100,000  
394 shall be expended for expanded wireless internet service in the city of Gardner; provided further,  
395 that \$100,000 shall be expended to the town of Westford for economic development  
396 programming; provided further, that \$50,000 shall be expended to the town of Groton for  
397 economic development programming; provided further, that \$50,000 shall be expended to the  
398 town of Pepperell for economic development programming; provided further, that not less than  
399 \$200,000 shall be expended for the Massachusetts Veterans and Warriors to Agriculture Program  
400 Fund; provided further, that not less than \$250,000 shall be expended to construct a roadway  
401 connector from Santilli highway to Rivergreen Business Park in the city of Everett; provided  
402 further, that \$50,000 shall be expended to the town of Dunstable for economic development  
403 programming; provided further, that not less than \$450,000 shall be expended to the towns of  
404 Granville, Montgomery, Tolland and Russell for the expansion of broadband internet access;  
405 provided further, that not less than \$10,000,000 shall be expended for a grant program  
406 administered by the department of elementary and secondary education for community after  
407 school and out-of-school time programs to support community partnerships, workforce training

408 and health and safety expenses related to the 2019 novel coronavirus in preparation for the 2020-  
409 2021 school year; provided further, that not less than \$500,000 shall be expended for a  
410 competitive grant program administered by the executive office of housing and economic  
411 development for startup companies; provide further, that a "startup company" shall be defined as  
412 a newly emerged business venture that aims to develop a viable business model to meet a  
413 marketplace need; provided further, that the executive office shall promulgate parameters of  
414 eligibility and guidelines for application to the grant program and that the program shall be open  
415 for applications not later than December 1, 2020 and the funding shall be awarded to selected  
416 applicants not later than July 1, 2021; provided further, that the executive office shall submit a  
417 report to the clerks of the house and senate detailing the progress of the pilot program as well as  
418 the economic results of the grants on the recipient startup companies not later than December 1,  
419 2021; provided further, that not less than \$100,000 shall be expended for information technology  
420 and broadband infrastructure improvements and upgrades along state highway route 79 and to  
421 municipal buildings and structures in the town of Lakeville; provided further, that not less than  
422 \$200,000 shall be expended for high-speed broadband infrastructure improvements and upgrades  
423 to support businesses and economic development along Swansea Mall drive in the town of  
424 Swansea; provided further, that not less than \$1,000,000 shall be expended for economic  
425 development and housing infrastructure improvements in the Flint neighborhood area adjacent to  
426 and along Pleasant street in the city of Fall River; provided further, that not less than \$500,000  
427 shall be expended for economic development improvements in the Slade's Ferry Commercial  
428 district in the town of Somerset; provided further, that not less than \$2,000,000 shall be  
429 expended for grants supporting small businesses and workforce development programs in the  
430 MetroWest region, including the cities of Framingham and Franklin and the towns of Ashland,  
431 Holliston, Hopkinton, Medway and Natick; provided further, that not less than \$500,000 shall be  
432 expended for renovations and improvements of the Agganis Sports Complex in the city of Lynn;  
433 provided further, that not less than \$1,000,000 shall be expended for costs associated with, but  
434 not limited to, design and engineering studies, acquiring and improving real property and other  
435 costs for an advanced manufacturing research, development and small batch production  
436 laboratory known as the Eruptor Lab in the town of Amherst; provided further, that not less than  
437 \$500,000 shall be expended to fund capital improvements related to health and safety standards  
438 for early childcare facilities at United South End Settlements in the city of Boston; provided  
439 further, that not less than \$500,000 shall be expended for the Natick Center Associates, Inc. for  
440 economic development in Natick center to assist in recovery from the combined effects of the  
441 2019 fire and the 2019 novel coronavirus pandemic; provided further, that not less than \$150,000  
442 shall be expended to the town of Millis for economic development; provided further, that not less  
443 than \$150,000 shall be expended for the Sherborn Business Association, Inc. for revenue lost due  
444 to the 2019 novel coronavirus pandemic; provided further, that not less than \$100,000 shall be  
445 expended to the Center for Arts in Natick, Inc. for revenue lost due to the 2019 novel  
446 coronavirus pandemic; provided further, that not less than \$300,000 shall be expended for the  
447 executive office of housing and economic development to contract with a non-profit, which has a

448 proven model for engagement with no less than 5 years of experience establishing connections  
449 between innovative products and Massachusetts-based manufacturers and suppliers, to build-out  
450 programming that assists startups with preparing to scale manufacturing and sourcing their  
451 supply chains to manufacturers from all regions in the commonwealth; provided further, that not  
452 less than \$75,000 shall be expended to the South End Community Center of Springfield, Inc.  
453 community youth corps program in the city of Springfield; provided further, that not less than  
454 \$75,000 shall be expended to the town of Hudson for a pilot commuter shuttle service linking  
455 employees to the Southborough commuter rail which makes stops in employment hubs such as  
456 Boston, Worcester and Framingham; provided further, that not less than \$50,000 be expended to  
457 the disability commission of the city of Framingham; provided further, that not less than  
458 \$200,000 shall be expended for capital improvements to the Cabot theatre in the city of Beverly;  
459 provided further, that not less than \$500,000 shall be expended to Greenfield Community  
460 College for the development of a SIMS lab; provided further, that not less than \$500,000 shall be  
461 expended for the Stationery Factory, LLC in the town of Dalton for accessibility improvements;  
462 provided further, that not less than \$150,000 shall be expended to the community revitalization  
463 fund run by the Greater Northampton Chamber of Commerce, Inc., the Florence Civic and  
464 Business Assoc., Inc. and the Downtown Northampton Association to support losses by  
465 Northampton, Florence and Leeds small businesses due to the 2019 novel coronavirus pandemic;  
466 provided further, that not less than \$250,000 shall be expended to the town of Wakefield for  
467 building refurbishments for the Albion cultural exchange to ensure accessibility to second-floor  
468 artist lofts; provided further, that not less than \$100,000 shall be expended to the city of Melrose  
469 for reconstruction of the friends parking lot in the downtown commercial district to support  
470 transit-oriented housing development efforts; provided further, that not less than \$100,000 shall  
471 be expended for All Aces, Inc. in the city of Boston to provide equitable relief relative to impacts  
472 caused by the 2019 novel coronavirus pandemic; provided further, that not less than \$150,000  
473 shall be expended for the New North Citizens Council, Inc. for youth and senior information  
474 technology data instruction programming; provided further, that not less than \$25,000 shall be  
475 expended for the New England Center for Arts and Technology, Inc. for career training in the  
476 restaurant industry; provided further, that not less than \$100,000 shall be expended for  
477 reimbursements for expenditures related to the 2019 novel coronavirus pandemic, including but  
478 not limited to personal protective equipment, in the town of Ipswich; provided further, that not  
479 less than \$100,000 shall be expended for the Kingston Business Association, Inc. for revenue  
480 lost during the 2019 novel coronavirus pandemic; provided further, that not less than \$250,000  
481 shall be expended for the historic restoration of the Governor Bellingham-Cary house in the city  
482 of Chelsea; provided further, that not less than \$200,000 shall be expended for capital  
483 improvements to the Charlestown Working Theater, Inc. in the Charlestown section of the city of  
484 Boston; provided further, that not less than \$100,000 shall be expended for the Homeless  
485 Prevention Council, Inc. in lower cape cod to support self-sufficiency and housing stability;  
486 provided further, that not less than \$150,000 shall be expended for the Cape Cod commission for  
487 the application and administration of early education funding and grants; provided further, that

488 not less than \$100,000 shall be expended for Smart from the Start, Inc. in the city of Boston;  
489 provided further, that not less than \$150,000 shall be expended for economic development in the  
490 town of Pembroke; provided further, that not less than \$400,000 shall be expended for the New  
491 North Citizen Council, Inc. for a minority community down payment and closing costs  
492 assistance program; provided further, that not less than \$350,000 shall be expended for the  
493 Talking Information Center, Incorporated in the town of Marshfield to provide supports to radio  
494 reading services for visually impaired and otherwise disabled listeners across Massachusetts;  
495 provided further, that not less than \$50,000 shall be expended for funding to conduct a study to  
496 investigate opportunities in the opportunity zones in the city of Framingham; provided further,  
497 that not less than \$20,000 shall be expended for the Framingham History Center, Inc; provided  
498 further, that not less than \$500,000 shall be expended for the blue economy initiative at the  
499 University of Massachusetts at Dartmouth for the flume tank for ocean technology research and  
500 development; provided further, that not less than \$100,000 shall be expended for infrastructure  
501 improvements and federal Americans with Disabilities Act-compliant upgrades to the bathhouse  
502 and boathouse at West beach located on West Rodney French boulevard in the city of New  
503 Bedford; provided further, that not less than \$25,000 shall be expended for the town of Dracut  
504 for investments in economic development; provided further, that not less than \$150,000 shall be  
505 expended for the Wayside Inn Foundation in the town of Sudbury; provided further, that not less  
506 than \$285,000 shall be expended for the study of improvements to and redevelopment of  
507 commercial districts in the town of Brookline; provided further, that not less than \$56,000 shall  
508 be expended for the Arlington Historical Society for maintenance, refurbishment, and  
509 replacement of critical assets at the Jason Russell house and the Smith museum cultural  
510 attractions; provided further, that not less than \$250,000 shall be expended for the town of  
511 Belmont for costs associated with designs for the community path to connect town centers;  
512 provided further, that not less than \$750,000 shall be expended for the Fitchburg State University  
513 theater block renovations; provided further, that not less than \$250,000 shall be expended for the  
514 New England Historic Genealogical Society for revenue lost during the 2019 novel coronavirus  
515 pandemic; provided further, that not less than \$250,000 shall be expended for costs related to a  
516 wastewater treatment facility in the town of Southborough; provided further, that not less than  
517 \$150,000 shall be expended for changes in gas line sizing to increase capacity in the town of  
518 Leicester; provided further, that not less than \$250,000 shall be expended for the Malden  
519 department of public works to aid the purchase of new equipment; provided further, that not less  
520 than \$50,000 shall be expended for the city of Malden to aid the purchase of new equipment for  
521 the Malden fire department; provided further, that not less than \$50,000 shall be expended for  
522 the city of Malden to aid the purchase of new safety equipment for the Malden police  
523 department; provided further, that not less than \$1,000,000 shall be expended for the city of  
524 Malden for repairs to public parking garages to continue to revitalize Malden center; provided  
525 further, that not less than \$250,000 shall be expended for the city of Malden for federal  
526 Americans with Disabilities Act-compliant upgrades to the Oak Grove community center;  
527 provided further, that not less than \$75,000 shall be expended for marketing materials for the

528 promotion of a rural development district in the town of Leicester; provided further, that not less  
529 than \$100,000 shall be expended for the establishment of an advanced manufacturing innovation  
530 village in the village of Rochdale in the town of Leicester; provided further, that not less than  
531 \$1,000,000 shall be expended for the city of Newton for the rehabilitation of the Gath memorial  
532 pool; provided further, that not less than \$1,000,000 shall be expended for the towns of  
533 Burlington and Bedford for use by each municipality to prepare unleased, pre-permitted  
534 commercial space for use by the life science industry, including costs of planning and utilities;  
535 provided further, that the funds shall be split evenly unless otherwise agreed by the  
536 municipalities; provided further, that not less than \$100,000 shall be expended for the Worcester  
537 urban agenda food hub of the Worcester regional chamber of commerce to provide targeted, in-  
538 depth and hands-on support to diverse urban food entrepreneurs in the city of Worcester;  
539 provided further, that not less than \$30,000 shall be expended for the Care Center of Holyoke;  
540 provided further, that not less than \$100,000 shall be expended for the city of Pittsfield to use as  
541 a site readiness grant to support the preparation of properties on Technology drive in Pittsfield  
542 for commercial development and use; provided further, that not less than \$50,000 shall be  
543 expended to the town of Great Barrington for a feasibility study for the merger of the Great  
544 Barrington water district; provided further, that not less than \$100,000 shall be expended for land  
545 acquisition for senior housing in the town of Lenox; provided further, that not less than \$150,000  
546 shall be expended for the Wayland housing authority; provided further, that not less than  
547 \$150,000 shall be expended for the Sudbury housing trust; provided further, that not less than  
548 \$50,000 shall be expended to the Berkshire regional planning commission for a regional overlay  
549 study of cell towers in Berkshire county; provided further, that not less than \$20,000 shall be  
550 expended to Berkshire Grown, Inc. for a feasibility study for a meat processing facility in  
551 Berkshire county; provided further, that not less than \$30,000 shall be expended to Girls Inc. of  
552 the Valley for partnering with Holyoke public schools to provide STEM training through its  
553 eureka program at the University of Massachusetts at Amherst; provided further, that not less  
554 than \$35,000 shall be expended for economic development in the town of Grafton; provided  
555 further, that not less than \$35,000 shall be expended for economic development in the town of  
556 Northbridge; provided further, that not less than \$30,000 shall be expended for economic  
557 development in the town of Upton; provided further, that not less than \$1,000,000 shall be  
558 expended for the redevelopment of the downtown corridor in the town of Winchester; provided  
559 further, that not less than \$1,000,000 shall be expended to the parks and recreation department of  
560 the city of Newton to be combined with partnering funds from the city to support the design,  
561 repair, renovation, improvement and construction of a modern facility at Crystal lake public  
562 beach to replace the old bathhouse, to support tourism and recreational needs of Crystal lake;  
563 provided further, that not less than \$500,000 shall be expended for the expansion of the Mary  
564 Cruise Kennedy Senior Center in the city of Brockton; provided further, that not less than  
565 \$500,000 shall be expended for maintenance, repairs and additions to the Brockton Cape  
566 Verdean Association building; provided further, that not less than \$1,000,000 shall be expended  
567 for the planning and development of a regional transit service in the town of Stoneham; provided

568 further, that not less than \$500,000 shall be expended for design funding for sewer, roadway and  
569 pedestrian infrastructure improvement in the Easton Industrial Park in the town of Easton;  
570 provided further, that not less than \$50,000 shall be expended for the revitalization, repair, and  
571 electrical upgrades of the Robert Goddard Rocket and Fountain area in Goddard park in the town  
572 of Auburn; provided further, that not less than \$250,000 shall be expended for free remote field  
573 trip experiences for Massachusetts schools by the Boston Museum of Science on the topics of  
574 science, technology, engineering and mathematics; provided further, that not less than \$250,000  
575 shall be expended for, in consultation with the department of conservation and recreation,  
576 renovations and improvements to the historic Stone Building in Hemlock Gorge in Wellesley to  
577 establish a visitor center, including but not limited to: improvements to the interior and exterior  
578 of the building, the building's immediate surroundings and the development of a paved trail from  
579 the parking lot on Ellis street in Newton along Route 9 to the Stone building, connecting to the  
580 sidewalk along the south side of Route 9 in Wellesley; provided further, that not less than  
581 \$75,000 shall be expended for the Stoneham Historical Society, Inc. to increase remote access to  
582 enhance and provide remote programming; provided further, that not less than \$50,000 shall be  
583 expended for the renovation of the playground at the West Somerville Neighborhood school in  
584 the city of Somerville; provided further, that not less than \$75,000 shall be expended for the  
585 Winchester Historical Society, Inc. to increase remote access to enhance and provide remote  
586 programming; provided further, that not less than \$250,000 shall be expended to support the  
587 capital costs at the Colonel Floyd Apartments in the town of Brookline; provided further, that not  
588 less than \$10,000 shall be expended for the Massachusetts Alliance for Portuguese Speakers  
589 Framingham office; provided further, that not less than \$10,000 shall be expended for the  
590 Framingham public schools drama department; provided further, that not less than \$500,000  
591 shall be expended for a laundry facility at the Bunker Hill housing development in the  
592 Charlestown section of Boston; provided further, that not less than \$10,000 shall be expended for  
593 Downtown Framingham Inc.; provided further, that not less than \$10,000 shall be expended for  
594 Amazing Things Arts Center, Inc; provided further, that not less than \$20,000 shall be expended  
595 for the Ashland Community Theatre; provided further, that not less than \$10,000 shall be  
596 expended for the city of Framingham for funding for professional and technical consultants in  
597 order to undertake a downtown parking study; provided further, that not less than \$20,000 shall  
598 be expended for the Ashland Historical Society; provided further, that not less than \$10,000 shall  
599 be expended for the Ashland housing authority; provided further, that not less than \$100,000  
600 shall be expended for the Weymouth Teen Center Jobs program; provided further, that not less  
601 than \$50,000 shall be expended for the implementation of a parking management program in  
602 downtown Reading; provided further, that not less than \$50,000 shall be expended for the town  
603 of Scituate for economic development in the North Scituate business district; provided further,  
604 that not less than \$50,000 shall be expended for technology upgrades to the Willis Ave  
605 Community Center in the city of Medford; provided further, that not less than \$50,000 shall be  
606 expended for cultural and educational programs for the senior center and the Ventress Memorial  
607 Library of the town of Marshfield; provided further, that not less than \$15,000 shall be expended

608 for the Hitchcock Center for the Environment, Inc. in Amherst for expenses related to virtual  
609 tours and educational programming; provided further, that not less than \$15,000 shall be  
610 expended for The Eric Carle Museum of Picture Book Art, Inc. in Amherst for expenses related  
611 to virtual tours and programming; provided further, that not less than \$15,000 shall be expended  
612 for the National Yiddish Book Center, Inc. in Amherst for expenses related to virtual tours and  
613 programming; provided further, that not less than \$20,000 shall be expended for the Amherst  
614 Cinema Center, Inc. for revenue lost during the 2019 novel coronavirus pandemic and needed  
615 modifications to ensure adherence to public health guidelines; provided further, that not less than  
616 \$40,000 shall be expended for the Taunton Council on Aging for the purchasing of supplies and  
617 hiring of qualified staff to increase program offerings to seniors in order to reduce social  
618 isolation and improve health and mental health in respond to the 2019 novel coronavirus  
619 pandemic; provided further, that not less than \$50,000 shall be expended for the Methuen  
620 Arlington Neighborhood, Inc. for workforce development training for young men and women;  
621 provided further, that not less than \$50,000 shall be expended for the Amherst Business  
622 Improvement District, Inc. to provide economic relief to restaurants in distress as a result of the  
623 2019 novel coronavirus pandemic health or economic crisis in the town of Amherst ; provided  
624 further, that not less than \$75,000 shall be expended for the Methuen Arlington Neighborhood  
625 District for faÃ§ade and signage to promote local, small businesses; provided further, that not  
626 less than \$75,000 shall be expended for The Downtown Amherst Foundation, Inc. in its efforts to  
627 revitalize downtown Amherst; provided further, that not less than \$100,000 shall be expended  
628 for the city of Lawrence for the rehabilitation of the handball court located at the corner of  
629 Oxford street and Lowell street; provided further, that not less than \$125,000 shall be expended  
630 for the Methuen Arlington Neighborhood, Inc. community center in the city of Methuen for  
631 youth recreational programming; provided further, that not less than \$150,000 shall be expended  
632 for the city of Watertown for business assistance grants for store redesign, outside seating and  
633 other improvements to ensure safe business operations during the 2019 novel coronavirus  
634 pandemic; provided further, that not less than \$150,000 shall be expended for a public facilities  
635 planning study to result in new housing and economic development opportunities in the  
636 downtown of the city of Methuen; provided further, that not less than \$200,000 shall be  
637 expended to the town of Andover for upgrades to the Andover Senior Center; provided further,  
638 that not less than \$250,000 shall be expended for strategic planning and pre-development  
639 expenditures resulting in a mixed-use and historic preservation project at the Searles Estate in the  
640 city of Methuen; provided further, that not less than \$250,000 shall be expended for the Amherst  
641 Municipal Affordable Housing Trust to be used to develop and secure affordable housing;  
642 provided further, that not less than \$250,000 shall be expended for the town of Amherst to use to  
643 develop climate resilience affordable multi-family units, upon receiving LEED Gold or LEED  
644 silver certification; provided further, that not less than \$300,000 shall be expended for the town  
645 of Littleton for costs associated with the expansion of commuter parking at the Littleton  
646 Massachusetts Bay Transportation Authority train station; provided further, that not less than  
647 \$500,000 shall be expended for the city of Lawrence for the construction of a footbridge along



648 the Lawrence Rail Trail; provided further, that not less than \$450,000 shall be expended for a  
649 gateway identification, signage, wayfinding and beautification program for economic  
650 development districts in the city of Methuen; provided further, that not less than \$150,000 be ;  
651 provided to the town of Braintree for economic development; provided further, that not less than  
652 \$250,000 shall be expended for Northeastern University for equipment and infrastructure at its  
653 Technology Research Center in Burlington; provided further, that not less than \$250,000 shall be  
654 expended for design, construction and making safety and other improvements to roadways and  
655 sidewalks, and to improve pedestrian and bicycle safety, including a crosswalk, at Soldiers Field  
656 road at William F. Smith Playground in the city of Boston; provided further, that not less than  
657 \$100,000 shall be expended for the Leo M. Birmingham Parkway Trust Fund which shall be  
658 used for the purposes of advancing recreational, educational, and conservation interests  
659 including, but not limited to, the maintenance of facilities and infrastructure improvements for  
660 the parcel of land; provided further, that not less than \$150,000 shall be expended for the town of  
661 Wilmington and its development committee for consultation services to develop, promote and  
662 retain small businesses within the town of Wilmington; provided further, that not less than  
663 25,000 shall be expended for Roslindale Village main streets in the city of Boston for training  
664 and resources; provided further, that not less than \$1,500,000 shall be expended for Roca, Inc. to  
665 provide and administer a transitional employment program to at-risk, court involved young  
666 people and adults; provided further, that not less than \$1,000,000 shall be made available to the  
667 Dorchester Bay Economic Development Corporation, in matching grants for low-income  
668 housing developments in which at least 50 per cent of units are affordable; provided further, that  
669 not less than \$1,000,000 shall be made available to the Codman Square Neighborhood  
670 Development Corporation, in matching grants for low-income housing developments in which at  
671 least 50 per cent of units are affordable; provided further, that not less than \$300,000 shall be  
672 expended for the department of transitional assistance to establish a telephone hotline to provide  
673 residents of the commonwealth information and consultation on program benefits, program  
674 eligibility, application processes and intersectionality with other programs facilitated by agencies  
675 including, but not limited to, the executive office of housing and economic development, the  
676 executive office of labor and workforce development and the executive office of education;  
677 provided further, that not less than \$500,000 shall be expended to establish an online platform in  
678 order to conduct and provide services, communication and support for non-profits, charitable  
679 organizations and other mission-oriented institutions impacted by the 2019 novel coronavirus  
680 pandemic; provided further, that not less than \$2,000,000 shall be expended for grants to be  
681 made available for seafood processing facilities for the purposes of mechanical or technological  
682 upgrades necessary to: (i) combat the effects of the 2019 novel coronavirus pandemic on supply  
683 chains, processing, distribution and sale of seafood products; (ii) limit the transmission of the  
684 2019 novel coronavirus among the workforce; and (iii) undertake any further compliance  
685 measures in response to executive orders issued related to the declaration of the state of  
686 emergency beginning as of March 10, 2020; provided further, that not less than \$100,000 shall  
687 be expended for the Canton housing authority for the renovation, reconstruction and

688 improvement of existing housing units under the authority's control; provided further, that not  
689 less than \$1,000,000 shall be expended for the Massachusetts Food Trust Program established by  
690 section 65 of chapter 23A of the General Laws; provided further, that not less than \$500,000  
691 shall be expended for the office of travel and tourism to expand and promote agriculture tourism  
692 in the aquaculture and cranberry industries; provided further, that not less than \$2,000,000 shall  
693 be expended for the New North Citizen's Council, Inc. in Springfield for programming at the  
694 Barbara Rivera Community Center, including youth programs, HIV outreach, family support,  
695 disabled and the community welcome center, to help individuals from housing and food bank  
696 programs; provided further, that not less than \$150,000 shall be expended for the town of  
697 Tewksbury and its development committee for consultation services to develop, promote and  
698 retain small businesses within the town of Tewksbury; provided further, that not less than  
699 \$300,000 shall be expended for Taunton public schools for the adoption of a new English  
700 language arts program to provide online access for students and families to address equity and  
701 learning gaps; provided further, that no less than \$25,000 shall be expended for Mission Hill  
702 Main Streets, Inc. in the city of Boston for training and resources; provided further, that not less  
703 than \$1,000,000 shall be expended for the town of Arlington for the redesign of the Arlington  
704 Heights Commercial Corridor; provided further, that not less than \$500,000 shall be expended  
705 for the town of Arlington for improvements to Arlington center and Whittemore park; provided  
706 further, that not less than \$500,000 shall be expended for the town of Arlington for the Arlington  
707 workforce training program; provided further, that not less than \$400,000 shall be expended for  
708 the town of Randolph to be used for business district revitalization efforts; provided further, that  
709 not less than \$25,000 shall be expended to JP Centre and South Main Streets in the city of  
710 Boston for training and resources; provided further, that not less than \$5,000,000 shall be  
711 expended for the relocation of Springfield Technical Community College's Allied Health Service  
712 Programs in Building 20 across Federal street to Building 103B at Springfield Technology Park,  
713 operated by Springfield Technical Community College's Assistance Corporation, an eligible  
714 public entity, as established by section 125 of chapter 273 of the acts of 1994, to address  
715 infrastructure inadequacies in Building 20 and allow for the sustainability of important  
716 healthcare programs that contribute to the regional workforce; provided further, that not less than  
717 \$350,000 shall be expended for Commonwealth Kitchen, Inc. for the purpose of developing an  
718 economic development recovery plan including regional market based strategies to address food  
719 access and security in gateway municipalities, as defined in section 3A of chapter 23A of the  
720 General Laws, and Boston, including but not limited to, assessing infrastructure and food chain  
721 gaps; provided further, that not less than \$400,000 shall be expended to the town of Milton to be  
722 used for overlay district revitalization efforts; provided further, that not less than \$250,000 shall  
723 be expended to create a pilot Sibling Cities Youth Work Initiative program for the design,  
724 planning, and implementation of a tri-community jobs creation and training effort wherein the  
725 city of Boston, city of Haverhill and town of Lexington shall collaborate on a pilot in pairing and  
726 matching employers with underprivileged youth and young adults; provided further, that not less  
727 than \$25,000 shall be expended to Three Square Main Streets JP in the city of Boston for training

728 and resources; provided further, that no less than \$200,000 shall be expended for the town of  
729 Clinton for parking solutions for older housing stock in the downtown area; provided further,  
730 that not less than \$25,000 shall be expended for the Allston Village Main Streets, Inc. for the  
731 beautification of the Allston and Brighton business district; provided further, that not less than  
732 \$100,000 shall be expended for The Megan House Foundation, Inc. in conjunction with The  
733 Bridge Club of Greater Lowell to be expended for the purpose of the Career Success in Sobriety  
734 program; provided further, that not less than \$50,000 shall be expended for local economic  
735 development in the town of Holliston; provided further, that not less than \$200,000 shall be  
736 expended to the Clinton housing authority for Presentation Apartments to improve building  
737 quality; provided further, that not less than \$300,000 shall be expended for the town of Lancaster  
738 to be used for the creation of a new well system to help alleviate town water shortage; provided  
739 further, that not less than \$750,000 shall be expended to CitySpace Easthampton for the  
740 renovation of Old Town Hall; provided further, that not less than \$1,000,000 shall be expended  
741 for the MassChallenge technology incubator; provided further, that not less than \$1,000,000 shall  
742 be expended for the city of Revere for investments in economic development; provided further,  
743 that not less than \$1,000,000 shall be expended for town of Winthrop for investments in  
744 economic development; provided further, that not less than \$1,000,000 shall be expended for  
745 infrastructure improvements to parks and open space in the city of Medford; provided further,  
746 that not less than \$1,000,000 shall be expended for parking improvements and economic  
747 development opportunities for Medford square in the city of Medford; provided further, that not  
748 less than \$1,000,000 shall be expended for parking improvements and economic development  
749 opportunities for West Medford square in the city of Medford; provided further, that not less than  
750 \$250,000 shall be expended for the West Medford Community Center in the city of Medford;  
751 provided further, that not less than \$1,500,000 shall be expended for capital improvements for  
752 the Needham housing authority; provided further, that not less than \$4,000,000 shall be  
753 expended for the Shaw Wharf Pier in the city of Boston; provided further, that such funds shall  
754 be disbursed upon a match of not less than \$1 in private contributions for every \$1 in state grant  
755 funding; provided further, that not less than \$100,000 shall be expended for infrastructure  
756 including public sewer improvements towards the construction of the Power Mill Place  
757 affordable housing development in the town of Acton; provided further, that not less than  
758 \$100,000 shall be expended for infrastructure improvements for economic development at Depot  
759 square in the town of Ayer; provided further, that not less than \$250,000 shall be expended for  
760 the Island Housing Trust on the island of Martha's Vineyard for wastewater remediation in  
761 housing development; provided further, that not less than \$5,000,000 shall be expended to the  
762 New England Aquarium Corporation for costs associated with the preparation of plans, studies  
763 and specifications, repairs, construction, renovations, maintenance, asset management and  
764 demolition and other capital improvements including those necessary for the operation of  
765 facilities operated by the New England Aquarium Corporation on Central wharf in the city of  
766 Boston; provided further, that not less than \$200,000 shall be expended to the Brookline Housing  
767 Authority in the town of Brookline for the purpose of modernizing kitchens including

replacement of in-unit natural gas appliances, including stoves, ranges, water heaters and dryers, with electric appliances; provided further, that not less than \$1,000,000 shall be expended to the city of Newton for the construction of the Newton Center for Active Living; provided further, that not less than \$500,000 shall be expended to the department of housing and community development to distribute as grants to any provider of temporary housing assistance, including, but not limited to, family shelters, shelters for adults, hotels or motels used for emergency shelter, emergency apartments, domestic violence shelters, runaway and homeless youth shelters or safe houses for refugees, for the purpose of providing and installing dispensers for disposable menstrual products, including, but not limited to, sanitary napkins, tampons and panty liners at no cost to menstruating individuals; provided further, that the products shall be available in a convenient manner that does not stigmatize any persons seeking such products; provided further, that not less than \$100,000 shall be expended for an economic development grant for the downtown area in the town of North Reading; provided further, that not less than \$180,000 shall be expended to the Center for Women and Enterprise for the design, planning and construction of a new innovation center in the city of Brockton; provided further, that not less than \$150,000 shall be expended for the construction and expansion of a deck and hospitality area at the clubhouse at the D.W. Field golf course in the city of Brockton; provided further, that not less than \$100,000 shall be expended for the replacement and repair of roads within D.W. Field park in the city of Brockton; provided further, that not less than \$100,000 shall be expended for life sciences planning and zoning in the city of Brockton; provided further, that not less than \$350,000 shall be expended for infrastructure improvements, upgrades for compliance with the federal Americans with Disabilities Act, safety code compliance and the rehabilitation and renovation of the historical building serving as the Cape Verdean Veterans Memorial Hall in the city of New Bedford; provided further, that not less than \$300,000 shall be expended for the planning, design, development, and construction of a recreational area at 40 to 48 Geneva avenue, inclusive, in the Grove Hall section in the city of Boston; provided further, that not less than \$100,000 shall be expended for downtown storefront revitalization for the city of Leominster; provided further, that not less than \$100,000 shall be expended to fund capital improvements and construction related costs for the development of a new facility operated by Harvard Street Neighborhood Health Center Inc., a federally qualified health center, on Blue Hill avenue in the city of Boston; provided further, that not less than \$750,000 shall be expended for capital improvements to the "Z" building at the Dimock Center in the city of Boston to provide additional clinical stabilization services; and provided further, that not less than \$50,000 shall be expended to the town of Tyngsborough for economic development programming.....\$102,304,000

