

HOUSE No. 4854

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 15, 2020.

The committee on Economic Development and Emerging Technologies to whom was referred the message from His Excellency the Governor recommending legislation relative to enabling partnerships for growth (House, No. 4529), reports recommending that the accompanying bill (House, No. 4854) ought to pass.

For the committee,

ANN-MARGARET FERRANTE.

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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.

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
2 sums set forth in sections 2 and 2A, for the several purposes and subject to the conditions
3 specified in this act, are hereby made available, subject to the laws regulating the disbursement
4 of public funds; provided, however, that the amounts specified in an item or for a particular
5 project may be adjusted in order to facilitate projects authorized in this act. These sums shall be
6 in addition to 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
11 Agency for site assembly, site assessment, predevelopment permitting and other predevelopment
12 and 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 \$15,000,000

15 7002-8001 For the Massachusetts Growth Capital Corporation established in section 2
16 of chapter 40W of the General Laws, for a program to provide matching grants to community
17 development financial institutions certified by the United States Treasury or community
18 development corporations certified under chapter 40H of the General Laws to enable the
19 community development financial institution or community development corporation to leverage
20 federal or private investments for the purpose of making loans to small businesses, including but
21 not limited to businesses owned by women, veterans, minorities and immigrants
22 \$35,000,000

23 7002-8002 To provide funds to the Massachusetts Broadband Incentive Fund
24 established in section 6C of chapter 40J of the General Laws for capital repairs and
25 improvements to broadband infrastructure owned by the Massachusetts Technology Park
26 Corporation established by section 3 of chapter 40J \$5,000,000

27 7002-8003 For the Massachusetts Technology Park Corporation established by
28 section 3 of chapter 40J for matching grants that support collaboration among manufacturers
29 located in the commonwealth and institutions of higher education, nonprofits and other public or
30 quasi-public entities; provided that eligible grantees shall include but not be limited to
31 participants in the Manufacturing USA Institutes established under the National Network for
32 Manufacturing Innovation; provided further that grants shall be awarded and administered
33 consistent with the strategic goals and priorities of the advanced manufacturing collaborative
34 established by section 10B of chapter 23A \$10,000,000

35 7002-8004 For projects receiving assistance from the Technology Research and
36 Development and Innovation Fund established by section 4G of chapter 40J of the General
37 Laws, provided that not less than \$2,000,000.00 be appropriated for the University of
38 Massachusetts Amherst for capital improvements to the Marine Station in Gloucester; provided,
39 however, that use of capital dollars may be include the following purposes: (a) capital
40 improvements, equipment and faulty start-up costs at the marine station, and (b) capital
41 equipment and other start-up costs for a Sustainable Seafood Production center of excellence
42 including, but not limited to, the possibility of acquiring, expanding, improving or leasing a
43 facility on Gloucester Harbor in Gloucester; provided further that the University of
44 Massachusetts Amherst shall provide a 50 percent match to these funds..... \$45,000,000

45 7002-8027 For a competitive program of grants or other financial assistance to
46 support economic development, job creation and housing, and climate resilience initiatives,
47 including nature-based solutions projects, that incorporate these elements, for the public purpose
48 of promoting economic opportunity and prosperity in small towns or rural areas of the
49 commonwealth; provided that such financial assistance may be offered to a municipality or other
50 public entity, a community development corporation, nonprofit entity or for-profit entity;
51 provided further that such financial assistance must support a project located in a municipality
52 with a population of fewer than 7,000 year-round residents or a population density of not more
53 than 500 persons per square mile; further that financial assistance offered pursuant to this line
54 item may be administered by the executive office through a contract with the Massachusetts
55 Development Finance Agency established by section 2 of chapter 23G; and provided further that
56 the administering agency may establish additional program requirements through regulations or
57 policy guidelines \$10,000,000

58 7002-8028 For the Massachusetts Growth Capital Corporation established in section
59 2 of chapter 40W of the General Laws, to provide matching grants to low- and moderate-income
60 entrepreneurs to acquire, expand, improve or lease a facility, to purchase or lease equipment, or
61 to meet other capital needs of a business with not more than 20 employees and annual revenues
62 not exceeding \$2,500,000; provided that preference shall be given to businesses located in low-
63 or- moderate income areas or owned by women, veterans, minorities or immigrants, and not less
64 than \$5,000,000 will be reserved for minority-owned businesses \$15,000,000

65 7002-8029 For a competitive grant program administered by the Massachusetts Office
66 of Travel and Tourism to improve facilities and destinations visited by in-state and out-of-state
67 travelers, with the goals of increasing visitation, enticing repeat visitation, and increasing the
68 direct and indirect economic impacts of the tourism industry in all regions of the commonwealth;
69 provided that grants shall support the design, repair, renovation, improvement, expansion and
70 construction of facilities owned by municipalities or nonprofit entities; and provided further that
71 all grantees shall provide a match based on a graduated formula determined by the Massachusetts
72 Office of Travel and Tourism; and further provided that grant recipients shall be required to
73 measure and report on return-on-investment data after the expenditure of grant funds
74 \$10,000,000

75 7002-8031 For a program to provide assistance to projects that will improve,
76 rehabilitate or redevelop blighted, abandoned, vacant or underutilized properties to achieve the
77 public purposes of eliminating blight, increasing housing production, supporting economic
78 development projects, increasing the number of commercial buildings accessible to persons with
79 disabilities, and conserving natural resources through the targeted rehabilitation and reuse of
80 vacant and underutilized property; provided that such assistance shall take the form of a grant or

a loan provided to a municipality or other public entity, a community development corporation, nonprofit entity or for-profit entity; provided further that eligible uses of funding shall include, but not be limited to, improvements and additions to or alterations of structures and other facilities necessary to comply with requirements of building codes, fire or other life safety codes, and regulations pertaining to accessibility for persons with disabilities, where such code or regulatory compliance is required in connection with a new commercial residential or civic use of such structure or facility, and also shall include the targeted removal of existing underutilized structures or facilities to create or activate publicly-accessible recreational or civic spaces; provided further that funding shall be awarded on a competitive basis in accordance with guidelines developed by the agency; 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 the executive office or the Massachusetts Development Finance Agency may establish additional program requirements through regulations or policy guidelines; and provided further that program funds may be used for the reasonable costs of administering the program, provided that such costs shall not exceed 5 per cent of the total assistance made during the fiscal year \$40,000,000

7002-8032 For grants and technical assistance to be made to municipalities and regional 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 \$5,000,000

SECTION 2A.

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0059 For state financial assistance in the form of grants or loans to accelerate and support the creation of low- and moderate-income housing in close proximity to transit nodes; provided that the program shall be administered to achieve the following public benefits:

(1) maximize the amount of affordable residential and mixed-use space in close proximity to transit nodes, resulting in higher density, compact development and pedestrian-friendly, inclusive and connected neighborhoods; (2) increase mass transit ridership, (3) decrease traffic congestion and reduce greenhouse gas emissions, (4) increase economic opportunity for disadvantaged populations by making it easier for residents of affordable housing to access public transportation, including transportation supporting commutes to employment centers; provided further that entities eligible to receive financial assistance shall include governmental bodies, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations, and for-profit entities; provided further that financial assistance provided pursuant to this section shall be made on a competitive basis, with preference for projects in communities most impacted by COVID-19 health and economic crisis; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes up to, but not exceeding, 110 per cent of the area median income, as defined by the United States Department of Housing and Urban Development, with priority given to projects that provide higher and deeper levels of affordability; provided further, that not less than 25 per cent of the

126 occupants of housing in projects assisted by this item shall be persons whose income is not more
127 than 60 per cent of the area median income, as so defined; provided further that financial
128 assistance offered pursuant to this line item may be administered by the department through a
129 contract with the Massachusetts Housing Partnership, established in section 35 of chapter 405 of
130 the acts of 1985, which in turn may directly offer financial assistance for the purposes set forth
131 herein, or may enter into subcontracts with nonprofit organizations established pursuant to
132 chapter 180 of the General Laws for those purposes; provided further that the department may
133 provide financial support to nonprofit and for-profit developers that enter into binding
134 agreements to set aside residential units in market-rate transit-oriented housing, over and above
135 any units required to be set aside under local zoning or approvals, for rent or sale to income-
136 qualified households at affordable rents or sale prices, as applicable; and provided further, that
137 the department may establish additional program requirements through regulations or policy
138 guidelines \$35,000,000

139 7004-0064 For financial assistance to accelerate and support the creation and
140 preservation of sustainable and climate resilient affordable multifamily housing; provided that
141 such financial assistance shall be made to achieve the following public benefits: (1) incorporate
142 efficient, sustainable and climate-resilient design practices in affordable residential development,
143 to support positive climate mitigation outcomes; (2) reduce greenhouse gas emissions and
144 reliance on fossil fuels; (3) increase resiliency of existing housing developments to mitigate
145 impacts of climate change, including flooding and extreme temperatures; and (4) enhance
146 emergency preparedness, including sustainable means of power generation to allow for
147 sheltering vulnerable populations in place; provided further that financial assistance shall be
148 made available on a competitive basis to community development corporations, local housing

149 authorities, community action agencies, community-based or neighborhood-based non-profit
150 housing organizations, other non-profit organizations, and for-profit entities; provided further,
151 that funds may be used to assist units occupied by and affordable to persons with incomes up to,
152 but not exceeding, 110 per cent of the area median income, as defined by the United States
153 Department of Housing and Urban Development, with priority given to projects that provide
154 higher and deeper levels of affordability; provided further, that not less than 25 per cent of the
155 occupants of housing in projects assisted by this item shall be persons whose income is not more
156 than 60 per cent of the area median income, as so defined; provided further that financial
157 assistance provided pursuant to this section may be administered by the department through
158 contracts with the Massachusetts Housing Partnership, established in section 35 of chapter 405 of
159 the acts of 1985, the Massachusetts Housing Finance Agency, established in chapter 708 of the
160 acts of 1966, or both, which authorities may directly offer financial assistance for the purposes
161 set forth herein, or may enter into subcontracts with nonprofit organizations established pursuant
162 to chapter 180 for those purposes; and provided further that the administering agency may
163 establish additional program requirements through regulations or policy guidelines
164 \$10,000,000

165 7004-0065 For state financial assistance to cities and towns, or to agencies, boards,
166 commissions, authorities, departments or instrumentalities within cities or towns, or to
167 community development corporations or non-profit organizations, to assist in the revitalization
168 of neighborhoods and communities with properties in blighted or substandard conditions by
169 subsidizing the purchase price, borrowing costs or costs of demolition or renovation of up to 50
170 units of residential rental housing or 1-4 units of home ownership residential housing that have
171 been cited for building or sanitary code violations or that are subject to cancellation of

commercial property insurance due to substandard property conditions, or are otherwise blighted or substandard; provided, that contracts entered into by the department of housing and community development for those projects may include, but shall not be limited to, projects providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws and for adaptations necessary for compliance with the Americans with Disabilities Act of 1990; provided further, that preference shall be given to community development corporations and local nonprofit organizations, to organizations sponsoring projects that secure private funds, and to projects with the greatest impact on community stabilization in weak markets, including but not limited to rural communities and communities that have been disproportionately affected by COVID-19 emergency, disinvestment, foreclosure and abandonment; provided further, that such rehabilitated housing shall remain affordable for such period as shall be established by the department through guidance, taking into account differences in market conditions and the type of restrictions best suited to promoting community stabilization in different markets; and provided further that an amount not to exceed 2 per cent of the amount expended may pay for administrative costs directly attributable to the purposes of this program, including costs of support personnel \$40,000,000

SECTION 3. Subsection (a) of section 16G of chapter 6A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 2 sentences:-

In the executive office of housing and economic development, there shall be the following departments and offices: the department of housing and community development established by section 1 of chapter 23B; the Massachusetts office of consumer affairs and

195 business regulation established by section 1 of chapter 24A; the Massachusetts office of business
196 development established by section 1 of chapter 23A; the Massachusetts marketing partnership
197 established by section 13A of chapter 23A; the Massachusetts office of travel and tourism
198 established by section 13E of chapter 23A; and the Massachusetts office of international trade
199 and investment established by section 13K of chapter 23A. Subject to appropriation, such
200 departments and offices shall be provided with offices in Boston and elsewhere as may be
201 approved by the governor and may expend sums for necessary expenses of those departments
202 and offices.

203 SECTION 4. Said section 16G of said chapter 6A, as so appearing, is hereby further
204 amended by striking out subsections (b) and (c) and inserting in place thereof the following
205 subsection :-

206 (c) The following state agencies shall be within the office of consumer affairs and
207 business regulation: the division of banks, the division of insurance, the division of standards, the
208 division of professional licensure and the department of telecommunications and cable.

209 SECTION 5. Said section 16G of said chapter 6A, as so appearing, is hereby further
210 amended by striking out subsection (h) and inserting in place thereof the following subsection:-

211 (h) The secretary, with the approval of the governor, shall appoint an undersecretary for
212 each of the office of consumer affairs and business regulation and the department of housing and
213 community development, and shall appoint a director for each of the office of business
214 development, the office of travel and tourism and the office of international trade and
215 investment. Such undersecretaries and directors shall devote their full time during business
216 hours to the duties of their offices and shall not engage in other employment or business

activities during business hours. In accordance with the provisions of chapter 30A, and with the advice of the undersecretaries and directors of the various departments and offices, the secretary may promulgate regulations with respect to the matters under the secretariat's supervision or control.

