

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

1 SECTION 1. To provide for a capital outlay program to rehabilitate, produce and
2 modernize state-owned public housing developments; to preserve the affordability and the
3 income mix of state-assisted multifamily developments; to support home ownership and rental
4 housing opportunities for low and moderate income citizens; to stem urban blight through the
5 implementation of housing stabilization programs; to support housing production for the elderly,
6 disabled and homeless; to preserve housing for the elderly, the homeless and low and moderate
7 income citizens and people with disabilities; and to promote economic reinvestment through the
8 funding of infrastructure improvements, the sums set forth in section 2, for the several purposes
9 and subject to the conditions specified in this act, are hereby made available subject to the laws
10 regulating the disbursement of public funds.

11 SECTION 2.

12 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

13 Office of the Secretary.

14 7004-0039. For a program of loan guarantees or interest subsidies to assist homeowners
15 with blindness or severe disabilities in making modifications to their primary residence for the
16 purpose of improved accessibility or to allow those homeowners to live independently in the
17 community; provided, that the secretary shall take all steps necessary to minimize the program's
18 administrative costs; provided further, that the loan guarantees shall be available on the basis of a
19 sliding scale that relates the homeowner's income and assets to the cost of home modifications;
20 provided further, that interest subsidies shall be means-tested and may be for 0 per cent pursuant
21 to income standards developed by the secretary; provided further, that the repayment of the loans
22 may be delayed until the sale of the principal residence by the homeowner; provided further, that
23 persons residing in a development covered by section 4 of chapter 151B of the General Laws
24 shall not be eligible for the program unless the owner can show that the modification is an undue
25 financial burden; provided further, that the secretary shall consult with the Massachusetts
26 commission for the blind and the Massachusetts rehabilitation commission in developing the
27 rules, regulations and guidelines for the program; provided further, that nothing in this item shall

28 give rise to enforceable legal rights in any party or an enforceable entitlement to services; and
29 provided further, that the secretary shall submit quarterly reports to the house and senate
30 committees on ways and means, the house and senate committees on bonding, capital
31 expenditures and state assets and the joint committee on housing detailing the status of the
32 program established in this item..... \$55,000,000

33 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

34 Department of Housing and Community Development.

35 7004-0040. For state financial assistance in the form of loans for the development of
36 community-based housing or supportive housing for individuals with mental illness and
37 individuals with intellectual disabilities; provided, that the loan program shall be administered by
38 the department of housing and community development, referred to in this item as the
39 department, through contracts with the Massachusetts Development Finance Agency established
40 in chapter 23G of the General Laws, the Community Economic Development Assistance
41 Corporation established in chapter 40H of the General Laws, operating agencies established
42 pursuant to chapter 121B of the General Laws and the Massachusetts Housing Finance Agency
43 established in chapter 708 of the acts of 1966; provided further, that those agencies may develop
44 or finance community-based housing or supportive housing or may enter into subcontracts with
45 nonprofit organizations established pursuant to chapter 180 of the General Laws or organizations
46 in which such nonprofit corporations have a controlling financial or managerial interest or for-
47 profit organizations; provided, however, that preference for the subcontracts shall be given to
48 nonprofit organizations; provided further, that the department shall consider a balanced
49 geographic plan for such community-based housing or supportive housing when issuing the
50 loans; provided further, that the department shall consider development of a balanced range of
51 housing models by prioritizing funds for integrated housing as defined by the appropriate
52 housing and service agencies including, but not limited to, the department of housing and
53 community development, the Massachusetts rehabilitation commission, the department of mental
54 health and the department of developmental services, in consultation with relevant and interested
55 clients, their families, advocates and other parties as necessary; provided further, that loans
56 issued pursuant to this item shall: (i) not exceed 50 per cent of the financing of the total
57 development costs; (ii) be issued only when a contract or agreement for the use of the property
58 for such housing provides for repayment to the commonwealth at the time of disposition of the
59 property in an amount equal to the commonwealth's proportional contribution from the Facilities
60 Consolidation Fund to the cost of the development through payments made by the state agency
61 making the contract; (iii) only be issued when a contract or agreement for the use of the property
62 for the purposes of such housing provides for the recording of a deed restriction in the registry of
63 deeds or the registry district of the land court of the county in which the real property is located,
64 for the benefit of the departments, running with the land, that the land be used to provide
65 community-based housing or supportive housing for eligible individuals as determined by the
66 department of mental health and the department of developmental services; provided, however,