7002-8037 For capital grants or other financial assistance for urban farms; provided, that "urban farms" shall mean any real estate or a portion thereof in agricultural, horticultural or agricultural and horticultural use that is not more than 2 acres in area; provided further, that each grant recipient's gross sales of agricultural, horticultural or agricultural and horticultural products resulting from such uses together shall total not less than \$500 in the previous year; provided

808 further, that grant recipients shall be located in a city or town that: (i) has a population of not less  
809 than 50,000 inhabitants; or (ii) meets the definition of a gateway municipality under section 3A  
810 of chapter 23A of the General Laws; and provided further, that grants shall be awarded in a  
811 manner that promotes geographic, social, racial, and economic  
812 equity.....\$2,000,000

813 7002-8038 For a program to provide financial and capital assistance to restaurants impacted by  
814 the 2019 novel coronavirus; provided, that said program shall be administered by the executive  
815 office of housing and economic development; provided further, that grants may be used for, but  
816 shall not be limited to, capital projects or equipment purchases necessary to uphold necessary  
817 public health and social distancing protocols for customers and staff related to the 2019 novel  
818 coronavirus pandemic; provided further, that grants may be used for, but shall not be limited to,  
819 employee payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt  
820 obligations; provided further, that the executive office shall prioritize independently owned and  
821 operated restaurants, seasonal restaurants and geographic equity when establishing the program  
822 criteria; provided further, that the program shall prioritize socially or economically  
823 disadvantaged businesses, which may include, but shall not be limited to, minority-owned,  
824 women-owned, veteran-owned, and immigrant-owned small businesses, that have historically  
825 faced obstacles accessing capital; and provided further, that grants shall be awarded in a manner  
826 that promotes geographic equity.....\$20,000,000

827 SECTION 2A.

828 TREASURER AND RECEIVER GENERAL

829 Lottery Commission

830 0640-0100 For costs associated with information technology projects at the state lottery  
831 commission.....\$15,000,000

832 Massachusetts Cultural Council

833 0640-0303 For a competitive grant program to be administered by the Massachusetts cultural  
834 council to: (i) promote artists, among all disciplines and sectors, including, arts, humanities and  
835 sciences, in creating new mediums to showcase their art, including showcasing their work in a  
836 variety of media formats and platforms, including, video, audio and interactive platforms; and  
837 (ii) promote local museums in the commonwealth, to showcase their exhibits and events by using  
838 remote access, including, video, audio and interactive platforms; provided, that funds may be  
839 used to assist artists to enhance and expand remote media platforms in response to the outbreak  
840 of the 2019 novel coronavirus, also known as COVID-19; provided further, that the funds may  
841 be used to increase remote access to enhance and provide remote programming and operations  
842 by local museums; provided further, that the Massachusetts cultural council shall determine the

criteria to evaluate applications for the grant program; provided further, that the criteria shall promote remote access to cultural experiences, including new operation and programming models within the arts, humanities and sciences; provided further, that the criteria shall include, but not be limited to, the commitment by the artists and museums to improve and diversify access to remote cultural experiences, the artists and museums having the knowledge and skill to develop and implement the remote media platforms; provided further, that the criteria shall prioritize local artists, local museums, local performing arts organizations, local performance venues, and other arts and cultural non-profit organizations in the commonwealth, including, small to mid-sized museums; and provided further, that grants shall be awarded in a manner that promotes geographic, social, racial, and economic equity..\$6,000,000

0640-0304 For a competitive grant program to be administered by the Massachusetts cultural council, in consultation with the department of elementary and secondary education, to assist public school districts in providing access to cultural experiences in the community, including arts, humanities and sciences, through the use of information technology to provide remote experiences; provided, that the funds may be used to reimburse the costs incurred by school districts providing remote cultural experiences in response to the outbreak of the 2019 novel coronavirus, also known as COVID-19; provided further, that the Massachusetts cultural council, in consultation with the department of elementary and secondary education, shall determine criteria used to evaluate applications for the grant program; provided further, that the criteria shall promote access to cultural experiences, including, arts, humanities and sciences, for public school districts; provided further, that the criteria shall include, but not be limited to, school districts using creative means to educate students during the outbreak of COVID-19 in place of school field trips and the ease of student access to the remote cultural experience; and provided further, that grants shall be awarded in a manner that promotes geographic, social, racial, and economic equity...\$5,000,000

0640-0305 For a non-profit infrastructure and equipment grant program administered by the Massachusetts cultural council; provided, that grants shall be awarded on a competitive basis to non-profit arts, cultural and tourism institutions and organizations that temporarily suspended in-person public attendance due to the 2019 novel coronavirus pandemic; provided further, that grants shall be awarded to assist institutions with infrastructure costs necessary to safely and sustainably reopen to the public while upholding necessary public health and social distancing protocols relative to the 2019 novel coronavirus pandemic; provided further, that the following criteria shall be used in prioritizing grant awards: (i) capital improvements and equipment purchases deemed critical to safeguard institution staff, volunteers and exhibitions; (ii) capital improvement and equipment purchases deemed critical to safely allow public attendance; (iii) relative financial need of the applying institution; (iv) geographic, social, racial, and economic diversity of grant recipients; (v) diversity of type of organizations or institutions receiving funding; and (vi) the likelihood that one-time infrastructure and equipment assistance will enable the institution to reopen safely and sustainably; and provided further, that the Massachusetts

882 cultural council shall report to the chairs of the house and senate committees on ways and means  
883 and the chairs of the joint committee on tourism, arts and cultural development on the process  
884 and criteria for grant selection not less than 30 days before awarding grants.....\$20,000,000

885 JUDICIARY

886 Trial Court

887 1102-5702 For costs associated with information technology capital improvements at the trial  
888 court to support the provision of virtual mediation services; provided, that funding shall be  
889 awarded in a manner that promotes geographic equity...\$15,000,000

890 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

891 Department of Housing and Community Development

892 7004-0059 For state financial assistance in the form of grants or loans to accelerate and support  
893 the creation of low-income and moderate-income housing in close proximity to transit nodes;  
894 provided, that the program shall be administered to: (i) maximize the amount of affordable  
895 residential and mixed-use space in close proximity to transit nodes, resulting in higher density,  
896 compact development and pedestrian-friendly, inclusive and connected neighborhoods; (ii)  
897 increase mass transit ridership; (iii) decrease traffic congestion and reduce greenhouse gas  
898 emissions; and (iv) increase economic opportunity for disadvantaged populations by making it  
899 easier for residents of affordable housing to access public transportation, including transportation  
900 supporting commutes to employment centers; provided further, that entities eligible to receive  
901 financial assistance shall include governmental bodies, community development corporations,  
902 local housing authorities, community action agencies, community-based or neighborhood-based  
903 non-profit housing organizations, other non-profit organizations and for-profit entities; provided  
904 further, that financial assistance provided pursuant to this section shall be made on a competitive  
905 basis, with preference for projects in communities disproportionately impacted by the 2019 novel  
906 coronavirus health and economic crisis; provided further, that grants shall be awarded in a  
907 manner that promotes geographic, social, racial, and economic equity; provided further, that  
908 funds may be used to assist units occupied by and affordable to persons with incomes not more  
909 than 110 per cent of the area median income as defined by the United States Department of  
910 Housing and Urban Development with priority given to projects that provide higher and deeper  
911 levels of affordability; provided further, that not less than 25 per cent of the occupants of housing  
912 in projects assisted by this item shall be persons whose income is not more than 60 per cent of  
913 the area median income as defined by the United States Department of Housing and Urban  
914 Development; provided further, that financial assistance offered pursuant to this item may be  
915 administered by the department of housing and community development through a contract with  
916 the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts  
917 of 1985, which in turn may directly offer financial assistance for the purposes set forth herein or

918 may enter into subcontracts with non-profit organizations established pursuant to chapter 180 of  
919 the General Laws for the purposes herein; provided further, that the department may provide  
920 financial support to non-profit and for-profit developers that enter into binding agreements to set  
921 aside residential units in market-rate, transit-oriented housing, over and above any units required  
922 to be set aside under local zoning or approvals, for rent or sale to income-qualified households at  
923 affordable rents or sale prices, as applicable; and provided further, that the department may  
924 establish additional program requirements through regulations or policy guidelines  
925 .....\$50,000,000

926 7004-0064 For financial assistance to accelerate and support the creation and preservation of  
927 sustainable and climate resilient affordable multifamily housing; provided, that such financial  
928 assistance shall be made to: (i) incorporate efficient, sustainable and climate-resilient design  
929 practices in affordable residential development to support positive climate mitigation outcomes;  
930 (ii) reduce greenhouse gas emissions and reliance on fossil fuels; (iii) increase resiliency of  
931 existing housing developments to mitigate impacts of climate change, including flooding and  
932 extreme temperatures; and (iv) enhance emergency preparedness, including sustainable means of  
933 power generation to allow for sheltering vulnerable populations in place; provided further, that  
934 financial assistance shall be made available on a competitive basis to community development  
935 corporations, local housing authorities, community action agencies, community-based or  
936 neighborhood-based non-profit housing organizations, other non-profit organizations and for-  
937 profit entities; provided further, that funds may be used to assist units occupied by and affordable  
938 to persons with incomes not more than 110 per cent of the area median income as defined by the  
939 United States Department of Housing and Urban Development with priority given to projects  
940 that provide higher and deeper levels of affordability; provided further, that not less than 25 per  
941 cent of the occupants of housing in projects assisted by this item shall be persons whose income  
942 is not more than 60 per cent of the area median income as defined by the United States  
943 Department of Housing and Urban Development; provided further, that financial assistance shall  
944 be awarded in a manner that promotes geographic, social, racial, and economic equity provided  
945 further, that financial assistance provided pursuant to this section may be administered by the  
946 department of housing and community development through contracts with the Massachusetts  
947 Housing Partnership Fund, established in section 35 of chapter 405 of the acts of 1985, the  
948 Massachusetts Housing Finance Agency, established in chapter 708 of the acts of 1966, or both,  
949 which authorities may directly offer financial assistance for the purposes set forth herein or may  
950 enter into subcontracts with non-profit organizations established pursuant to chapter 180 of the  
951 General Laws for those purposes; and provided further, that the administering agency may  
952 establish additional program requirements through regulations or policy guidelines...\$10,000,000

953 7004-0065 For state financial assistance to cities and towns or agencies, boards, commissions,  
954 authorities, departments or instrumentalities thereof or community development corporations or  
955 non-profit organizations to assist in the revitalization of neighborhoods and communities with  
956 properties in blighted or substandard conditions by subsidizing the purchase price, borrowing



957 costs or costs of demolition or renovation of up to 50 units of residential rental housing or 1 to 4  
958 units of home ownership residential housing that have been cited for building or sanitary code  
959 violations or that are subject to cancellation of commercial property insurance due to substandard  
960 property conditions or are otherwise blighted or substandard; provided, that contracts entered  
961 into by the department of housing and community development for those projects may include,  
962 but shall not be limited to, projects providing for demolition, renovation, remodeling,  
963 reconstruction, redevelopment and hazardous material abatement, including asbestos and lead  
964 paint, and for compliance with state codes and laws and for adaptations necessary for compliance  
965 with the federal Americans with Disabilities Act of 1990; provided further, that preference shall  
966 be given to community development corporations and local non-profit organizations,  
967 organizations sponsoring projects that secure private funds and projects with the greatest impact  
968 on community stabilization in weak markets including, but not limited to, rural communities and  
969 communities that have been disproportionately affected by the 2019 novel coronavirus  
970 pandemic, disinvestment, foreclosure and abandonment; provided further, that financial  
971 assistance shall be awarded in a manner that promotes geographic, social, racial, and economic  
972 equity; provided further, that such rehabilitated housing shall remain affordable for such period  
973 as shall be established by the department through guidance taking into account differences in  
974 market conditions and the type of restrictions best suited to promoting community stabilization  
975 in different markets; and provided further, that an amount not to exceed 2 per cent of the amount  
976 expended may pay for administrative costs directly attributable to the purposes of this program,  
977 including costs of support personnel.....\$50,000,000

978 7004-0066 For a gateway city housing pilot program to support the construction of shovel-ready,  
979 market-rate housing opportunities in gateway municipalities, as defined in section 3A of chapter  
980 23A of the General Laws, by providing funding in an amount not more than 150 per cent of the  
981 maximum housing development incentive program tax credit under chapter 40V of the General  
982 Laws; provided, that awards to projects shall be awarded to: (i) communities that have satisfied  
983 the 10 per cent affordable housing stock requirements under chapter 40B of the General Laws;  
984 (ii) non-profit developers; (iii) new construction or market rate apartment rentals or  
985 homeownership; (iv) projects that are ready to commence construction within 6 months of  
986 approval; and (v) projects that are located in a zoning area that permits high density housing such  
987 as a transformative development initiative district, waterfront or a zoning overlay district such as  
988 those permitted under chapter 40R of the General Laws; provided further, that funding shall be  
989 awarded in a manner that promotes geographic, social, racial, and economic equity; and provided  
990 further, that a developer's fee under the program would be deferred by 33 per cent with positive  
991 net cash flow from the development to be split with the commonwealth on an equal basis after  
992 payment of any first mortgage permanent financing .....\$5,000,000

993 EXECUTIVE OFFICE OF EDUCATION

994 Department of Elementary and Secondary Education

995 7035-2020 For capital grants to vocational technical schools to expand operating capacities;  
996 provided, that grants shall be administered by the department of elementary and secondary  
997 education on a competitive basis to vocational technical schools; provided further, that grants  
998 may be used for building expansions and renovations, as well as equipment purchases; provided  
999 further, that prioritization for grant awards shall be given to, but not limited to, vocational  
1000 technical schools: (i) with significant waiting lists; (ii) offering programs focused on industries  
1001 and careers disproportionately impacted by the 2019 novel coronavirus pandemic; and (iii)  
1002 serving students from gateway municipalities as defined in section 3A of chapter 23A of the  
1003 General Laws or municipalities with high proportions of low-income and non-English or limited-  
1004 English speaking populations; provided further, that the department shall award grants in a  
1005 manner that promotes geographic, social, racial, and economic equity; and provided further, that  
1006 the department shall submit to the chairs of the house and senate committees on ways and means  
1007 a report detailing the criteria used to award grants not less than 30 days before awarding said  
1008 grants.....\$15,000,000

1009 Department of Higher Education

1010 7066-2020 For a grant program administered by the department of higher education to support  
1011 career-oriented programs and initiatives at the community and municipal colleges to support  
1012 training, academic credit certificates and associate degree programs in high-demand fields,  
1013 including, but not limited to, healthcare and allied health, information technology and  
1014 cybersecurity, or first-responder programs such as fire science, emergency medical technician  
1015 and criminal justice; provided, that grant preference shall be given to support and expand  
1016 programs and initiatives targeting high-demand fields disproportionately impacted by the 2019  
1017 novel coronavirus pandemic; provided further, that grants shall be awarded in a manner that  
1018 promotes geographic, social, racial, and economic equity; and provided further, that funding may  
1019 be used for resources to recruit, retain and graduate students, including, but not limited to,  
1020 technology tools such as software, licenses, laptops, curriculum development or student  
1021 services.....\$15,000,000

1022 SECTION 3. Chapter 12 of the General Laws is hereby amended by adding the following  
1023 section:-

1024 Section 35. (a) There shall be a student loan ombudsman within the office of the attorney  
1025 general. The student loan ombudsman shall receive, review and assist in resolving complaints  
1026 from student loan borrowers including, but not limited to, those concerning attempts to resolve  
1027 complaints in collaboration with institutions of higher education, student loan servicers, the  
1028 division of banks and any other participants in student loan lending.

1029 (b) The responsibilities of the ombudsman may include, but shall not be limited to, helping  
1030 student loan borrowers: (i) explore repayment options; (ii) apply for federal income-driven  
1031 repayment plans; (iii) avoid or remove a default; (iv) end wage garnishments, tax refund

1032 interceptions or benefit offsets; (v) resolve billing disputes with student loan servicers; (vi)  
1033 obtain student loan details and information; (vii) stop harassing collection calls; and (viii) apply  
1034 for loan discharges or forgiveness.

1035 The ombudsman shall prepare, make available or direct those seeking assistance to student loan  
1036 borrower education presentations and materials regarding student loans. The presentations and  
1037 materials shall include, but not be limited to, an explanation of: (i) key student loan terms; (ii)  
1038 documentation requirements; (iii) monthly payment obligations; (iv) income-based repayment  
1039 options; (v) student loan forgiveness; and (vi) disclosure requirements. The ombudsman shall  
1040 make best efforts to inform public employees about the federal Public Service Loan Forgiveness  
1041 Program and direct them to available information about the program.

1042 (c) Annually, not later than January 1, the ombudsman shall file a report on activities related to  
1043 student loans and student loan servicers, as defined in section 1 of chapter 93L, with the clerks of  
1044 the senate and house of representatives, the senate and house committees on ways and means and  
1045 the joint committee on financial services.

1046 The report shall include, but not be limited to: (i) the number of complaints received by the  
1047 ombudsman from student loan borrowers and the names of the student loan servicers against  
1048 whom such complaints were filed; (ii) the types of complaints received by the ombudsman from  
1049 student loan borrowers; (iii) the types of resolutions reached for complaints received; and (iv)  
1050 recommendations to improve the effectiveness of the position of student loan ombudsman.

1051 The report shall also include an overview of any information received from the division of banks  
1052 including, but not limited to: (i) the number of complaints received by the division of banks  
1053 concerning student loans; (ii) the types of complaints received by the division of banks  
1054 concerning student loans; (iii) the types of resolutions reached by the division of banks; and (iv)  
1055 recommendations to improve the regulation, oversight and enforcement efforts of the division of  
1056 banks with respect to student loan servicers. Information and data in the report shall be in an  
1057 aggregate and de-identified format.

1058 (d) The ombudsman shall receive information from the division of banks to assist the  
1059 ombudsman in fulfilling its duties under this section.

1060 SECTION 4. Section 6C of chapter 20 of the General Laws, as appearing in the 2018 Official  
1061 Edition, is hereby amended by striking out, in line 3, the figure "17" and inserting in place  
1062 thereof the following figure:- 18.

1063 SECTION 5. Said section 6C of said chapter 20, as so appearing, is hereby further amended by  
1064 inserting after the word "designee", in line 17, the following words:- ; 1 of whom shall be an  
1065 expert in healthy soils practices as defined in section 7A of chapter 128, appointed by the  
1066 secretary of energy and environmental affairs.

1067 SECTION 6. Said section 6C of said chapter 20, as so appearing, is hereby further amended by  
1068 inserting after the word "foods", in line 58, the following words:- , particularly those foods  
1069 produced using healthy soils practices as defined in section 7A of chapter 128.

1070 SECTION 7. Subsection (d) of said section 6C of said chapter 20, as so appearing, is hereby  
1071 further amended by inserting after the word "production", in line 70, the following words:-,  
1072 particularly through practices that promote healthy soils as defined in section 7A of chapter 128.

1073 SECTION 8. Section 20 of chapter 21 of the General Laws, as so appearing, is hereby amended  
1074 by adding the following 2 paragraphs:-

1075 (15) To assist in the development of a healthy soils program, as instructed by the director, to: (i)  
1076 improve soil quality on lands utilized for commercial farming, suburban and urban lawns, yards  
1077 and gardens, public and private forests, parks and other open or green spaces and non-paved  
1078 outdoor areas of office complexes, mixed-use facilities, businesses, industries and colleges and  
1079 other institutions; (ii) increase carbon sequestration or storage on such lands to help reduce  
1080 harmful atmospheric greenhouse gases and the effects of climate change; and (iii) provide other  
1081 measurable benefits, determined as applicable under the program to certain types of lands,  
1082 related to climate change, plant growth, erosion control and water absorption and quality. The  
1083 commission, in the development of the program or any significant change to the established  
1084 program, if requested by the director, shall consult with 1 or more of the following organizations,  
1085 as appropriate for the type of land intended to be covered under the program: (i) the department  
1086 of agricultural resources; (ii) department of environmental protection; (iii) department of fish and  
1087 game; (iv) the Nature Conservancy; (v) Massachusetts Forest Alliance Limited; (v) the  
1088 Massachusetts Association of Conservation Districts, Inc.; (vi) Massachusetts Farm Bureau  
1089 Federation, Incorporated; (vii) the National Resources Conservation Services within the United  
1090 States Department of Agriculture; (viii) Massachusetts chapter of the Northeast Organic Farming  
1091 Association; (ix) the University of Massachusetts Extension; (x) the University of Massachusetts  
1092 at Amherst and (xi) any individual or other organization designated by the director.

1093 (16) To encourage and promote the use of healthy soils policies and practices by private and  
1094 public landowners, including commercial farmers, and any assistance available to program  
1095 participants, which may consist of grants, technical assistance or education on the benefits and  
1096 implementation of healthy soils best practices, as the director may instruct, to achieve the  
1097 purposes of the healthy soils program.

1098 SECTION 9. Chapter 23A of the General Laws is hereby amended by adding the following  
1099 section:-

1100 Section 69. (a) The MOBD shall establish a micro business development center, in this section  
1101 referred to as the center, which shall foster micro businesses in the commonwealth by providing  
1102 resources, including information on available loans, grants and technical assistance. The center

1103 shall provide micro businesses with information and technical assistance related to aspects of  
1104 micro business management, including but not limited to, (i) business plan development; (ii)  
1105 technology development; (iii) lending assistance; (iv) market research support; and (v)  
1106 procurement and contracting aid. For the purposes of this section the term "micro business" shall  
1107 mean a business: (i) with no more than 5 employees; (ii) located in a city or town with 75 per  
1108 cent of residents living under the federal poverty level; and (iii) with no more than \$200,000 in  
1109 annual revenue.

1110 (b) The center shall advise the Massachusetts Growth Capital Corporation in the design,  
1111 administration and disbursement of loans and grants to entrepreneurs in the commonwealth for  
1112 low and moderate-income entrepreneurs who are forming, running or expanding microbusinesses  
1113 in the commonwealth.

1114 (c) The center may expend funds as may be appropriated therefor, accept federal funds, or  
1115 private gifts and grants to assist in carrying out the purposes as set forth in this section.

1116 SECTION 10. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby  
1117 amended by striking out the definition "Equity investments" and inserting in place thereof the  
1118 following definition:-

1119 "Equity investments", (i) investments that result in the agency holding an ownership interest in  
1120 any company; (ii) a membership interest that constitutes voting rights in a company; (iii) an  
1121 interest in real estate or other assets; (iv) a grant or loan designated pursuant to a competitive  
1122 process administered by the agency, provided to governmental subdivisions, community  
1123 development corporations, community action agencies, for-profit entities, private property  
1124 owners, nonprofit entrepreneur support organizations and business operators for design,  
1125 construction or improvement of buildings or real estate to spur economic development; (v) a  
1126 transaction which in substance falls into any of these categories even though it may be structured  
1127 as some other form of business transaction, including, but not limited to, a lease of real estate for  
1128 such duration as the agency deems appropriate in light of the amount of the equity to be invested;  
1129 and (vi) an equity security; provided, however, that "equity investments" shall not include any of  
1130 the foregoing if the interest is taken as security for a loan.

1131 SECTION 11. Said chapter 23G is hereby further amended by adding the following section:-

1132 Section 47. (a) There shall be established within the agency a maritime piers repair and  
1133 rehabilitation program to advance the public purpose of ensuring the physical integrity and safety  
1134 of piers and other maritime infrastructure that is essential to the continued viability of (i)  
1135 maritime industries; (ii) water-dependent uses, as defined in section 1 of chapter 91; and (iii)  
1136 other commercial and industrial uses that contribute to the economic vitality of a designated port  
1137 area. The agency, in consultation with the secretary of housing and economic development, shall

1138 design and implement the program. The agency may coordinate with other agencies, community  
1139 development organizations and instrumentalities of the commonwealth to effectuate this section.

1140 (b) The program shall be eligible to receive funds as appropriated by the general court, the board,  
1141 federal grants and programs, and transfers, grants and donations from state agencies, foundations  
1142 and private parties. Such funds shall be held in a separate account or accounts segregated from  
1143 other funds. Money in or received for the fund may be deposited with and invested by an  
1144 institution designated by the executive office and paid as the agency shall direct. A return on an  
1145 investment received by the fund shall be deposited and held for the use and benefit of the fund.  
1146 The agency may make payments from a deposit account for use under this section.

1147 (c) The agency shall use the fund to make grants, loans or a combination thereof for the  
1148 reconstruction, repair, renovation or rehabilitation of existing commercial and marine industrial  
1149 infrastructure and public or private maritime transportation infrastructure. Eligible recipients of  
1150 such financial assistance shall include public entities, community development corporations,  
1151 non-profit and for-profit corporations and other private business entities. In making a loan or  
1152 grant, the agency shall consider: (i) the impacts on future economic growth, commercial and  
1153 industrial development and wastewater and wastewater pre-treatment within the designated port  
1154 area and on the commercial fishing industry; (ii) the attendant economic benefits to the  
1155 commonwealth; and (iii) the benefits to the commonwealth's transportation system including the  
1156 benefits derived from enhancing intermodal connections from the seaports to road, rail and air  
1157 facilities. Funding shall be awarded on a competitive basis in accordance with guidelines  
1158 developed by the agency.

1159 (d) The agency shall be reimbursed from the fund for all reasonable and necessary direct costs  
1160 and expenses incurred in any fiscal year associated with its administration, management and  
1161 operation of the fund, including reasonable staff time and out-of-pocket expenses and the  
1162 reasonable and approved administrative costs.

1163 (e) The agency shall submit an annual report to the clerks of the house of representatives and the  
1164 senate who shall forward the report to the house and senate committees on ways and means and  
1165 the joint committee on economic development and emerging technologies not later than  
1166 December 31. The report shall include a current assessment of the progress of each project  
1167 funded through the program.

1168 SECTION 12. Chapter 26 of the General Laws is hereby amended by inserting after section 3 the  
1169 following section:-

1170 Section 3A. (a) The division of banks shall maintain a consumer assistance unit. The unit may  
1171 provide assistance in response to complaints involving any person or entity that the division has  
1172 authority to regulate or in other areas as the commissioner deems appropriate, which may  
1173 include, but shall not be limited to, complaints and requests for assistance involving state-

1174 chartered banks and credit unions, check cashers, foreign transmittal companies, sales finance  
 1175 companies, mortgage lenders, brokers, originators and student loan servicers.

1176 (b) The unit shall share information with the student loan ombudsman to assist the student loan  
 1177 ombudsman in fulfilling the student loan ombudsman's duties under section 35 of chapter 12.

1178 SECTION 13. Chapter 29 of the General Laws is hereby amended by inserting after section  
 1179 2MMMMM the following 2 sections:-

1180 Section 2NNNNN. There shall be a Student Loan Assistance Trust Fund administered by the  
 1181 office of the attorney general.

1182 Expenditures may be made from the fund to: (i) fund the work of the student loan ombudsman  
 1183 established under section 35 of chapter 12; (ii) provide direct counseling and assistance to  
 1184 student loan borrowers; (iii) receive, review and assist in the resolution of complaints from  
 1185 student loan borrowers; and (iv) pursue legal action on behalf of student loan borrowers  
 1186 including, but not limited to, the investigation of complaints, the costs of personnel and  
 1187 litigation, the engagement of experts and the enforcement of settlements.

1188 Amounts credited to the fund shall not be subject to further appropriation and money remaining  
 1189 in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall retain  
 1190 all interest earned on sums deposited in the fund.

1191 The fund may receive revenue from: (i) appropriations or other money authorized by the general  
 1192 court designated to the fund; and (ii) funds from public or private sources specifically designated  
 1193 for the purposes of this section, including, but not limited to, gifts, grants, donations, rebates and  
 1194 settlements received by the commonwealth.

1195 The office of the attorney general shall provide an annual report to the house and senate  
 1196 committees on ways and means on the fund's activity. The report shall include, but not be limited  
 1197 to: (i) the total amount of money in the fund, designated by source; (ii) the amount of money  
 1198 received by the fund, designated by source; (iii) if settlement funds were received, the percentage  
 1199 of the total settlement amount deposited into the fund; (iv) an accounting of all expenditures  
 1200 from the fund; (v) a description of the activities and staff supported by the fund; and (vi) revenue  
 1201 and expenditure projections for the current fiscal year and for the next fiscal year.

1202 Section 200000 (a) There shall be established and set upon the books of the commonwealth a  
 1203 separate fund to be known as the Healthy Soils Program Fund. The secretary of energy and  
 1204 environmental affairs shall administer the fund. Notwithstanding any general or special law to  
 1205 the contrary, there shall be credited to the fund any revenue subject to appropriations or other  
 1206 money authorized by the general court and specifically designated to be credited to the fund,  
 1207 including monies appropriated from the Gaming Economic Development Fund, established

1208 under section 2DDDD of chapter 29, and any gifts, grants, private contributions, investment  
1209 income earned by the fund's assets and any designated funds from other sources. No  
1210 expenditures from the fund shall cause the fund to be in deficiency at the close of the fiscal year.  
1211 Any money in the fund at the end of the fiscal year shall not revert to the General Fund, shall be  
1212 available for expenditure in the subsequent year and shall not be subject to section 5C of chapter  
1213 29.

