

HOUSE No. 342

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Amending the Economic Development Incentive Program ..

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. Section 3E of Chapter 23A of the General Laws, as amended by Section 4
2 of Chapter 19 of the acts of 1993, is hereby amended by striking out paragraph (3) and inserting
3 in place thereof the following:-

4 (3) receipt with the municipal application of a binding written offer from the
5 municipality, subject only to acceptance by the EACC through designation of the area proposed
6 therefor, in the municipal application as an EOA, to provide to certified projects within the
7 project EOA and pursuant to section fifty-nine of chapter forty either tax increment financing, a
8 special tax assessment, or designation as a project under chapter one hundred twenty-one A as
9 follows:

10 (a) for purposes of the provision of tax increment financing, said binding written offer
11 shall contain a tax increment financing plan adopted in accordance with the provisions of,
12 section fifty-nine of chapter forty; provided, however, that the tax increment financing zone
13 proposed in such plan in addition satisfy the requirement set forth in paragraph (1) of this
14 section;

15 (b) for purposes of the provision of a special tax assessment, said binding written offer
16 shall set forth the following assessment schedule for each parcel of real property in and on which
17 is located, and which is otherwise a part of, a certified project EOA:

18 (i) in the first year, an assessment of zero percent of the actual assessed valuation of the
19 parcel; provided that such assessment shall be granted for the year designated in the binding
20 written offer;

21 (ii) in the second year, an assessment of up to twenty-five percent of the actual assessed
22 valuation of the parcel;

23 (iii) in the third year, an assessment of up to fifty percent of the actual assessed valuation
24 of the parcel;

25 (iv) in the fourth year, an assessment of up to seventy-five percent of the actual assessed
26 valuation of the parcel; and

27 (v) in subsequent years, assessment of up to one hundred percent of the actual assessed
28 valuation of the parcel.

29 (c) for purposes of designation as a project under chapter one hundred twenty-one A,
30 evidence of such designation by the appropriate boards, agencies or authorities of a municipality
31 and/or the commonwealth.

32 For the purposes of this clause the term "municipality's fiscal year" shall refer to a period
33 of three hundred sixty-five days beginning, in the first instance, with the calendar year in which
34 the assessed property is purchased or acquired or the calendar year in which the assessed
35 property is designated as an EOA, whichever is last to occur; provided, further,, that no such

36 written offer from a municipality shall be considered to be binding as aforesaid unless and until it
37 is authorized.

38 SECTION 2. This act shall take effect upon its passage.