67 that the property shall not be released from such restriction until the balance of the principal and
68 interest for the loan has been repaid in full or until a mortgage foreclosure deed has been
69 recorded; (iv) be issued for a term not to exceed 30 years during which time repayment may be
70 deferred by the loan issuing authority; provided, however, that if on the date the loans become
71 due and payable to the commonwealth an outstanding balance exists and if, on such date, the
72 department, in consultation with the executive office of health and human services, determines
73 that there still exists a need for such housing and that there is continued funding available for the
74 provision of services to such development, the department may, by agreement with the owner of
75 the development, extend the loans for such periods, each period not to exceed 10 years, as the
76 department shall determine; provided further, that the project shall remain affordable housing for
77 the duration of the loan term, including any extension thereof, as set forth in the contract or
78 agreement entered into by the department; provided, further, that in the event the terms of
79 repayment detailed in this item would cause a project authorized by this item to become
80 ineligible to receive federal funds which would otherwise assist in the development of that
81 project, the department may waive the terms of repayment which would cause the project to
82 become ineligible; and (v) have interest rates fixed at a rate, to be determined by the department,
83 in consultation with the state treasurer; provided further, that the loans shall be provided only for
84 projects conforming to this item; provided further, that the loans shall be issued in accordance
85 with a facilities consolidation plan prepared by the secretary of health and human services,
86 reviewed and approved by the department and filed with the secretary of administration and
87 finance, the house and senate committees on ways and means, the house and senate committees
88 on bonding, capital expenditures and state assets and the joint committee on housing; provided
89 further, that no expenditure shall be made from this item without the prior approval of the
90 secretary of administration and finance; provided further, that the department, the department of
91 mental health and the Community Economic Development Assistance Corporation may identify
92 appropriate financing mechanisms and guidelines for grants or loans from this item to promote
93 private development to produce housing, to provide for independent integrated living
94 opportunities, to write down building and operating costs and to serve households at or below 15
95 per cent of area median income for the benefit of department of mental health clients; provided
96 further, that not more than \$10,000,000 may be expended from this item for a pilot program of
97 community-based housing or supportive housing loans to serve mentally ill homeless individuals
98 in the current or former care of the department of mental health; provided further, that in
99 implementing the pilot program, the department shall consider a balanced geographic plan when
100 establishing community-based residences; provided further, that the housing services made
101 available pursuant to such loans shall not be construed as a right or an entitlement for any
102 individual or class of persons to the benefits of the pilot program; provided further, that
103 eligibility for the pilot program shall be established by regulations promulgated by the
104 department; and provided further, that the department shall promulgate regulations pursuant to
105 chapter 30A of the General Laws for the implementation, administration and enforcement of this
106 item, consistent with the facilities consolidation plan prepared by the secretary of health and

107 human services and after consultation with the secretary and the commissioner of the division of
108 capital asset management and maintenance..... \$47,000,000

109 7004-0041. For state financial assistance in the form of loans for the development and
110 redevelopment of community-based housing or supportive housing for persons with disabilities
111 who are institutionalized or at risk of being institutionalized, who are not eligible for housing
112 developed pursuant to item 7004-0040; provided, that the loan program shall be administered by
113 the department of housing and community development, referred to in this item as the
114 department, through contracts with the Massachusetts Development Finance Agency established
115 in chapter 23G of the General Laws, the Community Economic Development Assistance
116 Corporation established in chapter 40H of the General Laws, operating agencies established
117 pursuant to chapter 121B of the General Laws and the Massachusetts Housing Finance Agency
118 established in chapter 708 of the acts of 1966; provided further, that the agencies may develop or
119 finance the community-based housing or supportive housing or may enter into subcontracts with
120 nonprofit organizations established pursuant to chapter 180 of the General Laws or organizations
121 in which such nonprofit corporations have a controlling financial or managerial interest or for-
122 profit organizations; provided, however, that preference for such subcontracts shall be given to
123 nonprofit organizations; provided further, that the department shall consider a balanced
124 geographic plan for such community-based housing or supportive housing when issuing the
125 loans; provided further, that all housing developed with these funds shall be integrated housing
126 as defined by the appropriate state housing and service agencies including, but not limited to, the
127 department, the executive office of health and human services and the Massachusetts
128 rehabilitation commission in consultation with relevant and interested clients, their families,
129 advocates and other parties as necessary; provided further, that loans issued pursuant to this item
130 shall: (i) not exceed 50 per cent of the financing of the total development costs; (ii) be issued
131 only when a contract or agreement for the use of the property for the purposes of such housing
132 provides for repayment to the commonwealth at the time of disposition of the property in an
133 amount equal to the commonwealth's proportional contribution from community based housing
134 to the cost of the development through payments made by the state agency making the contract;
135 (iii) only be issued when a contract or agreement for the use of the property for the purposes of
136 such community-based housing or supportive housing provides for the recording of a deed
137 restriction in the registry of deeds or the registry district of the land court of the county in which
138 the real property is located, for the benefit of the departments, running with the land, that the
139 land be used to provide community-based housing or supportive housing for eligible individuals
140 as determined by the Massachusetts rehabilitation commission or other agency of the executive
141 office of health and human services; provided, however, that the property shall not be released
142 from such restrictions until the balance of the principal and interest for the loan has been repaid
143 in full or until a mortgage foreclosure deed has been recorded; (iv) be issued for a term not to
144 exceed 30 years during which time repayment may be deferred by the loan issuing authority;
145 provided, however, that if on the date the loans become due and payable to the commonwealth
146 an outstanding balance exists and if on that date, the department, in consultation with the