1214 (b) Amounts credited to the fund shall be expended, without further appropriation, for the  
1215 purpose to implement, administer and develop healthy soils practices under the healthy soils  
1216 program, including, but not limited to, program research and development, education and  
1217 training in program practices and policies and to provide grants on a competitive basis to  
1218 individuals, public and private entities and charitable organizations to implement healthy soils  
1219 practices; provided, however, that no loans shall be made from said fund. Expenditures made  
1220 from the fund shall complement and not replace existing local, state, private or federal funding  
1221 for related training and educational programs for healthy soils practices

1222 SECTION 14. Section 23 of chapter 32 of the General Laws, as so appearing, is hereby amended  
1223 by adding the following subdivision:-

1224 (8)(a) It shall be the policy of the PRIM board to use minority investment managers to manage  
1225 PRIT Fund assets, encompassing all asset classes, and to increase the racial, ethnic, and gender  
1226 diversity of PRIT Fund investments to the greatest extent feasible, consistent with sound  
1227 investment policy. The PRIM board and the executive director shall take affirmative steps to  
1228 remove any barriers to the full participation of minority investment managers in investment  
1229 opportunities. Such affirmative steps shall include, but not be limited to, consideration of  
1230 whether current investment policy discourages the use of minority investment managers through  
1231 quantitative or qualitative restrictions, including, but not limited to, number of years track record  
1232 and minimum assets under management.

1233 (b) It shall be the goal of the PRIM board that not less than 20 per cent of investment managers  
1234 be minorities, females and persons with disabilities. It shall further be the goal of the PRIM  
1235 board to utilize businesses owned by minorities, females and persons with disabilities for not less  
1236 than 20 per cent of total contracts awarded pursuant to section 23B.

1237 (c) Annually, not later than January 15 of each year, the PRIM board shall file with the house  
1238 and senate committee on ways and means and with the joint committee on public service a report  
1239 detailing its progress toward implementing the policies and goals outlined above. Such report  
1240 shall include documentation related to all minority investment managers considered for  
1241 investment, including documentation, where applicable, of the reasons for declining any such  
1242 investment.



1243 SECTION 15. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby  
1244 amended by adding the following paragraph:-

1245 By a majority vote of their legislative bodies, and with the approval of the mayor, board of  
1246 selectmen or other chief executive officer, any contiguous cities and towns may enter into an  
1247 agreement to allocate public infrastructure costs, municipal service costs and local tax revenue  
1248 associated with the development of an identified parcel or parcels or development within the  
1249 contiguous communities generally; provided, that the agreement shall be approved by the  
1250 department of revenue.

1251 SECTION 16. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby  
1252 amended by inserting after the introductory paragraph the following 10 definitions:-

1253 "Accessory dwelling unit", a self-contained housing unit, inclusive of sleeping, cooking and  
1254 sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable  
1255 dimensional and parking requirements, that: (i) maintains a separate entrance, either directly  
1256 from the outside or through an entry hall or corridor shared with the principal dwelling sufficient  
1257 to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area  
1258 than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii)  
1259 is subject to such additional restrictions as may be imposed by a municipality, including but not  
1260 limited to additional size restrictions, owner-occupancy requirements and restrictions or  
1261 prohibitions on short-term rental of accessory dwelling units.

1262 "As of right", development that may proceed under a zoning ordinance or by-law without the  
1263 need for a special permit, variance, zoning amendment, waiver or other discretionary zoning  
1264 approval.

1265 "Eligible locations", areas that by virtue of their infrastructure, transportation access, existing  
1266 underutilized facilities or location make highly suitable locations for residential or mixed use  
1267 smart growth zoning districts or starter home zoning districts, including without limitation: (i)  
1268 areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or  
1269 (ii) areas of concentrated development, including town and city centers, other existing  
1270 commercial districts in cities and towns and existing rural village districts.

1271 "Gross density", a units-per-acre density measurement that includes land occupied by public  
1272 rights-of-way and any recreational, civic, commercial and other nonresidential uses.

1273 "Lot", an area of land with definite boundaries that is used or available for use as the site of a  
1274 building or buildings.

1275 "MBTA community", a city or town that is: (i) one of the 51 cities and towns as defined in  
1276 section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said

chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

"Mixed-use development", development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses;

"Multi-family housing", a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

"Natural resource protection zoning", zoning ordinances or by-laws enacted principally to protect natural resources by promoting compact patterns of development and concentrating development within a portion of a parcel of land so that a significant majority of the land remains permanently undeveloped and available for agriculture, forestry, recreation, watershed management, carbon sequestration, wildlife habitat or other natural resource values.

"Open space residential development", a residential development in which the buildings and accessory uses are clustered together into 1 or more groups separated from adjacent property and other groups within the development by intervening open land. An open space residential development shall be permitted only on a plot of land of such minimum size as a zoning ordinance or by-law may specify which is divided into building lots with dimensional control, density and use restrictions for such building lots varying from those otherwise permitted by the ordinance or by-law and open land. The open land may be situated to promote and protect maximum solar access within the development. The open land shall either be conveyed to the city or town and accepted by said city or town for park or open space use, or be made subject to a recorded use restriction enforceable by said city or town or a non-profit organization the principal purpose of which is the conservation of open space, providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

SECTION 17. Said section 1A of said chapter 40A, as so appearing, is hereby further amended by striking out the definition of "Transfer of development rights" and inserting in place thereof the following definition:-

"Transfer of development rights", the regulatory procedure whereby the owner of a parcel may convey development rights, extinguishing those rights on the first parcel, and where the owner of another parcel may obtain and exercise those rights in addition to the development rights already existing on that second parcel.

SECTION 18. Said chapter 40A is hereby further amended by inserting after section 3 the following section:-

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

(c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

SECTION 19. Section 5 of said chapter 40A, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

(1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;

(2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;

(3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

SECTION 20. Section 9 of said chapter 40A, as so appearing, is hereby amended by inserting after the word "interests," in line 34, the following words:- ; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of development rights to be permitted as of right, without the need for a special permit or other discretionary zoning approval.

SECTION 21. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by striking out, in lines 39 and 43, the word "cluster" each time it appears and inserting in place thereof in each instance the following words:- open space residential.

SECTION 22. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by inserting, after the word "control," in line 47, the following words:- ; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing open space residential developments to be permitted as of right, without the need for a special permit or other discretionary zoning approval.

SECTION 23. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

Zoning ordinances or by-laws may also provide that special permits may be granted for reduced parking space to residential unit ratio requirements after a finding by the special permit granting authority that the public good would be served and that the area in which the development is located would not suffer a substantial adverse effect from such diminution in parking.

1382 SECTION 24. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by  
1383 inserting after the twelfth paragraph the following paragraph:-

1384 A special permit issued by a special permit granting authority shall require a simple majority  
1385 vote for any of the following: (a) multifamily housing that is located within 1/2 mile of a  
1386 commuter rail station, subway station, ferry terminal or bus station; provided, that not less than  
1387 10 per cent of the housing shall be affordable to and occupied by households whose annual  
1388 income is less than 80 per cent of the area wide median income as determined by the United  
1389 States Department of Housing and Urban Development and affordability is assured for a period  
1390 of not less than 30 years through the use of an affordable housing restriction as defined in section  
1391 31 of chapter 184; (b) mixed-use development in centers of commercial activity within a  
1392 municipality, including town and city centers, other commercial districts in cities and towns and  
1393 rural village districts; provided, that not less than 10 per cent of the housing shall be affordable to  
1394 and occupied by households whose annual income is less than 80 per cent of the area wide  
1395 median income as determined by the United States Department of Housing and Urban  
1396 Development and affordability is assured for a period of not less than 30 years through the use of  
1397 an affordable housing restriction as defined in section 31 of chapter 184; or (c) a reduced parking  
1398 space to residential unit ratio requirement, pursuant to this section; provided, that a reduction in  
1399 the parking requirement will result in the production of additional housing units.

1400 SECTION 25. Section 17 of said chapter 40A, as so appearing, is hereby amended by inserting  
1401 after the second paragraph the following paragraph:-

1402 The court, in its discretion, may require a plaintiff in an action under this section appealing a  
1403 decision to approve a special permit, variance or site plan to post a surety or cash bond in an  
1404 amount of not more than \$50,000 to secure the payment of costs if the court finds that the harm  
1405 to the defendant or to the public interest resulting from delays caused by the appeal outweighs  
1406 the financial burden of the surety or cash bond on the plaintiffs. The court shall consider the  
1407 relative merits of the appeal and the relative financial means of the plaintiff and the defendant.

1408 SECTION 26. Section 2 of chapter 40G of the General Laws, as so appearing, is hereby  
1409 amended by striking out, in lines 23 to 26, inclusive, the words "1 person appointed by the  
1410 governor who is a cabinet secretary or officer of the commonwealth having experience  
1411 appropriate to the functions of MTDC" and inserting in place thereof the following words:- the  
1412 executive director of the Massachusetts Technology Park Corporation established in section 3 of  
1413 chapter 40J.

1414 SECTION 27. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by  
1415 inserting after the word "use", in line 19, the following words:-

1416 ; provided, however, that a smart growth zoning district or starter home zoning district ordinance  
1417 or by-law shall be adopted by a simple majority vote of all the members of the town council, or

1418 of the city council where there is a commission form of government or a single branch, or of  
1419 each branch where there are 2 branches, or by a simple majority vote of a town meeting.

1420 SECTION 28. Section 2 of chapter 40R of the General Laws, as amended by section 12 of  
1421 chapter 5 of the acts of 2019, is hereby amended by inserting after the word "is", in line 4, the  
1422 following words:- equal to or.

1423 SECTION 29. Said section 2 of said chapter 40R, as so amended, is hereby further amended by  
1424 striking out the definition of "Approving authority".

1425 SECTION 30. Said section 2 of said chapter 40R, as so amended, is hereby further amended by  
1426 inserting after the definition of "Open space" the following definition:-

1427 "Plan approval authority", a unit of municipal government designated by the city or town to  
1428 review projects and issue approvals under section 11.

1429 SECTION 31. Section 3 of said chapter 40R, as so appearing, is hereby amended by inserting  
1430 after the word "have", in line 4, the following word:- safe.

1431 SECTION 32. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by  
1432 inserting after the word "frequent", in line 5, the following word:- pedestrian.

1433 SECTION 33. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by  
1434 striking out, in line 14, the words "by a city or town".

1435 SECTION 34. Section 6 of said chapter 40R, as so appearing, is hereby amended by striking out,  
1436 in lines 55 to 56, the words "the comprehensive housing plan, housing production plan or  
1437 housing production summary submitted as part of".

1438 SECTION 35. Subsection (a) of said section 6 of said chapter 40R, as so appearing, is hereby  
1439 amended by striking out clause (8) and inserting in place thereof the following clause:-

1440 (8) A proposed smart growth zoning district or starter home zoning district shall not impose  
1441 restrictions on age or any other occupancy restrictions on the district as a whole or any portion  
1442 thereof or project therein. Applicants may pursue the development of specific projects within a  
1443 smart growth zoning district that are exclusively for the elderly, the disabled or for assisted  
1444 living; provided, that the department shall adopt regulations limiting the percentage of units in  
1445 the district that qualify the city or town for density bonus payments under section 9 that may be  
1446 subject to such restrictions that limit occupancy exclusively for the elderly, the disabled or for  
1447 assisted living. Not less than 25 per cent of the housing units in a project that limits occupancy  
1448 exclusively for the elderly, the disabled or for assisted living within a smart growth zoning  
1449 district shall be affordable housing, as defined in section 2.

1450 SECTION 36. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by  
1451 striking out, in line 86, the word "approving" and inserting in place thereof the following words:-  
1452 plan approval.

1453 SECTION 37. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by  
1454 striking out subsection (c) and inserting in place thereof the following subsection:-

1455 (c) The zoning for a proposed smart growth zoning district or starter home zoning district may  
1456 provide for mixed use development subject to any limitations that may be imposed by  
1457 regulations of the department. In a starter home zoning district, mixed use development shall  
1458 only be permitted if the proposed density achieves a minimum of 4 units per acre.

1459 SECTION 38. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by  
1460 striking out subsection (g) and inserting in place thereof the following subsection:-

1461 (g) Any amendment or repeal of a zoning ordinance or by-law affecting an approved smart  
1462 growth zoning district or starter home zoning district shall not be effective without the written  
1463 approval by the department. No such amendment or repeal shall be effective until the city or  
1464 town has made the payment required under subsection (b) of section 14. Each amendment or  
1465 repeal shall be submitted to the department with an evaluation of the effect on the number of  
1466 projected units that will remain developable, if any, in relation to the number of units that have  
1467 been built and the number of units that determined any corresponding zoning incentive payment  
1468 paid to the city or town. Amendments shall be approved only to the extent that the district  
1469 remains in compliance with this chapter. If the department does not respond to a complete  
1470 request for approval of an amendment or repeal within 60 days of receipt, the request shall be  
1471 deemed approved.

1472 SECTION 39. Section 7 of said chapter 40R, as so appearing, is hereby amended by striking out,  
1473 in line 14, the word "approving" and inserting in place thereof the following words:- plan  
1474 approval.

1475 SECTION 40. Said section 7 of said chapter 40R, as so appearing, is hereby further amended by  
1476 striking out, in lines 17 through 20, inclusive, the words "the city or town's comprehensive  
1477 housing plan, housing production plan, or the housing production summary submitted with the  
1478 city or town's initial application for approval by the department, as applicable,".

1479 SECTION 41. Section 9 of said chapter 40R, as amended by section 13 of chapter 5 of the acts  
1480 of 2019, is hereby further amended by striking out, in lines 18 through 21, inclusive, the words ",  
1481 and consistent with either the city or town's comprehensive housing plan or housing production  
1482 plan, if any, or the housing production summary submitted in accordance with section 8".

1483 SECTION 42. Section 10 of said chapter 40R, as appearing in the 2018 Official Edition, is  
1484 hereby amended by striking out, in line 3, the words "approving" and inserting in place thereof  
1485 the following words:- plan approval.

1486 SECTION 43. Said section 10 of said chapter 40R, as so appearing, is hereby further amended  
1487 by striking out, in lines 6 through 8, inclusive, the words "and is consistent with the city or  
1488 town's comprehensive housing plan or housing production plan, if any, and any applicable  
1489 master plan or plans for the city or town".

1490 SECTION 44. Said chapter 40R, as so appearing, is hereby amended by striking out section 11  
1491 and inserting in place thereof the following section:-

1492 Section 11. (a)A city or town may incorporate provisions within the smart growth zoning district  
1493 or starter home zoning district ordinance or by-law that prescribe contents of an application for  
1494 approval of a project. The ordinance or by-law may require the applicant to pay for reasonable  
1495 consulting fees to provide peer review of the applications for the benefit of the plan approval  
1496 authority. Such fees shall be held by the municipality in a separate account and used only for  
1497 expenses associated with the review of the development application by outside consultants and  
1498 any surplus remaining after the completion of such review, including any interest accrued, shall  
1499 be returned to the applicant forthwith. The smart growth zoning district or starter home zoning  
1500 district ordinance or by-law may provide for the referral of the plan to municipal officers,  
1501 agencies or boards other than the plan approval authority for comment. Any such board, agency  
1502 or officer shall provide any comments within 60 days of its receipt of a copy of the plan and  
1503 application for approval.

1504 (b) An application to a plan approval authority for approval under a smart growth zoning district  
1505 or starter home zoning district ordinance or by-law shall be governed by the applicable zoning  
1506 provisions in effect at the time of the submission, while the plan is being processed, during the  
1507 pendency of any appeal and for 3 years after approval. If an application is denied, the zoning  
1508 provisions in effect at the time of the application shall continue in effect with respect to any  
1509 further application filed within 2 years after the date of the denial except as the applicant may  
1510 otherwise choose.

1511 (c) An application for approval under this section shall be filed by the applicant with the city or  
1512 town clerk and a copy of the application including the date of filing certified by the town clerk  
1513 shall be filed forthwith with the plan approval authority. The plan approval authority shall hold  
1514 a public hearing for which notice has been given as provided in section 11 of chapter 40A. The  
1515 decision of the plan approval authority shall be made, and a written notice of the decision filed  
1516 with the city or town clerk, within 120 days of the receipt of the application by the city or town  
1517 clerk. The required time limits for such action may be extended by written agreement between  
1518 the applicant and the plan approval authority, with a copy of such agreement being filed in the  
1519 office of the city or town clerk. Failure of the plan approval authority to take action within said



1520 120 days or extended time, if applicable, shall be deemed to be an approval of the plan. The  
1521 applicant who seeks approval of a plan by reason of the failure of the plan approval authority to  
1522 act within such time prescribed, shall notify the city or town clerk, in writing within 14 days  
1523 from the expiration of said 120 days or extended time, if applicable, of such approval and that  
1524 notice has been sent by the applicant to parties in interest. The applicant shall send such notice  
1525 to parties in interest by mail and each such notice shall specify that appeals, if any, shall be made  
1526 pursuant to this section and shall be filed within 20 days after the date the city or town clerk  
1527 received such written notice from the applicant that the plan approval authority failed to act  
1528 within the time prescribed.

1529 (d) The plan approval authority shall issue to the applicant a copy of its decision containing the  
1530 name and address of the owner, identifying the land affected, and the plans that were the subject  
1531 of the decision, and certifying that a copy of the decision has been filed with the city or town  
1532 clerk and that all plans referred to in the decision are on file with the plan approval authority. If  
1533 20 days have elapsed after the decision has been filed in the office of the city or town clerk  
1534 without an appeal having been filed or if such appeal, having been filed, is dismissed or denied,  
1535 the city or town clerk shall so certify on a copy of the decision. If the plan is approved by  
1536 reason of the failure of the plan approval authority to timely act, the clerk shall make such  
1537 certification on a copy of the application. A copy of the decision or application bearing such  
1538 certification shall be recorded in the registry of deeds for the county and district in which the  
1539 land is located and indexed in the grantor index under the name of the owner of record or  
1540 recorded and noted on the owner's certificate of title. The fee for recording or registering shall be  
1541 paid by the owner or applicant.

1542 (e) The project shall be approved by the plan approval authority subject only to those conditions  
1543 that are necessary: (1) to ensure substantial compliance of the proposed project with the  
1544 requirements of the smart growth zoning district or starter home zoning district ordinance or by-  
1545 law; or (2) to mitigate any extraordinary adverse impacts of the project on nearby properties.  
1546 An application may be denied only on the grounds that: (i) the project does not meet the  
1547 conditions and requirements set forth in the smart growth zoning district or starter home zoning  
1548 district ordinance or by-law; (ii) the applicant failed to submit information and fees required by  
1549 the ordinance or by-law and necessary for an adequate and timely review of the design of the  
1550 project or potential project impacts; or (iii) it is not possible to adequately mitigate extraordinary  
1551 adverse project impacts on nearby properties by means of suitable conditions.

1552 (f) Any court authorized to hear appeals under section 17 of chapter 40A shall be authorized to  
1553 hear an appeal from a decision under this section by a party who is aggrieved by such decision.  
1554 Such appeal may be brought within 20 days after the decision has been filed in the office of the  
1555 city or town clerk. Notice of the appeal, with a copy of the complaint shall be given to such city  
1556 or town clerk so as to be received within such 20 days. Review shall be based on the record of  
1557 information and plans presented to the plan approval authority. To avoid delay in the

1558 proceedings, instead of the usual service of process, the plaintiff shall within 14 days after the  
1559 filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery or  
1560 certified mail to all defendants, including the members of the plan approval authority, and shall  
1561 within 21 days after the entry of the complaint file with the clerk of the court an affidavit that  
1562 such notice has been given. If no such affidavit is filed within such time, the complaint shall be  
1563 dismissed.

1564 (g) A complaint by a plaintiff challenging the approval of a project under this section shall allege  
1565 the specific reasons why the project fails to satisfy the requirements of this chapter or other  
1566 applicable law and allege specific facts establishing how the plaintiff is aggrieved by such  
1567 decision. The plan approval authority's decision in such a case shall be affirmed unless the court  
1568 concludes the plan approval authority abused its discretion under subsection (e) in approving the  
1569 project. The applicant and all members of the plan approval authority shall be named as  
1570 defendant parties.

1571 (h) A plaintiff seeking to reverse approval of a project under this section shall post a bond in an  
1572 amount to be set by the court that is sufficient to cover twice the estimated: (i) annual carrying  
1573 costs of the property owner, or a person or entity carrying such costs on behalf of the owner for  
1574 the property, as may be established by affidavit; plus (ii) an amount sufficient to cover the  
1575 defendant's attorneys fees, all of which shall be computed over the estimated period of time  
1576 during which the appeal is expected to delay the start of construction. The bond shall be forfeited  
1577 to the property owner in an amount sufficient to cover the property owner's carrying costs and  
1578 legal fees less any net income received by the plaintiff from the property during the pendency of  
1579 the court case in the event a plaintiff does not substantially prevail on its appeal.

1580 (i) An applicant for plan approval who appeals from a project denial or conditional approval  
1581 shall identify in its complaint the specific reasons why the plan approval authority's decision fails  
1582 to satisfy requirements of this chapter or other applicable law. The plan approval authority shall  
1583 have the burden of justifying its decision by substantial evidence in the record.

1584 (j) The land court department, the superior court department and the housing court department  
1585 shall have jurisdiction over an appeal under this section and shall give priority to such an appeal.

1586 (k) The first paragraph of section 16 of chapter 40A shall not apply to applications for projects  
1587 within a smart growth zoning district or starter home zoning district.

1588 (l) A project approval shall remain valid and shall run with the land indefinitely provided that  
1589 construction has commenced within 2 years after the decision is issued, which time shall be  
1590 extended by the time required to adjudicate any appeal from such approval and which time shall  
1591 also be extended if the project proponent is actively pursuing other required permits for the  
1592 project or there is other good cause for the failure to commence construction, or as may be  
1593 provided in an approval for a multi-phase project.

1594 SECTION 45. Chapter 40R is hereby amended by striking out section 14, as amended by section  
1595 14 of chapter 5 of the acts of 2019, and inserting in place thereof the following section:-

1596 Section 14. (a) If, within 3 years, no construction of an approved project has been started within  
1597 the smart growth zoning district or starter home zoning district, the department shall require the  
1598 cities and towns to repay to the department all monies paid to the city or town under this chapter  
1599 for said smart growth zoning district or starter home zoning district. Said 3 years shall commence  
1600 on the date of the payment of the zoning incentive payment for said smart growth zoning district  
1601 or starter home zoning district and may be extended by the department for good cause in  
1602 accordance with the department's regulations. All monies repaid to the department under this  
1603 section shall be credited to the funding source from which the payment originated.

1604 (b) Within 60 days of receiving written approval by the department of an amendment of a zoning  
1605 ordinance or by-law affecting an approved smart growth zoning district or starter home zoning  
1606 district in accordance with subsection (g) of section 6, the city or town shall repay to the  
1607 department any portion of the zoning incentive payment received in excess of the zoning  
1608 incentive payment that would have been payable based on the sum of (i) the number of units that  
1609 have been built and (ii) the number of units, if any, that will remain developable under the smart  
1610 growth zoning or starter home zoning. The department may include under clause (ii) in the  
1611 preceding sentence any units that are developable in 1 or more adopted smart growth zoning  
1612 district or starter home zoning district for which no zoning incentive payment has been paid but  
1613 for which the city or town is nonetheless eligible if the associated units would have the effect of  
1614 replacing some or all of the units that will no longer be developable as a result of the proposed  
1615 amendment or repeal. All monies repaid to the department under this section shall be credited to  
1616 the funding source from which the payment originated.

1617 SECTION 46. Section 1 of chapter 40S of the General Laws, as so appearing, is hereby amended  
1618 by striking out, in line 51, the word "properties" and inserting in place thereof the following  
1619 word:- buildings.

1620 SECTION 47. Said section 1 of said chapter 40S, as so appearing, is hereby further amended by  
1621 inserting, in line 61, after the figure "40R," the following words:- including without limitation  
1622 smart growth zoning districts and starter home zoning districts as defined in section 1 of said  
1623 chapter 40R.

1624 SECTION 48. Section 1 of chapter 40V of the General Laws, as so appearing, is hereby  
1625 amended by inserting after the word "units", in line 18, the following words:- and not less than  
1626 10 per cent affordable: (i) rental units for persons whose income is not more than 60 per cent of  
1627 the area median income; or (ii) owner-occupied units for persons whose income is not more than  
1628 80 per cent of the area median income.

1629 SECTION 49. Section 2 of said chapter 40V, as so appearing, is hereby amended by striking out  
1630 the last sentence and inserting in place thereof the following sentence:- The application shall  
1631 include a plan that shall include a description of the activities, public and private, contemplated  
1632 for such zone as of the date of the adoption of the zone plan, including information as the  
1633 department may require in written guidelines.

1634 SECTION 50. Section 4 of said chapter 40V, as so appearing, is hereby amended by inserting  
1635 after the word "units", in line 8, the following words:- and not less than 10 per cent affordable:  
1636 (A) rental units for persons whose income is not more than 60 per cent of the area median  
1637 income; or (B) owner-occupied units for persons whose income is not more than 80 per cent of  
1638 the area median income.

1639 SECTION 51. Said section 4 of said chapter 40V, as so appearing, is hereby further amended by  
1640 striking out, in line 15, the words "as certified projects under section 2" and inserting in place  
1641 thereof the following words:- under section 2 as certified projects under this section.

1642 SECTION 52. Said section 4 of said chapter 40V, as so appearing, is hereby further amended by  
1643 striking out, in line 25, the words "executed agreement by the municipality which" and inserting  
1644 in place thereof the following words:- agreement executed by the municipality that is approved  
1645 by the department and.

1646 SECTION 53. Subsection (e) of said section 4 of said chapter 40V, as so appearing, is hereby  
1647 amended by striking out the first paragraph and inserting in place thereof the following  
1648 paragraph:-

1649 The department shall review each pending project proposal and completed certified housing  
1650 development project not less than once every 2 years. The certification of a project may be  
1651 revoked by the department if: (i)(A) the municipality that approved the project proposal files a  
1652 petition that satisfies the authorization requirements for a municipal application or the petition of  
1653 the director of the department; and (B) the department determines, after an independent  
1654 investigation, that representations made by the sponsors in its project proposal are materially  
1655 different from the conduct of the sponsors subsequent to the certification and such difference is  
1656 found to frustrate the public purposes that the certification was intended to advance; or (ii) the  
1657 project no longer meets the criteria in this section. Upon revocation, the commonwealth and the  
1658 municipality may bring a cause of action against the sponsors for the value of any economic  
1659 benefit received by the sponsors prior to or subsequent to such revocation.

1660 SECTION 54. The third paragraph of said subsection (e) of said section 4 of said chapter 40V, as  
1661 so appearing, is hereby amended by adding the following sentence:- The report shall include, but  
1662 not be limited to: (i) a list of municipalities with approved HD zones; (ii) a list of housing  
1663 development projects that have received certification; (iii) information about each housing  
1664 development project, including the site address, project sponsor, range of rents of the residential

1665 units, type of residential units, number of each type of residential unit, number of affordable  
1666 rental units for persons whose income is not more than 60 per cent of the area median income  
1667 and the number of affordable owner-occupied units for persons whose income is not more than  
1668 80 per cent of the area median income; and (iv) the total amount of qualified project expenditures  
1669 for which a tax credit was issued or reserved pursuant to section 5 for each housing development  
1670 project, the year the credit was issued and the completion or estimated completion year of the  
1671 housing development project.

1672 SECTION 55. Section 5 of said chapter 40V, as so appearing, is hereby amended by inserting  
1673 after the word "rate", in lines 4 and 14, the following words:- and affordable.

1674 SECTION 56. The General Laws are hereby amended by inserting after chapter 40W the  
1675 following chapter:-

1676 CHAPTER 40X.

1677 TOURISM DESTINATION MARKETING DISTRICTS.

1678 Section 1. As used in this chapter the following words shall, unless the context clearly requires  
1679 otherwise, have the following meanings:-

1680 "Commissioner", the commissioner of revenue.

1681 "Elector", a tourism destination marketing district member or the authorized representative of a  
1682 district member.

1683 "Lead jurisdiction", the city or town in which the tourism destination marketing district petition  
1684 is filed.

1685 "Lodging business", any hotel or motel, as defined in section 1 of chapter 64G, and subject to the  
1686 excise imposed by chapter 64G.

1687 "Lodging business owner", the owner of record or the owner's authorized representative, of a  
1688 lodging business.

1689 "Management entity", an entity designated in a tourism destination marketing district plan to  
1690 receive funds to carry out and implement the purposes of the tourism destination marketing  
1691 district. The tourism destination marketing district plan shall designate a regional tourism council  
1692 as the management entity. The management entity shall be required to furnish a surety bond  
1693 conditioned on the faithful performance of its duties.

1694 "Municipal governing body", the city council or board of aldermen in a city or the board of  
1695 selectmen or town council in a town.

1696 "Special assessment", a payment for supplemental services or improvements specified by the  
1697 tourism destination marketing district plan.

1698 "Special assessment formula", a formula used to calculate the special assessment pursuant to  
1699 section 7.

1700 "Standard government services", governmental functions, programs, activities, facilities,  
1701 improvements and other services that a municipality is authorized to perform or provide.

1702 "Supplemental services", the provision of programs, activities or information in addition to the  
1703 standard governmental services provided in the tourism destination marketing district, including,  
1704 marketing, sales activities or events in addition to other tourism and travel promotion activities.

1705 "Tourism destination marketing district", a district formed pursuant to this chapter, which is a  
1706 geographic area with clearly defined boundaries. A tourism destination marketing district may  
1707 include multiple tourism regions served by multiple regional tourism councils; provided,  
1708 however, that there shall only be 1 regional tourism council designated as the management entity  
1709 for each tourism destination marketing district. Only those lodging businesses meeting the  
1710 criteria described in the petition and tourism destination marketing district plan shall be liable for  
1711 the tourism destination marketing district's special assessment. The geographic regions within a  
1712 tourism destination marketing district need not be contiguous.

1713 "Tourism destination marketing district committee" or "district committee", a committee selected  
1714 by the management entity's board of directors responsible for overseeing the ongoing district  
1715 plan.

1716 "Tourism destination marketing district member" or "district member", a lodging business owner  
1717 who participates in a tourism destination marketing district.

1718 "Tourism destination marketing district plan" or "district plan", the strategic plan for the tourism  
1719 destination marketing district that sets forth the supplemental services and programs, budget and  
1720 special assessment structure, the criteria for inclusion of lodging businesses, and the management  
1721 entity and tourism destination marketing district committee for the tourism destination marketing  
1722 district, and is approved by the local municipal governing body as part of the creation of the  
1723 tourism destination marketing district. The updated tourism destination marketing district plan  
1724 shall take effect upon the approval of a majority of electors, with each elector's vote having the  
1725 same weight. Any amendment to the tourism destination marketing district plan under section 9  
1726 shall be deemed to be an update of the tourism destination marketing district plan.