SECTION 6. Subsection (i) of said section 16G of said chapter 6A, as so appearing, is hereby amended by striking out first paragraph and inserting in place thereof the following paragraph:-

The secretary shall establish in the executive office an office of performance management and oversight. The secretary shall appoint a director to operate and administer said office who shall have experience with economic development in the public or private sector. The director shall establish performance measurements for all public and quasi-public entities engaged in economic development, and may establish such measurements for any private organizations under contract with the commonwealth to perform economic development services, in order to improve the effectiveness of the economic development efforts of the commonwealth. In developing these measurements, the director may seek out private sector advice and models that can be adapted to the needs of the commonwealth. Clear measurements shall be developed and effectuated while ensuring that no undue administrative burden is placed on agencies and organizations subject to this section. The director shall prepare an annual report for publication on progress to improve the effectiveness of the commonwealth's economic development efforts and the progress agencies within the office are making towards achieving stated goals.

237 SECTION 7. Said subsection (i) of said section 16G of said chapter 6A, as so appearing,
238 is hereby further amended by striking out, in line 61, the words “to which the system applies”
239 and inserting in place thereof the following words:- designated by the secretary.

240 SECTION 8. Said section 16G of said chapter 6A, as so appearing, is hereby further
241 amended by striking out, in line 64, the word “shall” and inserting in place thereof the following
242 words:- may.

243 SECTION 9. Said section 16G of said chapter 6A, as so appearing, is hereby further
244 amended by striking out, in line 86, the words “the previous 3 fiscal years” and inserting place
245 thereof the following words:- shall also include prior fiscal years to the extent required by the
246 secretary.

247 SECTION 10. Subsection (j) of said section 16G of said chapter 6A, as so appearing, is
248 hereby amended by inserting after the word “entities”, in line 103, the following words:-
249 receiving funding from the executive office or a department, office or agency within the
250 executive office.

251 SECTION 11. Said section 16G of said chapter 6A, as so appearing, is hereby further
252 amended by striking out, in line 234, the words “(m)” and inserting in place thereof the words:-
253 (n).

254 SECTION 12. Said section 16G of said chapter 6A, as so appearing, is hereby further
255 amended by striking out, in line 245, the word “(n)” and inserting in place thereof the word:- (o).

256 SECTION 13. Section 1 of chapter 23A of the General Laws, as so appearing, is hereby
257 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Within the executive office of housing and economic development, there shall be a Massachusetts office of business development, in this chapter referred to as MOBD, which shall be under the control of the director of the Massachusetts office of business development. The director shall be appointed by the secretary of the executive office of housing and economic development in accordance with subsection (h) of section 16G of chapter 6A for a term conterminous with the governor's and shall not be subject to chapter 31 or section 9A of chapter 30. Upon expiration of the term of office of the director or in the event of a vacancy, a successor shall be appointed in the same manner. The director shall devote his full time during business hours to the duties of his office. The director shall be the executive and administrative head of the MOBD and shall be responsible for administering and enforcing the laws relative to the MOBD and to each administrative unit thereof. The director shall receive such salary as the Secretary shall determine.

SECTION 14. Subsection (c) of said section 1 of said chapter 23A is hereby amended by striking out, in line 19, the word "department" and inserting in place thereof the following word:- MOBD.

SECTION 15. Section 2 of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "serve as the principal agency of the government of the commonwealth for" and inserting in place thereof the following words:- support the work of the executive office and collaborate with other agencies within the executive branch to advance.

SECTION 16. Said section 2 of said chapter 23A is hereby further amended by striking out subsection (h).

SECTION 17. Section 3 of said chapter 23A, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following subsection:

(a) There shall be within MOBD such divisions, offices and programs as the director shall determine are necessary to achieve the mission and administer the programs of MOBD.

SECTION 18. Said chapter 23A of the General Laws, as appearing in the 2018 Official Edition, is hereby further amended by striking out section 3H and inserting in place thereof the following section:-

Section 3H. The secretary of the executive office of housing and economic development, with the approval of the governor, shall appoint a director of the Massachusetts permit and regulatory office. The director shall have experience with permitting and business development. The director shall serve as ombudsman to new and expanding businesses, to provide one-stop licensing for businesses and development in order to streamline and expedite the process of obtaining state licenses, permits, state certificates, state approvals, and other requirements of law, but not including divisions of the state secretary's office. The director shall facilitate communication between the municipality and state agencies. The director shall consult with each regional office of the Massachusetts office of business development and each regional office of the Massachusetts Development Financing Agency, in order to better serve local businesses.

The director shall file an annual report with the house and senate committees on ways and means by January 1 on the activities of the Massachusetts permit regulatory office and the interagency permitting board, including legislative recommendations on business development and expansion efforts.

300 The director shall also provide assistance to businesses in the process of complying with
301 state regulations and other requirements of law that affect businesses. The director shall facilitate
302 communication between individual businesses and state agencies and work with regulatory
303 personnel in state agencies to minimize the small business impacts of regulation.

304 SECTION 19. Section 4 of said chapter 23A, as so appearing, is hereby amended by
305 striking out, in line 2, the words “an office” and inserting in place thereof the following words:-
306 staff located.

307 SECTION 20. Said chapter 23A of the General Laws, as so appearing, is hereby further
308 amended by striking out section 5 and inserting in place thereof the following section:-

309 Section 5. The director of MOBD shall prepare and keep current a general statement of
310 the organization of MOBD, of the assignment of functions to its various administrative units,
311 officers and employees, and of the established places at which and the methods whereby the
312 public may receive information or make requests. Such statement shall be known as MOBD's
313 description of organization.

314 SECTION 21. Section 6 of said chapter 23A, as so appearing, is hereby amended by
315 striking out, in line 5, the words “shall establish an advisory council that shall” and inserting in
316 place thereof the following words:- of MOBD may establish an advisory council to.

317 SECTION 22. The second paragraph of said section 6 of said chapter 23A, as so
318 appearing, is hereby amended by striking out the last two sentences.

319 SECTION 23. Section 7 of said chapter 23A, as so appearing, is hereby amended by
320 striking out, in line 1, the words “economic development” and inserting in place thereof the
321 following word:- MOBD.

322 SECTION 24. Section 8 of said chapter 23A, as so appearing, is hereby amended by
323 striking out, in line 3, the words “economic development” and inserting in place thereof the
324 following word:- MOBD.

325 SECTION 25. Section 9 of said chapter 23A, as so appearing, is hereby further amended
326 by striking out the first sentence and inserting in place thereof, the following sentence:- The
327 director of MOBD may, subject to appropriation, appoint and remove all employees of the
328 MOBD as may be necessary to carry out the work of MOBD.

329 SECTION 26. Said section 9 of said chapter 23A, as so appearing, is hereby further
330 amended by striking out, in line 6, the words “economic development” and inserting in place
331 thereof the following word:- MOBD.

332 SECTION 27. Section 13A of said chapter 23A, as so appearing, is hereby amended by
333 striking out, in line 5, the words “international trade office” and inserting in place thereof the
334 following words:- office of international trade and investment.

335 SECTION 28. Section 13A of said chapter 23A, as so appearing, is hereby amended by
336 striking out, in lines 13 through 15, the words “coordinate marketing efforts on behalf of the
337 commonwealth and shall oversee the activities of agencies placed within it.” and inserting in
338 place thereof the following words:- advise the secretary and the governor regarding the most
339 effective means and methods for marketing the assets and regions of the commonwealth.

SECTION 29. Said section 13A of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 87, the words “and employees of the agencies within the partnership”.

SECTION 30. Section 13B of said chapter 23A is hereby repealed.

SECTION 31. Section 13C of said chapter 23A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out paragraphs (1) through (3), inclusive, and inserting in place thereof the following 3 paragraphs:-

(1) adopt and amend by-laws and procedures for the governance of its affairs and the conduct of its business;

(2) adopt an official seal and a functional name;

(3) conduct meetings of the partnership in accordance with the by-laws of the partnership;.

SECTION 32. Said section 13C of said chapter 23A, as so appearing, is hereby further amended by striking out paragraph (22).

SECTION 33. Section 13D of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 1 to 2, the words “and the agencies within the partnership”.

SECTION 34. Section 13E of said chapter 23A, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following 2 paragraphs:-

359 There shall be within the executive office of housing and economic development an
360 office of travel and tourism which shall be under the supervision and control of an executive
361 director. The powers and duties given to the executive director of the office of travel and tourism
362 in this chapter and in any other general or special law shall be exercised and discharged subject
363 to the direction, control and supervision of the secretary of the executive office of housing and
364 economic development.

365 The executive director of the office of travel and tourism shall be appointed by the
366 secretary of the executive office of housing and economic development in accordance with
367 subsection (h) of section 16G of chapter 6A, and serve at the pleasure of the secretary. The
368 position of executive director of the office of travel and tourism shall be classified under section
369 45 of chapter 30 and the executive director of travel and tourism shall devote full time during
370 business hours to the duties of the office of travel and tourism and shall give to the state treasurer
371 a bond for the faithful performance of those duties.

372 SECTION 35. Section 13G of said chapter 23A, as so appearing, is hereby amended by
373 striking out the first sentence and inserting place thereof the following sentence:- The executive
374 director of travel and tourism may, subject to appropriation, appoint and remove all such
375 employees as may be necessary to carry out the work of tourism promotion.

376 SECTION 36. Section 13H of said chapter 23A, as so appearing, is hereby amended by
377 striking out, in line 2, the words “to the partnership”.

378 SECTION 37. Said section 13H of said chapter 23A, as so appearing, is hereby further
379 amended by striking out, in line 6 to 7, the word “partnership” and inserting in place thereof the
380 following words:- secretary of the executive office of housing and economic development.

SECTION 38. Section 13J of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 9 to 10, the words “shall meet on a quarterly basis and”.

SECTION 39. Subsection (a) of section 13K of said chapter 23A, as so appearing, is hereby amended by striking out the first through fourth sentences, inclusive, and inserting in place thereof the following 4 sentences:-

There shall be within the executive office of housing and economic development a Massachusetts office of international trade and investment, which shall be under the supervision and control of an executive director. The executive director shall be appointed by the secretary of the executive office of housing and economic development in accordance with subsection (h) of section 16G of chapter 6A, and shall serve at the pleasure of the secretary. The executive director shall devote full time during business hours to the duties of the Massachusetts office of international trade and investment. The executive director of the office of international trade and investment shall be the executive and administrative head of the office and shall be responsible for administering and enforcing the laws relative to the office and to any administrative unit of the office.

SECTION 40. Subsection (a) of section 13L of said chapter 23A, as so appearing, is hereby amended by striking out the first through fourth sentences, inclusive, and inserting in place thereof the following 2 sentences:-

Within the office of international trade and investment, there may be established 1 or more foreign offices to encourage trade between foreign businesses and businesses in the commonwealth and to promote investment opportunities in the commonwealth for foreign businesses. The foreign offices may be located in any country that the executive director of the

403 office of international trade and investment determines are best suited as a location for the
404 furthering of foreign trade opportunities for the businesses of the commonwealth.

405 SECTION 41. Said section 13L of said chapter 23A, as so appearing, is hereby further
406 amended by striking out, in lines 15 and 25, the word “shall” and inserting in place thereof, in
407 each instance, the following word:- may.

408 SECTION 42. Said section 13L of said chapter 23A, as so appearing, is hereby further
409 amended by striking out, in lines 31 to 32 and in line 36, in each instance, the words
410 “international trade office” and inserting in place thereof, in each instance, the following words:-
411 office of international trade and investment.

412 SECTION 43. Section 13M of said chapter 23A, as so appearing, is hereby amended by
413 striking out, in line 2, the words “international trade office” and inserting in place thereof the
414 following words:- office of international trade and investment.

415 SECTION 44. Section 13N of said chapter 23A, as so appearing, is hereby amended by
416 striking out, in lines 1 to 2, the words “international trade office” and inserting in place thereof
417 the following words:- office of international trade and investment.

418 SECTION 45. Section 13O of said chapter 23A, as so appearing, is hereby amended by
419 striking out, in lines 1 to 2 and in line 2, in each instance, the words “international trade office”
420 and inserting in place thereof, in each instance, the following words:- office of international trade
421 and investment.

SECTION 46. Section 13P of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 1 to 2, the words “international trade office” and inserting in place thereof the following words:- office of international trade and investment.

SECTION 47. Section 13Q of said chapter 23A, as so appearing, is hereby amended by striking out, in line 1, the words “international trade office shall” and inserting in place thereof the following words:- office of international trade and investment may.

SECTION 48. Section 13R of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 1 to 2 and lines 4 to 5, in each instance, the words “international trade office” and inserting in place thereof, in each instance, the following words:- office of international trade and investment.

SECTION 49. Section 13S of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 1 to 2, the words “international trade office” and inserting in place thereof the following words:- office of international trade and investment.