147 executive office of health and human services, determines that there still exists a need for such
148 housing, the department may, by agreement with the owner of the development, extend the loans
149 for such periods, each period not to exceed 10 years, as the department shall determine;
150 provided, however, that the project shall continue to remain affordable housing for the duration
151 of the loan term, including any extensions thereof, as set forth in the contract or agreement
152 entered into by the department; provided however, that in the event the terms of repayment
153 detailed in this item would cause a project authorized by this item to become ineligible to receive
154 federal funds which would otherwise assist in the development of that project, that department
155 may waive the terms of repayment which would cause the project to become ineligible; and (v)
156 have interest rates fixed at a rate, to be determined by the department, in consultation with the
157 state treasurer; provided further, the loans shall be provided only for projects conforming to this
158 item; provided further, that the loans shall be issued in accordance with an enhancing
159 community-based services plan prepared by the secretary of health and human services, in
160 consultation with the department and filed with the secretary of administration and finance and
161 the house and senate committees on ways and means, the house and senate committees on
162 bonding, capital expenditures and state assets and the joint committee on housing; provided
163 further, that no expenditure shall be made from this item without the prior approval of the
164 secretary of administration and finance; and provided further, that the department shall
165 promulgate regulations pursuant to chapter 30A of the General Laws for the implementation,
166 administration and enforcement of this item, consistent with the enhancing community-based
167 services plan prepared by the secretary of health and human services after consultation with the
168 secretary and the commissioner of capital asset management and
169 maintenance..... \$38,000,000

170 7004-0042. For the capitalization of the Affordable Housing Trust Fund, established in
171 section 2 of chapter 121D of the General Laws..... \$305,000,000

172 7004-0043. For the purpose of state financial assistance in the form of grants or loans for
173 the Housing Stabilization and Investment Trust Fund established in section 2 of chapter 121F of
174 the General Laws and awarded only pursuant to the criteria established in said section 2 of said
175 chapter 121F; provided, that not less than 25 per cent shall be used to fund projects which
176 preserve and produce housing for families and individuals with incomes of not more than 30 per
177 cent of the area median income, as defined by the United States Department of Housing and
178 Urban Development; provided further, that if the department of housing and community
179 development has not spent the amount authorized under the bond cap for this program, at the end
180 of each year following the effective date of this act, the department may award the remaining
181 funds to projects that serve households earning more than 30 per cent of the area median income,
182 as defined by the United States Department of Housing and Urban Development; provided
183 further, that not less than \$5,000,000 shall be expended for the production or preservation of
184 housing for people age 60 and over; provided further, that the department may expend an amount
185 not to exceed \$10,000,000 to stabilize and promote reinvestment, through homeownership, in

186 areas the department has determined to be weak markets as indicated by a high concentration of
187 assisted rental housing, a low rate of homeownership, low median family income, low average
188 sales prices, high levels of unpaid property taxes or vacant or abandoned buildings, by waiving
189 the requirements of this item and said chapter 121F, and by subsidizing the purchase price,
190 borrowing costs or costs of renovation of 1 to 6 unit residential buildings for a person who shall
191 own the property and occupy any portion of the property as the person's primary residence for at
192 least 5 years from the date of purchase; provided further, that if more than 5 years, but less than
193 10 years, from the date the owner takes ownership of the property, the owner sells any of the
194 owner's interest in the property, the new owner shall so occupy 1 unit in the property for a period
195 equal to the difference between 10 years and the amount of time the first owner occupied the
196 property as the owner's primary residence; provided further, that if the owner fails to so occupy a
197 unit on the property or ceases to be the owner of the property as required by this section, the
198 department shall recoup the value of any subsidy provided to the owner; and provided further,
199 that 10 years after the owner takes possession of the property pursuant to this item, all
200 restrictions on the property created by this item shall be void..... \$135,000,000.