1727 Section 2. The rights and powers of the management entity of the tourism destination marketing  
1728 district approved by a municipal governing body pursuant to section 3 shall include: (i) retaining  
1729 or recruiting business; (ii) administering and managing the tourism destination marketing

1730 district; (iii) promoting economic development; (iv) formulating a special assessment structure;  
1731 (v) planning and design services; (vi) design, engineer, construct, maintain or operate buildings,  
1732 facilities, urban streetscapes or infrastructure to further economic development and public  
1733 purposes; (vii) accumulating interest; (viii) incurring costs or indebtedness; (ix) entering into  
1734 contracts; (x) suing and being sued; (xi) employing legal and accounting services; (xii)  
1735 undertaking planning, feasibility and market analyses; (xiii) developing, implementing, and  
1736 conducting tourism marketing and promotional activities; and (xiv) other supplemental services  
1737 or programs that would further the purposes of this chapter.

1738 Section 3. (a) The organization of a tourism destination marketing district shall be initiated by a  
1739 petition of the lodging business owners within the proposed tourism destination marketing  
1740 district, which shall be filed in the office of the clerk of the municipality that is to serve as the  
1741 lead jurisdiction. The petition shall contain:-

1742 (i) the signatures of 62 per cent of the tourism destination marketing district members in the  
1743 proposed tourism destination marketing district;

1744 (ii) a description of and site map delineating the boundaries of the proposed tourism destination  
1745 marketing district;

1746 (iii) the initial list of lodging businesses to be included in the proposed tourism destination  
1747 marketing district. Lodging businesses that commence operations after the formation of the  
1748 tourism destination marketing district and meet the criteria by which lodging businesses are  
1749 assessed by the tourism destination marketing district shall be included in the tourism destination  
1750 marketing district pursuant to section 4;

1751 (iv) the proposed tourism destination marketing district plan, which shall set forth the  
1752 supplemental services and programs, update mechanism, criteria by which lodging businesses  
1753 are assessed by the tourism destination marketing district, and budget and special assessment  
1754 structures; and

1755 (v) the identity and address of the management entity and the tourism destination marketing  
1756 district committee.

1757 A copy of said petition shall be filed with the clerk of the lead jurisdiction and the commissioner  
1758 within 30 days of receipt of such petition by the clerk of the lead jurisdiction.

1759 (b) All required procedures related to the formation, operation and renewal of the tourism  
1760 destination marketing district shall only be carried out by the lead jurisdiction. A lead  
1761 jurisdiction is authorized to form a tourism destination marketing district that includes other  
1762 cities or towns; provided, however, that the lead jurisdiction may not vote to form a tourism  
1763 destination marketing district that includes the territorial jurisdiction of another city or town

1764 within the tourism destination marketing district's boundaries until it has received consent, by  
1765 vote, from such other city or town's local municipal governing body.

1766 Section 4. (a) The municipal governing body of the lead jurisdiction shall hold a public hearing  
1767 within 60 days of the receipt of a petition. Written notification of such hearing shall be sent to  
1768 each tourism destination marketing district member within the boundary of the proposed tourism  
1769 destination marketing district at least 30 days prior to such hearing, by mailing notice to the  
1770 address listed in the business records of the municipalities proposed to be included within the  
1771 boundaries of the tourism destination marketing district or, if no such records exist, by such other  
1772 method as determined by the clerk of the municipality. Notification of the hearing shall also be  
1773 published for 2 consecutive weeks in a newspaper of general circulation in the area, with the first  
1774 date of publication beginning at least 14 days prior to such hearing listed on the municipality's  
1775 website. Such public notice shall contain the proposed boundaries of the tourism destination  
1776 marketing district, the proposed special assessment rate formula, a summary of the supplemental  
1777 services provided by the petitioners and where the property owner may obtain a full copy of the  
1778 petition and the management plan.

1779 (b) Prior to the public hearing, the municipal governing body of the lead jurisdiction shall direct  
1780 the clerk of the lead jurisdiction or the clerk's designee to determine that the establishment  
1781 criteria and other petition requirements have been met, as set forth in section 3.

1782 (c) At the public hearing, the municipal governing body of the lead jurisdiction shall determine if  
1783 the petition satisfies the purposes set forth and the establishment criteria of this chapter and shall  
1784 obtain public comment regarding the tourism destination marketing district plan and the effect  
1785 the proposed tourism destination marketing district will have on the lodging business owners  
1786 within the proposed tourism destination marketing district. If it appears that said petition is not in  
1787 conformity with the purposes and establishment criteria, said local municipal governing body  
1788 shall dismiss the petition. At the public hearing, the presiding officer or clerk of said local  
1789 municipal governing body shall read into the record the basis for determining the special  
1790 assessment pursuant to section 7 and the process by which tourism destination marketing district  
1791 members may vote not to renew such tourism destination marketing district.

1792 (d) Not more than 45 days after the close of the public hearing, the municipal governing body, in  
1793 its sole discretion, may approve or disapprove the tourism destination marketing district by  
1794 majority vote. Upon such declaration, the tourism destination marketing district may commence  
1795 operations.

1796 (e) Notice of the declaration of the organization of the tourism destination marketing district  
1797 shall be mailed or delivered to each tourism destination marketing district member within the  
1798 proposed tourism destination marketing district. The notice shall explain: (i) that membership in  
1799 the tourism destination marketing district is irrevocable unless as provided in subsection (g) or  
1800 the dissolution under section 10; (ii) a description of the basis for determining the special



1801 assessment; (iii) the criteria by which lodging businesses are assessed by the tourism destination  
1802 marketing district; (iv) the special assessment rate; and (v) the proposed supplemental services to  
1803 be provided by the tourism destination marketing.

1804 Such notice shall be published for 2 consecutive weeks in a newspaper of general circulation in  
1805 the area, the last publication being not more than 14 days after the vote to declare the tourism  
1806 destination marketing district organized and shall be posted on the municipality's website.

1807 (f) Once established, participation in the tourism destination marketing district shall be  
1808 permanent until after the discontinuation of the tourism destination marketing district as provided  
1809 in this section, or until the dissolution of the tourism destination marketing district under section  
1810 10. All participating lodging business owners shall make payments in accordance with the  
1811 special assessment set out in the petition or management plan. Non-participating lodging  
1812 business owners in the tourism destination marketing district shall become tourism destination  
1813 marketing district members and shall be assessed on the date that their business meets the criteria  
1814 by which lodging businesses are assessed by the tourism destination marketing district.

1815 (g) On or before the fifth anniversary of the organization of a newly created tourism destination  
1816 marketing district and the fifth anniversary thereafter of the date of the most recent renewal of  
1817 the tourism destination marketing district under this section, the tourism destination marketing  
1818 district committee shall call a renewal meeting of the tourism destination marketing district  
1819 members to: (i) review the history of the tourism destination marketing district since its  
1820 organization or, if applicable, its most recent renewal; (ii) propose an updated tourism  
1821 destination marketing district plan to succeed the then current tourism destination marketing  
1822 district plan; and (iii) consider whether to continue the tourism destination marketing district.  
1823 The meeting shall be held at a location within the tourism destination marketing district. Notice  
1824 of the meeting shall be given to tourism destination marketing district members at least 30 days  
1825 prior to the meeting. The tourism destination marketing district shall continue after each renewal  
1826 meeting if a majority of tourism destination marketing district members who are not more than  
1827 30 days in arrears in any payment due to the tourism destination marketing district and are  
1828 present at the renewal meeting, in person or by proxy, vote to renew the tourism destination  
1829 marketing district.

1830 Such renewal shall last for a term of 5 years commencing on the first day of the next fiscal year  
1831 of the tourism destination marketing district.

1832 (h) If the tourism destination marketing district members elect not to continue the tourism  
1833 destination marketing district, the tourism destination marketing district committee shall  
1834 conclude the business of the tourism destination marketing district prior to the sixth anniversary  
1835 of the tourism destination marketing district's creation, or of the prior renewal vote, as the case  
1836 may be, and proceed to discontinue the tourism destination marketing district. Notice of the  
1837 discontinuation vote shall be given to the municipal governing body of the lead jurisdiction,

1838 which shall formally declare the tourism destination marketing district dissolved as of such sixth  
1839 anniversary; provided, however, that the tourism destination marketing district shall not be  
1840 dissolved until it has received the accounts receivable due to the tourism destination marketing  
1841 district and until it has satisfied or paid in full all of its outstanding indebtedness, obligations and  
1842 liabilities, or until funds are on deposit and available therefor, or until a repayment schedule has  
1843 been formulated and approved by said local municipal governing body.

1844 (i) Except as necessary to conclude the business of the tourism destination marketing district, the  
1845 tourism destination marketing district shall not incur any new or increased financial obligations  
1846 after such sixth anniversary. Upon the dissolution of a tourism destination marketing district, the  
1847 remaining assets shall first be applied to repay obligations of the tourism destination marketing  
1848 district, and then in accordance with the tourism destination marketing district plan, as updated.

1849 (j) Nothing in this section shall prevent the filing of a subsequent petition for a similar project.

1850 Section 5. (a) Each tourism destination marketing district shall be governed by a management  
1851 entity's tourism destination marketing district committee to oversee its operations and ensure the  
1852 implementation of the tourism destination marketing district plan. The management entity and its  
1853 tourism destination marketing district committee shall be set forth in the petition and tourism  
1854 destination marketing district plan. A majority of the membership of the tourism destination  
1855 marketing district committee shall be lodging business owners paying the tourism destination  
1856 marketing district assessment.

1857 (b) A tourism destination marketing district plan shall, within the limitations described in section  
1858 9, be updated at least once every 5 years by the tourism destination marketing district committee,  
1859 and a copy thereof shall be mailed or delivered to each tourism destination marketing district  
1860 member and shall file a copy of such update with the municipal governing body and the  
1861 commissioner.

1862 Section 6. All lodging businesses described in the petition and located within the proposed  
1863 tourism destination marketing district shall be considered in the special assessment methodology  
1864 for the supplemental services and programs as outlined in the tourism destination marketing  
1865 district plan.

1866 Section 7. (a) By formal approval of a tourism destination marketing district, the municipal  
1867 governing body of a lead jurisdiction shall adopt the special assessment methodology for the  
1868 financing of supplemental services submitted in the tourism destination marketing district plan  
1869 for the tourism destination marketing district.

1870 (b) The basis of such special assessment may be determined by a formula utilizing any 1 or a  
1871 combination of the following:

1872 (i) different rates for varying classifications of lodging businesses;  
1873 (ii) different rates for different benefit zones; or  
1874 (iii) any other formula which meets the objectives of the tourism destination marketing district.

1875 The special assessment shall be equal to a percentage, not to exceed 2 per cent, of the total  
1876 amount of rent taxable under chapter 64G.

1877 (c) The methodology for determining the tourism destination marketing district special  
1878 assessment shall be set forth in the original petition as required by section 3.

1879 (d) In addition to receiving funds from the tourism destination marketing district special  
1880 assessment, the management entity may receive grants, donations or gifts on behalf of the  
1881 tourism destination marketing district.

1882 Section 8. (a) Assessed lodging businesses shall pay the tourism destination marketing district  
1883 special assessment to the commissioner at the time provided for filing the return required by  
1884 section 16 of chapter 62C. All sums received by the commissioner under this chapter shall, at  
1885 least quarterly, be distributed, credited and paid by the state treasurer upon certification of the  
1886 commissioner, to each management entity in proportion to the amount of such sums received  
1887 from the respective tourism destination marketing districts.

1888 (b) The special assessments collected shall be used solely to fund supplemental services  
1889 identified and approved in the tourism destination marketing district plan for the tourism  
1890 destination marketing district.

1891 (c) Following establishment of the tourism destination marketing district, if any return by an  
1892 assessed lodging business is not filed with the commissioner on or before its due date or within  
1893 any extension of time granted by the commissioner, there shall be added to and become a part of  
1894 the special assessment a penalty of 1 per cent of the amount required to be shown as the special  
1895 assessment on such return for each month or fraction thereof during which such failure  
1896 continues, not exceeding, in the aggregate, 25 per cent of said amount.

1897 (d) If any amount of the special assessment is not paid to the commissioner on or before the date  
1898 prescribed for payment of such special assessment, determined with regard to any extension of  
1899 time for payment, there shall be added to the amount shown as the special assessment on such  
1900 return a penalty of 1 per cent of the amount of such special assessment for each month or fraction  
1901 thereof during which such failure continues, not exceeding, in the aggregate, 25 per cent of said  
1902 amount.

1903 (e) An annual audit, certified by a certified public accountant, of the revenues generated, the  
1904 grants, donations and gifts received, and the expenses incurred by the tourism destination

1905 marketing district shall be made within 120 days of the close of the fiscal year, and shall be  
 1906 placed on file with the commissioner. Such accounting shall be a public record.

1907 (f) The commissioner may promulgate rules and regulations for the assessing, reporting,  
 1908 collecting, remitting and enforcement of the special assessment under this section.

1909 Section 9. (a) At any time after the establishment of a tourism destination marketing district  
 1910 pursuant to this chapter, the tourism destination marketing district plan upon which the  
 1911 establishment was based may, upon the recommendation of the management entity's tourism  
 1912 destination marketing district committee be amended by the municipal governing body of the  
 1913 lead jurisdiction after compliance with the procedures set forth in this section; provided,  
 1914 however, that a lead jurisdiction may not approve amendments to the boundaries of a tourism  
 1915 destination marketing district that include the territorial jurisdiction of a city or town not yet  
 1916 included in the tourism destination marketing district without the consent, by vote, from such  
 1917 other city or town's local municipal governing body.

1918 Amendments to the tourism destination marketing district plan shall be subject to the approval of  
 1919 the municipal governing body of the lead jurisdiction for the following: (i) providing for  
 1920 additional supplemental services that affect more than 25 per cent of the total annual budget; (ii)  
 1921 incurring indebtedness; (iii) changing the special assessment methodology, management entity or  
 1922 tourism destination marketing district committee; or (iv) change the tourism destination  
 1923 marketing district boundaries; provided, however, that said municipal governing body, after a  
 1924 public hearing, determines that it is in the public interest to adopt said amendments.

1925 (b) The municipal governing body shall give notice of the public hearing for the amendment to  
 1926 the district plan. Such notice shall be published for 2 consecutive weeks in a newspaper of  
 1927 general circulation in the area, with the first date of publication beginning at least 14 days prior  
 1928 to such hearing, and shall specify the time and the place of such hearing and the amendments to  
 1929 be considered.

1930 (c) The local municipal governing body may, within 30 days of the public hearing and, in its sole  
 1931 discretion, declare the amendments approved or disapproved. If approved, such amendments  
 1932 shall be effective upon the date of such approval.

1933 (d) Upon the adoption of any amendment to the tourism destination marketing district boundaries  
 1934 that increases the size of the tourism destination marketing district, any assessed lodging  
 1935 business owner to be added to the tourism destination marketing district shall be notified of the  
 1936 new boundaries of the tourism destination marketing district in accordance with section 4.

1937 Section 10. (a) Any tourism destination marketing district established or extended pursuant to  
 1938 this chapter may be disestablished by declaration of the local municipal governing body of the  
 1939 lead jurisdiction in either of the following circumstances:

1940 (i) if said local municipal governing body finds there has been misappropriation of funds,  
1941 malfeasance or a violation of law in connection with the management of the tourism destination  
1942 marketing district, it shall hold a hearing on disestablishment. Notice of the hearing shall be  
1943 mailed to all tourism destination marketing district members within the tourism destination  
1944 marketing district and shall be published in a newspaper of general circulation in the area at least  
1945 14 days prior to such hearing; or

1946 (ii) during the operation of the tourism destination marketing district, there shall be a 30-day  
1947 period each year in which the tourism destination marketing district may be dissolved by petition  
1948 to the local municipal governing body and a subsequent decision by the local municipal  
1949 governing body to authorize the dissolution. The 30-day period shall begin each successive year  
1950 on the anniversary of the date the local municipal governing body formally approved the tourism  
1951 destination marketing district. In order to be considered by the local municipal governing body, a  
1952 petition to dissolve a tourism destination marketing district shall contain the signatures of a  
1953 majority of the electors. The local municipal governing body shall hold a public hearing within  
1954 30 days of receipt of a completed petition on the issue of dissolution. Notice of the hearing shall  
1955 be mailed to all tourism destination marketing district members within the tourism destination  
1956 marketing district and shall be published in a newspaper of general circulation in the area at least  
1957 14 days prior to such hearing.

1958 Following the public hearing, the local municipal governing body may declare the tourism  
1959 destination marketing district dissolved; provided, however, that no tourism destination  
1960 marketing district shall be dissolved until it has satisfied or paid in full all of its outstanding  
1961 indebtedness, obligations and liabilities; or until funds are on deposit and available therefor; or  
1962 until a repayment schedule has been formulated and municipally approved therefor. In addition,  
1963 the tourism destination marketing district shall be prohibited from incurring any new or  
1964 increased financial obligations.

1965 (b) Any liabilities, either current or future, incurred as a result of action to accomplish the  
1966 purposes of the tourism destination marketing district plan shall not be an obligation of the  
1967 municipality. Said liabilities shall be paid for entirely from special assessment revenue gained  
1968 from the assessed lodging businesses in the tourism destination marketing district.

1969 (c) Upon the dissolution of a tourism destination marketing district, any remaining revenues  
1970 derived from the sale of assets acquired with special assessments collected shall be refunded to  
1971 the lodging businesses owners in the tourism destination marketing district in which special  
1972 assessments were charged by applying the same methodology used to calculate the special  
1973 assessment in the fiscal year in which the tourism destination marketing district is dissolved in  
1974 amounts proportionate to each lodging business's share of the total special assessments collected  
1975 in the fiscal year in which the tourism destination marketing district is dissolved or in accordance  
1976 with the tourism destination marketing district plan, as updated.

1977 Section 11. The validity of an assessment levied pursuant to this chapter shall not be contested in  
1978 any action or proceeding unless the action or proceeding is commenced within 30 days after the  
1979 formal approval of the tourism destination marketing district by the local municipal governing  
1980 body of the lead jurisdiction. Any appeal from a final judgment in an action or proceeding shall  
1981 be perfected within 30 days after entry of judgment.

1982 SECTION 57. Said section 6 of said chapter 62, as so appearing, is hereby further amended by  
1983 adding the following subsection:-

1984 (w)(1) As used in this subsection, the following words shall have the following meanings unless  
1985 the context clearly requires otherwise:

1986 "Commissioner", the commissioner of revenue.

1987 "Cranberry bog", an area actively cultivated for the harvesting or production of cranberries.

1988 "Qualified renovation", the renovation, repair, replacement, regrading or restoration of a  
1989 cranberry bog for the cultivation, harvesting or production of cranberries or any other activity or  
1990 action associated with the renovation of an abandoned cranberry bog; provided, however, that  
1991 "qualified renovation" shall not include the construction of facilities or structures for the  
1992 processing of cranberries.

1993 "Qualified renovation expenditure", an expenditure or a cost directly incurred in connection with  
1994 the qualified renovation of a cranberry bog; provided, however, that "qualified renovation  
1995 expenditure" shall not include costs incurred in acquiring or purchasing property for the  
1996 construction of structures for the cultivation, harvesting or production of cranberries.

1997 "Secretary", the secretary of energy and environmental affairs.

1998 "Taxpayer", a taxpayer subject to taxation under this chapter.

1999 (2)(i) A taxpayer primarily engaged in cranberry production shall be allowed a credit against the  
2000 taxes imposed by this chapter equal to 25 per cent of the total qualified renovation expenditures  
2001 incurred in connection with the qualified renovation of a cranberry bog during the taxable year;  
2002 provided, however, the amount of the credit that may be claimed by a taxpayer under this section  
2003 shall not exceed \$100,000.

2004 (ii) The credit under this subsection shall be taken against the taxes imposed under this chapter  
2005 and shall be refundable. The commissioner shall apply the credit against the liability of the  
2006 taxpayer as determined on its return, as first reduced by any other available credits, and shall  
2007 then refund to the taxpayer the balance of the credits. If the amount of the credit allowed under  
2008 this subsection exceeds the taxpayer's tax liability, the commissioner shall treat the excess as an  
2009 overpayment and shall pay the taxpayer the entire amount of the excess. Any amount of the tax

2010 credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any  
2011 of the 5 subsequent taxable years.

2012 (iii) The secretary, in consultation with the commissioner of agricultural resources, shall  
2013 authorize annually, for the period beginning January 1, 2020 and ending December 31, 2024, tax  
2014 credits under this subsection together with section 38II of chapter 63 in an amount not to exceed  
2015 \$2,000,000 per taxable year. No credits shall be allowed under this subsection except to the  
2016 extent authorized in this paragraph.

2017 (3) For a taxpayer to qualify for a credit under this subsection, the taxpayer shall file with the  
2018 secretary a summary of qualified renovation expenditures in connection with the qualified  
2019 renovation. The secretary shall approve the summary of qualified renovation expenditures and  
2020 provide notice to the commissioner. Any qualified renovation expenditures applicable to this  
2021 credit shall be treated for purposes of this subsection as made on the date that the secretary  
2022 provides notice of the certification to the commissioner.

2023 (4) Any portion of tax credits not awarded by the secretary in a calendar year shall not be applied  
2024 to awards in a subsequent calendar year. The secretary shall provide any documentation that the  
2025 commissioner may deem necessary to confirm compliance with subparagraph (iii) of paragraph  
2026 (2) and the commissioner shall provide a report confirming compliance to the secretary of  
2027 administration and finance.

2028 (5) The secretary shall annually, not later than September 1, file a report with the house and  
2029 senate committees on ways and means, the joint committee on environment, natural resources  
2030 and agriculture and the joint committee on revenue identifying the total amount of tax credits  
2031 claimed and the total amount of tax credits refunded pursuant to this subsection in the preceding  
2032 fiscal year.

2033 (6) The secretary, in consultation with the commissioner of agricultural resources and the  
2034 commissioner of revenue, shall promulgate regulations or other guidelines necessary for the  
2035 administration and implementation of this subsection.

2036 SECTION 58. Section 6I of said chapter 62, as so appearing, is hereby amended by striking out,  
2037 in line 70, the figure "\$20,000,000" and inserting in place thereof the following figure:-  
2038 \$40,000,000.

2039 SECTION 59. Said section 6I of said chapter 62, as so appearing, is hereby further amended by  
2040 striking out the figure "\$40,000,000", inserted by section 54, and inserting in place thereof the  
2041 following figure:- \$20,000,000.

2042 SECTION 60. Subsection (b) of section 31H of chapter 63 of the General Laws, as so appearing,  
2043 is hereby amended by striking out the figure "\$20,000,000" and inserting in place thereof the  
2044 following figure:- \$40,000,000.

2045 SECTION 61. Said section 31H of said chapter 63, as so appearing, is hereby further amended  
2046 by striking out the figure "\$40,000,000", inserted by section 56, and inserting in place thereof the  
2047 following figure:- \$20,000,000.

2048 SECTION 62. Chapter 63 of the General Laws is hereby amended by inserting after section  
2049 38HH the following 2 sections:-

2050 Section 38II. (a) The purpose of this section shall be to attract capital investment to businesses in  
2051 rural areas of the commonwealth in order to promote the retention and expansion of existing  
2052 jobs, stimulate the creation of new jobs, and attract new business and industry to rural areas of  
2053 the commonwealth.

2054 (b) For the purposes of this section, the following words shall, unless the context clearly requires  
2055 otherwise, have the following meanings:

2056 "Affiliate", an entity that directly or indirectly through 1 or more intermediaries, controls, is  
2057 controlled by, or is under common control with another entity. An entity is controlled by another  
2058 entity if: (i) the controlling entity holds, directly or indirectly, the majority voting or ownership  
2059 interest in the controlled entity; or (ii) has control over the day-to-day operations of the  
2060 controlled entity by contract or by law.

2061 "Closing date", the date on which a rural growth fund has collected all of the amounts specified  
2062 by subsection (c).

2063 "Credit-eligible capital contribution", an investment of cash by a person subject to tax under this  
2064 chapter in a rural growth fund that equals the amount specified on a tax credit certificate issued  
2065 by the MOBD under paragraph (5) of subsection (c) of this section; provided, however, that the  
2066 investment shall purchase an equity interest in the rural growth fund or purchase, at par value or  
2067 premium, a debt instrument that has a maturity date at least 5 years from the closing date.

2068 "MOBD", the Massachusetts office of business development established in section 1 of chapter  
2069 23A.

2070 "Investment authority", the amount stated on the notice issued under paragraph (5) of subsection  
2071 (c) certifying the rural growth fund; provided, however, that at least 60 per cent of a rural growth  
2072 fund's investment authority shall be comprised of credit-eligible capital contributions.

2073 "Jobs created", newly created positions of employment that were not previously located in the  
2074 commonwealth at the time of the initial rural growth investment in the rural business concern



2075 and that require a minimum of 35 hours worked each week, measured each year by subtracting  
2076 the number of employment positions at the time of the initial rural growth investment in the rural  
2077 business concern from the monthly average of employment positions for the applicable year. The  
2078 monthly average shall be calculated by adding together the number of employment positions  
2079 existing on the last day of each month of the applicable year and dividing by 12. Such number  
2080 shall not be less than zero.

2081 "Jobs retained", positions requiring a minimum of 35 hours worked each week that existed prior  
2082 to the initial rural growth investment. Retained jobs shall be counted each year based on the  
2083 monthly average of employment positions for the applicable year. The monthly average shall be  
2084 calculated by adding together the number of employment positions existing on the last day of  
2085 each month of the applicable year and dividing by 12. Such number shall not exceed the initial  
2086 amount of retained jobs reported and shall be reduced each year if employment at the rural  
2087 business concern drops below such number.

2088 "Principal business operations", the principal operations of a business are located at the place or  
2089 places where at least 80 per cent of its employees work or where employees that are paid at least  
2090 80 per cent of its payroll work; provided, however, that an out-of-state business that has agreed  
2091 to relocate employees using the proceeds of a rural growth investment to establish its principal  
2092 business operations in a rural area in the commonwealth shall be deemed to have its principal  
2093 business operations in this new location if it satisfies this definition within 180 days after  
2094 receiving the rural growth investment, unless the MOBD agrees to a later date.

2095 "Rural area", a municipality with population densities of less than 500 residents per square mile,  
2096 according to the latest decennial census of the United States.

2097 "Rural business concern", a business that, at the time of the initial investment in the company by  
2098 a rural growth fund: (i) has less than 250 employees and not more than \$10,000,000 in revenue  
2099 for the preceding taxable year; (ii) has its principal business operations in 1 or more rural areas in  
2100 the commonwealth; and (iii) is engaged in industries related to manufacturing, plant sciences,  
2101 services or technology or other industries as MOBD may approve, or, if not engaged in such  
2102 industries, the MOBD makes a determination that the investment will be highly beneficial to the  
2103 economic growth of the commonwealth.

2104 "Rural growth fund", an entity certified by the MOBD under subsection (c).

2105 "Rural growth investment", any capital or equity investment in a rural business concern or any  
2106 loan to a rural business concern with a stated maturity at least 1 year after the date of issuance.

2107 (c)(1) The MOBD shall accept applications for approval as a rural growth fund; provided,  
2108 however, that the application shall include:

2109 (i) the total investment authority sought by the applicant under the business plan;

2110 (ii) the following documents and other evidence:

2111 (A) a copy of the applicant's or an affiliate of the applicant's license as a rural business  
2112 investment company under 7 U.S.C. 2009cc, or as a small business investment company under  
2113 15 U.S.C. 681; and evidence sufficient to prove that at least 1 principal in a rural business  
2114 investment company licensed under 7 U.S.C. 2009cc et seq. or a small business investment  
2115 company licensed under 15 U.S.C. 681 is, and has been for at least 4 years, an officer or  
2116 employee of the applicant or of an affiliate of the applicant on the date the application is  
2117 submitted; and (B) evidence sufficient to prove, to the satisfaction of the MOBD, that as of the  
2118 date the application is submitted, the applicant or affiliates of the applicant have invested at least  
2119 \$50,000,000 in non-public companies located in rural areas;

2120 (iii) an estimate of the number of jobs created and jobs retained in the commonwealth as a result  
2121 of the applicant's rural growth investments;

2122 (iv) a business plan that includes a revenue impact assessment projecting state and local tax  
2123 revenue to be generated by the applicant's proposed rural growth investments prepared by a  
2124 nationally recognized third-party independent economic forecasting firm using a dynamic  
2125 economic forecasting model that analyzes the applicant's business plan over the 10 years  
2126 following the date the application is submitted to the MOBD; provided, however, that the  
2127 dynamic forecasting model shall consider the economic impact of retained jobs as well as created  
2128 jobs in the business plan;

2129 (v) a signed affidavit from each investor stating the amount of credit-eligible capital  
2130 contributions each taxpayer commits to make; and

2131 (vi) a non-refundable application fee of \$5,000.

2132 (2) The MOBD shall make an application determination within 30 days of receipt in the order in  
2133 which the applications are received. The MOBD shall deem applications received on the same  
2134 day to have been received simultaneously. The MOBD shall not approve more than  
2135 \$100,000,000 in investment authority and not more than \$60,000,000 in credit-eligible capital  
2136 contributions under this section. If a request for investment authority exceeds this limitation, the  
2137 MOBD shall reduce the investment authority and the credit-eligible capital contributions for that  
2138 application as necessary to avoid exceeding the limit. If multiple applications received on the  
2139 same day request a combined investment authority that exceeds this limitation, the MOBD shall  
2140 proportionally reduce the investment authority and the credit eligible capital contributions for  
2141 those applications as necessary to avoid exceeding the limit.

2142 (3) The MOBD shall deny an application submitted under this section if any of the following are  
2143 true:

2144 (i) the application is incomplete or the application fee is not paid in full;

2145 (ii) the applicant does not satisfy all the criteria described in clause (ii) of paragraph (1);

2146 (iii) the revenue impact assessment submitted under clause (iv) of paragraph (1) does not  
2147 demonstrate that the applicant's business plan, and associated created and retained jobs, will  
2148 result in a positive economic impact on the commonwealth over a 10-year period that exceeds  
2149 the cumulative amount of tax credits that would be issued to the applicant's investors under  
2150 subsection (d) if the application were approved;

2151 (iv) the credit-eligible capital contributions described in affidavits submitted under clause (v) of  
2152 paragraph (1) do not equal at least 60 per cent of the total amount of investment authority sought  
2153 under the applicant's business plan; or

2154 (v) the MOBD has already approved the maximum amount of investment authority and credit  
2155 eligible capital contributions allowed under paragraph (2).