SECTION 50. Section 13S of said chapter 23A, as so appearing, is hereby amended by striking out the second paragraph appearing and inserting in place thereof the following paragraph:-

The commission shall convene at such times and with such frequency as the executive director of the office of international trade and investment shall request. The commission may conduct a public hearing and otherwise solicit information regarding the economic and sovereignty impacts of international trade agreements on the commonwealth. The commission may recommend changes to United States trade policy or commitments including, but not limited to, proposed international trade agreements. Any report or recommendations prepared by the

commission shall be transmitted to the clerks of the house of representatives and the senate, the governor, the attorney general, the United States trade representative and each member of the commonwealth's congressional delegation.

SECTION 51. Said section 13S of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 31 to 32, the words "international trade office" and inserting in place thereof the following words:- office of international trade and investment.

SECTION 52. Section 13T of said chapter 23A, as so appearing, is hereby amended by striking out the first sentence of subsection (a) and inserting in place thereof the following sentence:- There shall be a Massachusetts Tourism Trust Fund which shall be administered by the office of travel and tourism established by section 13E.

SECTION 53. Said section 13T of said chapter 23A, as so appearing, is hereby further amended by striking out clause (i) of subsection (d) and inserting in place thereof the following clause:-

(i) 40 percent to the office of travel and tourism; and

SECTION 54. Said section 13T of said chapter 23A, as so appearing, is hereby further amended by striking out subsection (e) and replacing it with the following subsection:-

(e) The office of travel and tourism shall submit an annual report to the clerks of the senate and house of representatives and the joint committee on tourism, arts and cultural development not later than December 31 on the cost-effectiveness of the fund. The report shall include expenditures out of the fund made by the office of travel and tourism to promote tourism and for the administrative costs of the office of travel and tourism.

465 SECTION 55. Section 62 of said chapter 23A, as so appearing, is hereby amended by
466 striking out, in lines 3 and 4, the words “state permit ombudsman” and inserting in place thereof
467 the following words:- director of the Massachusetts permit and regulatory office established by
468 section 3H.

469 SECTION 56. Said section 62 of said chapter 23A, as so appearing, is hereby further
470 amended by striking out, in lines 17 to 18, the words “each regional office of”.

471 SECTION 57. Said section 62 of said chapter 23A, as so appearing, is hereby further
472 amended by striking out, in line 23, the figure “8” and inserting in place thereof the following
473 figure:- 4.

474 SECTION 58. Said section 62 of said chapter 23A, as so appearing, is hereby further
475 amended by inserting, in line 29, after the figure “43D”, the number the following words:- ,
476 subject to appropriation.

477 SECTION 59. Section 66 of said chapter 23A, as so appearing, is amended by inserting,
478 in line 43, after the word “shall” the following words:- , subject to appropriation,.

479 SECTION 60. Section 67 of said chapter 23A, as so appearing, is hereby amended by
480 striking out, in lines 14 to 15, the words “international trade office” and inserting in place thereof
481 the following words:- office of international trade and investment.

482 SECTION 61. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby
483 amended by striking out the definition “Equity investments” and inserting in place thereof the
484 following definition:-

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

SECTION 62. Section 45 of said chapter 23G, as so appearing, is hereby amended by striking out, in lines 104 to 114, inclusive, the seventh paragraph.

SECTION 63. Section 46 of said chapter 23G, as so appearing, is hereby amended by inserting in subsection (f), after the word “municipalities” in line 47, the following words:- , or to address regional opportunities or challenges identified by a gateway municipality,

SECTION 64. Subsection (c) of section 6 of said chapter 23I of the General Laws, as so appearing, is hereby amended by striking out, in lines 70 to 71 and in lines 87 to 89, in each instance, the words "minority students at schools where at least 80 percent of the student population is eligible for free or reduced lunch" and inserting in place thereof the following words:- minority students attending schools in which at least 25 per cent of the student

population is considered economically disadvantaged as measured by the department of elementary and secondary education.

SECTION 65. Section 17 of said chapter 23I, as so appearing, is hereby amended by striking out, in line 23, the figure "2" and inserting in place thereof the following figure:- 1.

SECTION 66. Subsection (a) of section 3 of chapter 23L of the General Laws, as so appearing, is hereby amended by inserting, in line 6, after the words "proposed development zone and to" the following words:- the agency and.

SECTION 67. Subsection (a) of section 4 of said chapter 23L, as so appearing, is hereby amended by inserting, in line 3, after the words "infrastructure assessments, for the cost", the following words:- , or the debt service of notes or bonds used to fund such cost,.

SECTION 68. Said subsection (a) of said section 4 of said chapter 23L is hereby further amended by inserting, in line 52 after the word "aggregate", the following word:- amount.

SECTION 69. Subsection (b) of said section 4 of said chapter 23L is hereby amended by striking out, in line 73, the words "As an alternative to levying", and inserting in place thereof the following words:- In furtherance of the ability to levy.

SECTION 70. Subsection (c) of said section 4 of said chapter 23L is hereby amended by adding the following 2 sentences:- Infrastructure assessments levied under this chapter shall continue notwithstanding any alienation or conveyance of the property in the development zone by one property owner to a new property owner. A new property owner in the development zone shall take title to such property subject to the infrastructure assessments and related liens.

SECTION 71. Subsection (b) of section 6A of chapter 25C of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the letter “(f)” and inserting in place thereof the following letter:- (h).

SECTION 72. Said section 6A of said chapter 25C is hereby further amended by adding the following 2 subsections:-

(g) Subsection (b) shall not be construed to affect or modify any obligations or authority in chapter 159C.

(h) Subsection (b) shall not be construed to affect the authority of the department to administer federal programs supported by the federal Universal Service Fund, including the Lifeline program, the E-rate program or the Connect America Fund.

SECTION 73. Paragraph (a) of section 4 of chapter 30B of the General Laws, as so appearing, is hereby amended by adding the following words:- or section 6.

SECTION 74. Said section 4 of said chapter 30B is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Quotations shall not be modified or disclosed until the award of the contract after submission; however, the procurement officer shall waive minor informalities or allow the person submitting quotations to correct the minor informality. The procurement officer shall award the contract to the responsible and responsive person offering the needed quality of supply or service at the lowest quotation. A contract requiring payment to the governmental body of a net monetary amount shall be awarded to the responsible and responsive person offering the needed quality of supply or service at the highest quotation.

SECTION 75. Paragraph (a) of section 6 of said chapter 30B, as so appearing, is hereby amended by inserting, in line 2, after the words “\$50,000” the following words:- except as permitted pursuant to subsection (a) of section 4,.

SECTION 76. Section 2 of chapter 40G of the General Laws, as so appearing, is hereby amended by striking out, in lines 23 through 25, inclusive, the words “1 person appointed by the governor who is a cabinet secretary or officer of the commonwealth having experience appropriate to the functions of MTDC” and inserting in place thereof the following words:- the executive director of the Massachusetts Technology Park Corporation established by chapter 40J.

SECTION 77. Chapter 40J of the General Laws, as so appearing, is hereby amended by striking out section 4G and inserting in place thereof the following section:-

Section 4G. (a) In order to undertake projects and programs to promote job creation and retention and economic development, competitiveness and growth in the commonwealth through support of the technology and innovation ecosystems, there is hereby established a fund to be known as the Technology Research and Development and Innovation Fund, hereinafter referred to as the fund, to which shall be credited the proceeds of bonds or notes of the commonwealth issued for this purpose, and any appropriations designated by the general court to be credited

thereto. The fund shall be administered by the corporation. The corporation shall hold the fund in an account or accounts separate from other funds of the corporation.

(b) The fund shall be administered to foster scientific and technology research and development in the Commonwealth by providing matching funds for capital expenditures to be made in connection with projects which are sponsored by the University of Massachusetts, research universities, non-profit entities, independent research institutions, or technology companies in the commonwealth for scientific or technology research and development that will increase and strengthen the commonwealth's economic development, employment opportunities and commercial and industrial sectors, and are funded in part by the federal government or other public or private funds; provided, however, that any grant awarded in accordance with this subsection shall leverage at least \$1, in the aggregate, during activities funded by such grant, from sources other than an agency as defined in section 39 of chapter 6 for each dollar granted; provided further, funds expended specifically for this matching grant program from the higher education bond bill, established by chapter 258 of the acts of 2008, shall not count towards the \$1 of financing that is required for the matching grant program; provided further, that as a condition of such grants being awarded, the corporation shall reach agreement with the grant recipient on performance measures and indicators that will be used to evaluate the performance of the grant recipient in carrying out the activities described in the recipient's application; provided further, that prior to awarding any grant under this subsection the corporation shall determine that the grant will advance the purposes of this subsection; provided further, that priority shall be given to large-scale, long-term research and development activities that have the greatest potential to support scientific and technological innovation and stimulate economic and employment opportunities in the commonwealth through industry partnerships; and provided,

591 further that at least 50 per cent of the grant funds under this subsection shall be reserved for
592 award, over the term of each authorization or appropriation, subject to qualification, to the
593 University of Massachusetts. The University of Massachusetts may, if it deems necessary to help
594 ensure efficient and effective research and development efforts, enter into collaborative
595 agreements with other higher education institutions in the commonwealth to undertake parts of
596 any research and development project for which grant funding under this subsection is sought.
597 Funds may be used by the corporation to support costs associated with managing this program.

598 (c) The fund also shall be administered to support technology and innovation ecosystems
599 through grants or loans to eligible participants to pay or reimburse eligible capital costs of
600 facilities that foster innovation, demonstration, research and product development in emerging
601 technologies and systems, with preference given to sectors identified by the corporation as of
602 strategic importance to the commonwealth, including but not limited to artificial intelligence,
603 robotics, quantum computing, advanced manufacturing, cyber security, financial technology,
604 blockchain and marine technologies. Eligible participants shall include universities and public
605 entities, and may include for-profit business entities when the corporation has made a finding
606 that the use of funds by the private entity is primarily for a public purpose and will result in a
607 significant and measurable public benefit. Eligible costs shall include the costs of acquiring and
608 improving real property; costs of acquiring and installing fixtures, equipment and other personal
609 property; costs of planning and designing, any combination of the foregoing. Any such
610 improvements, property or equipment shall be owned by one or more public entities but may be
611 leased or licensed for use by private institutions; provided, however, that such assets may be
612 privately owned where the corporation makes a finding that such private ownership is necessary

613 to achieve the public purpose of the grant. The corporation shall establish guidelines,
614 requirements and standards for participation in the program.

615 (d) There shall be credited to the fund revenue from appropriations or other monies
616 authorized by the general court and specifically designated for the fund. Any such
617 appropriations remaining in the fund at the end of a fiscal year shall not revert to the General
618 Fund. Appropriations from the general court into the fund may be expended by the corporation
619 to establish programs that support technology and innovation ecosystems, consistent with the
620 terms of the appropriation.

621 (e) A portion of the fund proceeds may be used by the corporation to support costs of
622 administering the fund.

623 (f) The corporation shall annually file a report with the joint committee on higher
624 education and the house and senate committees on ways and means detailing the grants awarded
625 under this section.

626 SECTION 78. Section 6B of said chapter 40J, as so appearing, is hereby amended by
627 inserting after the words “secretary of housing and economic development,” in line 33, the
628 following words:- or a designee,.

629 SECTION 79. The definition of “Affordable housing” in section 2 of chapter 40R of the
630 General Laws, as so appearing, is hereby amended by striking out, in line 4, the words “less
631 than” and inserting in place thereof the following words:- at or below.

SECTION 80. Said section 2 of said chapter 40R, as amended by section 12 of chapter 5 of the acts of 2019, is hereby further amended by striking out the definition of “Approving authority”.

SECTION 81. Said section 2 of said chapter 40R, as so amended, is hereby further amended by inserting after the definition of “Open space” the following definition:-

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

SECTION 82. Section 3 of said chapter 40R of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in line 4, after the word “have” the following word:- safe.

SECTION 83. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by inserting, in line 5, after the word “frequent”, the following word:- pedestrian.

SECTION 84. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by striking out, in line 14, the words “by a city or town”.

SECTION 85. Section 6 of said chapter 40R, as so appearing, is hereby amended by striking out, in lines 55 to 56, the words “the comprehensive housing plan, housing production plan or housing production summary submitted as part of”.

SECTION 86. Subsection (a) of said section 6 of said chapter 40R, as so appearing, is hereby amended by striking out clause (8) and inserting in place thereof the following clause:-

(8) A proposed smart growth zoning district or starter home zoning district shall not impose restrictions on age or any other occupancy restrictions on the district as a whole or any

portion thereof or project therein. Applicants may pursue the development of specific projects within a smart growth zoning district that are exclusively for the elderly, the disabled or for assisted living, provided that the department shall adopt regulations limiting the percentage of units in the district that qualify the city or town for density bonus payments under section 9 that may be subject to such restrictions that limit occupancy exclusively for the elderly, the disabled or for assisted living. Not less than 25 per cent of the housing units in a project that limits occupancy exclusively for the elderly, the disabled or for assisted living within a smart growth zoning district shall be affordable housing, as defined in section 2.

SECTION 87. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by striking out, in line 86, the words “approving authority” and inserting in place thereof the following words:- plan approval authority.