201 7004-0044. For the purpose of state financial assistance in the form of grants for projects
202 undertaken pursuant to clause (j) of section 26 of chapter 121B of the General Laws; provided,
203 that contracts entered into by the department of housing and community development for those
204 projects may include, but shall not be limited to, projects providing for renovation, remodeling,
205 reconstruction, redevelopment and hazardous material abatement, including asbestos and lead
206 paint, and for compliance with state codes and laws and for adaptations necessary for compliance
207 with the Americans with Disabilities Act, the provision of day care facilities, learning centers
208 and teen service centers and the adaptation of units for families and persons with disabilities;
209 provided further, that priority shall be given to projects undertaken for the purpose of compliance
210 with state codes and laws or for other purposes related to the health and safety of residents;
211 provided further, that funds may be expended from this item to make such modifications to
212 congregate housing units as may be necessary to increase the occupancy rate of those units;
213 provided further, that the department shall continue to fund a program to provide predictable
214 funds to be used flexibly by housing authorities for capital improvements to extend the useful
215 life of state-assisted public housing; and provided further, that not less than 25 per cent of the
216 funds made available in this item shall be used to fund projects which preserve or produce
217 housing for families and individuals with incomes of not more than 30 per cent of the area
218 median income, as defined by the United States Department of Housing and Urban Development
219 \$500,000,000

220 7004-0045. For the purpose of state financial assistance in the form of grants for a 5 year
221 demonstration program, administered by the department of housing and community development
222 to demonstrate cost effective revitalization methods for state-aided family and elderly-disabled
223 public housing that seek to reduce the need for future state modernization funding; provided, that
224 housing authorities with state-aided housing developments pursuant to chapter 200 of the acts of

225 1948, chapter 667 of the acts of 1954 or chapter 705 of the acts of 1966 shall be eligible to
226 participate in demonstration program; provided further, that the department shall establish a 7-
227 member advisory committee, to consist of the director of the department or a designee, 1
228 member selected by Citizens' Housing and Planning Association, 1 member selected by the
229 Massachusetts chapter of the National Association of Housing and Redevelopment Officials, 1
230 member selected by the Massachusetts Union of Public Housing Tenants and 3 additional
231 members chosen by the department to provide advice and recommendations to the department
232 regarding regulations to implement the demonstration program; provided further, that the
233 department may exempt a recipient of demonstration grants from the requirements of chapter 7
234 of the General Laws and chapter 121B of the General Laws upon a showing by the recipient that
235 such exemptions are necessary to accomplish the effective revitalization of public housing and
236 will not adversely affect public housing residents or applicants of any income who are otherwise
237 eligible; provided further, that the department may provide to recipients of demonstration grants
238 such additional regulatory relief as is required to further the objectives of the demonstration
239 program; provided further, that funds shall be made available for technical assistance provided
240 by the Community Economic Development Assistance Corporation established in chapter 40H
241 of the General Laws or the Massachusetts Housing Partnership Fund established pursuant to
242 section 35 of chapter 405 of the acts of 1985 to recipients of demonstration grants and for
243 evaluation of the demonstration; provided further, that the department shall promulgate
244 regulations for the implementation, administration and enforcement of this item within 90 days
245 after the effective date of this act; provided, however, that the regulations shall: (i) require that
246 housing authorities selected demonstrate innovative and replicable solutions to the management,
247 marketing or capital needs of state-aided family and elderly-disabled public housing
248 developments and contribute to the continued viability of the housing as a resource for public
249 housing eligible residents; (ii) encourage proposals that demonstrate regional collaborations
250 among housing authorities; and (iii) encourage proposals that propose new affordable housing
251 units on municipally-owned land, underutilized public housing sites or other land owned by the
252 housing authority; and provided further, that the department shall report to the house and senate
253 committees on ways and means, the house and senate committees on bonding, capital
254 expenditures and state assets and the joint committee on housing on the progress of the
255 demonstration program within 90 days after promulgation of the regulations and annually
256 thereafter..... \$50,000,000

257 7004-0046. For the purpose of state financial assistance in the form of grants or loans for
258 the Housing Innovations Trust Fund established in section 2 of chapter 121E of the General
259 Laws; provided, that not less than 25 per cent of the funds made available in this item shall be
260 used to fund projects which preserve and produce housing for families and individuals with
261 incomes of not more than 30 per cent of the area median income, as defined by the United States
262 Department of Housing and Urban Development..... \$80,000,000

263 7004-0047. For the purpose of state financial assistance in the form of grants or loans for
264 the Capital Improvement and Preservation Trust Fund for expiring use properties established in
265 section 2 of chapter 121G of the General Laws..... \$100,000,000

