HOUSE DOCKET, NO. 1017 FILED ON: 1/19/2011

HOUSE . . . . . No. 990

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to financing the smart growth housing trust fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kevin G. Honan	*17th Suffolk*
David M. Torrisi	*14th Essex*
Linda Campbell	*15th Essex*
Carolyn C. Dykema	*8th Middlesex*

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HOUSE . . . . . No. 990

By Mr. Honan of Boston, a petition (accompanied by bill, House, No. 990) of Kevin G. Honan and others relative to financing the smart growth housing trust fund. Community Development and Small Businesses.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *197* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to financing the smart growth housing trust fund.

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

SECTION 1. Chapter 10 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out section 35AA, and inserting in place thereof the following section:-

Section 35AA. There shall be established and set upon the books of the commonwealth a separate fund to be known as the Smart Growth Housing Trust Fund to be used, without appropriation, by the department of housing and community development and the department of revenue for the purpose of making payments to communities under section 10 of chapter 40R and section 3 of chapter 40S. Available revenues from the sale of state surplus lands, as provided for in law, revenue received by the commonwealth pursuant to section 6L of chapter 62, appropriations from the General Fund and monetary sanctions imposed by the department of

11 housing and community development under subsection (c) of section 7 of said chapter 40R shall
12 be deposited into the Trust Fund. All monies deposited into the Fund shall be expended
13 exclusively for the purposes set forth in this section. No expenditure from said Fund shall cause
14 said Fund to be in deficiency at the close of a fiscal year. No later than December 1 of each
15 year, the department of housing and community development, after consultation with the
16 department of revenue and the department of education, shall estimate the anticipated obligations
17 under chapter 40R and chapter 40S during the next occurring calendar year. In January of each
18 year, any amount in the Trust Fund exceeding one and one-half times the anticipated obligations
19 for that year shall be paid over to the General Fund.

20 SECTION 2. Section 1 of chapter 40S, as appearing in the 2006 Official Edition, is
21 hereby amended by adding the following definition:-

22 "Trust fund", the Smart Growth Housing Trust Fund, established by section 35AA of
23 chapter 10.

24 SECTION 3. Section 2 of said chapter 40S, as so appearing, is hereby amended by
25 striking out, in line 1, the words "Subject to appropriation" and inserting in place thereof the
26 following words:- From the trust fund .

27 SECTION 4. Section 3 of said chapter 40S, as so appearing, is hereby amended by
28 striking out subsection (f) and inserting in place thereof the following subsection:-

29 (f) Upon receipt of all data and calculations required by this section, the division of local
30 services shall calculate the smart growth school cost reimbursement pursuant to section 2. The
31 commissioner of revenue shall make a single payment from the Trust Fund to each municipality
32 for the amount of its smart growth school cost reimbursement; provided however, if the Trust

33 Fund is insufficient to fully fund the cost of the reimbursement, the division shall calculate the
34 percentage of each municipality's reimbursement as a share of the statewide reimbursement, and
35 prorate each municipality's reimbursement proportionally.

36 SECTION 5. Chapter 62 of the General Laws, as appearing in the 2006 Official Edition,
37 is hereby amended by inserting after section 6K the following section:-

38 Section 6L. The commissioner shall, upon receipt of a list of addresses of new
39 smart growth development pursuant to section 3 of chapter 40S, identify every individual
40 inhabitant of such addresses filing a return of income pursuant to section 6 of chapter 62C. All
41 revenue received by the commonwealth pursuant to chapter 62 from any resident or inhabitant
42 domiciled, or with a place of abode, in newly constructed or substantially renovated housing in
43 an approved and certified smart growth zoning district as defined by chapter 40R, shall be
44 credited by the comptroller to the Smart Growth Trust Fund as established by section 35AA of
45 chapter 10.