SECTION 88. Said section 6 of said chapter 40R is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

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

SECTION 89. Said section 6 of said chapter 40R is hereby further amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) Any amendment or repeal of a zoning ordinance or by-law affecting an approved smart growth zoning district or starter home zoning district shall not be effective without the written approval by the department. In addition, no such amendment or repeal shall be effective

675 until the city or town has made the payment required under subsection (b) of section 14. Each
676 amendment or repeal shall be submitted to the department with an evaluation of the effect on the
677 number of projected units that will remain developable, if any, in relation to the number of units
678 that have been built and the number of units that determined any corresponding zoning incentive
679 payment paid to the city or town. Amendments shall be approved only to the extent that the
680 district remains in compliance with this chapter. If the department does not respond to a
681 complete request for approval of an amendment or repeal within 60 days of receipt, the request
682 shall be deemed approved.

683 SECTION 90. Section 7 of said chapter 40R, as so appearing, is hereby amended by
684 striking out, in line 14, the words “approving authority” and inserting in place thereof the
685 following words:- plan approval authority.

686 SECTION 91. Said section 7 of said chapter 40R, as so appearing, is hereby further
687 amended by striking out, in lines 17 through 20, inclusive, the words “the city or town’s
688 comprehensive housing plan, housing production plan, or the housing production summary
689 submitted with the city or town’s initial application for approval by the department, as
690 applicable,”.

691 SECTION 92. Section 9 of said chapter 40R, as amended by section 13 of chapter 5 of
692 the acts of 2019, is hereby further amended by striking out, in lines 18 through 21, inclusive, the
693 words “, and consistent with either the city or town’s comprehensive housing plan or housing
694 production plan, if any, or the housing production summary submitted in accordance with section
695 8”.

SECTION 93. Section 10 of said chapter 40R of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 3, the words “approving authority” and inserting in place thereof the following words:- plan approval authority.

SECTION 94. Said section 10 of said chapter 40R, as so appearing, is hereby further amended by striking out, in lines 6 through 8, inclusive, the words “and is consistent with the city or town’s comprehensive housing plan or housing production plan, if any, and any applicable master plan or plans for the city or town”.

SECTION 95. Said chapter 40R, as so appearing, is hereby amended by striking out section 11 and inserting in place thereof the following section:-

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

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

(c) An application for approval under this section shall be filed by the applicant with the city or town clerk and a copy of the application including the date of filing certified by the town clerk shall be filed forthwith with the plan approval authority. The plan approval authority shall hold a public hearing for which notice has been given as provided in section 11 of chapter 40A. The decision of the plan approval authority shall be made, and a written notice of the decision filed with the city or town clerk, within 120 days of the receipt of the application by the city or town clerk. The required time limits for such action may be extended by written agreement between the applicant and the plan approval authority, with a copy of such agreement being filed in the office of the city or town clerk. Failure of the plan approval authority to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the plan. The applicant who seeks approval of a plan by reason of the failure of the plan approval authority to act within such time prescribed, shall notify the city or town clerk, in writing within 14 days from the expiration of said 120 days or extended time, if applicable, of such approval and that notice has been sent by the applicant to parties in interest. The applicant shall send such notice to parties in interest by mail and each such notice shall specify that appeals, if any, shall be made pursuant to this section and shall be filed within 20 days after the

740 date the city or town clerk received such written notice from the applicant that the plan approval
741 authority failed to act within the time prescribed.

742 (d) The plan approval authority shall issue to the applicant a copy of its decision
743 containing the name and address of the owner, identifying the land affected, and the plans that
744 were the subject of the decision, and certifying that a copy of the decision has been filed with the
745 city or town clerk and that all plans referred to in the decision are on file with the plan approval
746 authority. If 20 days have elapsed after the decision has been filed in the office of the city or
747 town clerk without an appeal having been filed or if such appeal, having been filed, is dismissed
748 or denied, the city or town clerk shall so certify on a copy of the decision. If the plan is approved
749 by reason of the failure of the plan approval authority to timely act, the clerk shall make such
750 certification on a copy of the application. A copy of the decision or application bearing such
751 certification shall be recorded in the registry of deeds for the county and district in which the
752 land is located and indexed in the grantor index under the name of the owner of record or
753 recorded and noted on the owner's certificate of title. The fee for recording or registering shall be
754 paid by the owner or applicant.

755 (e) The project shall be approved by the plan approval authority subject only to those
756 conditions that are necessary: (1) to ensure substantial compliance of the proposed project with
757 the requirements of the smart growth zoning district or starter home zoning district ordinance or
758 by-law; or (2) to mitigate any extraordinary adverse impacts of the project on nearby properties.
759 An application may be denied only on the grounds that: (i) the project does not meet the
760 conditions and requirements set forth in the smart growth zoning district or starter home zoning
761 district ordinance or by-law; (ii) the applicant failed to submit information and fees required by
762 the ordinance or by-law and necessary for an adequate and timely review of the design of the

project or potential project impacts; or (iii) it is not possible to adequately mitigate extraordinary adverse project impacts on nearby properties by means of suitable conditions.

(f) Any court authorized to hear appeals under section 17 of chapter 40A shall be authorized to hear an appeal from a decision under this section by a party who is aggrieved by such decision. Such appeal may be brought within 20 days after the decision has been filed in the office of the city or town clerk. Notice of the appeal, with a copy of the complaint shall be given to such city or town clerk so as to be received within such 20 days. Review shall be based on the record of information and plans presented to the plan approval authority. To avoid delay in the proceedings, instead of the usual service of process, the plaintiff shall within 14 days after the filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery or certified mail to all defendants, including the members of the plan approval authority, and shall within 21 days after the entry of the complaint file with the clerk of the court an affidavit that such notice has been given. If no such affidavit is filed within such time, the complaint shall be dismissed.

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

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

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

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

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

(l) A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within 2 years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the project proponent is actively pursuing other required permits

for the project or there is other good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase project.

SECTION 96. Section 14 of said chapter 40R, as amended by section 14 of chapter 5 of the acts of 2019, is hereby amended by striking out said section 14, and inserting in place thereof the following section:-

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

(b) Within 60 days of receiving written approval by the department of an amendment of a zoning ordinance or by-law affecting an approved smart growth zoning district or starter home zoning district in accordance with subsection (g) of section 6, the city or town must repay to the department any portion of the zoning incentive payment received in excess of the zoning incentive payment that would have been payable based on the sum of (i) the number of units that have been built and (ii) the number of units, if any, that will remain developable under the smart growth zoning or starter home zoning. The department may include under (ii) in the preceding sentence any units that are developable in one or more adopted smart growth zoning district or starter home zoning district for which no zoning incentive payment has been paid but for which

the city or town is nonetheless eligible if the associated units would have the effect of replacing some or all of the units that will no longer be developable as a result of the proposed amendment or repeal. All monies repaid to the department under this section shall be credited to the funding source from which the payment originated.

SECTION 97. Section 1 of chapter 40V of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Gateway municipality”, the following definition:-

“Gateway-like municipality”, a city or town determined by the department to have similar economic and demographic characteristics to a gateway municipality and to be in need of increased housing production.

SECTION 98. Said section 1 of said chapter 40V, as so appearing, is hereby further amended by inserting, in line 15, after the word “municipalities”, the following words:- and gateway-like municipalities.

SECTION 99. Said section 1 of said chapter 40V, as so appearing, is hereby further amended by inserting, in line 17, after the word “municipality”, the following words:- or gateway-like municipality.

SECTION 100. Said section 1 of said chapter 40V, as so appearing, is hereby further amended by striking out the definition of “Housing development zone” and inserting in place thereof the following definition:-

"Housing development zone" or "HD zone", a zone designated by a gateway municipality or gateway-like municipality which shall be characterized by a need for multi-unit market rate residential properties in accordance with department guidelines.

849 SECTION 101. Section 2 of said chapter 40V, as so appearing, is hereby amended by
850 inserting, in line 2, after the word “municipality”, the following words:- or gateway-like
851 municipality.

852 SECTION 102. Said section 2 of said chapter 40V, as so appearing, is hereby further
853 amended by striking the last sentence and inserting in place thereof the following:- The
854 application shall include a plan which shall include a description of the activities, public and
855 private, contemplated for such zone as of the date of the adoption of the zone plan, with such
856 detail and information as the department may require in written guidelines.

857 SECTION 103. Clause (i) of subsection (a) of section 4 of said chapter 40V, as so
858 appearing, is hereby amended by striking out, in line 4, the figure “2” and inserting in place
859 thereof the following figure:- 8.

860 SECTION 104. Subsection (b) of said section 4 of said chapter 40V, as so appearing, is
861 hereby amended by striking out, in line 15, the words “HD zones designated as certified projects
862 under section 2” and inserting in place thereof the following words:- HD zones designated under
863 section 2 as certified projects under this section.

864 SECTION 105. Clause (ii) of said subsection (b) of said section 4 of said chapter 40V, as
865 so appearing, is hereby amended by striking out, in line 25, the words “executed agreement by
866 the municipality which” and inserting in place thereof the following words:- agreement executed
867 by the municipality which is approved by the department and.

868 SECTION 106. Said clause (ii) of said subsection (b) of said section 4 of said chapter
869 40V, as so appearing, is hereby further amended by striking out subclause (A) and inserting in
870 place thereof the following subclause:-

871 (A) is consistent with and can reasonably be expected to benefit significantly from the
872 plans of the gateway municipality or gateway-like municipality relative to the project property
873 tax exemption;.

874 SECTION 107. Subsection (c) of said section 4 of said chapter 40V, as so appearing, is
875 hereby amended by striking out, in line 51, the words “a term of 20 years” and inserting in place
876 thereof the following words:- the term approved by the municipality, which term shall be
877 consistent with clause (iii) of subsection (b).

878 SECTION 108. Subsection (e) of said section 4 of said chapter 40V, as so appearing, is
879 hereby amended by inserting, in line 60, after the word “decision” the following words:- or, in
880 the case a housing development project is constructively approved under subsection (c), for the
881 period approved by the municipality,.

882 SECTION 109. Section 5 of said chapter 40V, as so appearing, is hereby amended by
883 inserting, in line 9, after the word “municipality”, the following words:- or gateway-like
884 municipality.

885 SECTION 110. Said section 5 of said chapter 40V, as so appearing, is hereby further
886 amended by striking out clause (iii) and inserting in place thereof the following 2 clauses:-

887 (iii) the total number of units in the project; and

888 (iv) the percentage of market rate units contained in the certified housing development
889 project.

890 SECTION 111. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby
891 amended by adding the following clause: -

Fifty-ninth. Up to 100 percent of the assessed value of real estate in agricultural, horticultural or agricultural and horticultural use, as those terms are defined in sections 1 and 2 of chapter 61A, provided that the real estate or portion thereof in agricultural, horticultural or agricultural and horticultural use is less than 2 acres in area; provided further, that gross sales of agricultural, horticultural or agricultural and horticultural products resulting from such uses together total not less than \$500 in the previous year. The exemption provided in this clause shall apply only to the portion of real estate in agricultural, horticultural or agricultural and horticultural use. This clause shall take effect in any city or town upon acceptance of this section; provided, that such city or town has a population of at least 50,000 inhabitants or meets the definition of a gateway municipality under section 3A of chapter 23A. The legislative body of any city or town that accepts this clause shall establish and may thereafter modify the percentage of the assessed value exempt from taxation.

SECTION 112. Paragraph (2) of subsection (q) of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in line 868, the following words:- Credits passed through to individual partners and members are not transferable.

SECTION 113. Paragraph (5) of said subsection (q) of said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in lines 896 through 898, inclusive, the words "The total amount of credits that may be authorized by DHCD in a calendar year pursuant to this subsection and section 38BB of chapter 63 shall not exceed \$10,000,000 and" and inserting in place thereof the following:- DHCD may authorize up to \$30,000,000 in credits annually under this subsection and section 38BB of chapter 63. In addition, DHCD may authorize (i) any unused credits for the preceding calendar years under this subsection or said section 38BB of said chapter 63; and (ii) any credits under this subsection or said section 38BB

of said chapter 63 returned to DHCD by a certified housing development project. The total amount of credits authorized during a year.

SECTION 114. Said paragraph (5) of said subsection (q) of said section 6 of said chapter 62, is hereby further amended by inserting, in line 900, after the words “chapter 63;” the following word:- and.

SECTION 115. Said paragraph (5) of said subsection (q) of said section 6 of said chapter 62, is hereby further amended by striking out, in lines 903 through 905, inclusive, the words “Any portion of the \$10,000,000 annual cap not awarded by the DHCD in a calendar year shall not be applied to awards in a subsequent year.”

SECTION 116. Said paragraph (5) of said subsection (q) of said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 906, the words “The DHDC” and inserting in place thereof the following word:- DHCD.

SECTION 117. Paragraph (1) of subsection (v) of said section 6 of said chapter 62, as so appearing,, is hereby amended by adding, in line 1158, after the words “NAICS code 31-33” the following words:- and other expansion industries new to apprenticeship the secretary of labor and workforce development identifies as critical to a regional labor market economy.

SECTION 118. Subdivision (5) of section 38BB of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in lines 42 through 44, inclusive, the words “The total amount of credits that may be authorized by DHCD in a calendar year under this section and subsection (q) of section (6) of chapter 62 shall not exceed \$10,000,000 and” and inserting in place thereof the following:- DHCD may authorize up to \$30,000,000 in credits annually under this section and subsection (q) of section (6) of chapter 62. In addition, DHCD may authorize; (i)

937 any unused credits for the preceding calendar years under this section or said subsection (q) of
938 said section (6) of said chapter 62; and (ii) any credits under this section or said subsection (q) of
939 said section (6) of said chapter 62 returned to DHCD by a certified housing development project.
940 The total amount of credits authorized during a year.