2156 (4) If the MOBD denies an application, the applicant may provide additional information to the  
2157 MOBD to complete, clarify or cure defects in the application identified by the MOBD within 15  
2158 days of the notice of denial for reconsideration and determination. If the applicant completes,  
2159 clarifies or cures its application within 15 days after the date of the notice of denial, the  
2160 application shall be considered complete as of the original date of submission. If the applicant  
2161 fails to provide the information to complete, clarify or cure its application within the 15-day  
2162 period, the application remains denied and must be resubmitted in full with a new date of  
2163 submission. The MOBD shall review and reconsider such applications within 30 days and before  
2164 any pending application submitted after the original submission date of the reconsidered  
2165 application.

2166 (5) The MOBD shall not deny a rural growth fund application or reduce the requested investment  
2167 authority for reasons other than those described in paragraphs (2) and (3). Upon approval of an  
2168 application, the MOBD shall provide a written approval to the applicant as a rural growth fund  
2169 specifying the amount of the applicant's investment authority and a tax credit certificate to each  
2170 investor whose affidavit was included in the application specifying the amount of the investor's  
2171 credit-eligible capital contribution.

2172 (6) After receiving the approval issued under paragraph (5), a rural growth fund shall:

2173 (i) within 60 days:

2174 (A) collect the credit-eligible capital contributions from each taxpayer issued a tax credit  
2175 certificate under paragraph (5), and

2176 (B) collect 1 or more investments of cash that, when added to the contributions collected under  
2177 subclause (A), equal the rural growth fund's investment authority; provided, however, that at  
2178 least 10 per cent of the rural growth fund's investment authority shall be comprised of equity  
2179 investments contributed by affiliates of the rural growth fund, including employees, officers and  
2180 directors of such affiliates; and

2181 (ii) within 65 days, send to the MOBD documentation sufficient to prove that the amounts  
2182 described in clause (i) have been collected.

2183 (7) If the rural growth fund fails to fully comply with paragraph (6), the rural growth fund's  
2184 approval shall lapse and the corresponding investment authority and credit-eligible capital  
2185 contributions under said paragraph (6) shall not count toward the limits on the program size  
2186 prescribed in paragraph (2). The MOBD shall first award lapsed investment authority pro rata to  
2187 each rural growth fund that was awarded less than the requested investment authority under said  
2188 paragraph (2), which a rural growth fund may allocate to its investors at its discretion. Any  
2189 remaining investment authority may be awarded by the MOBD to new applicants.

2190 (d) (1) There is hereby allowed a nonrefundable tax credit for taxpayers that made a credit-  
2191 eligible capital contribution to a rural growth fund and were issued a tax credit certificate under  
2192 paragraph (5) of subsection (c). The credit may be claimed against the tax imposed by this  
2193 chapter. The credit may not be sold, transferred or allocated to any other entity other than an  
2194 affiliate subject to the tax imposed by this chapter.

2195 (2) On the closing date, the taxpayer shall earn a vested credit equal to the amount of the  
2196 taxpayer's credit-eligible capital contribution to the rural growth fund as specified on the tax  
2197 credit certificate. The taxpayer may claim up to 25 per cent of the credit authorized under this  
2198 subsection for each of the taxable years that includes the third, fourth, fifth or sixth anniversary  
2199 of the closing date, exclusive of amounts carried forward pursuant to paragraph (3).

2200 (3) If the amount of the credit for a taxable year exceeds the tax otherwise due for that year, the  
2201 excess shall be carried forward to ensuing taxable years until fully used. A taxpayer claiming a  
2202 credit under this section shall submit a copy of the tax credit certificate with the taxpayer's return  
2203 for each taxable year for which the credit is claimed.

2204 (e)(1) The MOBD shall revoke a tax credit certificate issued under subsection (c) if any of the  
2205 following occurs with respect to a rural growth fund before it exits the program in accordance  
2206 with paragraph (4):

2207 (i) the rural growth fund in which the credit-eligible capital contribution was made does not  
2208 invest 100 per cent of its investment authority in rural growth investments in the commonwealth  
2209 within 2 years of the closing date; provided, however, that, for the purpose of satisfying the  
2210 requirements of this clause, the maximum amount of rural growth investments that a rural  
2211 growth fund may count with respect to a single rural business concern, including amounts  
2212 invested in affiliates of the rural business concern, may not exceed the greater of \$5,000,000 or  
2213 20 per cent of the rural growth fund's investment authority;

2214 (ii) the rural growth fund, after satisfying clause (i), fails to maintain rural growth investments  
2215 equal to 100 per cent of its investment authority until the sixth anniversary of the closing date;  
2216 provided, however, that an investment shall be considered to be "maintained" even if the  
2217 investment is sold or repaid if the rural growth fund reinvests an amount equal to the capital  
2218 returned or recovered by the fund from the original investment, exclusive of any profits realized,  
2219 in other rural growth investments in the commonwealth within 12 months of the receipt of such  
2220 capital; provided further, that amounts received periodically by a rural growth fund shall be  
2221 treated as continually invested in rural growth investments if the amounts are reinvested in 1 or  
2222 more rural growth investments by the end of the following calendar year; provided, further, that,  
2223 for purposes of satisfying the requirements of this clause, the maximum amount of rural growth  
2224 investments that a rural growth fund may count with respect to a single rural business concern,  
2225 including amounts invested in affiliates of the rural business concern, may not exceed the greater  
2226 of \$5,000,000 or 20 per cent of the rural growth fund's investment authority;

2227 (iii) the rural growth fund, before exiting the program in accordance with paragraph (4), makes a  
2228 distribution or payment that results in the rural growth fund having less than 100 per cent of its  
2229 investment authority invested in rural growth investments in the commonwealth or available for  
2230 investment in rural growth investments and held in cash and other marketable securities; or

2231 (iv) the rural growth fund makes a rural growth investment in a rural business concern that  
2232 directly or indirectly through an affiliate owns, has the right to acquire an ownership interest,  
2233 makes a loan to, or makes an investment in the rural growth fund, an affiliate of the rural growth  
2234 fund or an investor in the rural growth fund; provided, however, that this clause does not apply to  
2235 investments in publicly traded securities by a rural business concern or an owner or affiliate of  
2236 such concern; and provided further, that a rural growth fund shall not be considered an affiliate  
2237 of a rural business concern solely as a result of its rural growth investment.

2238 (2) Before revoking 1 or more tax credit certificates under this subsection, the MOBD shall  
2239 notify the rural growth fund of the reasons for the pending revocation. The rural growth fund  
2240 shall have 90 days from the date the notice was received to correct any violation outlined in the  
2241 notice to the satisfaction of the MOBD and avoid revocation of the tax credit certificate.

2242 (3) If tax credit certificates are revoked under this subsection, the associated investment authority  
2243 and credit-eligible capital contributions shall not count toward the limit on total investment

2244 authority and credit-eligible capital contributions described in paragraph (2) of subsection (c).  
2245 The MOBD shall first award reverted authority pro rata to each rural growth fund that was  
2246 awarded less than the requested investment authority under paragraph (5) of subsection (c). The  
2247 MOBD may award any remaining investment authority to new applicants.

2248 (4) On or after the sixth anniversary of the closing date, a rural growth fund may apply to the  
2249 MOBD to exit the program and no longer be subject to the provisions of this section. The MOBD  
2250 shall respond to the application within 30 days of receipt. In evaluating the application, the fact  
2251 that no tax credit certificates have been revoked and that the rural growth fund has not received a  
2252 notice of revocation that has not been cured under paragraph (2) shall be sufficient evidence to  
2253 prove that the rural growth fund is eligible to exit. The MOBD shall not unreasonably deny an  
2254 application submitted under this paragraph. If the application is denied, the notice shall include  
2255 the reasons for the denial.

2256 (5) The MOBD shall not revoke a tax credit certificate after the rural growth fund's exit from the  
2257 program.

2258 (6) Once a rural growth fund has been determined to be eligible to exit under paragraph (4), if  
2259 the number of jobs created and jobs retained by the rural business concerns that received rural  
2260 growth investments from the rural growth fund, calculated pursuant to reports filed by the rural  
2261 growth fund pursuant to subsection (g), is less than the number projected in the rural growth  
2262 fund's business plan filed as part of its application for certification under subsection (c), then the  
2263 commonwealth shall receive a percentage of any distribution or payment made to the equity  
2264 holders of the rural growth fund in excess of the rural growth fund's investment authority and an  
2265 amount equal to any projected increase in the equity holders' federal or state tax liability,  
2266 including penalties and interest, related to the equity holders' ownership, management or  
2267 operation of the fund; such percentage shall be equal to the percentage shortfall of the number of  
2268 jobs created and retained relative to the projected jobs created and retained, as such number of  
2269 jobs is certified under subsection (g) of this section; provided, however, that all reports filed by a  
2270 rural growth fund under subsection (g) shall be taken into account to arrive at a summation of  
2271 jobs created and retained.

2272 (7) If the rural growth fund's rural growth investments achieved a 20 per cent or greater internal  
2273 rate of return, the commonwealth shall receive 15 per cent of any distribution or payment made  
2274 to the equity holders of the rural growth fund in excess of the rural growth fund's investment  
2275 authority and an amount equal to any projected increase in the equity holders' federal or state tax  
2276 liability, including penalties and interest, related to the equity holders' ownership of the fund.  
2277 Any amounts payable to the state pursuant to paragraph (6) of this subsection shall be in addition  
2278 to amounts due under this paragraph.

2279 (8) All amounts payable to the commonwealth pursuant to paragraph (6) and (7) shall be subject  
2280 to appropriation for purposes of supporting rural school aid.

2281 (f) A rural growth fund, before making a rural growth investment, may request from the MOBD  
2282 a written opinion as to whether the business in which it proposed to invest is a rural business  
2283 concern. The MOBD, not later than the 15 business day after the date of receipt of the request,  
2284 shall notify the rural growth fund of its determination. If the MOBD fails to notify the rural  
2285 growth fund by the 15 business day of its determination, the business in which the rural growth  
2286 fund proposes to invest shall be considered a rural business concern.

2287 (g)(1) Each rural growth fund shall submit a report to the MOBD on or before the fifth business  
2288 day after the second anniversary of the closing date. The report shall provide documentation as to  
2289 the rural growth fund's rural growth investments and include:

2290 (i) a bank statement evidencing each rural growth investment;

2291 (ii) the name, location and industry of each business receiving a rural growth investment,  
2292 including either the determination letter set forth in subsection (f) or evidence that the business  
2293 qualified as a rural business concern at the time the investment was made;

2294 (iii) the number of jobs created or jobs retained as a result of the rural growth fund's rural growth  
2295 investments as of the last day of the preceding 2 calendar years; provided, however, that job  
2296 numbers shall be certified by each rural business concern's independent certified public  
2297 accountant that is licensed to do business in the commonwealth or by the rural growth fund's  
2298 nationally recognized independent certified public accounting firm. MOBD shall publish a list of  
2299 nationally recognized independent certified public accounting firms, which shall include at least  
2300 10 firms, within 12 months of certifying the first rural growth fund and shall periodically update  
2301 such list as MOBD deems appropriate; and

2302 (iv) any other information required by the MOBD.

2303 (2) On or before the last day of February of each year following the year in which the report  
2304 required under paragraph (1) is due, the rural growth fund shall submit an annual report to the  
2305 MOBD, which shall include the following:

2306 (i) the number of jobs created or jobs retained as a result of the rural growth fund's rural growth  
2307 investments as of the last day of the preceding calendar year, which number shall be  
2308 independently certified in accordance with clause (iii) of paragraph (1);

2309 (ii) the average annual salary of the positions described in clause (i); and

2310 (iii) any other information required by the MOBD.

2311 (h) The MOBD shall promulgate regulations necessary to implement the provisions in this  
2312 section.

2313 Section 38JJ. (a) As used in this section, the following words shall have the following meanings  
2314 unless the context clearly requires otherwise:

2315 "Commissioner", the commissioner of revenue.

2316 "Cranberry bog", an area actively cultivated for the harvesting or production of cranberries.

2317 "Qualified renovation", the renovation, repair, replacement, regrading or restoration of a  
2318 cranberry bog for the cultivation, harvesting or production of cranberries or any other activity or  
2319 action associated with the renovation of an abandoned cranberry bog; provided, however, that  
2320 "qualified renovation" shall not include the construction of facilities or structures for the  
2321 processing of cranberries.

2322 "Qualified renovation expenditure", an expenditure or a cost directly incurred in connection with  
2323 the qualified renovation of a cranberry bog; provided, however, that "qualified renovation  
2324 expenditure" shall not include costs incurred in acquiring or purchasing property for the  
2325 construction of facilities or structures for the cultivation, harvesting or production of  
2326 cranberries.

2327 "Secretary", the secretary of energy and environmental affairs.

2328 "Taxpayer", a taxpayer subject to taxation under this chapter.

2329 (b)(1) A taxpayer primarily engaged in cranberry production shall be allowed a credit against the  
2330 taxes imposed by this chapter equal to 25 per cent of the total qualified renovation expenditures  
2331 incurred in connection with the qualified renovation of a cranberry bog during the taxable year;  
2332 provided, however, the amount of the credit that may be claimed by a taxpayer under this section  
2333 shall not exceed \$100,000.

2334 (2) The credit under this section shall be taken against the taxes imposed under this chapter and  
2335 shall be refundable. The commissioner shall apply the credit against the liability of the taxpayer  
2336 as determined on its return, as first reduced by any other available credits, and shall then refund  
2337 to the taxpayer the balance of the credits. If the amount of the credit allowed under this section  
2338 exceeds the taxpayer's tax liability, the commissioner shall treat the excess as an overpayment  
2339 and shall pay the taxpayer the entire amount of the excess. Any amount of the tax credit that  
2340 exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 5  
2341 subsequent taxable years.

2342 (3) The secretary, in consultation with the commissioner of agricultural resources, shall authorize  
2343 annually, for the period beginning January 1, 2020 and ending December 31, 2024, tax credits  
2344 under this subsection together with subsection (w) of section 6 of chapter 62 in an amount not to  
2345 exceed \$2,000,000 per taxable year. No credits shall be allowed under this section except to the  
2346 extent authorized in this section.



2347 (c) For a taxpayer to qualify for the credit provided for under this section, the taxpayer shall file  
2348 with the secretary a summary of qualified renovation expenditures in connection with the  
2349 qualified renovation. The secretary shall approve the summary of qualified renovation  
2350 expenditures and provide notice to the commissioner. Any qualified renovation expenditures  
2351 applicable to this credit shall be treated for purposes of this section as made on the date that the  
2352 secretary provides notice of the certification to the commissioner.

2353 (d) Any portion of tax credits not awarded by the secretary in a calendar year shall not be applied  
2354 to awards in a subsequent calendar year. The secretary shall provide any documentation that the  
2355 commissioner may deem necessary to confirm compliance with paragraph (3) of subsection (b)  
2356 and the commissioner shall provide a report confirming compliance to the secretary of  
2357 administration and finance.

2358 (e) The secretary shall annually, not later than September 1, file a report with the house and  
2359 senate committees on ways and means, the joint committee on environment, natural resources  
2360 and agriculture and the joint committee on revenue identifying the total amount of tax credits  
2361 claimed and the total amount of tax credits refunded pursuant to this section in the preceding  
2362 fiscal year.

2363 (f) The secretary, in consultation with the commissioner of agricultural resources and the  
2364 commissioner of revenue, shall promulgate regulations or other guidelines necessary for the  
2365 administration and implementation of this section.

2366 SECTION 63. Section 2 of chapter 90 of the General Laws, as appearing in the 2018 Official  
2367 Edition, is hereby amended by inserting after the seventh sentence the following sentence:- The  
2368 registry of motor vehicles shall not provide a motor vehicle registration to a natural person until  
2369 the registry of motor vehicles has confirmed the validity and status of the person's driver's license  
2370 and certified that the person is in compliance with this chapter and with applicable rules and  
2371 regulations promulgated by the registry of motor vehicles.

2372 SECTION 64. Section 24A of chapter 93 of the General Laws, as so appearing, is hereby  
2373 amended by adding the following subsection:-

2374 (e) A student loan servicer licensed under chapter 93L who is engaged solely in the activities of a  
2375 student loan servicer shall not be required to: (i) obtain a debt collector license pursuant to  
2376 subsection (a); or (ii) register as a third party loan servicer pursuant to subsection (b); provided,  
2377 however, that if a student loan servicer acts, represents, operates or holds itself out as a third  
2378 party loan servicer or debt collector outside of the scope of said chapter 93L, the student loan  
2379 servicer shall register as a third party loan servicer or obtain a debt collector license, or both, as  
2380 appropriate. A licensed student loan servicer who engages in third party loan servicing activities  
2381 or debt collection activities within the scope of said chapter 93L shall comply with all state and

2382 federal laws and regulations governing third party loan servicers and debt collection when acting  
2383 in such capacity.

2384 SECTION 65. The General Laws are hereby amended by inserting after chapter 93K the  
2385 following chapter:-

2386 CHAPTER 93L.

2387 STUDENT LOAN SERVICERS.

2388 Section 1. As used in this chapter, the following terms shall have the following meanings unless  
2389 the context clearly requires otherwise:

2390 "Commissioner", the commissioner of banks.

2391 "Person", a natural person, corporation or other entity.

2392 "Servicing", (i) receiving or soliciting a scheduled periodic payment from a borrower pursuant to  
2393 the terms of a student loan and making the principal, interest and other payments to the owner of  
2394 the loan or other third party with respect to the amounts received from the borrower as may be  
2395 required pursuant to the terms of the servicing loan document or servicing contract; (ii)  
2396 maintaining account records for a loan and communicating with the borrower regarding the loan  
2397 on behalf of the owner of the loan during a period in which no payment is required on the loan;  
2398 or (iii) interacting with a borrower, including activities to help prevent default on obligations  
2399 arising from a loan, to facilitate the activities described in clause (i) or clause (ii); provided,  
2400 however, that the actions of the student loan ombudsman under section 35 of chapter 12 and the  
2401 actions of the division of banks consumer assistance unit under section 3A of chapter 26 shall not  
2402 constitute servicing.

2403 "Student loan", a loan primarily used to finance post-secondary education or other school-related  
2404 expenses.

2405 "Student loan borrower", a resident of the commonwealth who has received or agreed to repay a  
2406 student loan or a person who shares responsibility with that resident for repaying the student  
2407 loan.

2408 "Student loan servicer", a person responsible for servicing a student loan to a student loan  
2409 borrower.

2410 Section 2. (a) A person shall not directly or indirectly act as a student loan servicer without first  
2411 obtaining a student loan servicer license pursuant to subsection (e) or an automatic federal  
2412 student loan servicer license pursuant to subsection (f), as applicable, unless the person is exempt  
2413 from licensure pursuant to subsection (b); provided, however, that a person with an automatic

2414 federal student loan servicer license shall not directly or indirectly act as a student loan servicer,  
2415 other than pursuant to a contract with the United States Secretary of Education under 20 U.S.C.  
2416 1087f, without first obtaining a student loan servicer license under subsection (e).

2417 (b) The following persons shall be exempt from student loan servicer licensing requirements  
2418 under this section: (i) banks and credit unions, including federal credit unions and out-of-state  
2419 banks and credit unions; (ii) wholly-owned subsidiaries of banks and credit unions; and (iii)  
2420 nonprofit or public institutions of higher education.

2421 (c) A person seeking to act as a student loan servicer, other than pursuant to a contract with the  
2422 United States Secretary of Education under 20 U.S.C. 1087f, shall submit an application for a  
2423 student loan servicer license in such form as the commissioner shall prescribe. The application  
2424 may require that an applicant provide: (i) a financial statement prepared by a certified public  
2425 accountant or a public accountant; (ii) a history of criminal convictions of the applicant; or (iii)  
2426 any other information the commissioner considers necessary.

2427 (d) An application for a student loan servicer license shall be accompanied by: (i) a  
2428 nonrefundable license fee; (ii) a nonrefundable investigation fee; and (iii) a surety bond that  
2429 provides for coverage for the applicant in an amount determined by the commissioner and in a  
2430 form prescribed by the commissioner. The secretary of administration and finance shall annually  
2431 determine the amounts of the license and investigation fees required under clauses (i) and (ii)  
2432 pursuant to section 3B of chapter 7. The amount and form of the surety bond required under  
2433 clause (iii) shall be determined by the commissioner.

2434 (e) After the filing of an application for an initial student loan servicer license and the payment  
2435 of the license and investigation fees, the commissioner shall investigate the financial condition,  
2436 responsibility, financial and business experience, character and general fitness of the applicant.

2437 The commissioner may issue a student loan servicer license if the commissioner finds that: (i)  
2438 the applicant's financial condition is sound; (ii) the applicant's business has been conducted and  
2439 will be conducted honestly, fairly, equitably, carefully, efficiently and in a manner consistent  
2440 with this chapter; (iii) (A) if the applicant is an individual, the individual is properly qualified  
2441 and of good character; (B) if the applicant is a partnership, each partner is properly qualified and  
2442 of good character; (C) if the applicant is a corporation or association, the president, chair of the  
2443 executive committee, senior officer responsible for the corporation's business and chief financial  
2444 officer or any other person who performs similar functions as determined by the commissioner,  
2445 each director, each trustee and each shareholder owning at least 10 per cent of each class of the  
2446 securities of the corporation are properly qualified and of good character; or (D) if the applicant  
2447 is a limited liability company, each member is properly qualified and of good character; (iv) no  
2448 person on behalf of the applicant has knowingly made any incorrect statement of a material fact  
2449 in the application or in any report or statement made pursuant to this chapter; (v) no person  
2450 acting on behalf of the applicant has knowingly failed to state any material fact necessary to give

2451 the commissioner any information required by the commissioner; (vi) the applicant has paid the  
2452 license and investigation fees and provided the required surety bond under subsection (d); and  
2453 (vii) the applicant has met all other requirements as determined by the commissioner.

2454 (f) The commissioner shall issue an automatic federal student loan servicer license to a person  
2455 that acts or intends to act as a student loan servicer pursuant to a contract with the United States  
2456 Secretary of Education under 20 U.S.C. 1087f. The automatic federal student loan servicer  
2457 license shall be irrevocable and shall not expire except as otherwise provided in this section.

2458 Upon receipt of the automatic federal student loan servicer license, the student loan servicer shall  
2459 pay the license and investigation fees and provide the required bond under subsection (d).

2460 A person issued an automatic federal student loan servicer license shall provide written notice to  
2461 the commissioner not more than 7 business days after receiving notification of the expiration,  
2462 revocation or termination of a contract awarded by the United States Secretary of Education  
2463 under 20 U.S.C 1087f. An automatic federal student loan servicer license shall immediately  
2464 expire if the licensee is no longer acting as a student loan servicer pursuant to a contract with the  
2465 United States Secretary of Education under said 20 U.S.C. 1087f. Nothing in this subsection  
2466 shall prevent the commissioner from issuing a cease and desist or injunction against a student  
2467 loan servicer to cease activities in violation of this chapter to the extent permitted by law.

2468 (g) A student loan servicer license issued pursuant to subsection (e) shall be valid for 1 year as of  
2469 a date determined by the commissioner unless suspended or revoked and shall not be  
2470 automatically renewed.

2471 (h) A student loan servicer license issued pursuant to subsection (e) may be renewed upon the  
2472 filing of a renewal application containing all of the required documents and fees as provided in  
2473 subsection (c). A renewal application shall be filed not less than 30 days before the expiration of  
2474 the student loan servicer's current license. The commissioner may assess a late fee for renewal  
2475 applications filed less than 30 days before the expiration of a student loan servicer license.

2476 If an application for renewal of a student loan servicer license under said subsection (e) has been  
2477 filed with the commissioner not later than the date the previous license is to expire, the license  
2478 sought to be renewed shall continue in full force and effect until the issuance of the renewal  
2479 license or until the commissioner has notified the licensee in writing of the commissioner's  
2480 refusal to renew the license, together with the grounds upon which that refusal is based. The  
2481 commissioner may refuse to renew a student loan servicer license for any reason that the  
2482 commissioner may refuse to issue an initial student loan servicer license under said subsection  
2483 (e).

2484 (i) The commissioner may consider an application for a student loan servicer license under  
2485 subsection (e) abandoned if the applicant fails to respond to a request for information required

2486 under this section within 60 days after such request is made. The commissioner shall notify the  
2487 applicant, in writing, that the application shall be considered abandoned if the applicant fails to  
2488 submit that information within the required time period. Abandonment of an application pursuant  
2489 to this subsection shall not preclude the applicant from submitting a new application for a student  
2490 loan servicer license under this chapter.

2491 Section 3. Not later than 15 days after a licensed student loan servicer ceases to engage in the  
2492 business of student loan servicing for any reason including, but not limited to: (i) a business  
2493 decision to terminate operations in the commonwealth; (ii) license expiration, revocation or  
2494 termination; (iii) bankruptcy; or (iv) voluntary dissolution, the licensee shall provide written  
2495 notice of surrender to the commissioner and shall surrender to the commissioner the student loan  
2496 servicer license or automatic federal student loan servicer license for each location in which the  
2497 licensee has ceased to engage in such business.

2498 The notice shall include, but not be limited to: (i) the location where the records of the student  
2499 loan servicer shall be stored; and (ii) the name, address and telephone number of an individual  
2500 authorized to provide access to the records. The surrender of a student loan servicer license or  
2501 automatic federal student loan servicer license shall not affect the licensee's civil or criminal  
2502 liability arising from acts or omissions occurring before the surrender of the license.

2503 Section 4. The commissioner may participate in a multistate licensing system for the sharing of  
2504 regulatory information and for the application, by electronic or other means, and licensing of  
2505 persons engaged in student loan servicing. The commissioner may establish requirements for  
2506 participation by an applicant in a multistate licensing system that vary from the provisions of this  
2507 chapter. The commissioner may require a background investigation of each applicant for a  
2508 student loan servicer license by means of fingerprint and state and national criminal history  
2509 record checks by the department of criminal justice information services pursuant to section 172  
2510 of chapter 6 and the Federal Bureau of Investigation.

2511 If the applicant is a partnership, association, corporation or other form of business organization,  
2512 the commissioner may require a background investigation for each member, director and  
2513 principal officer of the applicant and any individual acting as a manager of an office location.  
2514 The applicant shall pay directly to the multistate licensing system any additional fees related to  
2515 participation in the multistate licensing system.

2516 Section 5. (a) If a person licensed as a student loan servicer under subsection (e) of section 2  
2517 intends to operate at any place in addition to the address on the license or plans to change the  
2518 location of its place of business, the licensee shall: (i) notify the commissioner, in writing, not  
2519 less than 30 days before doing so; and (ii) shall pay a fee for each additional location at a  
2520 reasonable cost as determined by the commission. Such notice shall contain the address of any  
2521 additional or changed location and such other information required by the commissioner. A  
2522 student loan servicer license shall not be transferable or assignable.

2523 (b) A student loan servicer shall maintain adequate records of each student loan transaction for  
2524 not less than 2 years following the final payment on the student loan or the assignment of the  
2525 student loan, whichever occurs first, or except as otherwise required by federal law or a contract  
2526 with the United States Secretary of Education under 20 U.S.C. 1087f. The commissioner may  
2527 request these records from a student loan servicer and the servicer shall comply with the request  
2528 not later than 5 business days after the request is received. The commissioner may, upon request,  
2529 grant a student loan servicer additional time to make such records available.

2530 Section 6. A student loan servicer shall comply with all applicable federal laws and regulations  
2531 relating to student loan servicing. A violation of a federal law or regulation shall be a violation of  
2532 this chapter and the commissioner may investigate any such violation pursuant to section 7.

2533 Section 7. (a) The commissioner shall conduct investigations and examinations: (i) for initial  
2534 licensing, license renewal, license suspension, license revocation or termination or determining  
2535 compliance with this chapter; and (ii) of violations or complaints arising under this chapter.

2536 In an investigation or examination conducted pursuant to this section, the commissioner may  
2537 access, receive and use information from any relevant party's books, accounts, records, files,  
2538 documents and other information as needed.

2539 If there is reason to believe that a person other than a licensee has violated this chapter, the  
2540 commissioner may investigate the person as necessary. The commissioner may examine the  
2541 person who allegedly violated this chapter and may compel the production of relevant books,  
2542 accounts, records, files, documents and other information as needed.

2543 The total cost for any investigation or examination shall be paid by the student loan servicer not  
2544 more than 30 days after the receipt of an invoice for the total cost, shall be in accordance with  
2545 fees determined annually by the secretary of administration and finance pursuant to section 3B of  
2546 chapter 7 and shall include expenses for necessary travel outside of the commonwealth to  
2547 conduct the investigation or examination.

2548 All records of investigations and reports of examinations by the commissioner, including  
2549 workpapers, information derived from the reports and responses to the reports, and any copies  
2550 thereof in the possession of a student loan servicer under the supervision of the commissioner,  
2551 shall be confidential and privileged communications; provided, however, that nothing in this  
2552 subsection shall interfere with the work of the office of the student loan ombudsman established  
2553 under section 35 of chapter 12; and provided further, that records shall be made public if it is in  
2554 the public interest.

2555 For the purposes of this subsection, records of investigation and reports of examinations shall  
2556 include records of investigation and reports of examinations conducted by a financial regulatory  
2557 agency of the federal government, another state or a foreign government that are considered

2558 confidential by the agency or foreign government and are in the possession of the commissioner.  
2559 In a proceeding before a court, the court may issue a protective order in appropriate  
2560 circumstances to protect the confidentiality of the record and order that the record on file with  
2561 the court or filed in connection with the court proceeding be sealed and that the public be  
2562 excluded from any portion of the proceeding at which the record is disclosed. Copies of the  
2563 reports of examination shall be furnished to a licensee for the licensee's use only and shall not be  
2564 exhibited to any other person, organization or agency without prior written approval by the  
2565 commissioner. The commissioner may furnish information, reports and statements relating to the  
2566 licensees under the commissioner's supervision to regulatory agencies of the federal government,  
2567 other states and foreign countries and to law enforcement agencies as considered appropriate.

2568 (b) In an investigation or examination conducted pursuant to this section, the commissioner shall  
2569 have free access to the documents and records of the student loan servicer or any other person  
2570 under investigation or examination. Unless the commissioner has reasonable grounds to believe  
2571 that the documents or records of the student loan servicer or other person have been or are at risk  
2572 of being altered or destroyed for the purposes of concealing a violation of this chapter, the  
2573 student loan servicer or owner of the documents and records shall have access to the documents  
2574 or records as necessary to conduct ordinary business affairs.

2575 (c) No student loan servicer or person subject to investigation or examination under this section  
2576 shall knowingly withhold, amend, remove, mutilate or destroy any books, records, computer  
2577 records or other information requested by the commissioner.

2578 (d) The commissioner may suspend a student loan servicer license issued under subsection (e) of  
2579 section 2 if the commissioner finds that: (i) the student loan servicer has violated this chapter; or  
2580 (ii) a fact or condition exists that would have warranted a denial of the license if the fact or  
2581 condition existed at the time of the original application for the license.