266 7004-0048. For the purpose of providing financial support for developing residential
267 housing units and mixed use developments that include both residential housing units and
268 commercial or retail space and are located within neighborhood commercial areas including, but
269 not limited to, those areas designated as main street areas by providing necessary financial
270 assistance to the commercial components of these projects; provided, that the developments may
271 include projects which have residential units above commercial space and shall be located in
272 areas characterized by a predominance of commercial land uses, a high daytime or business
273 population or a high concentration of daytime traffic and parking; provided further, that the
274 financial subsidy for the commercial portion of a project shall not exceed 25 per cent of the total
275 development cost of the commercial portion of the project or \$1,000,000, whichever is smaller;
276 provided further, that \$15,000,000 shall be used to fund transit-oriented housing developments in
277 proximity to public transit nodes; provided further, that eligible activities for transit-oriented
278 development shall include, without limitation, planning grants, financing subsidies and
279 environmental assessment; and provided further, that not less than 50 per cent of the
280 beneficiaries of housing in projects assisted by this item shall be persons whose income is not
281 more than 80 per cent of the area median income, as defined by the United States Department of
282 Housing and Urban Development,.... \$45,000,000

283 DEPARTMENT OF EARLY EDUCATION AND CARE

284 7004-0049.. For the purpose of state financial assistance in the form of grants for the
285 Early Education and Out of School Time Capital Fund for the development of eligible facilities
286 for licensed early care and education and out of school time programs established in section 3 of
287 chapter 121H of the General Laws; provided, that the department of early education and care
288 may contract with 1 or more quasi-public or non-profit entities to administer the program,
289 including, but not limited to, the Community Economic Development Assistance Corporation
290 established in chapter 40H of the General Laws; provided further, that the department may
291 develop or finance eligible facilities, may enter into subcontracts with nonprofit organizations
292 established pursuant to chapter 180 of the General Laws or organizations in which such nonprofit
293 corporations have a controlling financial or managerial interest; provided further, that the
294 department shall: (i) consider a balanced geographic plan for such eligible facilities when issuing
295 the funding commitments; and (ii) consider funding large group and school age child care
296 centers, as defined by the department of early education and care; provided further, that the
297 services made available pursuant to such grants shall not be construed as a right or entitlement
298 for any individual or class of persons to the benefits financing; provided further, that no
299 expenditure shall be made from this item without the prior approval of the secretary of
300 administration and finance; and provided further, that eligibility shall be established by

301 regulations promulgated by the department pursuant to chapter 30A for the General Laws for the
302 implementation, administration and enforcement of this item..... \$45,000,000

303 SECTION 3. Subsection (a) of section 63 of chapter 23A of the General Laws, as
304 appearing in the 2012 Official Edition, is hereby amended by striking out, in line 20, the words
305 “.25 miles” and inserting in place thereof the following words:- .5 miles.

306 SECTION 4. Section 20 of chapter 40B of the General Laws, as so appearing, is hereby
307 amended by inserting after the word “organization”, in line 9, the following words:- , or any
308 housing that the department of housing and community development has agreed to consider low
309 or moderate income housing.

310 SECTION 5. Section 3 of chapter 121D of the General laws, as appearing in the 2012
311 Official Edition, is hereby amended by adding the following subsection:-

312 (e) Funds provided for the fund may be used to write down interest rates and related costs
313 for a program for low-income and moderate-income first-time homebuyers administered by the
314 board of directors of the Massachusetts Housing Partnership Fund established pursuant to section
315 35 of chapter 405 of the acts of 1985.

316 SECTION 6. Section 1 of chapter 121E of the General Laws, as so appearing, is hereby
317 amended by striking out, in lines 3 and 4, the words “housing for the homeless; battered
318 women’s shelters” and inserting in place thereof the following words:- or permanent housing for
319 the homeless; shelters for victims of domestic abuse.

320 SECTION 7. Subsection (b) of section 3 of said chapter 121E, as so appearing, is hereby
321 amended by striking out clause (2).

322 SECTION 8. Said section 3 of said chapter 121E, as so appearing, is hereby further
323 amended by striking out, in lines 42 to 49, inclusive, the words “unless, at the end of a fiscal
324 year, cash collections from all sources in connection with the housing, except for contributions,
325 donations or grant moneys, exceed 105 per cent of cash expenditures on behalf of the housing,
326 including debt service, operating expenses, operating revenues and capital reserves; provided
327 further, that any excess cash shall be paid to the commonwealth within 45 days after the end of
328 the fiscal year, payable first to interest due under this section and then to principal advanced
329 pursuant to the loan”.