941 SECTION 119. Said subdivision (5) of said section 38BB of said chapter 63, as so
942 appearing, is hereby further amended by inserting, in line 46, after the words “chapter 62;” the
943 following word:- and.

944 SECTION 120. Said subdivision(5) of said section 38BB of said chapter 63, as so
945 appearing, is hereby further amended by striking out, in lines 50 through 52, inclusive, the words
946 “Any portion of the \$10,000,000 annual cap not awarded by DHCD in a calendar year shall not
947 be applied to awards in a subsequent year.”

948 SECTION 121. Subsection (a) of section 38HH of said chapter 63, as so appearing, is
949 hereby amended by adding, in line 18, after the words “NAICS code 31-33” the following
950 words:- and other expansion industries new to apprenticeship the secretary of labor and
951 workforce development identifies as critical to a regional labor market economy.

952 SECTION 122. The General Laws are hereby amended by inserting after chapter 93K the
953 following new chapter: –

954 CHAPTER 93L. Bad Faith Assertions of Patent Infringement

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

“Assertion of patent infringement”, means (i) sending or delivering a demand letter to a target; (ii) threatening a target with litigation asserting, alleging or claiming that the target has engaged in patent infringement; (iii) sending or delivering a demand letter to the customers of a target; or (iv) otherwise making claims or allegations, other than those made in litigation against a target, that a target has engaged in patent infringement or that a target should obtain a license to a patent in order to avoid litigation.

“Demand letter”, means a letter, e-mail, or other communication asserting, alleging or claiming that the target has engaged in patent infringement or that a target should obtain a license to a patent in order to avoid litigation, or any similar assertion.

“Target”, means a person residing in, conducting substantial business in, or having its principal place of business in Massachusetts and with respect to whom an assertion of patent infringement is made.

Section 2. (a) A person shall not make, in bad faith, an assertion of patent infringement. (b) In determining whether a person has made an assertion of patent infringement in bad faith, a court may consider the following factors and any other factor the court finds relevant:

(1) The demand letter does not contain the following information:

(i) the patent number;

(ii) the name and address of the patent owner or owners and assignee or assignees, if any;

and

(iii) factual allegations concerning the specific areas in which the target’s products, services, and technology infringe the patent or are covered by the claims in the patent.

978 (2) The demand letter lacks the information described in subsection (2)(b)(1), the target
979 requests the information, and the person fails to provide the information within a reasonable
980 period of time.

981 (3) The demand letter demands payment of a license fee or response within an
982 unreasonably short period of time.

983 (4) The claim or assertion of patent infringement is meritless, and the person knew, or
984 should have known, that the claim or assertion is meritless.

985 (5) The claim or assertion of patent infringement is deceptive.

986 (6) The person or its subsidiaries or affiliates have previously filed or threatened to file
987 one or more lawsuits based on the same or similar claim of patent infringement and:

988 (i) those threats or lawsuits lacked the information described in subsection (a); or

989 (ii) the person attempted to enforce the claim of patent infringement in litigation and a
990 court found the claim to be meritless.

991 (7) The patent has been held invalid or unenforceable in a final judgment or
992 administrative decision.

993 (c) A court may consider the following factors, and any other factor the court finds
994 relevant, as evidence that a person has not made an assertion of patent infringement in bad faith:

995 (1) The demand letter contains the information described in subsection (1) of this section.

(2) Where the demand letter lacks the information described in paragraph (1) of subsection (b) and the target requests the information, the person provides the information within a reasonable period of time.

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.

(4) Prior to sending the demand letter, the person conducts an analysis comparing the claims in the patent to the target's products, services, and technology.

(5) The person is the inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the inventor or joint inventor is the original assignee.

(d) This section shall not apply to:

(1) Any party who is currently making significant investments in:

(i) research and development in connection with the patented technology, where development means technical or experimental work to create, test, qualify, modify, or validate technologies or processes for commercialization of goods or services;

(ii) development, product marketing, manufacturing, or sale of products or processes embodying the patented technology;

(iii) use of patented technology in the delivery or provision of goods or commercial services; or

(iv) a combination of any of the areas of business described in clauses (i) through (iii)

1015 (2) Any party whose business is the licensing of patents as a wholly-owned subsidiary of
1016 any party described in paragraph (1).

1017 (3) Any institution of higher education, public or private, or non-profit research institute,
1018 or an organization which has as one of its primary functions the management of inventions on
1019 behalf of the aforementioned entities.

1020 Section 3. A target of conduct involving assertions of patent infringement and any other
1021 person aggrieved by a violation of section 2 may bring an action in Superior Court.

1022 Section 4. (a) The attorney general shall have the same authority under this chapter to
1023 make rules, conduct civil investigations, bring civil actions, and enter into assurances of
1024 discontinuance as provided under chapter 93A. In an action brought by the attorney general
1025 pursuant to this section, the court may award or impose any relief available under this chapter.

1026 (b) This chapter shall not be construed to limit the rights and remedies available to the
1027 state or another person under any other law, or alter or restrict the attorney general's authority
1028 under other law, with regard to conduct involving claims of patent infringement.

1029 Section 5. (a) A court may award the following remedies to a plaintiff who prevails in an
1030 action brought pursuant to this chapter:

1031 (i) equitable relief;

1032 (ii) damages;

1033 (iii) costs and fees, including reasonable attorney's fees; and

1034 (iv) exemplary damages in an amount equal to \$50,000 or 3 times the total of damages,
1035 costs, and fees, whichever is greater.

1036 (b) Any person who by contract, agreement, or otherwise, directly or indirectly, arranged
1037 for the bad faith assertion of patent infringement and any person who otherwise caused or is
1038 legally responsible for such bad faith assertion of patent infringement under the principles of the
1039 common law shall be liable to a prevailing plaintiff for all damages, costs and fees. Such liability
1040 shall be joint and several.

1041 (c) In an action arising under section 3 or 4 of this chapter, any person who has delivered
1042 or sent, or caused another to deliver or send, a demand to a target in Massachusetts has
1043 purposefully availed himself or herself of the privileges of conducting business in the
1044 commonwealth and shall be subject to suit in the commonwealth, whether or not the person is
1045 transacting or has transacted any other business in the commonwealth, and a court may exercise
1046 personal jurisdiction over such person.

1047 Section 6. The Commonwealth recognizes the importance of patents, and enforceability
1048 of patents, to the innovation economy of the Commonwealth. This chapter shall not be
1049 construed to impair the legitimate, good faith commercial use, licensing, sale, or enforcement of
1050 patents, consistent with this Chapter and Title 35 of the United States Code.”

1051 SECTION 123. The definition of “Blighted open area” in section 1 of chapter 121B of
1052 the General Laws, as so appearing, is hereby amended by striking out in lines 7 and 31 to 32, the
1053 word “morals”.

1054 SECTION 124. Said section 1 of said chapter 121B, as so appearing, is hereby further
1055 amended by inserting, after the definition of “Blighted open area,” the following definition:-

1056 “Capital funds”, funds advanced by the department to a housing authority financing
1057 capital outlays for housing production or preservation from proceeds of a bond authorization as
1058 defined in section 1 of chapter 29.

1059 SECTION 125. Said section 1 of said chapter 121B, as so appearing, is hereby further
1060 amended by striking out, in line 36, the words “subsection (d) of section twenty-six”, and
1061 inserting the following words:- sections 11, 26 or 46.

1062 SECTION 126. Said section 1 of said chapter 121B as so appearing, is hereby further
1063 amended by striking out, in line 58, the word “morals”.

1064 SECTION 127. Said section 1 of said chapter 121B, as so appearing, is hereby further
1065 amended by striking out, in line 99, the word “director” and inserting the following word:-
1066 department.

1067 SECTION 128. The definition of “Redevelopment authority” in said section 1 of said
1068 chapter 121B, as so appearing, is hereby amended by adding the following words:- or by special
1069 legislation.

1070 SECTION 129. Said section 1 of said chapter 121B, as so appearing, is hereby further
1071 amended by striking out the definitions of “Relocation payments”, “Relocation project”, and
1072 “Substandard area” and inserting in place thereof the following 3 definitions:-

1073 "Relocation payments", payments made by an operating agency to persons, businesses,
1074 farm operations or other organizations displaced as a result of the public actions described in this
1075 chapter. Such payments shall be made in accordance with the applicable federal or state
1076 relocation requirements.

1077 “Replacement units”, low rent housing created to replace an existing housing project that
1078 is demolished or disposed of under subsection (k) of section 26; such units may be included
1079 within a privately owned mixed-income development that also includes dwellings that are not
1080 low rent housing, provided that the use and occupancy of the replacement units is subject to a
1081 binding legal contract and land use restriction under paragraph (7) of subsection (k) of section
1082 26.

1083 "Substandard area", any area wherein dwellings or other buildings predominate which, by
1084 reason of dilapidation, abandonment, foreclosure, overcrowding, faulty arrangement or design,
1085 lack of ventilation, light or sanitation facilities or any combination of these factors, are
1086 detrimental to safety or health.

1087 SECTION 130. Said section 1 of said chapter 121B, as so appearing, is hereby further
1088 amended by striking out the definitions of “Urban renewal plan”, “Urban renewal project”, and
1089 “Urban Revitalization and Development Project” and inserting in place thereof the following 2
1090 definitions:-

1091 "Urban renewal plan", a detailed plan to redevelop a decadent, substandard or blighted
1092 open area within a municipality, which shall comply with all requirements prescribed by state
1093 legislation and regulations of the department. Such plan shall (1) conform to the general plan for
1094 the municipality as a whole and be consistent with any definite local objectives respecting
1095 appropriate land uses, improved traffic, public transportation, public utilities, recreational,
1096 educational and community facilities and other public improvements; (2) be sufficiently
1097 complete to indicate the boundaries of the area, such land acquisition, such demolition, removal,
1098 and rehabilitation of structures, and such redevelopment and general public improvements as

1099 may be proposed to be carried out within such area, zoning and planning changes, if any, and
1100 proposed land uses, maximum densities and building requirements; and (3) indicate or be
1101 accompanied by materials indicating that persons, businesses, farm operations and other
1102 organizations displaced by the project will be provided relocation benefits and payments in
1103 accordance with applicable federal and state requirements.

1104 "Urban renewal project", a project to be undertaken in accordance with an urban renewal
1105 plan.

1106 SECTION 131. Said chapter 121B as so appearing is hereby amended by striking out
1107 Section 7A and inserting in place thereof the following section:-

1108 Section 7A. The department shall promulgate guidelines for contracts to be executed by
1109 the housing authority and an executive director. The department may review all contracts
1110 between the housing authorities and executive directors and all terms for payments or monetary
1111 remuneration where a housing authority operates state-aided housing, regardless of the source of
1112 such remuneration; provided, however, that the department shall review all contracts and all
1113 terms for payments or monetary remuneration that exceed \$100,000 per annum. The department
1114 may, and for contracts providing for payments or monetary remuneration in excess of \$100,000
1115 per annum shall, strike or require modification of contract provisions that do not conform to the
1116 guidelines.

1117 SECTION 132. Section 11 of said chapter 121B, as so appearing, is hereby amended by
1118 adding the following paragraph:-

1119 Notwithstanding any general or special law to the contrary, a housing authority, with the
1120 approval of the department, shall have the power to secure indebtedness incurred for the

1121 preservation, modernization and maintenance of one or more of its low-rent housing
1122 developments assisted under section 32 or section 34 of chapter 121B by a pledge of a portion of
1123 capital funds awarded to it for improvements to be carried out pursuant to a department-approved
1124 capital improvement plan in accordance with department regulations governing capital projects.
1125 The department shall promulgate regulations establishing limitations on the percentage of
1126 awarded capital funds that may be pledged to secure indebtedness, describing permitted terms for
1127 borrowing and repayment, and establishing criteria for housing authorities that will be permitted
1128 to incur indebtedness secured by a pledge of capital funds. Any pledge of future year capital
1129 funds under this section is subject to the availability of funds under the department's capital
1130 spending plan as approved by the governor for that year. All financing documents related to
1131 future year capital fund amounts must include a statement that the pledging of funds is subject to
1132 the availability of funds under the department's capital spending plan as approved by the
1133 governor.

1134 SECTION 133. Section 16 of said chapter 121B, as so appearing, is hereby amended by
1135 adding the following paragraph:-

1136 Notwithstanding any provision to the contrary in this chapter or in any other general or
1137 special law relative to the tax status of real property, where a housing authority sells or transfers
1138 ownership of buildings or other structures on land owned by it to a private entity, including
1139 without limitation a for-profit or charitable corporation, general or limited partnership, or limited
1140 liability company, for the purpose of rehabilitation, repair, development, or redevelopment of
1141 multifamily housing that will contain replacement units as defined in section 1, so much of the
1142 resulting buildings or structures as is restricted for use as replacement units, including associated
1143 common areas, and associated land shall be exempt from taxation, betterments and special

assessments. If replacement units and associated common areas constitute only a portion of such resulting buildings or structures, the exemption shall be prorated based on the ratio which the square footage of replacement units bears to the square footage of all other residential or commercial units within the buildings or structures. The private entity shall pay (i) with respect to the exempt portion of the buildings or structures and land, a payment in lieu of taxes consistent with the valuation or other formula generally applicable under this section to the housing authority's real estate in the city or town in which such real estate is located, or as otherwise previously agreed upon between the city or town and the housing authority as the method for computing the payments to be made in lieu of taxes, and using the ratio described above, and (ii) with respect to the non-exempt portion of the buildings or structures and land, real estate taxes in accordance with chapter 59 based on the fair cash value of the non-exempt portion of the buildings or structures and non-exempt portion of the land using the ratio described above.