2582 (e) The commissioner may revoke or refuse to renew a student loan servicer license issued under  
2583 subsection (e) of section 2 if the commissioner finds: (i) 2 or more violations or facts or  
2584 conditions as described in subsection (d) during a license period; (ii) reckless or willful conduct  
2585 on the part of the licensee; or (iii) it is in the public interest to revoke or refuse to renew the  
2586 license.

2587 (f) Notwithstanding any general or special law to the contrary, if the commissioner determines  
2588 that a person has violated this chapter or that a person or entity associated with a student loan  
2589 servicer has committed fraud or engaged in unfair, deceptive or dishonest activities, the  
2590 commissioner may take action against that person or entity including, but not limited to: (i)  
2591 suspension or revocation of that person's license pursuant to subsection (e); (ii) imposition of an  
2592 administrative penalty of not more than \$50,000 per incident; or (iii) both.

2593 Section 8. A student loan servicer shall not engage in unfair methods of competition or unfair or  
2594 deceptive acts or practices. A violation of this chapter shall also be a violation of chapter 93A.  
2595 Nothing in this chapter shall preclude an action being brought under said chapter 93A or any  
2596 other law.

2597 The commissioner may notify the attorney general or the student loan ombudsman established in  
2598 section 35 of chapter 12 of a potential violation of this chapter or said chapter 93A.

2599 Section 9. The commissioner shall promulgate rules and regulations necessary to implement this  
2600 chapter.

2601 SECTION 66. Section 3 of chapter 101 of the General Laws, as so appearing, is hereby amended  
2602 by striking out the words "one year", in line 23, and inserting in place thereof the following  
2603 words:- 3 years.

2604 SECTION 67. Section 87T of chapter 112 of the General Laws, as so appearing, is hereby  
2605 amended by inserting after the word "hairdressing", in line 63, the following words:- ; provided  
2606 further, that "hairdressing" shall not include natural hair braiding.

2607 SECTION 68. Said section 87T of said chapter 112, as so appearing, is hereby further amended  
2608 by inserting after the definition of "Mobile services" the following definition:-

2609 "Natural hair braiding", twisting, wrapping, weaving, extending, locking or braiding the hair of  
2610 any person either by hand or with a mechanical device.

2611 SECTION 69. The first paragraph of section 87V of said chapter 112, as so appearing, is hereby  
2612 amended by adding following sentence:- Natural hair braiding shall be exempt from the rules and  
2613 regulations issued by the board.

2614 SECTION 70. Section 1 of chapter 121B of the General Laws, as so appearing, is hereby  
2615 amended by striking out the definition of "Tenant member" and inserting in place thereof the  
2616 following definition:-

2617 "Tenant member", a member of the board of a housing authority who is: (i) a tenant who has  
2618 signed a lease for a public housing unit owned and operated by the housing authority; (ii) a  
2619 tenant in a public housing unit owned and operated on behalf of a housing authority; (iii) a  
2620 participant in a rental assistance program administered by a housing authority; or (iv) an adult  
2621 over the age of 18 years old who is authorized to reside in the unit of another pursuant to clause  
2622 (i), (ii) or (iii).

2623 SECTION 71. Section 5 of said chapter 121B, as so appearing, is hereby amended by striking  
2624 out the third paragraph and inserting in place thereof the following 3 paragraphs:-



2625 In a town, 4 members of a redevelopment authority that is not a housing authority shall be  
2626 elected by the town; provided, however, that of the members originally elected at an annual town  
2627 meeting, the candidate who received the highest number of votes shall serve for 5 years, the  
2628 candidate who received the next highest number of votes shall serve for 4 years, the candidate  
2629 who received the next highest number of votes shall serve for 2 years and the candidate who  
2630 received the next highest number of votes shall serve for 1 year. Notwithstanding the preceding  
2631 sentence, upon the initial organization of a redevelopment authority that is not a housing  
2632 authority, if a town so votes at an annual or special town meeting called for the purpose of  
2633 organizing a redevelopment authority that is not a housing authority, 4 members of the  
2634 redevelopment authority shall be appointed immediately by the board of selectmen to serve only  
2635 until the qualification of their successors; provided, however, that the successors shall be elected  
2636 at the next annual town meeting as provided in this paragraph.

2637 Notwithstanding section 20 of chapter 43B or any other general or special law to the contrary, in  
2638 a town, 1 member of a housing authority shall be a tenant member appointed by the board of  
2639 selectmen and 3 members shall be elected by the town; provided, however, that of the members  
2640 originally elected at an annual town meeting, the candidate who received the highest number of  
2641 votes shall serve for 5 years, the candidate who received the next highest number of votes shall  
2642 serve for 4 years and the candidate who received the next highest number of votes shall serve for  
2643 2 years. Notwithstanding the preceding sentence, upon the initial organization of a housing  
2644 authority, if a town so votes at an annual or special town meeting called for the purpose of  
2645 organizing a housing authority, 3 members of the authority shall be appointed immediately by  
2646 the board of selectmen to serve only until the qualification of their successors; provided,  
2647 however, that the successors shall be elected at the next annual town meeting as provided in this  
2648 paragraph.

2649 A tenant, where applicable, shall be appointed by the town from a list of names submitted by a  
2650 duly recognized tenants' organization in the town. A tenants' organization may submit a list to  
2651 the board of selectmen that shall contain not less than 2 and not more than 5 names and the board  
2652 shall make the appointment from among the names so submitted; provided, however, that if there  
2653 is no such tenants' organization, the housing authority shall immediately post notices throughout  
2654 the common areas of the authority and provide each household with notice of the opportunity to  
2655 be appointed to the housing authority board and, if any person wishes to be considered for such  
2656 appointment, that person shall submit their name within 30 days thereafter to the town clerk;  
2657 provided further, that the notice shall include contact information for the town clerk and for any  
2658 independent technical training programs available pursuant to section 5B. The board of  
2659 selectmen shall appoint a tenant member from the list; provided, however, that where federal law  
2660 requires the town to maintain a member who is a federally-subsidized tenant, a federally-  
2661 subsidized tenant shall be given preference for the appointment. If there are no public housing  
2662 units owned and operated by the local housing authority and if there are no such units owned and  
2663 operated on behalf of the local housing authority, the board of selectmen shall appoint a person

meeting the eligibility requirements for a tenant member. If a list of names is not submitted within 60 days after a vacancy occurs, the board of selectmen shall appoint a tenant member of its own choosing to the authority. The town shall provide any written notice to tenants' organizations as required by this section not less than 90 days before the expiration of the term of a tenant member. If a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the town shall provide written notice to the tenants' organizations within 10 business days after the vacancy occurs. The board of selectmen shall make the appointment of the successor tenant member within a reasonable time after the expiration of 60 days following the provision of notice as provided in this section.

SECTION 72. Said chapter 121B is hereby further amended by striking out section 5A, as so appearing, and inserting in place thereof the following section:-

Section 5A. A housing authority may request a waiver of the requirement to appoint a tenant member to a housing authority board if the department determines that a housing authority provided notice pursuant to section 5 and there is no person who is eligible and willing to serve as a tenant member on the board. The waiver shall be for a term of 1 year and may be renewed by the department. A housing authority shall submit a written statement to the department, explaining why a waiver is being requested and documenting the steps that it took to educate tenants about the right of a tenant to serve on a housing authority board; provided, however, that such steps shall include the housing authority meeting with all local tenants' organizations. Before issuing a waiver, the department shall, in addition to reviewing the written statement, make a determination that the housing authority provided notice pursuant to said section 5.

If the department grants a waiver, it shall notify the housing authority and the town that a person other than a person who is eligible to be a tenant member may be appointed to the tenant member seat on the board for a 1-year term. The housing authority shall notify any tenants' organizations of the waiver and post a notice of the waiver throughout common areas of the authority.

SECTION 73. Section 7A of chapter 128 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Garden" the following 3 definitions:-

"Greenhouse gas benefits", greenhouse gas emissions source reduction or carbon sequestration.

"Healthy soils", soils that enhance their continuing capacity to function as a biological system, increase soil organic matter, improve soil structure and water and nutrient-holding capacity and result in net long-term greenhouse gas benefits.

"Healthy soils practices", practices that: (i) improve measurable soil health on lands utilized for commercial farming, suburban and urban lawns, yards and gardens, public and private forests, parks and other open spaces and non-paved outdoor areas of office complexes, mixed-use facilities, businesses, industries and colleges and other institutions; (ii) provide 1 or more of the

2699 following benefits: (A) improve food production; (B) encourage the health, growth and  
2700 biological diversity of plants and forests; (C) increase water infiltration reducing storm water  
2701 run-off; (D) provide drought and crop resilience; (E) enhance water quality; and (F) reduce the  
2702 use of fertilizers and herbicides; and (iii) provide greenhouse gas benefits.

2703 SECTION 74. The second paragraph of section 13 of chapter 136 of the General Laws, as so  
2704 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the  
2705 following sentence:- Any retail establishment that operates on January first, November eleventh  
2706 or the second Monday in October, under the exemption granted by this section, shall compensate  
2707 employees working on any of said days at a rate specified under clause (50) of section 6 or such  
2708 larger sum as may be determined by contract; provided, however, that such work shall be  
2709 voluntary and refusal to work for any retail establishment on such legal holidays shall not be  
2710 grounds for discrimination, dismissal, discharge, reduction in hours or any other penalty.

2711 SECTION 75. Said second paragraph of said section 13 of said chapter 136, as so appearing, is  
2712 hereby further amended by striking out the first sentence and inserting in place thereof the  
2713 following sentence:- Any retail establishment that operates on January first, November eleventh  
2714 or the second Monday in October, under the exemption granted by this section, shall not require  
2715 any employee to perform such work and an employee's refusal to work for any retail  
2716 establishment on such legal holidays shall not be grounds for discrimination, dismissal,  
2717 discharge, reduction in hours or any other penalty.

2718 SECTION 76. Section 24L of chapter 149 of the General Laws, as appearing in the 2018 Official  
2719 Edition, is hereby amended by striking out, in lines 82 and 83, the words:- , as that term is  
2720 defined in section 1 of chapter 93L.

2721 SECTION 77. Section 152A of said chapter 149 is hereby amended by striking out the definition  
2722 of "Wait staff employee", as so appearing, and inserting in place thereof the following  
2723 definition:-

2724 "Wait staff employee", a person, including a waiter, waitress, bus person, person in a quick  
2725 service restaurant who prepares or serves food or beverages as part of a team of counter staff or  
2726 any other counter employee who: (i) serves beverages or prepared food directly to patrons or  
2727 who clears patrons' tables; (ii) works in a restaurant, banquet facility or other place where  
2728 prepared food or beverages are served; and (iii) has no managerial responsibility during a day in  
2729 which the person serves beverages or prepared food or clears patrons' tables.

2730 SECTION 78. Chapter 175 of the General Laws is hereby amended by inserting after section 4F  
2731 the following section:-

2732 Section 4G. (a) An insurer that utilizes an applicant's Massachusetts driving history as a rating or  
2733 underwriting factor for private passenger motor vehicle insurance in the commonwealth, a

2734 licensed insurance producer or third-party representative shall verify the applicant's  
2735 Massachusetts driving history through the use of the registry of motor vehicles database or a  
2736 reliable third-party database prior to processing payment or issuing a policy, unless the driving  
2737 history is unavailable at the time of the initial inquiry due to a temporary website outage, service  
2738 interruption or other circumstances beyond the control of the insurer, producer or third-party  
2739 representative. When providing a private passenger automobile insurance quote, an insurer,  
2740 licensed insurance producer or third-party representative shall provide a disclosure regarding the  
2741 verification of an applicant's Massachusetts driving history.

2742 SECTION 79. Subsection (a) of section 168 of said chapter 175, as so appearing, is hereby  
2743 amended by adding the following definitions:-

2744 "Personal vehicle sharing", the authorized use of a vehicle by an individual other than the  
2745 vehicle's owner through a personal vehicle sharing program.

2746 "Personal vehicle sharing program", a business platform that connects vehicle owners with  
2747 drivers to enable the sharing of vehicles for financial consideration.

2748 SECTION 80. Said section 168 of said chapter 175, as so appearing, is hereby further amended  
2749 by striking out, in lines 18 to 27, inclusive the words "(b) The commissioner may, upon the  
2750 payment of the fee prescribed by section 14, issue to any suitable person aged 18 or older, a  
2751 license to act as a special insurance broker to negotiate, continue or renew contracts of insurance  
2752 against any of the hazards specified in section 47, except as specified in clause Fifteenth thereof,  
2753 and except accident and health, workers' compensation, compulsory motor vehicle liability, with  
2754 the exception of motor vehicle policies for transportation network vehicles, and life insurance on  
2755 property or interests in the commonwealth with an unauthorized company upon the following  
2756 conditions:" and inserting in place thereof the following words:- (b) The commissioner may,  
2757 upon the payment of the fee prescribed by section 14, issue to any suitable person aged 18 or  
2758 older, a license to act as a special insurance broker to negotiate, continue or renew contracts of  
2759 insurance against any of the hazards specified in section 47, except as specified in clause  
2760 Fifteenth thereof, and except accident and health, workers' compensation, compulsory motor  
2761 vehicle liability, with the exception of both motor vehicle policies for transportation network  
2762 vehicles and any contracts that directly or indirectly provide insurance or other forms of  
2763 protection, including without limitation, collision damage waivers, for vehicles and vehicle  
2764 drivers engaged in personal vehicle sharing through a personal vehicle sharing program, and life  
2765 insurance on property or interests in the commonwealth with an unauthorized company upon the  
2766 following conditions:

2767 SECTION 81. Said section 168 of said chapter 175, as so appearing, is hereby further amended  
2768 by striking out subsection (i) and inserting in place thereof the following 2 subsections:-

2769 (i) Nothing in this section shall preclude a personal vehicle sharing program from procuring a  
2770 contract of insurance for itself, vehicles, and vehicle drivers engaged in personal vehicle sharing,  
2771 if the personal vehicle sharing program or the policyholder expressly acknowledges its  
2772 understanding, that: (1) the company from which insurance is procured is not admitted to  
2773 transact insurance in the commonwealth; and (2) in the event of the insolvency of the company, a  
2774 loss shall not be paid by the Massachusetts Insurers Insolvency Fund under chapter 175D.

2775 (j) The commissioner may promulgate regulations as necessary to implement this section.

2776 SECTION 82. Section 2 of chapter 175M of the General Laws is hereby amended by striking out  
2777 subsection (f), as appearing in the 2018 Official Edition, and inserting in place thereof the  
2778 following subsection:-

2779 (f) The taking of family or medical leave shall not affect an employee's right to accrue vacation  
2780 time, sick leave, bonuses, advancement, seniority, length-of-service credit or other employment  
2781 benefits, plans or programs. During the duration of an employee's family or medical leave, the  
2782 employer shall provide for, contribute to or otherwise maintain the employee's employment-  
2783 related health insurance benefits, if any, at the level and under the conditions coverage would  
2784 have been provided if the employee had continued working continuously for the duration of such  
2785 leave.

2786 SECTION 83. Chapter 184 of the General Laws is hereby amended by adding the following  
2787 section:-

2788 Section 36. (a) For the purposes of this section, the following words shall, unless the context  
2789 clearly requires otherwise, have the following meanings:-

2790 "Affiliate", an entity owned or controlled by an owner or under common control with the owner.

2791 "Auction" or "public auction", the sale of a housing accommodation under power of sale in a  
2792 mortgage loan by public bidding.

2793 "Borrower", a mortgagor of a mortgage loan.

2794 "Deed in lieu," a deed for the collateral property or the housing accommodation that the  
2795 mortgagee accepts from the borrower in exchange for the release of the borrower's obligation  
2796 under the mortgage loan.

2797 "Designee", a nonprofit organization, established pursuant to chapter 180, which is selected by  
2798 members of a tenant association.

2799 "Department", the department of housing and community development.

2800 "Elderly tenant household", a tenant household in which 1 or more of the residents are age 65 or  
2801 older.

2802 "Foreclosure," a legal proceeding to terminate a borrower's interest in property instituted by the  
2803 mortgagee and regulated under chapter 244.

2804 "Housing accommodation," a building, structure or part thereof, rented or offered for rent for  
2805 living or dwelling purposes, including, without limitation, houses, apartments, condominium  
2806 units, cooperative units and other multi-family residential dwellings; provided, however, that a  
2807 housing accommodation shall not include a group residence, homeless shelter, lodging house,  
2808 orphanage, temporary dwelling structure or transitional housing; and provided, further that a  
2809 housing accommodation shall not include a borrower-occupied housing accommodation if the  
2810 borrower is domiciled in the housing accommodation at the initiation of the short-sale, deed in  
2811 lieu or foreclosure process.

2812 "Member", a natural person who is a member of a tenant association.

2813 "Minimum tenant participation percentage", the minimum percentage of tenants who must  
2814 participate as members of the tenant association as defined by the city or town in a municipal  
2815 ordinance; provided, that the minimum tenant participation percentage shall be not less than 51  
2816 per cent of the tenant-occupied housing units. The percentage shall be calculated based on the  
2817 number of tenant-occupied housing units in a property. If more than 1 person is a lessee in a unit,  
2818 all of the tenants who are lessees for that unit shall participate as members of the tenant  
2819 association if the unit is counted towards the participating percentage of units.

2820 "Mortgage loan," a loan secured wholly or partially by a mortgage on a housing accommodation.

2821 "Mortgagee," an entity to whom property is mortgaged, the mortgage creditor or lender  
2822 including, but not limited to, mortgage servicers, lenders in a mortgage agreement and any agent,  
2823 servant or employee of the mortgagee or any successor in interest or assignee of the mortgagee's  
2824 rights, interests or obligations under the mortgage agreement.

2825 "Owner", a person, firm, partnership, corporation, trust, organization, limited liability company  
2826 or other entity, or its successors or assigns that holds title to real property.

2827 "Purchaser", a party who has entered into a purchase contract with an owner and who will, upon  
2828 performance of the purchase contract, become the new owner of the property.

2829 "Purchase contract", a binding written agreement whereby an owner agrees to sell property  
2830 including, without limitation, a purchase and sale agreement, contract of sale, purchase option or  
2831 other similar instrument.

2832 "Sale", an act by which an owner conveys, transfers or disposes of property by deed or  
 2833 otherwise, whether through a single transaction or a series of transactions; provided, that a  
 2834 disposition of housing by an owner to an affiliate of such owner shall not constitute a sale.

2835 "Short-sale," sale approved by the mortgagee to a bona fide purchaser at a price that is less than  
 2836 borrower's existing debt on the housing accommodation.

2837 "Successor", the entity through which the tenant association will take title to the property, which  
 2838 may be a corporation, with the sole stockholder being the tenant association; a housing  
 2839 cooperative organized under chapter 157B, a limited liability company in which the tenant  
 2840 association is the member; a limited partnership in which the tenant association is a general  
 2841 partner or when permitted by the municipality's ordinance, a joint venture between any of such  
 2842 entities and another party with: (i) the requisite experience in acquiring, developing and owning  
 2843 residential property and (ii) the financial capacity to guaranty financing of the purchase  
 2844 transaction.

2845 "Tenant", a natural person who has: (i) entered into an express written lease or rental agreement  
 2846 with the owner for exclusive possession of the premises for at least 6 months or (ii) paid rent to  
 2847 the owner and the owner has accepted said rent for at least 6 months.

2848 "Tenant association", an organization with a membership limited to present tenants of a property  
 2849 that is: (i) registered with the municipality that has adopted an ordinance consistent with this  
 2850 section or (ii) a non-profit organization incorporated under chapter 180.

2851 "Third-party offer", an offer to purchase the mortgaged property for valuable consideration by an  
 2852 arm's length purchaser; provided, that a third-party offer shall not include an offer by the  
 2853 borrower or tenants.

2854 "Third-party purchaser", a purchaser who is not a tenant association, a designee or an affiliate.

2855 (b) A city or town may adopt this section in the manner provided in section 4 of chapter 4. The  
 2856 acceptance of this local option by a municipality shall take effect no later than 180 days after  
 2857 such acceptance. A city or town may at any time revoke the acceptance of this section in the  
 2858 manner provided in said section 4 of said chapter 4. The revocation shall not affect agreements  
 2859 relative to a tenants' right to purchase that have already been asserted prior to the revocation. In  
 2860 addition, the ordinance or bylaw accepting this section may contain provisions that establish:

2861 (i) tenancy protections for non-elderly tenant households that do not participate in the tenant  
 2862 association; and

2863 (ii) exclusion of applicability to properties with fewer than a designated number of units;  
 2864 different exclusion numbers may be adopted for owner-occupied properties and properties with  
 2865 no owner occupancy; and

2866 (iii) criteria for qualified designee; and

2867 (iv) the tenant association's ability to exercise rights hereunder through a joint venture or  
2868 partnership with another entity with requisite experience in developing, owning or operating  
2869 residential real estate or an entity that has the financial capacity to guaranty the financing of the  
2870 purchase transaction; and

2871 (v) exclusion of classes of properties not enumerated in subsection (k).

2872 (c) In any city or town that votes to adopt the provisions of this section, an owner of a residential  
2873 building shall:

2874 (i) notify the municipality and each tenant household, in writing by hand delivery and United  
2875 States' mail, of the owner's intention to sell the property, with copy of the municipality's prepared  
2876 summary of the ordinance adopted hereunder; and

2877 (2) provide a tenant association with the minimum tenant participation percentage, an  
2878 opportunity to make an offer to purchase the property prior to entering into an agreement to sell  
2879 such property pursuant to the time periods contained in this section, but no owner shall be under  
2880 any obligation to enter into an agreement to sell such property to the tenants.

2881 (d) a tenant association with the minimum tenant participation percentage may select a successor  
2882 entity or a designee to act on its behalf as purchaser of the property and shall give the owner and  
2883 the municipality notice of its selection.

2884 (e) A tenant association with the minimum tenant participation percentage, or its successor or  
2885 designee, may, within 15 days after receipt of the owner's intention to sell, submit an offer to the  
2886 owner to purchase the property. Failure to submit a timely offer shall constitute an irrevocable  
2887 waiver of the tenants' rights under subsection (e) and the owner may enter into a contract sell the  
2888 property to a third party, subject to subsections (f) to (i), inclusive. If the owner and the tenant  
2889 association, or its successor, or its designee, have not entered into an agreement within 15 days  
2890 after receipt of the notice of the owner's intent to sell, the owner may enter into an agreement to  
2891 sell the property to a third party, subject to subsections (f) to (i), inclusive.

2892 (f) Upon execution of any purchase contract with a third party, the owner shall, within 7 days,  
2893 submit a copy of the contract along with a proposed purchase contract for execution by tenant  
2894 association or its successor, or designee. If the tenant association, or its successor or, its  
2895 designee, elect to purchase the property, the tenant association, or its successor, or its designee,  
2896 shall within 30 days after the receipt of the third party purchase contract and the proposed  
2897 purchase contract, execute the proposed purchase contract or such other agreement as is  
2898 acceptable to both parties. The time periods set forth in this subsection may be extended by  
2899 agreement between the owner and the tenant association, its successor or its designee. Except as



2900 otherwise specified in subsection (h), the terms and conditions of the proposed purchase contract  
2901 offered to the tenant association, successor, or its designee, shall be the same as those of the  
2902 executed third party purchase contract.

2903 (g) After receipt of the third party purchase contract provided for in subsection (f), the tenant  
2904 association or its successor or designee may, within the 15 day time period prescribed in said  
2905 subsection (f), make a counteroffer by executing and submitting to the owner an amended  
2906 proposed purchase contract. Failure by the tenant association, successor or its designee, to  
2907 execute the purchase contract or submit a counteroffer within the 15 day period referenced in  
2908 subsection (f) shall constitute a waiver of the tenants' right to purchase under these subsections.  
2909 If the tenant association, successor or its designee, submits a counteroffer, the owner shall have  
2910 15 days from the date it receives the amended proposed purchase contract to execute the  
2911 amended proposed purchase contract or reject, in writing, the counteroffer. However, if the  
2912 owner rejects a counteroffer, it may not subsequently enter into any purchase contract with a  
2913 third party on terms that are the same as, or materially more favorable to the proposed third party  
2914 purchaser, than the economic terms and conditions in the counteroffer proposed by the tenant  
2915 association, successor, or its designee, unless the owner first provides a copy of such new third  
2916 party purchase contract, along with a new proposed purchase contract for execution by the tenant  
2917 association, successor, or its designee, which shall contain the same terms and conditions as the  
2918 newly executed third party purchase contract, except as otherwise specified by subsection (h),  
2919 and the tenant association, successor, or its designee, shall have 30 days from the date they  
2920 receive the third party purchase contract and the proposed purchase contract to execute the  
2921 proposed purchase contract or such other agreement as is acceptable to the owner and the tenant  
2922 association, successor, or its designee.

2923 (h) Any purchase contract offered to, or proposed by, the tenant association, its successor or its  
2924 designee shall provide at least the following terms:

2925 (i) the earnest money deposit shall not exceed the lesser of:

2926 (1) the deposit in the third party purchase contract;

2927 (2) 5 per cent of the sale price; or

2928 (3) \$250,000; provided, however, that the owner and the tenant association, or its successor, or  
2929 its designee, may agree to modify the terms of the earnest money deposit; provided, further, that  
2930 the earnest money deposit shall be held under commercially-reasonable terms by an escrow  
2931 agent selected jointly by the owner and the tenant association, its successor or its designee;

2932 (ii) the earnest money deposit shall be refundable for not less than 90 days from the date of  
2933 execution of the purchase contract or such greater period as provided for in the third party  
2934 purchase contract; provided, however, that if the owner unreasonably delays the buyer's ability to

2935 conduct due diligence during the 90 day period, the earnest money deposit shall continue to be  
2936 refundable for a period greater than 90 days. After the expiration of the specified time period, the  
2937 earnest money deposit shall be forfeited and the right to purchase of the tenant association, its  
2938 successor or designee shall be irrevocably waived.

2939 (i) The tenant association or its successor, or designee, shall have 160 days from execution of the  
2940 purchase and sale agreement to perform all due diligence, secure financing for and close on the  
2941 purchase of the building. Failure to exercise the purchase option within 160 days shall constitute  
2942 a waiver of the purchase option by the tenant association, its successor or, or its designee.

2943 (j) Any notice required by this section shall be deemed to have been provided when delivered in  
2944 person or mailed by certified or registered mail, return receipt requested, to the party to whom  
2945 notice is required. Notice shall be deemed to have been provided when either: (i) the notice is  
2946 delivered in hand to the tenant or an adult member of the tenant's household; or (ii) the notice is  
2947 sent by first class mail and a copy is left in or under the door of the tenant's dwelling unit. A  
2948 notice to the affected municipality shall be sent to the chief executive officer.

2949 (k) This section shall not apply to the following:

2950 (i) property that is the subject of a government taking by eminent domain or a negotiated  
2951 purchase in lieu of eminent domain;

2952 (ii) a proposed sale to a purchaser pursuant to terms and conditions that preserve affordability, as  
2953 determined by the department;

2954 (iii) any sale of publicly-assisted housing, as defined in section 1 of chapter 40T;

2955 (iv) rental units in any hospital, skilled nursing facility, or health facility;

2956 (v) rental units in a nonprofit facility that has the primary purpose of providing short term  
2957 treatment, assistance or therapy for alcohol, drug or other substance abuse; provided, that such  
2958 housing is incident to the recovery program, and where the client has been informed in writing of  
2959 the temporary or transitional nature of the housing;

2960 (vi) rental units in a nonprofit facility that provides a structured living environment that has the  
2961 primary purpose of helping homeless persons obtain the skills necessary for independent living  
2962 in a permanent housing and where occupancy is restricted to a limited and specific period of time  
2963 of not more than 24 months and where the client has been informed in writing of the temporary  
2964 or transitional nature of the housing at its inception;

2965 (vii) public housing units managed by the local housing authority;

2966 (viii) federal public housing units that are subsidized and regulated under federal laws, to the  
 2967 extent such applicable federal laws expressly preempt the provisions of this section;

2968 (ix) any residential property where the owner is a natural person who owns 6 or fewer residential  
 2969 rental units in the municipality and who resides in the commonwealth;

2970 (x) any unit that is held in trust on behalf of a disabled individual who permanently occupies the  
 2971 unit, or a unit that is permanently occupied by a disabled parent, sibling, child or grandparent of  
 2972 the owner of that unit; or

2973 (xi) any rental unit that is owned or managed by a college or university for the express purpose  
 2974 of housing students.

2975 (l) The tenant association, successor or its designee shall ensure that their purchase of the  
 2976 property will not result in the displacement of any elderly tenant households that choose not to  
 2977 participate in the purchase of the property.

2978 (m)(1) An owner shall give notice to each tenant household of a housing accommodation of the  
 2979 intention to sell the housing accommodation by way of short-sale to avoid foreclosure. Such  
 2980 notice shall be mailed by regular and certified mail, with a simultaneous copy to the attorney  
 2981 general, the director of housing and community development and to the municipality adopting  
 2982 this section within 2 business days of the owner's submission of a request or application to the  
 2983 mortgagee for permission to sell the housing accommodation by way of short-sale or to accept a  
 2984 deed in lieu. This notice shall also include a notice of the rights provided by this section.

2985 (2) No mortgagee may accept any third party offers or deem the owner's application for short-  
 2986 sale submitted for review unless and until the mortgagee receives documentation in a form  
 2987 approved by the attorney general demonstrating that the tenants of the housing accommodation  
 2988 have been informed of the owner's intent to seek a short-sale or deed in lieu and the tenants have  
 2989 expressed their interest in exercising a right of first refusal within 60 days, assigning that right of  
 2990 first refusal, or the tenants have waived those rights. If tenants have not affirmatively expressed  
 2991 their interest in exercising a right of first refusal or in assigning that right within 60 days, or have  
 2992 not affirmatively waived that right within 60 days, the tenants' rights are deemed waived.

2993 (3) Before a housing accommodation may be transferred by short-sale or deed-in-lieu, the owner  
 2994 shall notify each tenant household, with a simultaneous copy to the attorney general and the  
 2995 director of housing and community development, and the municipality adopting this section, by  
 2996 regular and certified mail, of any bona fide offer that the mortgagee intends to accept. Before any  
 2997 short-sale or transfer by deed-in-lieu, the owner shall give each tenant household such a notice of  
 2998 the offer only if households constituting at least 51 per cent of the households occupying the  
 2999 housing accommodation notify the owner, in writing, that they collectively desire to receive  
 3000 information relating to the proposed sale. Tenants may indicate this desire within the same notice

3001 described in paragraph (2). Any notice of the offer required to be given under this subsection  
3002 shall include the price, calculated as a single lump sum amount and of any promissory notes  
3003 offered in lieu of cash payment.