330 SECTION 9. Subsection (b) of said section 3 of said chapter 121E, as so appearing, is
331 hereby further amended by striking out, in lines 62 to 71, inclusive, the words “; and (7) for
332 projects developed pursuant to this chapter not refinanced during the term of a loan issued
333 pursuant to this chapter unless the balance of the principal and interest for the prior loan is repaid
334 in full at the time of the refinancing; provided, however, that housing projects may be refinanced
335 if the refinancing would result in a reduction of costs paid by the commonwealth; provided

336 further, that a refinanced loan shall be due and payable not later than the date on which the prior
337 loan was due and payable, except in accordance with clause (4) or when necessary to effect
338 extraordinary repairs or maintenance to be approved by the department”.

339 SECTION 10. Section 3 of chapter 121F of the General Laws, as so appearing, is hereby
340 amended by inserting after the word “preservation”, in line 37, the following words:- , new
341 construction.

342 SECTION 11. Said section 3 of said chapter 121F, as so appearing, is hereby further
343 amended by inserting after the figure “(6)”, in line 87, the following words:- notwithstanding the
344 restrictions in this chapter,.

345 SECTION 12. Subsection (b) of said section 3 of said chapter 121F, as so appearing, is
346 hereby further amended by striking out clause (7) and inserting in place thereof the following
347 clause:- (7) notwithstanding the restrictions in this chapter, to write down interest rates and
348 related costs for a program for low-income and moderate-income first-time homebuyers
349 administered by the board of directors of the Massachusetts Housing Partnership Fund
350 established pursuant to section 35 of chapter 405 of the acts of 1985.

351 SECTION 13. The General Laws are hereby amended by inserting after chapter 121G the
352 following chapter:-

353 CHAPTER 121H

354 Early Education and Out of School Time Capital Fund

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

357 “Department”, the department of early education and care.

358 "Eligible facility”, a building, structure or site that is, or will be, owned, leased or
359 otherwise used by 1 or more eligible organizations and licensed by the department; provided,
360 that at least 25 per cent of the slots in the facility shall serve low-income families who are
361 eligible for public subsidy; provided further, that leased facilities shall have a lease term that is
362 consistent with the scale of the capital investment, but shall not be less than 15 years; and
363 provided, further, that municipally-owned buildings shall be eligible provided that there is
364 dedicated single purpose space for licensed early education or out of school time programs.

365 “Eligible organization”, a non-profit corporation that is exempt from income taxation
366 under chapter 180, or an organization in which a non-profit corporation has a controlling
367 financial or managerial interest.

368 “Eligible project”, the acquisition, design, construction, repair, renovation, rehabilitation
369 or other capital improvement or deferred maintenance of an eligible facility.

370 "Grant", a direct grant of capital funds to an applicant for payment of the costs of an
371 eligible project.

372 Section 2. Each recipient of a grant from the Early Education and Out of School Time
373 Capital Fund established in section 3 shall be an eligible project that demonstrates: (i) need for
374 such a project; (ii) project benefits to low-income children and the affected community; (iii)
375 financial need for assistance in the form of such grant; and (iv) local support for the project.

376 Section 3. There shall be within the department a separate fund to be known as the Early
377 Education and Out of School Time Capital Fund. The department shall administer the fund for
378 the purpose of making grants for the development of eligible facilities for licensed early care and
379 education and out of school time programs; provided, however that the department may contract
380 with 1 or more quasi-public or non-profit entities to administer the program, including, but not
381 limited to, the Community Economic Development Assistance Corporation established in
382 chapter 40H of the General Laws.

383 SECTION 14. Section 100 of chapter 142 of the acts of 2011 is hereby amended by
384 striking out the figure "2015" and inserting in place thereof the following figure:- 2020.

385 SECTION 15. Section 2 of chapter 18 of the acts of 2013 is hereby amended by striking
386 out the item number "6122-1223" and inserting in place thereof the following item number:-
387 6122-1323.

388 SECTION 16. The department of housing and community development shall promulgate
389 regulations specifying that for units previously marketed in the absence of an affordable fair
390 housing marketing plan, all affordable housing units shall be eligible for inclusion on the
391 subsidized housing inventory as soon as an affordable fair housing marketing plan is in place and
392 upon a showing that occupants meet the income limitations set forth by 760 CMR 56.02 and that
393 the occupants are substantially similar to occupants that would have been selected had an
394 affordable fair housing marketing plan been in place.