SECTION 134. Section 26 of said chapter 121B, as so appearing, is hereby amended by inserting, in line 91, after the word "sale," the following words:- or other disposition.

SECTION 135. Subsection (k) of said section 26 of said chapter 121B, as so appearing, is hereby further amended by striking out paragraphs (1) through (4), inclusive, and inserting in place thereof the following 4 paragraphs:-

(1) found that all or a substantial portion of such existing housing project or part thereof requires such substantial modernization or rehabilitation to continue to provide decent, safe and sanitary housing that, in the judgment of the department, the required substantial modernization or rehabilitation cannot feasibly be executed by the housing authority pursuant to the provisions of this chapter;

(2) approved the proposed project, including a relocation plan for occupants of the existing project and a plan to make housing available on the land where the existing project is situated, in which the number of replacement units restricted as low rent housing for occupancy by low income persons or families shall be the same as the number of low rent housing units in the existing housing project or part thereof that is subject to demolition or disposition, unless the department determines that (A) a shortage of low-rent housing no longer exists in the applicable city or town, or (B) the reduction in the number of units is necessary to increase the number of units that are accessible for persons with disabilities, which project may include plans to use a portion of such land for market-rate housing or for a public purpose ancillary to such development and approved by the department;

(3) approved the sale or other disposition and the terms thereof, which shall be at a value determined through procedures customarily accepted by the appraising profession as valid, unless the department determines that a below-market disposition would be in the public interest in order to support the continued occupancy of dwelling units in the new development by families of low income;

(4) determined that the availability of funds to the housing authority for such project is conditioned upon the occurrence of the initial mortgage loan closing for the development of new or rehabilitated housing on the land where the existing project is situated; and the housing authority has selected, through a qualifications-based competitive procurement process approved by the department, a developer best qualified to develop, own and operate the new or rehabilitated housing on the existing land, to provide for such development of the new housing within a reasonable time in accordance with department-approved contracts, and to assure

continued occupancy of the required number of replacement units in the new development by families of low income in accordance with the requirements of this chapter.

SECTION 136. Said subsection (k) of said section 26 of said chapter 121B, as so appearing, is hereby further amended by adding the following paragraph:-

(7) approved a binding legal contract and land use restriction to be entered into by the transferee of the property in favor of the local housing authority and the department of housing and community development that requires compliance with chapter 121B of the General Laws and the department's regulations in so far as the statute and regulations apply to tenancy at and application to public housing, as determined by the department, with respect to the replacement units in the same manner and to the same effect as if such entity were a housing authority, subject to such regulatory waivers given by the department of housing and community development as may be necessary to secure financing. The contract shall require compliance in perpetuity unless the department determines that the project financing requires the use of Federal low income housing tax credits and that compliance in perpetuity would make it infeasible to comply with Internal Revenue Service requirements with respect to the low income housing tax credit program.

SECTION 137. Said section 26 of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 243 the words "this section or section 34" and inserting in place thereof the following words:- any provision of this chapter.

SECTION 138. Said section 26 of said chapter 121B, as so appearing, is hereby further amended by inserting, in line 248, after the words "feasible to", the following words:- maintain or to.

1210 SECTION 139. Said section 26 of said chapter 121B, as so appearing, is hereby further
1211 amended by inserting, in line 252, after the word “demolition” the following words:- or other
1212 disposition

1213 SECTION 140. Said section 26 of said chapter 121B, as so appearing, is hereby further
1214 amended by striking out, in line 254 the words “as of November 1, 2012”, and inserting in place
1215 thereof the following words:- for reasons DHCD has determined not to be the fault of the
1216 housing authority for at least two years,.

1217 SECTION 141. Said section 26 of said chapter 121B, as so appearing, is hereby further
1218 amended by adding the following subsection:-

1219 (q) Notwithstanding any general or special law to the contrary, including without
1220 limitation section 16 of chapter 30B, a housing authority may dispose of property pursuant to this
1221 section or section 34 to a developer selected by competitive, qualifications-based procurement
1222 without separately soliciting proposals for the property disposition, provided that the developer
1223 procurement declares the property available for disposition and that, in the case of a disposition
1224 of property pursuant to subsection (k), the number of replacement units required under paragraph
1225 (2) of said subsection (k) are provided. Without limiting the generality of the foregoing:

1226 (1) A housing authority shall not be required to determine the value of the property prior
1227 to soliciting proposals for selection of a developer best qualified to develop, own and operate the
1228 new or rehabilitated housing on the land. Prior to disposition of property by deed or other
1229 instrument, the housing authority shall determine the value of the property through procedures
1230 customarily accepted by the appraising profession as valid prior to the sale or other disposition of
1231 the property, and if, with the approval of the department, the housing authority decides to dispose

of the property at a price less than the value as so determined, the housing authority shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received; and

(2) A housing authority shall not be required to specify all of the restrictions that may be placed on the subsequent use of property prior to selecting a developer through a qualifications-based competitive procurement process, provided that the developer procurement identifies the minimum number of dwelling units in the new development that must be occupied by families of low income. In the case of a disposition pursuant to subsection (k), such minimum number must conform to the requirements of paragraph (2) of subsection (k).

SECTION 142. Section 29 of said chapter 121B, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any provision to the contrary in this section or elsewhere in this chapter, if a housing authority does not own, lease or manage any housing project eligible to receive ongoing capital or operating assistance under section 32 or section 34 of this chapter, the department shall not investigate such housing authority's budgets, finances, dealings, transactions and relationships or other affairs, nor shall the department require periodic reporting by any such housing authority. Without limiting the generality of the foregoing, a housing authority that does not own, lease or manage any housing project eligible to receive ongoing capital or operating assistance under section 32 or section 34 of this chapter shall not be required to: (a) participate in a training program under section 5B; (b) submit contracts with its executive director to the department for review pursuant to section 7A; (c) participate in the performance-based monitoring program established pursuant to section 26B; (d) participate in the regional

1254 capital assistance team program established pursuant to section 26C; (e) prepare and submit an
1255 annual plan pursuant to section 28A and this section; or (f) prepare and submit, or make
1256 available, a written report and agreed upon procedures for review of housing authority financial
1257 records pursuant to this section.

1258 SECTION 143. Section 34 of said chapter 121B, as so appearing, is hereby amended by
1259 striking out the fifth paragraph and inserting in place thereof the following paragraph:-

1260 The proceeds of any sale or other disposition of such project in excess of the total of all
1261 obligations of the housing authority with respect to such project shall, after the payment of all
1262 bonds issued by the housing authority to finance the cost of such project and payment of the
1263 costs of the sale or disposition, be retained by the housing authority for the preservation,
1264 modernization and maintenance of its public housing assisted under this chapter as approved by
1265 the department, or where the housing authority has no public housing assisted under this chapter,
1266 such proceeds shall be paid to the department to fund capital improvements for the preservation,
1267 modernization and maintenance of state-aided public housing.

1268 SECTION 144. Said section 34 of said chapter 121B, as so appearing, is hereby further
1269 amended by striking out the tenth paragraph and inserting in place thereof the following
1270 paragraph:-

1271 Whenever a housing authority shall determine that land acquired by it under clause (d) of
1272 section 11 for the purpose of this section is in excess of or no longer required for such purposes it
1273 may, upon approval by the department, sell or otherwise dispose of such land by deed or
1274 instrument approved as to form by the attorney general. If the housing authority is disposing of
1275 such land for purposes of housing development, it may do so in accordance with section 26. So

1276 long as any bonds issued by a housing authority to finance the cost of a project under this section
1277 or section 35 and guaranteed by the commonwealth are outstanding, funds received from a
1278 disposition of land as provided in this chapter shall be applied in accordance with the fourth
1279 paragraph of this section. After the payment of all bonds issued by the housing authority to
1280 finance the cost of such project, funds received shall be applied in accordance with the fifth
1281 paragraph of this section.

1282 SECTION 145. Sections 42 through 44A, inclusive, of said chapter 121B are hereby
1283 repealed.

1284 SECTION 146. Section 45 of said chapter 121B of the General Laws, as appearing in the
1285 2018 Official Edition, is hereby further amended by striking out, in line 4, the word “morals”.

1286 SECTION 147. Said section 45 of said chapter 121B, as so appearing, is hereby further
1287 amended by striking out, in line 9, the words “the treatment of juvenile delinquency and”.

1288 SECTION 148. Said section 45 of said chapter 121B, as so appearing, is hereby further
1289 amended by inserting after the word “business,” in lines 42 to 43, the following words:-
1290 including the conduct of business by nonprofit entities,.

1291 SECTION 149. Said section 45 of said chapter 121B, as so appearing, is hereby further
1292 amended by striking out, in line 55, the words “and evils”.

1293 SECTION 150. Section 46 of said chapter 121B, as so appearing, is hereby further
1294 amended by striking out, in line 32, the words “to the federal government,”.

1295 SECTION 151. Said section 46 of said chapter 121B, as so appearing, is hereby further
1296 amended by striking out, in lines 41 to 42, the words “In any city whose population exceeds one
1297 hundred and fifty thousand,”.

1298 SECTION 152. Section 47 of said chapter 121B, as so appearing, is hereby repealed.

1299 SECTION 153. Section 48 of said chapter 121B, as appearing in the 2018 Official
1300 Edition, is hereby amended by striking out, in lines 2 through 3, the words “for such project”.

1301 SECTION 154. Said section 48 of said chapter 121B, as so appearing, is hereby further
1302 amended by striking out the third paragraph.

1303 SECTION 155. Said section 48 of said chapter 121B, as so appearing, is hereby further
1304 amended by striking out, in lines 37 through 38, the words “the relocation plan has been
1305 approved under chapter seventy-nine A.” and inserting in place thereof the following words:-
1306 relocation assistance will be provided pursuant to the applicable federal or state relocation
1307 requirements.

1308 SECTION 156. Said section 48 of said chapter 121B, as so appearing, is hereby further
1309 amended by striking out the seventh and eighth paragraphs and inserting in place thereof the
1310 following paragraph:-

1311 When the urban renewal plan or such a project has been approved by the department and
1312 notice of such approval has been given to the urban renewal agency, such agency may proceed at
1313 once to acquire real estate within the urban renewal project area as is necessary to carry out the
1314 urban renewal plan, either by eminent domain or by grant, purchase, lease, gift, exchange or
1315 otherwise.

1316 SECTION 157. Said chapter 121B, as so appearing, is hereby amended by striking out
1317 section 49 as and inserting in place thereof the following section:-

1318 Section 49. If an urban renewal agency shall sell or lease any property acquired by it for
1319 an urban renewal project, the terms of such sales or leases shall obligate the purchasers or
1320 lessees: (a) to devote the land to the use specified in the urban renewal plan for said land; (b) to
1321 begin the building of their improvements within a reasonable time; (c) for a residential
1322 redevelopment project, to give preference in the selection of tenants to eligible families displaced
1323 as a result of the project, subject to applicable federal or state laws and requirements; and (d) to
1324 comply with such other conditions as are deemed necessary to carry out the purposes of this
1325 chapter, including complying with the applicable federal or state relocation requirements.
1326 Nothing in this chapter shall be construed as limiting the power of an urban renewal agency in
1327 the event of a default by a purchaser or lessee of land in an urban renewal project to retake title
1328 to and possession of the property sold or leased free from the obligations in the conveyance or
1329 lease thereof.

1330 SECTION 158. Said chapter 121B, as so appearing, is hereby amended by striking out
1331 section 50 and inserting in place thereof the following section:-

1332 Section 50. If necessary to redevelop a decadent, substandard or blighted open area, an
1333 urban renewal agency is authorized to delegate to a city or town or other public body or to any
1334 board or officer of a city, town or other public body any of the powers or functions of the agency
1335 with respect to the planning or undertaking of an urban renewal project in the area in which such
1336 city, town or other public body is authorized to act, and such city, town or other public body, or
1337 such board or officer thereof, is authorized to carry out or perform such powers or functions for

the agency. An urban renewal agency, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity consistent with the sound needs of the city or town as a whole for the rehabilitation or redevelopment of decadent, substandard or blighted open areas by private enterprise.

SECTION 159. Section 51 of said chapter 121B is hereby repealed.

SECTION 160. Section 52 of said chapter 121B, as appearing in the 2018 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each urban renewal agency shall keep an accurate account of all its activities, receipts and expenditures in connection with the planning and execution of urban renewal projects and shall annually in the month of January make a report of such activities, receipts and expenditures to the department, the state auditor and the mayor of the city or to the selectmen of the town within which such authority is organized. The department or state auditor shall have the power to examine into the properties and records of urban renewal agencies for such activities, receipts and expenditures.