3004 (4) A group of tenants representing at least 51 per cent of the households occupying the housing  
3005 accommodation that are entitled to notice under paragraph (3) shall have the collective right to  
3006 purchase, in the case of a third party offer that the mortgagee intends to accept, provided that the  
3007 group of tenants:

3008 (i) submits to the owner reasonable evidence that the tenants of at least 51 per cent of the  
3009 occupied units in the housing accommodation have approved the purchase of the housing  
3010 accommodation;

3011 (ii) submits to the owner a proposed purchase and sale agreement on substantially equivalent  
3012 terms and conditions within 60 days of receipt of notice of the offer made under paragraph (3);

3013 (iii) obtains a binding commitment for any necessary financing or guarantees within an  
3014 additional 90 days after execution of the purchase and sale agreement; and

3015 (iv) closes on such purchase within an additional 90 days after the end of the 90-day period  
3016 described in clause (iii).

3017 No owner shall unreasonably refuse to enter into, or unreasonably delay the execution or closing  
3018 on a purchase and sale with tenants who have made a bona fide offer to meet the price and  
3019 substantially equivalent terms and conditions of an offer for which notice is required to be given  
3020 pursuant to paragraph (3). Failure of the tenants to submit such a purchase and sale agreement  
3021 within the first 60-day period, to obtain a binding commitment for financing within the  
3022 additional 90-day period or to close on the purchase within the second 90-day period, shall serve  
3023 to terminate the rights of such tenants to purchase. The time periods provided in this paragraph  
3024 may be extended by agreement. Nothing herein shall be construed to require an owner to provide  
3025 financing to such tenants. A group or association of tenants that has the right to purchase  
3026 pursuant to this subsection, at its election, may assign its purchase right pursuant to this  
3027 subsection to the city or town in which the housing accommodation is located, or the housing  
3028 authority of the city or town in which the housing accommodation is located, or an agency of the  
3029 commonwealth, nonprofit, community development corporation, affordable housing developer,  
3030 or land trust, for the purpose of permanently continuing the use of the housing accommodation as  
3031 affordable rental housing.

3032 (5) The right of first refusal created in this subsection shall inure to the tenants for the time  
3033 periods provided in paragraph (4), beginning on the date of notice to the tenants under paragraph  
3034 (1). The effective period for such right of first refusal shall begin anew for each different offer to  
3035 purchase that the mortgagee intends to accept. The right of first refusal shall not apply with

3036 respect to any offer received by the owner for which a notice is not required pursuant to  
3037 paragraph (3).

3038 (6) In any instance where the tenants are not the successful purchaser of the housing  
3039 accommodation, the mortgagee shall provide evidence of compliance with this section by filing  
3040 an affidavit of compliance with the attorney general, the director of housing and community  
3041 development and the registry of deeds for the county and district where the property is located  
3042 within 7 days of the sale.

3043 (7) It is illegal for the owner to evict a tenant or tenants in order to avoid application of this  
3044 subsection.

3045 (8) Aggrieved tenants may seek damages under chapter 93A and may file a complaint with the  
3046 attorney general. Tenants may seek damages including compensatory relief in the form of a  
3047 percentage of the sales price, injunctive relief in the form of specific performance to compel  
3048 transfer of the property or both compensatory and injunctive relief. Nothing in this subsection  
3049 shall be construed to limit or constrain the rights tenants currently have under applicable laws,  
3050 including but not limited to chapters 186 and 186A. At all times, all parties shall negotiate in  
3051 good faith.

3052 (9) The attorney general shall enforce this section and shall promulgate rules and regulations  
3053 necessary for enforcement. The attorney general may seek injunctive, declaratory, and  
3054 compensatory relief on behalf of tenants and the commonwealth in a court of competent  
3055 jurisdiction. The attorney general shall post a sample intent to sell notice, sample proof of notice  
3056 to tenants, sample notice of offer, and other necessary documents.

3057 (n)(1) When a mortgagee seeks judicial determination of the right to foreclose, then the  
3058 mortgagee shall provide a copy of the complaint by regular and certified mail to the tenants of  
3059 the housing accommodation and to the municipality adopting this section. The mortgagee shall  
3060 also provide tenants and the municipality, by regular and certified mail, with a copy of any order  
3061 of notice issued by the land court, if applicable, within 5 days of issuance.

3062 (2) The mortgagee shall provide each tenant household and the municipality adopting this  
3063 section, by regular and certified mail, a copy of any and all notices of sale published pursuant to  
3064 section 14 of chapter 244. A copy shall be provided simultaneously with the successive  
3065 publication notices.

3066 (3) No later than 5 business days before the auction of a housing accommodation, the tenants  
3067 shall inform the mortgagee, in writing, if a group of tenants representing at least 51 per cent of  
3068 the households occupying the housing accommodation or an entity to which they have assigned  
3069 their right of first refusal intend to exercise their right of first refusal at auction and desire to  
3070 receive information relating to the proposed auction.

3071 (4) A group of tenants representing at least 51 per cent of the households occupying the housing  
3072 accommodation or an entity to which they have assigned their right of first refusal may exercise  
3073 their collective right to purchase the housing accommodation, in the event of a third party offer  
3074 at auction that the mortgagee receives, provided that the group of tenants:

3075 (i) submits to the mortgagee reasonable evidence that the tenants of at least 51 per cent of the  
3076 occupied homes in the housing accommodation have approved the purchase of the housing  
3077 accommodation;

3078 (ii) submits to the mortgagee a proposed purchase and sale agreement on substantially equivalent  
3079 terms and conditions to that received by the mortgagee in the third party offer within 60 days of  
3080 receipt of notice of the bid made under paragraph (3) of this subsection;

3081 (iii) obtains a binding commitment for any necessary financing or guarantees within an  
3082 additional 90 days after execution of the purchase and sale agreement; and

3083 (iv) closes on such purchase within an additional 90 days after the end of the 90-day period  
3084 under clause (iii).

3085 No mortgagee shall unreasonably refuse to enter into, or unreasonably delay the execution or  
3086 closing on a purchase and sale with tenants who have made a bona fide offer to meet the price  
3087 and substantially equivalent terms and conditions of a bid received at auction. Failure of the  
3088 tenants to submit such a purchase and sale agreement within the first 60-day period, to obtain a  
3089 binding commitment for financing within the additional 90-day period or to close on the  
3090 purchase within the second 90-day period, shall serve to terminate the rights of such tenants to  
3091 purchase. The time periods provided in this paragraph may be extended by agreement.

3092 Nothing herein shall be construed to require a mortgagee to provide financing to such tenants. A  
3093 group or association of tenants that has the right to purchase hereunder, at its election, may  
3094 assign its purchase right hereunder to the city, town, housing authority, or agency of the  
3095 commonwealth, nonprofit, community development corporation, affordable housing developer,  
3096 or land trust for the purpose of permanently continuing the use of the housing accommodation as  
3097 affordable rental housing.

3098 If there are no third party bids at auction for the housing accommodation, the tenants shall have a  
3099 right of first refusal whenever the mortgagee seeks to sell the housing accommodation. The  
3100 tenants shall be notified of any offers the mortgagee intends to accept and shall be given an  
3101 opportunity to meet the price and substantially the terms of a third-party offer based on the same  
3102 time line described in paragraph (4).

3103 (5) The right of first refusal created herein shall inure to the tenants for the time periods herein  
3104 before provided, beginning on the date of notice to the tenants under paragraph (1).

3105 (6) In any instance where the tenants are not the successful purchaser of the housing  
3106 accommodation, the seller of such unit shall provide evidence of compliance with this section by  
3107 filing an affidavit of compliance with the attorney general, the director of housing and  
3108 community development, and the registry of deeds for the county and district where the property  
3109 is located within seven days of the sale.

3110 (7) It is illegal for the owner to evict a tenant or tenants in order to avoid application of this law.

3111 (8) Aggrieved tenants may seek damages under chapter 93A and may file a complaint with the  
3112 attorney general. Tenants may seek damages including a percentage of the sales price or  
3113 injunctive relief in the form of specific performance to compel transfer of property. Nothing in  
3114 this act shall be construed to limit or constrain in any way the rights tenants currently have under  
3115 applicable laws, including but not limited to chapters 186 and 186A. At all times, all parties must  
3116 negotiate in good faith.

3117 (9) The attorney general shall enforce this section and shall promulgate rules and regulations  
3118 necessary for enforcement. The attorney general may seek injunctive, declaratory, and  
3119 compensatory relief on behalf of tenants and the commonwealth in a court of competent  
3120 jurisdiction. The attorney general shall post a sample intent to sell notice, sample proof of notice  
3121 to tenants, sample notice of offer, and other necessary documents.

3122 SECTION 84. Section 2 of chapter 239 of the General Laws, as so appearing, is hereby amended  
3123 by adding the following paragraph:- The defendant named in a summary process summons and  
3124 complaint shall not include any minors, and any such minors' names so included shall be  
3125 expunged from any court record and electronic docket entry.

3126 SECTION 85. Said chapter 239 is hereby amended by adding the following section:-

3127 Section 15. (a) As used in this section, the following terms shall have the following meanings  
3128 unless the context clearly requires otherwise:-

3129 "Consumer report", a written, oral or other communication of any information by a consumer  
3130 reporting agency bearing on a person's credit worthiness, credit standing or credit capacity that is  
3131 used or expected to be used or collected, in whole or in part, for the purpose of serving as a  
3132 factor in establishing the person's eligibility for rental housing or other purposes authorized  
3133 under section 51 of chapter 93.

3134 "Consumer reporting agency", an individual, partnership, corporation, trust, estate, cooperative,  
3135 association, government or governmental subdivision or agency or other entity that, for monetary  
3136 fees, dues or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the  
3137 practice of assembling or evaluating consumer credit information or other information on  
3138 consumers for the purpose of furnishing consumer reports to third parties.

3139 "Court", the trial court of the commonwealth established pursuant to section 1 of chapter 211B  
3140 and any departments or offices established within the trial court.

3141 "Court record", paper or electronic records or data in any communicable form compiled by, on  
3142 file with or in the care custody or control of the court that concern a person and relate to the  
3143 nature or disposition of an eviction action or a lessor action.

3144 "Eviction action", (i) a summary process action under this chapter to recover possession of  
3145 residential premises; (ii) a civil action under section 19 of chapter 139 to obtain an order  
3146 requiring a tenant or occupant to vacate residential premises; (iii) a civil action brought pursuant  
3147 to sections 11, 12 or 13 of chapter 186 or subsection (a) of section 4 of chapter 186A; or (iv) any  
3148 other civil action brought against a tenant or occupant of residential premises to obtain  
3149 possession of or exclusive access to the residential premises.

3150 "Lessor action", any civil action brought against the owner, manager or lessor of residential  
3151 premises by the tenant or occupant of such premises relating to or arising out of such property,  
3152 rental, tenancy or occupancy for breach of warranty, breach of any material provision of the  
3153 rental agreement or violation of any other law.

3154 "No-fault eviction", any eviction action in which the notice to quit, notice of termination or  
3155 complaint does not include an allegation of nonpayment of rent or of a violation of any material  
3156 term of the tenancy by the tenant or occupant; provided, however, that a "no-fault eviction" shall  
3157 include an action brought after termination of a tenancy for economic, business or other reasons  
3158 not constituting a violation of the terms of the tenancy.

3159 (b) Any person having a court record of a no-fault eviction on file in a court may petition the  
3160 court to seal the court record at any time after the conclusion of the action, including the  
3161 exhaustion of all rights of appeal. The petition shall be on a form furnished by the trial court of  
3162 the commonwealth, signed under the penalties of perjury and filed in the same court as the action  
3163 sought to be sealed. If an action was active in more than 1 court during its pendency, then a  
3164 petition may be filed in each such court. Notice need not be given to parties to the original  
3165 action. The court may, in its discretion, process such petitions administratively without a hearing.

3166 (c) Upon motion and for good cause shown or as otherwise authorized by this section, court  
3167 records sealed under this section may, at the discretion of the court and upon a balancing of the  
3168 interests of the litigants and the public in nondisclosure of the information with the interests of  
3169 the requesting party, be made available for scholarly, educational, journalistic or governmental  
3170 purposes only; provided, however, that identifying information of parties shall remain sealed  
3171 unless the court determines that release of such information is appropriate under this subsection  
3172 and necessary to fulfill the purpose of the request. Nothing in this subsection shall be deemed to  
3173 permit the release of personal identifying information for commercial purposes.



3174 (d) Nothing in this section shall prohibit the dissemination of information regarding a money  
3175 judgment as necessary for the sole purpose of collection.

3176 (e) A consumer reporting agency shall not disclose the existence of or information regarding a  
3177 court record of a no-fault eviction action sealed under this section or use information contained  
3178 in a sealed court record as a factor to determine any score or recommendation to be included in a  
3179 consumer report unless the court record was available for inspection with the court not more than  
3180 30 days of the report date. A consumer reporting agency may include in a consumer report  
3181 information found in publicly-available court records; provided, however, that the consumer  
3182 report shall include a person's full name, whether an eviction action was a fault eviction, a no-  
3183 fault eviction or a lessor action and the outcome of any eviction action if such information is  
3184 contained in the publicly-available court record. Information contained in a sealed court record  
3185 shall be removed from the consumer report or from the calculation of any score or  
3186 recommendation to be included in a consumer report not more than 30 days of the sealing of the  
3187 court record from which it is derived. Any credit reporting agency that violates this subsection  
3188 shall be liable in tort, in a court of competent jurisdiction, to the person who is the subject of the  
3189 consumer report for damages or for \$100 per day of such violation, whichever is greater, and the  
3190 costs of the action, including reasonable attorney's fees. Nothing in this subsection shall be  
3191 deemed to waive the rights or remedies of any person under any other law or regulation.

3192 (f) An application used to screen applicants for housing or credit that seeks information  
3193 concerning prior eviction actions of the applicant shall include the following statement: "An  
3194 applicant for housing or credit with a sealed record on file with the court in a no-fault eviction  
3195 action may answer 'no record' to an inquiry relative to that sealed court record."

3196 (g) A party who obtains a judgment in an eviction action or a lessor action shall, not more than  
3197 14 days after satisfaction of the judgment, file with the court in which the judgment was entered  
3198 a notice of satisfaction of the judgment. A party that has satisfied a judgment may, upon  
3199 noncompliance with this subsection by the other party, seek equitable relief to correct the court  
3200 record and shall be entitled to costs and reasonable attorney's fees. Upon the filing of a notice of  
3201 satisfaction of judgment or court judgment deeming the judgment satisfied in an eviction action  
3202 or lessor action, a party may petition the court to seal the court record pertaining to that action.  
3203 The petition shall be on a form furnished by the trial court of the commonwealth, signed under  
3204 the penalties of perjury and filed in the same court as the action sought to be sealed. If an action  
3205 was active in more than 1 court during its pendency, a petition may be filed in each such court.  
3206 Notice need not be given to parties to the original action. The court shall comply with the  
3207 petitioner's request and seal the court record if the judgment has been satisfied and the action has  
3208 concluded with all rights of appeal exhausted. The court may process such petitions  
3209 administratively without a hearing.

3210 SECTION 86. Section 100 of chapter 142 of the acts of 2011 is hereby repealed.

3211 SECTION 87. Section 276 of chapter 165 of the acts of 2014 is hereby amended by striking out  
3212 the words "and 2020", inserted by section 237 of chapter 218 of the acts of 2016, and inserting in  
3213 place thereof the following words:-, 2020, 2021, 2022 and 2023.

3214 SECTION 88. Notwithstanding the fourth paragraph of section 5 of chapter 121B of the General  
3215 Laws, if a town has 4 elected members of a housing authority board on the effective date of this  
3216 act, any vacant seat or, if there is no vacant seat, the first seat set to expire not less than 60 days  
3217 after the effective date of this act, shall be filled by the appointment of a tenant member unless a  
3218 waiver has been granted by the department pursuant to section 5A of said chapter 121B that  
3219 allows for the appointment of a person who is not eligible to be a tenant member.

3220 SECTION 89. Tenants required to be appointed to housing authority boards pursuant to the fifth  
3221 paragraph of section 5 of chapter 121B of the General Laws shall be appointed not more than 90  
3222 days after the effective date of this act.

3223 SECTION 90. On the effective date of this act, a housing authority may request a waiver of the  
3224 requirement to appoint a tenant member to a housing authority board pursuant to section 5 of  
3225 chapter 121B of the General Laws if a person who is eligible to be a tenant member is already  
3226 serving as either an elected member or a member appointed to fill a vacancy by the board of  
3227 selectmen. The waiver shall be valid for 1 year and may be renewed for successive 1-year terms  
3228 until the expiration of the current tenant member's term or until that member vacates the position  
3229 and, at that time, the board of selectmen shall appoint a tenant member pursuant to said section 5  
3230 of said chapter 121B.

3231 SECTION 91. Notwithstanding the number of elected members on the local housing authority  
3232 board, any votes taken by a local housing authority and any votes taken by a town with respect to  
3233 a local housing authority between August 6, 2014 and the effective date of this act are hereby  
3234 ratified, validated and confirmed.

3235 SECTION 92. (a) There shall be a special commission to conduct a comprehensive study relative  
3236 to the impact of automation, artificial intelligence, global trade, access to new forms of data and  
3237 the internet of things on the workforce, businesses and economy. The main objective of the  
3238 commission shall be to ensure sustainable jobs, fair benefits and workplace safety standards for  
3239 workers in all industries, including, but not limited to, access to adequate and affordable health  
3240 insurance, financial security in retirement, unemployment insurance and disability insurance.  
3241 The commission shall consist of: 2 persons appointed by the president of the senate, 1 of whom  
3242 shall serve as co-chair; 2 persons appointed by the speaker of the house of representatives, 1 of  
3243 whom shall serve as co-chair; 1 person appointed by the minority leader of the senate; 1 person  
3244 appointed by the minority leader of the house of representatives; the secretary of labor and  
3245 workforce development or a designee; 2 persons appointed by the governor, 1 of whom shall  
3246 have expertise in the future of work issues and 1 of whom shall have experience in workforce  
3247 training and education; 2 persons appointed by the attorney general, 1 of whom shall have

3248 expertise in fair labor and workers' rights and 1 of whom shall have expertise in future of work  
3249 issues; and 6 persons appointed by the co-chairs, 3 of whom shall be members of the labor  
3250 community with experience in future of work issues and 3 of whom shall be members of the  
3251 business community with experience in future of work issues.

3252 (b) The commission shall study and evaluate the future of work including, but not limited to: (i)  
3253 trends and drivers of the transformation of industries and employment and how they will impact  
3254 workers; (ii) policies and practices that may assist workers, businesses and communities to thrive  
3255 and maintain a robust economy while responding to the rapid transformation of technology,  
3256 workplace practices, environmental and security concerns and global interdependence; (iii) the  
3257 impact of industry transformation on worker access to affordable and adequate healthcare,  
3258 financial security in retirement and adequate unemployment insurance, disability insurance and  
3259 other benefits; (iv) best practices on maintaining cohesive and beneficial partnerships between  
3260 workers and employers during industry growth and transformation; and (v) any other factors the  
3261 commission deems relevant.

3262 (c) The commission, in collaboration with the executive office of labor and workforce  
3263 development, shall: (i) develop and maintain an inventory of the current and future trends and  
3264 factors that will likely drive the transformation of industries and work over the next 25 years; (ii)  
3265 research best practices from state, national and international sources and develop case studies  
3266 and examples for the future of work; (iii) gather data and input from employers and workers  
3267 from the major industrial sectors in every region of the commonwealth; and (iv) work with  
3268 organizations that engage in workforce training to identify best practices and any obstacles that  
3269 may exist to adequate workforce training during future industry transformation.

3270 (d) The task force shall meet not less than 4 times in different geographic regions and shall  
3271 accept input from the public during not less than 2 public hearings and solicit expert testimony  
3272 from individuals identified by the commission. The commission shall convene its first meeting  
3273 not later than December 31, 2021.

3274 (e) Not later than September 1, 2021, the commission shall file a report of its analysis,  
3275 recommendations and any proposed legislation necessary to effectuate its recommendations to  
3276 the clerks of the senate and house of representatives, the joint committee on economic  
3277 development and emerging technologies and the joint committee on labor and workforce  
3278 development.

3279 The report shall include, but not be limited to, legislative and policy recommendations that: (i)  
3280 ensure workers in the future secure access to affordable and adequate healthcare, financial  
3281 security in retirement and adequate unemployment insurance, disability insurance and other  
3282 benefits; (ii) provide for portable, transferable, cost-efficient and time-efficient credentialing;  
3283 (iii) support life-long learning and talent development for workers of all ages; (iv) help workers  
3284 maintain relevant skills or learn new skills for the careers and workplaces of the future; (v)

prepare young people to succeed in the careers and workplaces of the future; (vi) ensure employers and workforce training entities are up to date on training needs for workers in current and future industries and careers; and (vii) enable workers, businesses and workforce training entities to simultaneously learn and incorporate new technologies into workforce training.

SECTION 93. (a) There is hereby established a special legislative commission, pursuant to section 2A of chapter 4 of the General Laws, to study journalism in underserved communities in the commonwealth. The commission shall: (i) conduct a comprehensive study relative to communities underserved by local journalism in the commonwealth; (ii) review all aspects of local journalism including, but not limited to, the adequacy of press coverage of cities and towns, ratio of residents to media outlets, print and digital business models for media outlets, the impact of social media on local news, strategies to improve local news access, public policy solutions to improve the sustainability of local press business models and private and nonprofit solutions, and identifying career pathways and existing or potential professional development opportunities for aspiring journalists in the commonwealth.

(b) The commission shall consist of the following 23 members: the chairs of the joint committee on community development and small business, who shall serve as co-chairs; 1 member of the house of representatives appointed by the speaker; 1 member of the senate appointed by the senate president; 1 member who shall be a professor at the Northeastern School of Journalism; 1 member who shall be a member of the Boston Association of Black Journalists; 1 member who shall be a member of the National Association of Hispanic Journalists; 1 member who shall be a member of the Asian American Journalists Association of New England; 1 of who shall be a representative from the Massachusetts Newspaper Publishers Association; 11 members to be appointed by the chairs: 2 of whom shall be representatives of public colleges or universities of the commonwealth with either a journalism or communications program, 1 of whom shall be a representative of a private college or university of the commonwealth with either a journalism or communications program, and 8 of whom shall be currently employed or freelance journalists, editors or producers from independent community news outlets from across the commonwealth; provided, that the appointees shall represent communities underserved by professional news organizations, rural communities, immigrants communities, working-class communities and communities of color; 3 members to be appointed by the governor who shall be representatives of journalism unions or associations; provided, that the appointees shall be selected from the following unions and associations: (i) the NewsGuild – Communication Workers of America, (ii) the Screen Actors Guild-American Federation of Television and Radio Artists, (iii) the National Association of Broadcast Employees and Technicians – Communications Workers of America, (iv) the Association of Independents in Radio, (v) the Boston Chapter of the National Writers Union, (vi) the New England Newspaper and Press Association, or (vii) the New England Chapter of the Society of Professional Journalists. All appointments shall be made no later than 30 days following the effective date of this act.

3323 (c) The commission shall hold public information sessions in order to promote the work of the  
3324 commission and to solicit public comment pursuant to the work of the commission.

3325 (d) The commission shall accept written and oral comment from the public beginning at the first  
3326 meeting of the commission.

3327 (e) The commission shall meet no less than 5 times to review, study and analyze existing  
3328 literature, quantitative and qualitative data on the status of journalism in the commonwealth and  
3329 review the oral and written public comments.

3330 (f) No later than August 1, 2021, the commission shall submit its findings, along with  
3331 recommendations for legislation, if any, to the clerks of the house of representatives and the  
3332 senate and the joint committee of community development and small business.

3333 (g) The special commission may make such interim reports as it considers appropriate.

3334 SECTION 94. There is hereby established a special commission pursuant to section 2A of  
3335 chapter 4 of the General Laws to conduct an investigation and study regarding the needs of  
3336 agriculture in the commonwealth in the 21st century, including the viability, efficiency, climate  
3337 change resiliency, education, technical assistance and energy needs of farms and means of  
3338 ensuring farms' ability to adapt to changing economic, climate and energy conditions.

3339 The commission shall consist of 1 member who shall be appointed by the senate president, who  
3340 shall serve as co-chair; 1 member who shall be appointed by the minority leader of the senate; 1  
3341 member who shall be appointed by the speaker of the house of representatives, who shall serve  
3342 as co-chair; 1 member who shall be appointed by the minority leader of the house of  
3343 representatives; the house and senate chairs of the joint committee on environment, natural  
3344 resources and agriculture; the house and senate chairs of the joint committee on  
3345 telecommunications, utilities and energy; the secretary of energy and environmental affairs or a  
3346 designee; the secretary of housing and economic development or a designee; the commissioner  
3347 of agricultural resources or a designee; a representative of the Massachusetts Farm Bureau  
3348 Federation, Incorporated; a representative of the University of Massachusetts center for  
3349 agriculture, food and the environment; a representative of the Massachusetts chapter of the  
3350 Northeast Organic Farming Association; a representative of the Cape Cod Cranberry Growers'  
3351 Association; and a representative of the Massachusetts Association of Dairy Farmers, Inc.  
3352 Members shall not receive compensation for their services but may receive reimbursement for  
3353 the reasonable expenses incurred in carrying out their responsibilities as members of the  
3354 commission. The executive office of energy and environmental affairs and executive office of  
3355 housing and economic development may furnish reasonable staff and other support for the work  
3356 of the commission.

The commission shall review: (i) methods of supporting farms including development of tax incentives and credits for equipment related to farm-based renewable energy projects; (ii) effects of zoning ordinances and bylaws on farm-based renewable energy projects and means of reducing administrative and regulatory barriers to such projects; (iii) potential zoning exemptions of farm renewable energy systems; (iv) the feasibility of establishing an incentive program to facilitate the growth of non-solar renewable-energy distributed-generation projects on farms; (v) methods of encouraging the use of renewable energy resources on farms; (vi) development of potential grant programs in support of farms to develop farm-based renewable energy capabilities including wind harvesting, energy conserving refrigerated food storage pilot projects, methane capture and green combustion and solar and photovoltaic energy projects; (vii) feasibility of using farms as resiliency centers during power outages or extreme weather events by installing technology such as battery storage or microgrids; (viii) the effects of climate change and means by which farms may seek to adapt to climate change; (ix) methods of promoting and facilitating more prompt interconnection of energy projects owned or operated by agricultural producers; (x) the development of a single uniform application for use by owners of farms in the commonwealth for application to any and all grant and other assistance programs administered by the department of agricultural resources and consistent with federal grant and program application criteria; (xi) the benefits of designating an administrator or separate office within the department of agricultural resources to provide advice, technical assistance and other guidance to owners of farms who apply for grants and other programs; (xii) ways to support, expand and enhance opportunities for agricultural tourism; (xiii) the timing of grant applications to the department of agricultural resources and department responses with a view to facilitating more efficient and timely use of grant funds; (xiv) administrative and regulatory barriers to and restrictions on farm owners placing renewable energy structures on farmland; (xv) means of addressing the need for education and technical assistance to farmers; and (xvi) any other matters the commission deems relevant to supporting the viability of farms in the commonwealth.

The commission shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of the joint committee on environment, natural resources and agriculture, and the house and senate chairs of the joint committee on telecommunications, utilities and energy not later than June 30, 2021.

SECTION 95. Notwithstanding any general or special law to the contrary, there shall be established a special commission to investigate, study and make legislative recommendations on the participation of minority business enterprises and women business enterprises in public construction projects, including, but not limited to: (i) a review of the efficiency and adequacy of current laws and regulations designed to promote diversity; (ii) a review of employment data and recruitment strategies for public construction projects; and (iii) development of best practices for

the promotion of diversity and application of such practices to public construction projects. The commission shall consist of 19 members, 1 of whom shall be appointed by the governor and who shall serve as co-chair; 1 of whom shall be appointed by the attorney general and who shall serve as co-chair; 2 of whom shall be members of the senate, 1 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the minority leader of the senate; 2 of whom shall be members of the house of representatives, 1 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house of representatives; the commissioner of capital asset management and maintenance or a designee; the inspector general or a designee; the chairperson of the Massachusetts Municipal Association, Inc. or a designee; the president of the Massachusetts Building Trades Council or a designee; the president of the Associated General Contractors of Massachusetts, Inc. or a designee; the president of the Building Trades Employers Association of Boston and Eastern Massachusetts, Inc. or a designee; the president of Associated Subcontractors of Massachusetts, Inc. or a designee; the president of Construction Industries of Massachusetts, Inc. or a designee; the president of the Massachusetts AFL-CIO or a designee; 2 representatives of the Massachusetts Minority Contractors Association, Inc.; a representative of the Boston chapter of the National Association of Women and Construction; and a representative of the Policy Group on Tradeswomen's Issues. The commission shall file a report on the results of its study, together with its recommendations and any legislation necessary to carry such recommendations into effect, with the clerks of the house of representatives and the senate not later than July 31, 2021.

SECTION 96. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$420,504,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face "Commonwealth Economic Development Act of 2021", and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2056. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 97. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$206,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face "Commonwealth Economic Development Act of 2021", and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of

3435 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall  
3436 be payable not later than June 30, 2056. All interest and payments on account of principal on  
3437 such obligations shall be payable from the General Fund. Bonds and interest thereon issued  
3438 under the authority of this section shall, notwithstanding any other provision of this act, be  
3439 general obligations of the commonwealth.

3440 SECTION 98. (a) As used in this section, the following words shall, unless the context clearly  
3441 requires otherwise, have the following meanings:

3442 "Covered establishment", a restaurant or other eating or drinking establishment offering same-  
3443 day food or drink for sale in a single commercial transaction through any third-party delivery  
3444 service platform, with less than 25 retail locations within the commonwealth.

3445 "COVID-19 emergency", the state of emergency declared by the governor on March 10, 2020 in  
3446 order to address the outbreak of the 2019 novel coronavirus, also known as COVID-19.

3447 "Customer", an individual using a third-party delivery service platform to place an online order.

3448 "Online order", an order for food or drinks placed by a customer through a third-party delivery  
3449 service platform provided by a third-party delivery service company for pickup or delivery in the  
3450 commonwealth.

3451 "Purchase price", the menu price publicly offered on the third-party delivery service platform by  
3452 a covered establishment. The purchase price shall not include any taxes, gratuities or other fees  
3453 that may make up the total cost charged to the customer for an online order.