395 SECTION 17. Notwithstanding any general or special law to the contrary, the secretary
396 of housing and economic development and the secretary of administration and finance shall
397 jointly submit a report on the progress of all projects and expenditures related to the funds
398 available in this act or any outstanding authorizations from a prior authorization act for housing
399 projects that were undertaken by the executive office of housing and economic development or
400 any of its constituent agencies to the house and senate committees on ways and means, the house
401 and senate committees on bonding, capital expenditures and state assets and the joint committee
402 on housing. This report shall include, but not be limited to: the address, the nature of the work
403 and scope of work of each project funded in this act; the total amount allocated for each project
404 broken down by fiscal year in which the allocation occurred and the total estimated cost of each
405 project; the amount expended for the planning and design of each project up to the time the
406 report is filed; the amount expended on construction of each project up to the time the report is

407 filed; the total amount currently expended on each project; a schedule of life cycle standards for
408 each completed project; the original estimated completion date of each project; the current
409 anticipated completion date of each project; and, if the project has been de-authorized, the reason
410 for and date of de-authorization. The information required in this report shall be current as of 30
411 days before the submission of the report and the report shall be submitted bi-annually for 6 years
412 after the effective date of this act.

413 SECTION 18. Notwithstanding any general or special law to the contrary, to meet the
414 expenditures necessary in carrying out section 2, the state treasurer shall, upon receipt of a
415 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified
416 by the governor from time to time but not exceeding, in the aggregate, \$1,400,000,000. All
417 bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Housing
418 Production, Preservation, Modification and Neighborhood Development Loan Act of 2013, and
419 shall be issued for a maximum term of years, not exceeding 30 years, as the governor may
420 recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the
421 Constitution; provided, however, that all such bonds shall be payable not later than June 30,
422 2048. All interest and payments on account of principal on such obligations shall be payable
423 from the General Fund. Bonds and interest thereon issued under the authority of this section
424 shall, notwithstanding any other provision of this act, be general obligations of the
425 commonwealth. An amount not to exceed 2 per cent of the authorizations may be expended by
426 the department of housing and community development for administrative costs directly
427 attributable to the purposes of this act, including costs of clerical and support personnel. The
428 director of the department of housing and community development shall file an annual spending
429 plan with the fiscal affairs division, the house and senate committees on ways and means, the
430 house and senate committees on bonding, capital expenditures and states assets and the joint
431 committee on housing, which details, by subsidiary, all personnel costs and any administrative
432 costs charged to expenditures made under this act.

433 SECTION 19. Notwithstanding any general or special law to the contrary, within 120
434 days after the expiration of affordability restrictions on housing units assisted under items 7004-
435 0040 and 7004-0041 of section 2, the department of housing and community development or its
436 assignee, who shall be a qualified developer selected pursuant to the terms of said items 7004-
437 0040 and 7004-0041 of said section 2 under the guidelines of the department, shall have an
438 option to purchase any such housing units at their current appraised value, reduced by any
439 remaining obligation of the owner, upon the expiration of the affordability restrictions. The
440 department or its assignee shall only purchase or acquire such housing units to preserve or
441 provide affordable housing. The department or its assignee shall hold such purchase option for
442 the first 120 days after the expiration of the affordability restrictions. Failure to exercise the
443 purchase option within 120 days after the expiration of the affordability restriction shall
444 constitute a waiver of the purchase option by the department or its assignee. Within 30 days after
445 the expiration of an affordability restriction, the owner and the department shall each designate a

446 professional in the field of multi-unit residential housing. Each of those professionals shall
447 select an impartial appraiser. Within 60 days after the expiration of the affordability restriction,
448 the 2 impartial appraisers shall determine the current appraised value in accordance with
449 recognized professional standards. If there is a difference in the valuations, the valuations shall be
450 added together and divided by 2 to determine the current appraised value of the units. No sale,
451 transfer or other disposition of the property shall be completed until either the purchase option
452 period expires or the owner has been notified, in writing, by the department or its assignee that
453 the option will not be exercised. The option shall be exercised only by written notice signed by a
454 designated representative of the department or its assignee, mailed to the owner by certified mail
455 at the address specified in the notice of intention and recorded with the registry of deeds or the
456 registry district of the land court of the county in which the affected real property is located,
457 within the option period. If the purchase option has been assigned to a qualified developer
458 selected pursuant to said items 7004-0040 and 7004-0041 of said section 2, the written notice
459 shall state the name and address of the developer and the terms and conditions of the assignment.