SECTION 161. Said section 52 of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 32, the word “six,” and inserting in place thereof the following figure:- 9.

SECTION 162. Sections 53 through 57, inclusive, of said chapter 121B are hereby repealed.

1358 SECTION 163. Section 97 of chapter 140 of the General Laws, as appearing in the 2018
1359 Official Edition, is hereby amended by striking out, in lines 15 to 16, the words “, at least once in
1360 every two calendar years and more often if he deems it necessary,”.

1361 SECTION 164. Sections 19B, 19C, 19D, and 19E of chapter 159 of the General Laws are
1362 hereby repealed.

1363 SECTION 165. Section 37 of chapter 159 of the General Laws, as appearing in the 2018
1364 Official Edition, is hereby amended by inserting, in line 3, after the word “thereof,” the
1365 following words:-by electronic medium as defined by the department,.

1366 SECTION 166. Section 1 of chapter 159C of the General Laws, as so appearing, is
1367 hereby amended by inserting after the definition of “Unsolicited telephonic sales call” the
1368 following definitions:-

1369 “voice service”, (a) any service that is interconnected with the public switched telephone
1370 network and that furnishes voice communications to an end user using resources from the North
1371 American Numbering Plan or any successor to the North American Numbering Plan adopted by
1372 the Federal Communication Commission under section 251(e)(1) of the Communications Act of
1373 1934 (47 U.S.C. 251(e)(1)); and (b) includes—

1374 (i) transmissions from a telephone facsimile machine, computer, or other device to a
1375 telephone facsimile machine; and

1376 (ii) without limitation, any service that enables real-time, two-way voice
1377 communications, including any service that requires internet protocol-compatible customer

1378 premises equipment (commonly known as “CPE”) and permits out-bound calling, whether or not
1379 the service is one-way or two-way voice over internet protocol.

1380 “voice service provider”, a person that provides voice service to a subscriber or end user.

1381 SECTION 167. Subsection (b) of section 5 of said chapter 159C, as so appearing, is
1382 hereby amended by striking out, in lines 12 to 14, inclusive, the words “telephone company,
1383 subject to the authority of the department of telecommunications and energy”, and in lines 18
1384 and 19, the words “telephone company” and inserting in place thereof in each instance the
1385 following words:- voice service provider.

1386 SECTION 168. Section 6 of said chapter 159C, as so appearing, is hereby amended by
1387 striking out, in line 2, the words “local exchange company” and inserting in place thereof the
1388 following words:- voice service provider.

1389 SECTION 169. Said chapter 159C, as so appearing, is hereby further amended by
1390 inserting after section 7 the following section:-

1391 Section 7A. A person shall not, with the intent to deceive, defraud, harass, cause harm, or
1392 wrongfully obtain anything of value, including, but not limited to, financial resources or personal
1393 identifying information, (a) utilize voice service, or (b) engage in conduct that results in the
1394 display of misleading, false, or inaccurate caller identification information on the receiving
1395 party’s telephone or device.

1396 SECTION 170. Subsection (a) of section 8 of said chapter 159C, as so appearing, is
1397 hereby amended by striking out, in line 4, the figure “\$5,000” and inserting in place thereof the
1398 following figure:- “\$25,000”

1399 SECTION 171. Said subsection (a) of said section 8 of said chapter 159C, as so
1400 appearing, is hereby further amended and by striking out, in line 5, the figure “\$1,500” and
1401 inserting in place thereof the following figure:- “\$5,000”.

1402 SECTION 172. Subsection (b) of section 8 of said chapter 159C, as so appearing, is
1403 hereby amended by striking out, in line 15, the figure “\$5,000” and inserting in place thereof the
1404 following figure:- “\$25,000”.

1405 SECTION 173. Section 47E of chapter 164 of the General Laws, as so appearing, is
1406 hereby amended by adding the following 2 sentences:- A cooperative or municipal lighting plant
1407 shall, upon commencing operations of a telecommunications system, provide notice to the
1408 department of telecommunications and cable. A cooperative or municipal lighting plant that is
1409 engaged in the business of operating a broadband telecommunications system shall file annually
1410 with the department of telecommunications and cable, on a form prescribed by the department of
1411 telecommunications and cable, a statement of its revenues and expenses and a financial balance
1412 sheet, each of which shall be open to public inspection.

1413 SECTION 174. Subsection (1) of section 20A of chapter 175 of the General Laws, as so
1414 appearing, is hereby amended by inserting, in line 4, after the words “(E)” the following words:-
1415 , (E1/2).

1416 SECTION 175. Said subsection (1) of said section 20A of said chapter 175, as so
1417 appearing, is hereby further amended by inserting after paragraph (E) the following paragraph:-

1418 (E1/2) (i) Credit shall be allowed when the reinsurance is ceded to an assuming
1419 insurer meeting each of the conditions set forth below.

(a) The assuming insurer must have its head office or be domiciled in, as applicable, and be licensed in a Reciprocal Jurisdiction. A “Reciprocal Jurisdiction” is a jurisdiction that meets one of the following:

1. A non-U.S. jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this subsection, a “covered agreement” is an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. §§ 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance.

2. A U.S. jurisdiction that meets the requirements for accreditation under the NAIC financial standard and accreditation program; or

3. A qualified jurisdiction, as determined by the commissioner pursuant to clause (iii) of paragraph (E) of subsection (1), which is not otherwise described in subclause 1 or 2 of this subparagraph above and which meets certain additional requirements, consistent with the terms and conditions of inforce covered agreements, as specified by the commissioner in regulation.

(b) The assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in regulation. If the assuming insurer is an association,

1442 including incorporated and individual unincorporated underwriters, it must have and maintain,
1443 on an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated
1444 according to the methodology applicable in its domiciliary jurisdiction, and a central fund
1445 containing a balance in amounts to be set forth in regulation.

1446 (c) The assuming insurer must have and maintain, on an ongoing basis, a minimum
1447 solvency or capital ratio, as applicable, which will be set forth in regulation. If the assuming
1448 insurer is an association, including incorporated and individual unincorporated underwriters, it
1449 must have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the
1450 Reciprocal Jurisdiction where the assuming insurer has its head office or is domiciled, as
1451 applicable, and is also licensed.

1452 (d) The assuming insurer must agree and provide adequate assurance to the
1453 commissioner, in a form specified by the commissioner pursuant to regulation, as follows:

1454 1. The assuming insurer must provide prompt written notice and explanation to the
1455 commissioner if it falls below the minimum requirements set forth in subparagraphs (b) or (c), or
1456 if any regulatory action is taken against it for serious noncompliance with applicable law;

1457 2. The assuming insurer must consent in writing to the jurisdiction of the courts of
1458 the Commonwealth and to the appointment of the commissioner as agent for service of process.
1459 The commissioner may require that consent for service of process be provided to the
1460 commissioner and included in each reinsurance agreement. Nothing in this provision shall limit,
1461 or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative
1462 dispute resolution mechanisms, except to the extent such agreements are unenforceable under
1463 applicable insolvency or delinquency laws;

1464 3. The assuming insurer must consent in writing to pay all final judgments, wherever
1465 enforcement is sought, obtained by a ceding insurer or its legal successor, that have been
1466 declared enforceable in the jurisdiction where the judgment was obtained;

1467 4. Each reinsurance agreement must include a provision requiring the assuming
1468 insurer to provide security in an amount equal to 100 per cent of the assuming insurer's liabilities
1469 attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists
1470 enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it
1471 was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer
1472 or by its legal successor on behalf of its resolution estate; and

1473 5. The assuming insurer must confirm that it is not presently participating in any
1474 solvent scheme of arrangement which involves this state's ceding insurers, and agrees to notify
1475 the ceding insurer and the commissioner and to provide security in an amount equal to 100 per
1476 cent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter
1477 into such as solvent scheme of arrangement. Such security shall be in a form consistent with the
1478 provisions of paragraph (E) of subsection (1) and subsection (2) and as specified by the
1479 commissioner in regulation.

1480 (e) The assuming insurer or its legal successor must provide, if requested by the
1481 commissioner, on behalf of itself and any legal predecessors, certain documentation to the
1482 commissioner, as specified by the commissioner in regulation.

1483 (f) The assuming insurer must maintain a practice of prompt payment of claims
1484 under reinsurance agreements, pursuant to criteria set forth in regulation.

1485 (g) The assuming insurer's supervisory authority must confirm to the commissioner
1486 on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily
1487 reported to the Reciprocal Jurisdiction, that the assuming insurer complies with the requirements
1488 set forth in subparagraphs (b) and (c).

1489 (h) Nothing in this provision precludes an assuming insurer from providing the
1490 commissioner with information on a voluntary basis.

1491 (ii) The commissioner shall timely create and publish a list of Reciprocal Jurisdictions.

1492 (a) A list of Reciprocal Jurisdictions is published through the NAIC Committee Process.
1493 The commissioner's list shall include any Reciprocal Jurisdiction as defined under subclauses 1
1494 and 2 of subparagraph (a) of clause (i) of this paragraph, and shall consider any other Reciprocal
1495 Jurisdiction included on the NAIC list. The commissioner may approve a jurisdiction that does
1496 not appear on the NAIC list of Reciprocal Jurisdictions in accordance with criteria to be
1497 developed under regulations issued by the commissioner.

1498 (b) The commissioner may remove a jurisdiction from the list of Reciprocal Jurisdictions
1499 upon a determination that the jurisdiction no longer meets the requirements of a Reciprocal
1500 Jurisdiction, in accordance with a process set forth in regulations issued by the commissioner,
1501 except that the commissioner shall not remove from the list of Reciprocal Jurisdiction as defined
1502 under subclauses 1 and 2 of subparagraph (a) of clause (i) of this paragraph. Upon removal of a
1503 Reciprocal Jurisdiction from the list credit for reinsurance ceded to an assuming insurer which
1504 has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed
1505 pursuant to this section 20A.

1506 (iii) The commissioner shall timely create and publish a list of assuming insurers that
1507 have satisfied the conditions set forth in this subsection and to which cessions shall be granted
1508 credit in accordance with this subsection. The commissioner may add an assuming insurer to
1509 such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such
1510 assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to
1511 the commissioner as required under subparagraph (d) of clause (i) of this paragraph and complies
1512 with any additional requirements that the commissioner may impose by regulation, except to the
1513 extent that they conflict with an applicable covered agreement.

1514 (iv) If the commissioner determines that an assuming insurer no longer meets one or
1515 more of the requirements under this subsection, the commissioner may revoke or suspend the
1516 eligibility of the assuming insurer for recognition under this subsection in accordance with
1517 procedures set forth in regulation.

1518 (a) While an assuming insurer's eligibility is suspended, no reinsurance agreement
1519 issued, amended or renewed after the effective date of the suspension qualified for credit except
1520 to the extent that the assuming insurer's obligations under the contract are secured in accordance
1521 with subsection 2.

1522 (b) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be
1523 granted after the effective date of the revocation with respect to any reinsurance agreements
1524 entered into by the assuming insurer, including reinsurance agreements entered into prior to the
1525 date of revocation, except to the extent that the assuming insurer's obligations under the contract
1526 are secured in a form acceptable to the commissioner and consistent with the provision of
1527 subsection 2.

1528 (v) If subject to a legal process of rehabilitation, liquidation or conservation, as
1529 applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by
1530 the court in which the proceedings are pending, may obtain an order requiring that the assuming
1531 insurer post security for all outstanding ceded liabilities.

1532 (vi) Nothing in this subsection shall limit or in any way alter the capacity of parties to a
1533 reinsurance agreement to agree on requirements for security or other terms in that reinsurance
1534 agreement, except as prohibited by this section 20A or other applicable law or regulation.

1535 (vii) Credit may be taken under this subsection only for reinsurance agreements entered
1536 into, amended, or renewed on or after the effective date of the statute adding this subsection, and
1537 only with respect to losses incurred and reserves reported on or after the later of (1) the date on
1538 which the assuming insurer has met all eligibility requirements pursuant to clause (i) of this
1539 paragraph (E1/2) of this subsection herein, and (2) the effective date of the new reinsurance
1540 agreement, amendment, or renewal.

1541 (a) This paragraph does not alter or impair a ceding insurer's right to take credit for
1542 reinsurance, to the extent that credit is not available under this subsection, as long as the
1543 reinsurance qualifies for credit under any other applicable provision of this section 20A.

1544 (b) Nothing in this subsection shall authorize an assuming insurer to withdraw or
1545 reduce the security provided under any reinsurance agreement except as permitted by the terms
1546 of the agreement.

1547 (c) Nothing in this subsection shall limit, or in any way alter, the capacity of parties
1548 to any reinsurance agreement to renegotiate the agreement.

1549 SECTION 176. Said subsection (1) of said section 20A of said chapter 175, as so
1550 appearing, is hereby further amended by striking out paragraph (F) and inserting in place thereof
1551 the following paragraph:-

1552 (F) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not
1553 meeting the requirements of paragraphs (A), (B), (C), (D), (E), or (E1/2) but only with respect to
1554 the insurance of risks located in jurisdictions where such reinsurance is required by applicable
1555 law or regulation of that jurisdiction.