3454 "Third-party delivery service company", a corporation, partnership, sole proprietorship or other  
3455 entity qualified to do business in the commonwealth that is engaged in facilitating same-day  
3456 delivery or pickup of food and beverages through a third-party delivery service platform for 20  
3457 or more separately owned and operated covered establishments.

3458 "Third-party delivery service platform", any online enabled application, software, website or  
3459 system offered or utilized by a third-party delivery service company to facilitate the sale of food  
3460 and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages  
3461 from, covered establishments.

3462 (b) Notwithstanding any general or special law to the contrary, no third-party delivery service  
3463 company, from the effective date of this act until the termination of the COVID-19 emergency,  
3464 shall charge a covered establishment a delivery fee per online order for the use of its services and  
3465 fees other than a delivery fee that totals more than 15 per cent of the purchase price of the online  
3466 order. No third-party delivery service company shall reduce the compensation rates paid to the  
3467 delivery service driver, or garnish gratuities, as a result of this section.



3468 (c) This section shall preempt, supersede or nullify any inconsistent, contrary or conflicting local  
3469 law, ordinance, rule or regulation relating to third-party delivery service platforms and third-  
3470 party delivery service companies fees, including with respect to any agreements with covered  
3471 establishments using third-party delivery service companies.

3472 (d) A violation of this section shall be an unfair and deceptive trade practice in violation of  
3473 chapter 93A of the General Laws.

3474 SECTION 99. There is hereby established a special legislative commission pursuant to section  
3475 2A of chapter 4 of the General Laws to examine and make recommendations on addressing the  
3476 recovery of the cultural and creative sector, including the arts, humanities and sciences, as a  
3477 result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects  
3478 of the governor's March 10, 2020 declaration of a state of emergency pursuant to executive order  
3479 591. The special commission shall review and develop recommendations and best practices for  
3480 the recovery, promotion and continued growth and vitality of the cultural and creative sector in  
3481 the commonwealth. The special legislative commission shall meet no fewer than 4 times, in  
3482 diverse locations throughout the commonwealth.

3483 The commission shall consist of the following 13 members: the house and senate chairs of the  
3484 joint committee on tourism, arts and cultural development, who shall serve as co-chairs; the  
3485 executive director of the Massachusetts cultural council or a designee; the executive director of  
3486 MassCreative, Inc. or a designee; 1 member of the commonwealth association of museums; 1  
3487 member of the educational theatre association; and 7 members to be appointed by the co-chairs:  
3488 2 of whom shall be representatives from 2 different designated cultural districts in the  
3489 commonwealth; and 5 artists from different disciplines and sectors, including the arts, humanities  
3490 and sciences. All appointments shall be made not later than 30 days after the effective date of  
3491 this act. The commission shall convene its first meeting not later than 60 days after the effective  
3492 date of this act.

3493 The commission shall examine ways to increase recovery and promote remote operations and  
3494 programming in the commonwealth, including, challenges maintaining and operating  
3495 programming, including, training staff, developing new creative work regardless of format,  
3496 barriers in reopening physical locations and maintaining a virtual presence, strategies for  
3497 increased marketing and strategies for cross-promotional partnerships with other industries,  
3498 including the hospitality industry.

3499 The chairs of the commission shall work to facilitate information and data requests of the  
3500 commission members, ensure that the work of the commission incorporates feedback from the  
3501 cultural and creative sector statewide and coordinate cooperation throughout the review. The  
3502 commission shall submit a report of its review and its recommendations, together with drafts of  
3503 legislation, if any, necessary to carry out the recommendations of the commission by filing the  
3504 same with the clerks of the house of representatives and the senate, the house and senate

3505 committees on ways and means and the joint committee on tourism, arts and cultural  
3506 development, not later than June 30, 2021.

3507 SECTION 100. The executive office of housing and economic development shall issue guidance  
3508 to assist local officials in determining the voting thresholds for various zoning amendments.  
3509 Such guidance shall be assembled in consultation with the department of housing and  
3510 community development, the Massachusetts attorney general's municipal law unit, and  
3511 Massachusetts Housing Partnership.

3512 SECTION 101. The secretary of housing and economic development shall report annually to the  
3513 clerks of the house of representatives and the senate, the chairs of the joint committee on housing  
3514 and the chairs of the senate and house committees on ways and means, on the activities and  
3515 status of the Housing Choice Initiative, as described by the governor in a message to the general  
3516 court dated December 11, 2017, including progress made towards the production of 135,000 new  
3517 units by 2025. The report also shall include a list of all cities and towns that qualify as "housing  
3518 choice" communities, a list and description of grant funds disbursed to such cities and towns and  
3519 a description of how the funds were used to support the production of new housing.

3520 SECTION 102. Sections 15 to 24, inclusive, sections 27 46 and 47, and sections 97 and 98, shall  
3521 take effect 90 days after enactment.

3522 SECTION 103. Sections 70 to 72, inclusive, and sections 88 to 91, inclusive, shall take effect  
3523 120 days from the effective date of this act.

3524 SECTION 104. Sections 48 to 55, section 58, section 60, inclusive shall apply to tax years  
3525 beginning on or after January 1, 2021.

3526 SECTION 105. Section 4G of chapter 175 of the General Laws shall apply to all policies issued  
3527 on or after January 1, 2021.

3528 SECTION 106. The Massachusetts office of business development shall accept applications for  
3529 approval as a rural growth fund as required under subsection (c) of section 38II of chapter 63 of  
3530 the General Laws not more than 90 days after the effective date of this act.

3531 SECTION 107. The secretary of administration and finance shall establish the fees required  
3532 under chapter 93L of the General Laws not later than June 30, 2021.

3533 SECTION 108. The first report required under section 35 of chapter 12 of the General Laws  
3534 shall be submitted not later than July 1, 2022.

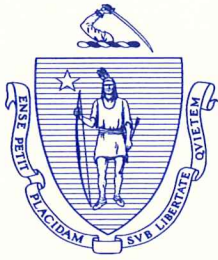
3535 SECTION 109. Sections 3 and 12 shall take effect on July 1, 2021.

3536 SECTION 110. Chapter 93L of the General Laws shall take effect on July 1, 2021.

3537 SECTION 111. Section 75 shall take effect on January 1, 2023.

3538 SECTION 112. Sections 59 and 61 shall take effect on January 1, 2026.

3539 SECTION 113. Said sections 62 and 103 shall be repealed on July 1, 2026.



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

January 14, 2021

To the Honorable Senate and House of Representatives:

Pursuant to Section 5 of Article LXIII, as amended by Article XC, Section 4 of the amendments to the Constitution, I am today signing House Bill 5250, "An Act enabling partnerships for growth," and vetoing certain portions as noted below.

In 2019, the Baker-Polito Administration announced a new economic development plan, entitled *Partnerships for Growth: a plan to enable the Commonwealth's regions to build, connect, and lead*. The framework outlined in that plan guided the approach taken in the bill, H. 4529, I filed in early March 2020. One week after filing that bill, I declared a state of emergency to respond to the spread of the novel coronavirus that causes COVID-19. Residents of the Commonwealth experienced unprecedented disruption as businesses complied with restrictions I put in place to slow the spread of the virus. Although we have since reopened much of the economy and started the economic recovery process, we have much work to do in the months ahead to assist those who lost jobs, to help businesses recover, and to restore the same economic vitality the Commonwealth enjoyed prior to the pandemic.

The legislation I am signing today will better position the Commonwealth to address and respond to these challenges. My Administration worked closely with the Legislature over the summer to make strategic adjustments to the bill to address needs arising from the pandemic. I want to acknowledge your partnership on this legislation, which is the third economic development package signed by this Administration, but the only one we adjusted in real time to respond to unprecedented public health and economic crises. None of that would have been possible without tremendous collaboration.

This legislation provides more than \$626 million in capital authorization to drive economic growth and improve housing stability over the next five years. I am grateful to the Legislature for authorizing \$50 million to neighborhood stabilization, \$50 million for transit-oriented housing development, and \$10 million in climate resilient housing that will allow the Commonwealth to support more sustainable and resilient housing. Communities around the state will benefit from a \$40 million authorization for the revitalization of underutilized properties and \$10 million for regional and community assistance, tools that are more important than ever for



the COVID-19 recovery. Recognizing the challenges that rural and small towns face, the new rural and small town development fund will provide up to \$20 million to support municipalities on local goals.

The Commonwealth's dynamic business ecosystem is core to the continuing success of our economy. This bill directs capital dollars to support advanced manufacturing and target new and emerging opportunities through the technology research and development fund. Importantly, this bill also dedicates key resources for underserved populations with \$25 million in authorization for microbusinesses and another \$35 million for grants to community development financial institutions and community development corporations to support women-owned and minority-owned businesses.

Although these capital authorizations will allow us to make important investments to accelerate economic growth and recovery, I do feel compelled to note that the total authorization in the legislation exceeds what the Commonwealth has budgeted so far. Capital authorization is the necessary first step before a project can be funded through the capital investment plan.

The legislation also includes many policy changes that will help our businesses, workers and residents. Foremost among these are the Housing Choice provisions I proposed more than three years ago to make it easier to build housing in communities that want it. Passing Housing Choice has been among my top priorities for the past two legislative sessions, and, thanks to your partnership, I am pleased to sign those provisions into law. These sections of the bill represent the first significant zoning reform in decades, and I am grateful that we found a way to get it done. The legislation also includes a section that will encourage multifamily zoning in MBTA communities. Although I did not propose that section, I am signing it because the law gives my Administration considerable discretion to determine compliance. I expect the relevant agencies will work diligently with cities and towns to develop compliance criteria that are fair and reasonable, with due regard for different needs in different communities, and for the time and effort it takes to create new zoning districts.

This legislation features a number of other policy provisions in its outside sections, many proposed by my Administration, and others added during the legislative process. Of the 111 total outside sections, I am signing 100, and vetoing 11. The sections I am vetoing, and the reasons for the veto, are as follows:

#### Housing Development Incentive Program (HDIP) Affordability Requirement

I am vetoing sections 48, 50 and 55, which collectively would require housing development projects benefiting from an HDIP tax credit to have at least 10 percent affordable units. The HDIP program has helped to produce hundreds of market rate units in our Gateway cities, which has been the goal of the program since its inception. Adding an affordability requirement will make these projects more difficult to finance and add a layer of administrative complexity that is not consistent with the program's goals. We will continue to make significant investments in affordable housing production through other successful programs, such as the state low income housing tax credit. Also, this bill doubles the cap on state LIHTC for the next five years from \$20 million to \$40 million per year.



### Rural Jobs Tax Credit

I also am vetoing sections 62, 106 and 113, which would establish a new “rural jobs tax credit.” The stated purpose of this tax credit is to “attract capital investment to businesses in rural areas of the commonwealth in order to promote the retention and expansion of existing jobs, stimulate the creation of new jobs, and attract new business and industry to rural areas of the commonwealth.” But, the program is unlikely to have the desired effect, and as drafted presents numerous implementation challenges. Experience with similar programs in other states demonstrates that these tax credits are likely to provide much greater benefit to the corporate investors who receive the credits than to the rural communities it is supposed to help. Moreover, this section would allow for deployment of tax credits to support investments in communities that are not truly rural, and therefore would not target the incentive where it is needed most. In lieu of approving this program, I am committed to making more direct investments in rural communities, both this year as part of the COVID-19 recovery program, and in future years consistent with the goals and strategies in the economic development plan. These direct investments will have much greater impact on job creation and business expansion in rural communities.

### Registration of Motor Vehicles

I also am vetoing section 63, which would require the registry of motor vehicles, prior to issuing a registration for a motor vehicle, to confirm the validity and status of the applicant’s driver’s license and certify that the person is in compliance with applicable rules and regulations related to licensing. This requirement, though well intentioned, would effectively prevent the issuance of registrations for vehicles owned by persons with an out of country or out of state driver’s license. The requirement would also cause issues with the issuance of registrations for vehicles owned by one person but used by other family members.

### Tenant Right of Purchase

I also am vetoing section 83, which would allow cities and towns to adopt an ordinance or bylaw that dramatically alters the rights of certain residential property owners to sell that property. The owners of affected properties would be required to, among other things: provide notice of an intended sale to the municipality and each tenant household; offer a tenant association the opportunity to make an offer to purchase the property prior to entering into an agreement to sell the property; and offer the tenant association a right of first refusal if the owner enters into a sales contract with a third party. With some exceptions, these requirements would apply to all multi-unit housing, including market-rate housing, in a city or town that accepts its provisions. These requirements would significantly delay the sale of multifamily homes throughout the Commonwealth, and potentially chill the production of new housing when we desperately need to produce more. Because a viable exit strategy often is critical to a developer’s willingness to undertake a project, I am concerned that making multifamily sales transactions more unpredictable will result in less investment and construction of fewer new rental units. As I have said many times in recent years, the Commonwealth is facing a housing

crisis. We simply cannot risk exacerbating that crisis by making it harder to produce, and sell, multifamily housing.

#### Eviction Record Sealing

I also am vetoing section 85, which would create a process for sealing records in eviction cases. I am keenly aware that many families are facing financial hardship and may be at risk of eviction due to job loss, reduced work hours, illness or other reason related to the pandemic. And I recognize that an eviction record makes it harder for a tenant to find new housing. However, this section would allow for records to be sealed not just in no-fault eviction cases, but in every eviction case in which a judgment has been satisfied—even in a case where a tenant was evicted for endangering other tenants or engaging in criminal activity. Keeping this kind of information sealed is unfair to landlords and creates unnecessary risks for other tenants. Additionally, the trial courts have indicated this section would impose a significant administrative burden, especially in light of the challenges caused by the need to process cases remotely during the state of emergency, and the need to focus limited judicial resources on eviction diversion for the foreseeable future.

#### Minority and Women-Owned Enterprises in Public Construction Projects

I also am vetoing section 95, which proposes to form a special commission to study the participation of minority and women-owned enterprises in public construction projects. With the support of the Black and Latino Legislative Caucus, I filed legislation on this exact topic in the 2019-2020 legislative session, House 4511, “An Act to Expand Opportunities for Minority and Women Business Enterprises in Public Construction Projects.” That legislation, which I anticipate will be refiled in this new legislative session, would have both increased the thresholds to which the Commonwealth’s filed sub-bid requirements apply in public construction projects, and would have allowed DCAMM to set participation goals on sub-contracted work in projects over \$5 million. With other proposals in the bill, that legislation would have created countless opportunities for minority and women-owned business enterprises. That legislation resulted from years of study, notably including the disparity study completed by DCAMM and published at the end of calendar year 2017. The commission proposed in Section 95 is unnecessary, both because of this prior work and because the issues to be considered can all be considered as part of the joint committee work on the refiled version of H.4511.

#### Delayed Effective Date for Housing Choice

Finally, I am vetoing section 102, which would delay the effective date of the Housing Choice provisions for 90 days. As I noted earlier, Housing Choice is the first significant zoning reform in decades. Cities and towns should be able to take advantage of the revised voting thresholds immediately.

The remainder of this bill I approve.



Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles D. Baker", with a stylized flourish at the end.

Charles D. Baker  
Governor





## **Town of Arlington, Massachusetts**

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### **Proposed Citizen Petition Zoning Warrant Article**

#### **Summary:**

8:30 p.m. James Fleming will discuss his proposed warrant article, Board may discuss and ask questions



## Town of Arlington, Massachusetts

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### Meeting Minutes (10/5/20)

#### Summary:

8:45 p.m. Board will review and approved minutes

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_4_-_10052020_Draft_ARB_Minutes.docx	10052020 Draft ARB Minutes

**Arlington Redevelopment Board**  
**Monday, October 5, 2020, 7:00 PM**  
**Meeting Conducted Remotely via Zoom**  
**Meeting Minutes**

This meeting was recorded by ACMi.

**PRESENT:** Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Katherine Levine-Einstein, David Watson

**STAFF:** Jennifer Raitt, Director of Planning and Community Development, and Erin Zwirko, Assistant Director, Kelly Lynema, Senior Planner

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The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMi.

The Chair explained that this meeting is being held remotely in accordance with the Governor's March 12, 2020 order suspending certain provisions of the Open Meeting Law G.L. c. 30A, Section 20. This order from Governor Baker allows for meetings to be held remotely during this time to avoid public gatherings.

The Chair introduced the first agenda item, the public hearing for Docket #2717, as amended #2905, 23 Broadway for Eskar LLC. The Chair explained that the applicant is requesting to open a Marijuana Retail establishment in the B2A major business district. Mary Winstanley-O'Connor introduced herself as the representative for Eskar LLC. Ms. Winstanley-O'Connor said that the environmental impact statement she submitted reviews the outstanding safety and traffic issues for the Environmental Design Review. Ms. Winstanley-O'Connor said that the establishment meets the Town's host community agreement requirements. Sales will be appointment only for the first month and the Arlington Police Department has been consulted and will assist with the traffic plan.

Mike Hunnewell, President of Eskar LLC, introduced himself and his business partner Michael Aldi and welcomed questions from the board. Ms. Raitt said that the traffic projections are correct and pre-pandemic numbers were used for those projections as used for a previous request for a similar use. Ms. Raitt said that the lot was previously approved as a non-conforming lot under the previous docket. Mr. Hunnewell described the circulation pattern inside the building and for customers on the retail floor.

Mr. Benson asked about the design updates, the parking report, and traffic report and Mr. Hunnewell said that Eskar intends to follow the traffic report suggestions. Mr. Benson asked about the LEED score Mr. Hunnewell and Ms. Winstanley-O'Connor said that they have to review the LEED report and the parking report. Mr. Benson asked about the number of employees and to have the indoor bicycle parking included on the floor plan.

Mr. Watson asked to have the detailed design of the indoor bicycle parking included with the plans and asked that the proponents review the Town's bicycle parking requirements. Mr. Benson asked about parking and the possibility of securing overflow parking, managing the hourly customer flow, and the new curb cut on Sunnyside Ave. Mr. Benson asked if this site location meets the buffer zone requirements and Ms. Raitt confirmed that this location does meet the requirements and there is an existing curb cut on Sunnyside Ave. Mr. Benson asked if the Town's Transportation Advisory Committee had any concerns about the traffic report and Ms. Raitt said that the report was reviewed by the Sr. Transportation Planner and she will share the report with members of TAC for their feedback.

Mr. Lau asked about the loading dock and parking by the loading area Mr. Aldi said that deliveries will only happen during off-hours. Mr. Lau asked if the rear exit, with steps, was handicapped accessible. Mr. Hunnewell said that they will ensure they have a plan for an accessible exit. Mr. Lau asked to rethink the plan to use glass bricks in the facade as they block visibility. Mr. Lau asked about parking lot drainage and Ms. Raitt said that there are no changes made to the parking lot so

improvements to the parking lot are not required.

Ms. Levine-Einstein wanted to confirm that plans for pedestrian and cyclist safety will be included with the project. The Chair asked for plans with details about the signage on the front of the building and any signage in the parking area. The Chair said she would like to see a proposal to understand what the window screen/film will look like on the first floor to ensure that the area still looks like a vibrant street scape. The Chair said she agrees with Mr. Lau regarding the use of glass bricks in the façade and asked to review the stars at the sales floor exit. The Chair echoed Mr. Benson's concern about the LEED scores but understands that with the existing HVAC system the scores may not be able to be improved greatly. Mr. Watson suggested subsidized MBTA passes for employees and providing a shower and changing area to encourage employees to bike to work. Ms. Winstanley-O'Connor said that subsidized MBTA passes are in their transportation plan and Mr. Hunnewell said they will look to see what they can do about an employee shower. Mr. Lau asked about an employee breakroom. Mr. Aldi said that they will use the area labeled as packaging for the employee dining/breakroom area. The Chair opened the floor to public comment.

Don Seltzer, Irving Street, said that he has never seen such a detailed traffic study. Mr. Seltzer asked if the proponents have thought about reversing the direction of traffic flow to enter through Sunnyside Ave. and exit on Broadway. Mr. Seltzer said that he thinks that in the future there may be a substance abuse facility located in the vicinity and asked to the Board to consider the possible conflict.

Mr. Benson asked how customers will know they are supposed to use the parking lot. Mr. Hunnewell said that there will be signage, on the webpage, and included with the text confirmation for customers who order ahead of time.

The Chair reviewed the Board's list of required information to move forward with a hearing continuation: more detailed parking and queue management plan; details for proposed first floor window screening; new design in lieu of the glass block screen; more detail about the building and parking lot signage; provide a civil drawing with the Transportation consultant's recommendations, including the stop sign and the asphalt lettering ; LEED scorecard review with possible plans for improvements; bike parking plans for both indoors and outdoors; provide plans for possible employee shower and changing room; Transportation Planner to review the transportation plan and provide more specific items related to the impact to queuing on the street and possible one way turn onto Sunnyside Ave; review steps at retail exit regarding property line and accessibility; review plans for the loading dock; and employee breakroom plan details.

Mr. Lau moved to continue this hearing to November 2, 2020 and Mr. Benson seconded, approved 5-0.

The Chair introduced the second agenda item, Committee Appointment: Alex Bagnall, Envision Arlington Standing Committee. Ms. Raitt introduced Mr. Bagnall and explained that Mr. Bagnall may be presenting updates to the Board. Mr. Bagnall said he has been a Town Meeting Member for the past four years and thanked the Board for this opportunity to work with Envision Arlington and the Board's efforts regarding housing.

Mr. Benson moved to appoint Alex Bagnall as a member of the Arlington Standing Committee, Mr. Watson seconded, approved 5-0.

The Chair introduced the third agenda item, Presentation and Discussion: Residential Design Guidelines and Design Review Process for R0, R1, R2 Zoning Districts. Ms. Raitt introduced Kelly Lynema, Senior Planner from Arlington's Department of

Planning and Community Development, and Emily Innes and Philip Ho from Harriman. Ms. Lynema introduced herself and provided the background for this project. Ms. Lynema explained that the guidelines are intended to balance desires of property owners, the general public, and interests of the Arlington community while building the codified balances between these different needs into existing approval process structures. Ms. Lynema said that Harriman took the responses from the community engagement period to create the draft guideline. Ms. Innes gave an overview of Harriman's existing conditions analysis for Arlington. Ms. Innes said that the final presentation for the public should take place in December 2020. Ms. Lynema said that the draft guidelines will be presented to the Zoning Board of Appeals by the end of October 2020 and will be looking for feedback by November 6, 2020.

Mr. Benson asked about public participation during the COVID-19 shut down. Ms. Innes said that there were 1,200 online responses and feels that volume of responses is more than would have been received in person. Mr. Benson said he does have a concern for those without internet access. Ms. Lynema said Harriman received a wider age range of participants than usual. Mr. Lau asked about parking requirements and possible adjustments that would encourage fewer prominent garages/parking and encourage better architecture. Mr. Benson suggested thinking about including design guidelines regarding the environment, for example solar arrays and smaller lawns. Mr. Benson said the guide has good examples of how home size discrepancies is an issue in neighborhoods, but not a particular style of home. The Chair said the Board could use a guide like this for the commercial zones. Ms. Raitt noted that the Board adopted Design Standards for Commercial and Industrial properties in 2015. The Chair opened the floor for public comments, there were no comments.

The Chair introduced the next agenda item, Meeting Minutes (07/20/20). Mr. Benson moved to approve the 7/20/20 meeting minutes as amended, Mr. Lau seconded, approved 4-0 (Ms. Levine-Einstein abstained as she was not present).

The Chair introduced the next agenda item, Open Forum and opened the floor for public comment. There were no members of the public that wished to speak.

The Chair introduced the last agenda item for the Board, Executive Session. The Chair explained that in order to move into the Executive Session a motion is required to close the public meeting and stop the meeting recording. The Chair amended the motion to open the Executive Session to discuss the pending legal matter regarding the Hotel Lexington property as cited by Town Counsel, Darlow v. Redevelopment Board regarding the Hotel Lexington Special Permit, and to adjourn the meeting directly from the Executive Session. Mr. Benson moved to approve, Mr. Watson seconded, approved 5-0.

Meeting adjourned.



## Town of Arlington, Massachusetts

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### Correspondence Received

#### Summary:

Correspondence received from:

C. Cunningham 1-25-21

C. Loreti 1-25-21

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Correspondence_from_C._Cunningham_received_012521.pdf	Correspondence received from C. Cunningham 1-25-21
▢ Reference Material	Correspondence_from_C._Loreti_received_012521.pdf	Correspondence received from C. Loreti 1-25-21

Concerns about ADUs – Bad for the environment.

Allowing extra apartments with kitchens and separate entrances will serve as the opening to eliminating single family housing in Arlington. Residents who purchased their homes on a quiet street may now be confronting short term rental units all around them. ADUs create a two family home on a single lot. Not everyone wants to live in or near multi family housing.

What's to prevent a developer/homeowner from eliminating green space/trees/nature by building a second unit in a house, equipping it with an expanded asphalt driveway, and renting it out, creating an Airbnb, or eventually selling the unit as a condo? ADUs will decrease the number of small, starter homes, and add to the selling price of the existing home with the unit.

It is unethical to remove single family zoning status from neighborhoods where people have invested their life's savings expecting to live in a neighborhood full of trees and yards for children to play in.

Instead of pushing zoning changes, the town should be considering long range planning to protect the health of our environment. We need more green space and less residential density in Arlington. ADUs will cause increased traffic and strain on town services in our neighborhoods.

ADUs are simply an effort to add as much housing as possible, which profits only developers. I have always loved walking around my hometown and noting the victorians, capes, ranches, colonial revivals, and other styles, with their lovely trees, gardens and yards. Tragically, the town continues to allow unregulated teardowns leading to large home construction in my neighborhood. I would like to see the town focus on eliminating that problem instead of creating new housing problems.

Colleen Cunningham  
Kensington Park  
pro-environment, green space, open space

From: Chris Loreti <cloreti@verizon.net>  
 To: Rachel Zsembery <rzsembery@town.arlington.ma.us>, KLau@town.arlington.ma.us,  
 "DWatson@town.arlington.ma.us" <DWatson@town.arlington.ma.us>, EBenson@town.arlington.ma.us,  
 keinstein@town.arlington.ma.us  
 Cc: Jenny Raitt <jrait@town.arlington.ma.us>  
 Date: Mon, 25 Jan 2021 10:01:48 -0500  
 Subject: Fwd: Proposed Amendments to ARB Rules and Regulations

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear ARB Members:

I noticed that a public hearing on amendments to the ARB's rules and regulations is on your meeting agenda for this evening. The only posted material for this agenda item is the proposed draft of those amendments.

In December, I sent the attached email containing comments on the draft. If it was not included in your packet for tonight's meeting, it should have been. And it should have been posted with the meeting materials.

Here it is again for your consideration.

Sincerely,  
 Chris Loreti

----- Forwarded Message -----

**Subject:** Proposed Amendments to ARB Rules and Regulations

**Date:** Wed, 9 Dec 2020 14:51:04 -0500

**From:** Chris Loreti <cloreti@verizon.net>

**To:** Rachel Zsembery <rzsembery@town.arlington.ma.us>, KLau@town.arlington.ma.us,  
 DWatson@town.arlington.ma.us <DWatson@town.arlington.ma.us>, EBenson@town.arlington.ma.us,  
 keinstein@town.arlington.ma.us

**CC:** Jenny Raitt <jrait@town.arlington.ma.us>, Christian Klein <CKlein@town.arlington.ma.us>, Douglas Heim  
 <dheim@town.arlington.ma.us>, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>,  
 JHurd@town.arlington.ma.us, JCurro@town.arlington.ma.us, SDecourcey@town.arlington.ma.us,  
 DMahon@town.arlington.ma.us, LDiggins@town.arlington.ma.us

Dear ARB Chair Zsembery and ARB Members:

Because I did not see an opportunity for public participation in tonight's ARB meeting agenda, I am writing to you directly.

As a former ARB member and chair, I am very concerned about the proposed changes to the ARB's rules, as well as certain aspects of the way the board has been conducting itself. These procedural changes from past practices reflect a lack of respect for public participation as well as the due process rights of parties in interest for the ARB's special permits.

1. The posting of meeting materials should be earlier, not later.

The proposed rule changes would allow meeting materials, including special permit application materials, to be posted as little as 48 hours before a meeting or hearing. This is insufficient for both the ARB members and the public. It is also completely unnecessary. Public hearings must be advertised weeks in advance, and staff must have the completed application materials before the legal notice can be properly created. In addition, staff have to review the submitted materials before preparing their own meeting materials. There is no need for application materials to be withheld until 48 hours in advance of the meeting when the board's rules require that they be submitted a week in advance.

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2. The ARB rules should state that members of the public will be given adequate time to speak during public hearings.

Public hearings are required by state law in order to give the public the right to be heard by the board. These rights should not be restricted by arbitrary time limits. While recognizing some public hearings may generate intense interest, and thus limitations on the time people are initially given to speak. They should also be permitted to speak again when time permits. Limiting total public speaking time to less than 10 minutes, as occurred this past Monday when only three members of the public wished to speak, is unacceptable.

3. The ARB rules should be revised to prohibit ex parte communications by board members.

I have previously indicated to the ARB the impropriety of its members having ex parte communications with applicants that come before it. Nevertheless, it appeared at Monday's hearing on 400 Mass. Ave. that one member of the ARB was planning to meet with representatives of the developer outside of the public hearing. The ARB rules should ban such meetings and any other ex parte communications.

Attorney Robert Annese has also objected to the town's quasi-judicial bodies holding ex parte communication, noting that board members are acting much like a judge in court, where such communications would be unethical (see his June 29, 2020 letter to the Select Board posted here:

<https://arlington.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=1070&MinutesMeetingID=743&doctype=Agenda>).

You can read about the problems with such communications in the following links. The latter two links are examples of prohibitions of ex parte communications in two professionally managed towns in Massachusetts.

<https://digitalcommons.law.wne.edu/cgi/viewcontent.cgi?article=1764&context=lawreview>

<https://www.mcle.org/psvideos/ZONEPRCPSV/Materials.pdf>

<https://www.eastham-ma.gov/sites/g/files/vyhlf4371/f/uploads/document6.pdf>

[https://www.mashpeema.gov/sites/g/files/vyhlf3426/f/uploads/public\\_hearing\\_and\\_meeting\\_procedures.pdf](https://www.mashpeema.gov/sites/g/files/vyhlf3426/f/uploads/public_hearing_and_meeting_procedures.pdf)

You will note that one of these documents was prepared by the Citizen Planner Training Collaborative (<https://masscptc.org/>) which offers training for zoning and planning board members on their roles and responsibilities among other things. When I served on the ARB, the town would cover the nominal cost for these training sessions, and I presume it would do so today. I recommend that ARB members avail themselves of the training sessions related to special permits.

Thank you for considering these comments.

Christopher Loreti  
56 Adams St.