460 Before any sale or transfer or other disposition of housing that the department has not
461 previously exercised an option to purchase, an owner shall offer the department or its assignee,
462 who shall be a qualified developer selected pursuant to said items 7004-0040 and 7004-0041 of
463 said section 2, a first refusal option to meet a bona fide offer to purchase the units. The owner
464 shall provide to the department or its assignee written notice by regular and certified mail, return
465 receipt requested, of the owner's intention to sell, transfer or otherwise dispose of the property.
466 The department or its assignee shall hold the first refusal option for the first 120 days after
467 receipt of the owner's written notice of intent to transfer the property. Failure to respond to the
468 written notice of intent to sell, transfer or otherwise dispose of the property within the 120 day
469 period shall constitute a waiver of the right of first refusal by the department. No sale, transfer or
470 other disposition of the property shall be completed until either this first refusal option period has
471 expired or the owner has been notified in writing by the department or its assignee that the option
472 will not be exercised. The option shall be exercised only by written notice signed by a designated
473 representative of the department or its assignee, mailed to the owner by certified mail at the
474 address specified in the notice of intention and recorded with the registry of deeds or the registry
475 district of the land court of the county in which the affected real property is located, within the
476 option period. If the first refusal option has been assigned to a qualified developer selected
477 pursuant to said items 7004-0040 and 7004-0041 of section 2, the written notice shall state the
478 name and address of the developer and the terms and conditions of the assignment.

479 An affidavit before a notary public that the notice of intent was mailed on behalf of an
480 owner shall conclusively establish the manner and time of the giving of notice to sell, transfer or
481 otherwise dispose of the property. The affidavit and notice that the option shall not be exercised
482 shall be recorded with the registry of deeds or the registry district of the land court of the county
483 in which the affected real property is located. Each notice of intention, notice of exercise of the
484 purchase option or first refusal option and notice that the purchase option or first refusal option

485 shall not be exercised shall contain the name of the recorded owner of the property and a
486 reasonable description of the premises to be sold or converted. Each affidavit signed before a
487 notary public shall have attached to it a copy of the notice of intention to which it relates. The
488 notices of intention shall be mailed to the relevant parties in the care of the keeper of records for
489 the party in question. Upon notifying the owner in writing of its intention to exercise its purchase
490 option or first refusal option during the 120 day period, the department or its assignee shall have
491 an additional 120 days, beginning on the date the purchase option period or first refusal option
492 period expires, to purchase the units. Those time periods may be extended by mutual agreement
493 between the department or its assignee and the owner of the property. Any extension agreed
494 upon shall be recorded in the registry of deeds or the registry district of the land court of the
495 county in which the affected real property is located. Within a reasonable time after requesting
496 an extension, the owner shall make available to the department or its assignee any information
497 that is reasonably necessary for the department to exercise its option.

498 SECTION 20. Notwithstanding any general or special law to the contrary, not later than
499 October 1, 2013, the director of housing and community development shall submit to the
500 secretary of administration and finance, the house and senate committees on ways and means, the
501 joint committee on housing and the house and senate committees on bonding, capital
502 expenditures and state assets a capital plan for fiscal year 2014 for capital funds authorized in
503 section 2.

504 SECTION 21. Notwithstanding any general or special law to the contrary, not later than
505 July 1, 2014, and annually thereafter, the director of housing and community development shall
506 submit to the secretary of administration and finance, the house and senate committees on ways
507 and means, the joint committee on housing and the house and senate committees on bonding,
508 capital expenditures and state assets a capital plan for fiscal years 2015 to 2018, inclusive, for the
509 capital funds authorized in section 2.

510 SECTION 22. Notwithstanding any general or special law to the contrary, a private entity
511 engaged in a construction, development, renovation, remodeling, reconstruction, rehabilitation or
512 redevelopment project receiving funds pursuant to this act shall properly classify individuals
513 employed on the project and shall comply with all laws concerning workers' compensation
514 insurance coverage, unemployment insurance, social security taxes and income taxes with
515 respect to all such employees. All construction contractors engaged by an entity on any such
516 project shall furnish documentation to the appointing authority showing that all employees
517 employed on the project have hospitalization and medical benefits that meet the minimum
518 requirements of the connector established in chapter 176Q of the General Laws.

519 SECTION 23. Notwithstanding any general or special law to the contrary, the
520 unexpended and unencumbered balances of the bond-funded authorizations in the following
521 accounts shall cease to be available for expenditure 90 days after the effective date of this act:
522 4000-8200, 3722-8891, 3722-8892, 3722-8896, 3722-8871, 3722-8872, 4000-7998, 4000-8201,

523 4000-8202, 7004-0021, 7004-0022, 7004-0028, 7004-0029, 7004-0030, 7004-0031, 7004-0032,
524 7004-0036, 7004-0037, 7004-0038, 7004-6666, 7004-7011, 7004-7013, 7004-7014, 7004-7015,
525 7004-7016, 7004-7017, 7004-7018, 7004-8984, 7004-8985, 7004-9982.

526 SECTION 24. This act shall take effect upon its passage.