1556 SECTION 177. Said subsection (1) of said section 20A of said chapter 175, as so
1557 appearing, is hereby further amended by striking out paragraph (H) and inserting thereof the
1558 following paragraph :-

1559 (H) If the assuming insurer does not meet the requirements of paragraphs (A), (B), (C) or
1560 (E1/2), the credit permitted by paragraph (D) shall not be allowed unless the assuming insurer
1561 agrees in substance in the trust agreements to the following conditions:.

1562 SECTION 178. Clause (iv) of paragraph (B) of subsection (5) of said section 20A of said
1563 chapter 175, as so appearing, is hereby amended by striking out subparagraphs (a) and (b) and
1564 inserting in place thereof the following 3 subparagraphs:-

1565 (a) meets the conditions set forth in paragraph (E1/2) of subsection (1) of this section;

1566 (b) is certified in the commonwealth; or

1567 (c) maintains at least \$250,000,000 in capital and surplus when determined in
1568 accordance with the NAIC Accounting Practices and Procedures Manual, including all
1569 amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed

1570 practices; and is licensed in at least 26 states; or licensed in at least 10 states and licensed or
1571 accredited in a total of at least 35 states.

1572 SECTION 179. Said chapter 175 of the General Laws, as so appearing, is hereby further
1573 amended by striking out section 117C and inserting in place thereof the following section:-

1574 Section 117C. (a) The following method of determination of premium rates with respect
1575 to credit life insurance and credit accident and health insurance is required only for such
1576 insurance written in connection with obligations, other than loans secured by first liens on real
1577 property, which are subject to section 12G of chapter 255, section 10 of chapter 255B, section
1578 14A of chapter 255C, or subsection C of section 26 of chapter 255D, for which an identifiable
1579 charge is paid by insured persons.

1580 (b) The following are the procedures for determining the maximum premium rates
1581 permitted to be charged any account:

1582 A. Rate Review.

1583 (1) Minimum loss ratio test: Benefits will be considered reasonable in relation to the
1584 premium charged if the loss ratio equals or exceeds or is reasonably expected to equal or exceed
1585 the minimum loss ratio standard specified below. The minimum loss ratio standard is:

1586 (i) for credit life insurance, 50 per cent and

1587 (ii) for credit accident and health insurance, 55 per cent.

1588 In applying the minimum loss ratio test, the commissioner shall make appropriate
1589 adjustment to account for differences in loss ratios that may be expected on single premium
1590 credit life insurance plans resulting from changes in the benefit structure.

1591 The rate review will be made each year for all classes of business.

1592 B. Reports of Experience:

1593 (1) Each insurer writing said life insurance and accident and health insurance shall report
1594 to the commissioner its claims experience and loss ratio data on said insurance separately for the
1595 motor vehicle dealers class of business and for all classes of business combined on the credit
1596 insurance supplement forms as specified by the National Association of Insurance
1597 Commissioners for inclusion in the annual statement blanks filed pursuant to section 25.

1598 (2) Each insurer writing said life insurance and accident and health insurance shall
1599 annually report to the commissioner, on a form prescribed by him or her, its claims experience
1600 and loss ratio data on said insurance separately for motor vehicle dealers and other than motor
1601 vehicle dealers. Should the reported experience indicate that claims experience does not meet
1602 the minimum loss ratio tests, taking into consideration the credibility of said experience as
1603 measured by the table set forth in paragraph C, corrective action will be required. If corrective
1604 action is indicated, the carrier shall include with its submission its proposed plan for such
1605 corrective action.

1606 C. Definitions:

1607 As used in this section the following terms, unless the context clearly requires otherwise,
1608 shall have the following meanings:

1609 (1) "Average Number of Life Years", the average number of group certificates in force
1610 during the experience period, without regard to multiple coverage, times the number of years in

1611 the experience period, or some equivalent calculation, which shall be made separately for credit
1612 life insurance and for credit accident and health insurance.

1613 (2) “Credibility factor”, the extent to which past experience can be expected to recur in
1614 the future. The credibility factor may be based on either the number of claims incurred or on the
1615 “average number of life years” for the case during the experience period using the credibility
1616 table.

1617 (3) “Credibility table” means the following table:

1618

1619 The above integral numbers represent the lower end of the bracket for each “Z” factor.

1620 The upper is 1 less than the lower end for the next higher “Z” factor.

1621 (4) “Earned premiums”, the premiums earned at the premium rates actually charged for
1622 coverage in force during the experience period.

1623 (5) “Experience”, earned premiums, incurred claims, incurred claim count, number of life
1624 years insured, and average amount of insurance during the experience period.

1625 (6) “Incurred claims”, total claims paid during the experience period, adjusted for the
1626 change in the claim reserve.

1627 (7) “Incurred claim count”, the number of claims incurred during the experience period.

1628 This means the total number of claims reported during the experience period, whether paid or in
1629 the process of payment. If a debtor has been issued more than one certificate for the same plan of
1630 insurance, only one claim is counted. If a debtor receives disability benefits, only the initial claim
1631 payment for that period of disability is counted.

1632 (8) “Loss Ratio”, the ratio of incurred claims to earned premiums.

1633 SECTION 180. The second paragraph of section 32 of chapter 184 of the General Laws,
1634 as so appearing, is hereby amended by adding the following sentence:-

1635 Notwithstanding the foregoing, the director of housing and community development may
1636 release or approve the release of an affordable housing restriction after soliciting public comment
1637 upon reasonable public notice, in lieu of a public hearing, provided that the director first
1638 determines that the release is likely to be in the public interest and states the basis for such
1639 determination in the notice of public comment.

1640 SECTION 181. Section 2 of chapter 239 of the General Laws, as so appearing, is hereby
1641 amended by adding the following paragraph:- The defendant named in a summary process
1642 summons and complaint shall not include any minors, and any such minors’ names so included
1643 shall be expunged from any court record and electronic docket entry.

1644 SECTION 182. Section 3 of chapter 614 of the acts of 1968, as most recently amended
1645 by section 5 of chapter 454 of the acts of 1969, is hereby further amended by adding after
1646 subsection (h) the following subsection:-

1647 (i) “Nonprofit Beneficiary”. Any nonprofit person, as defined in section 1 of chapter 23G
1648 of the General Laws, to which the agency is authorized to provide financing.

1649 SECTION 183. Section 5 of said chapter 614, as most recently amended by section 9 of
1650 said chapter 454, is hereby further amended by striking out subsection (o) and inserting in place
1651 thereof the following 2 subsections:-

(o) to make loans from the assets of any existing authority trust to nonprofit beneficiaries in support of such trust;

(p) to do all things necessary and convenient to carry out the purposes of this act.

SECTION 184. Section 12 of chapter 490 of the acts of 1980 is hereby repealed.

SECTION 185. Sections 46, 48, 61 and 63 of chapter 287 of the acts of 2014, as most recently amended by chapter 99 of the acts of 2018, are hereby repealed.

SECTION 186. Section 124A of chapter 287 of the acts of 2014, as added by section 26 of chapter 99 of the acts of 2018, is hereby repealed.

SECTION 187. The executive office of housing and economic development shall issue guidance to assist local officials determining the voting thresholds for various zoning amendments. Such guidance shall be assembled in consultation with the Department of Housing and Community Development, the Massachusetts Attorney General's Municipal Law Unit, and Massachusetts Housing Partnership.

SECTION 188. 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, \$190,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face "Commonwealth Economic Development Act of 2020", 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

1673 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall
1674 be payable not later than June 30, 2055. All interest and payments on account of principal on
1675 such obligations shall be payable from the General Fund. Bonds and interest thereon issued
1676 under the authority of this section shall, notwithstanding any other provision of this act, be
1677 general obligations of the commonwealth.

1678 SECTION 189. Notwithstanding any general or special law to the contrary, to meet the
1679 expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a
1680 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified
1681 by the governor from time to time but not exceeding, in the aggregate, \$85,000,000. All bonds
1682 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth
1683 Economic Development Act of 2020”, and shall be issued for a maximum term of years, not
1684 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of
1685 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall
1686 be payable not later than June 30, 2055. All interest and payments on account of principal on
1687 such obligations shall be payable from the General Fund. Bonds and interest thereon issued
1688 under the authority of this section shall, notwithstanding any other provision of this act, be
1689 general obligations of the commonwealth.

1690 SECTION 190. Notwithstanding any general or special law to the contrary, certain
1691 regulatory approvals are hereby extended as provided in this section.

1692 For purposes of this section, the following words shall, unless the context clearly requires
1693 otherwise, have the following meanings:

1694 "Approval" except as otherwise provided in subsection (b), any permit, certificate, order,
1695 excluding enforcement orders, license, certification, determination, exemption, variance, waiver,
1696 building permit, or other approval or determination of rights from any municipal, regional or
1697 state governmental entity, including any agency, department, commission, or other
1698 instrumentality of the municipal, regional or state governmental entity, concerning the use or
1699 development of real property, including certificates, licenses, certifications, determinations,
1700 exemptions, variances, waivers, building permits, or other approvals or determination of rights
1701 issued or made under chapter 21, chapter 21A excepting section 16, chapter 21D, sections 61 to
1702 62I, inclusive, of chapter 30, chapters 30A, 40, 40A to 40C, inclusive, 40R, 41, 43D, section 21
1703 of chapter 81, chapter 91, chapter 131, chapter 131A, chapter 143, sections 4 and 5 of chapter
1704 249, or chapter 258, of the General Laws or chapter 665 of the acts of 1956, or any local by-law
1705 or ordinance.

1706 "Development", division of a parcel of land into 2 or more parcels, the construction,
1707 reconstruction, conversion, structural alteration, relocation or enlargement of a building or other
1708 structure or facility, or any grading, soil removal or relocation, excavation or landfill or any use
1709 or change in the use of any building or other structure or land or extension of the use of land.

1710 "Tolling period", the period beginning March 10, 2020, and continuing through March
1711 10, 2021.

1712 (b) (1) Notwithstanding any general or special law to the contrary, an approval in effect
1713 or existence during the tolling period shall be extended for a period of 1 year, in addition to the
1714 lawful term of the approval.

1715 (2) Nothing in this section shall be deemed to extend or purport to extend:

1716 (i) a permit or approval issued by the government of the United States or an agency
1717 or instrumentality of the government of the United States or to a permit or approval, of which the
1718 duration of effect or the date or terms of its expiration are specified or determined by or under
1719 law or regulation of the federal government or any of its agencies or instrumentalities;

1720 (ii) a comprehensive permit issued by a board of appeals under sections 20 to 23,
1721 inclusive, of chapter 40B of the General Laws;

1722 (iii) a permit, license, privilege or approval issued by the division of fisheries and
1723 wildlife under chapter 131;

1724 (iv) any approval, determination, exemption, certification, statement of qualification,
1725 or any other administrative action by the Department of Energy Resources under 225 CMR
1726 20.00, subsection (c) of section 17 of chapter 25A of the General Laws, or the corresponding
1727 regulations at 225 CMR 21.00; or

1728 (v) any agreement entered into by the Massachusetts Department of Transportation or
1729 the Massachusetts Bay Transportation Authority, or any permit, license, or approval issued by
1730 said department or authority, relating to the sale, acquisition, or lease or development of real
1731 property owned in whole or in part by said department or authority, or the sale, acquisition, lease
1732 or development of any interest therein related to such real property, pursuant to authority granted
1733 under chapter 6C or chapter 161A of the General Laws.

1734 (3) Nothing in this section shall affect the ability of a municipal, regional or state
1735 governmental entity, including an agency, department, commission or other instrumentality of a
1736 municipal, regional or state governmental entity to revoke or modify a specific permit or
1737 approval or extension of a specific permit or approval under this section, when that specific

1738 permit or approval or the law or regulation under which the permit or approval was issued
1739 contains language authorizing the modification or revocation of the permit or approval.

1740 (4) In the event that an approval tolled under this section is based upon the
1741 connection to a sanitary sewer system, the approval's extension shall be contingent upon the
1742 availability of sufficient capacity, on the part of the treatment facility, to accommodate the
1743 development whose approval has been extended. If sufficient capacity is not available, those
1744 permit holders whose approvals have been extended shall have priority with regard to the further
1745 allocation of gallonage over those approval holders who have not received approval of a hookup
1746 prior to the effective date of this section. Priority regarding the distribution of further gallonage
1747 to a permit holder who has received the extension of an approval under this section shall be
1748 allocated in order of the granting of the original approval of the connection.

1749 (5) In the case when an owner or petitioner sells or otherwise transfers a property or
1750 project, in order for an approval to receive an extension, all commitments made by the original
1751 owner or petitioner under the terms of the permit must be assigned to and assumed by the new
1752 owner or petitioner. If the new owner or petitioner does not meet or abide by those commitments
1753 then the approval shall not be extended under this section.

1754 (6) Nothing in this section shall be construed or implemented in such a way as to
1755 modify a requirement of law that is necessary to retain federal delegation to, or assumption by,
1756 the commonwealth of the authority to implement a federal law or program.

1757 SECTION 191. Section 186 shall take effect 90 days after enactment.

1758 SECTION 192. Sections 112 to 116, inclusive, and sections 118 to 120, inclusive, shall
1759 apply to tax years beginning on or after January 1, 2021.