

# **HOUSE . . . . . No. 4874**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 23, 2020.

The committee on Bonding, Capital Expenditures and State Assets, to whom was referred the Bill enabling partnerships for growth (House, No. 4854), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4874) [Bond Issue: General Obligation Bonds: \$338,000,000.00].

For the committee,

ANTONIO F. D. CABRAL.

**HOUSE . . . . . No. 4874**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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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; provided further that not  
45 less than \$7,000,000 shall be expended on the capital needs of the Blue Economy Initiative at  
46 UMass Dartmouth..... \$52,000,000

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

58 the administering agency may establish additional program requirements through regulations or  
59 policy guidelines ..... \$20,000,000

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

67           7002-8029     For a competitive grant program administered by the Massachusetts Office  
68 of Travel and Tourism to improve facilities and destinations visited by in-state and out-of-state  
69 travelers, with the goals of increasing visitation, enticing repeat visitation, and increasing the  
70 direct and indirect economic impacts of the tourism industry in all regions of the commonwealth;  
71 provided that grants shall support the design, repair, renovation, improvement, expansion and  
72 construction of facilities owned by municipalities or nonprofit entities; and provided further that  
73 all grantees shall provide a match based on a graduated formula determined by the Massachusetts  
74 Office of Travel and Tourism; and further provided that grant recipients shall be required to  
75 measure and report on return-on-investment data after the expenditure of grant funds; provided  
76 further, that not less than \$500,000 shall be expended for infrastructure improvements and ADA  
77 upgrades to the bathhouse and boathouse at West Beach located on West Rodney French  
78 Boulevard in the city of New Bedford..... \$10,000,000

79           7002-8031     For a program to provide assistance to projects that will improve,  
80   rehabilitate or redevelop blighted, abandoned, vacant or underutilized properties to achieve the  
81   public purposes of eliminating blight, increasing housing production, supporting economic  
82   development projects, increasing the number of commercial buildings accessible to persons with  
83   disabilities, and conserving natural resources through the targeted rehabilitation and reuse of  
84   vacant and underutilized property; provided that such assistance shall take the form of a grant or  
85   a loan provided to a municipality or other public entity, a community development corporation,  
86   nonprofit entity or for-profit entity; provided further that eligible uses of funding shall include,  
87   but not be limited to, improvements and additions to or alterations of structures and other  
88   facilities necessary to comply with requirements of building codes, fire or other life safety codes,  
89   and regulations pertaining to accessibility for persons with disabilities, where such code or  
90   regulatory compliance is required in connection with a new commercial residential or civic use  
91   of such structure or facility, and also shall include the targeted removal of existing underutilized  
92   structures or facilities to create or activate publicly-accessible recreational or civic spaces;  
93   provided further that funding shall be awarded on a competitive basis in accordance with  
94   guidelines developed by the agency; provided further that financial assistance offered pursuant to  
95   this line item may be administered by the executive office through a contract with the  
96   Massachusetts Development Finance Agency established by section 2 of chapter 23G; provided  
97   further that the executive office or the Massachusetts Development Finance Agency may  
98   establish additional program requirements through regulations or policy guidelines; and provided  
99   further that program funds may be used for the reasonable costs of administering the program,  
100   provided that such costs shall not exceed 5 per cent of the total assistance made during the fiscal  
101   year; provided further, that not less than \$2,800,000 shall be expended for the restoration and

102 rehabilitation of the historic building located at 17 Fairmount Avenue in the Hyde Park  
103 neighborhood of Boston; provided further, that not less than \$750,000 shall be expended for  
104 infrastructure improvements, ADA upgrades, safety code compliance, and the rehabilitation and  
105 renovation of the historical building serving as the Cape Verdeans Veterans Memorial Hall  
106 located at 561 Purchase Street in the city of New Bedford; provided further, that not less than  
107 \$1,200,000 shall be expended for the restoration of the Cape Verdean Association of New  
108 Bedford Strand Theatre/Cape Verdean cultural center in the city of New Bedford  
109 ..... \$45,000,000

110           7002-8032       For grants and technical assistance to be made to municipalities and  
111 regional applicants, to support planning and locally-driven initiatives related to community  
112 development, housing production, workforce training and economic opportunity, childcare and  
113 early education initiatives, and climate resilience initiatives, including nature-based solutions  
114 projects, that incorporate these elements, across the commonwealth within individual  
115 communities, regions or a defined subset of communities therein ..... \$5,000,000

116           XXXX-XXXX       For the Massachusetts Food Trust Program established by section  
117 65 of chapter 23A of the General Laws; provided further, that not less than \$1,000,000 shall be  
118 expended by the Marion Institute for the Center for Community Agriculture & Food Security in  
119 partnership with public schools in the SouthCoast.....\$6,000,000

120           SECTION 2A.

121           EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

122           Department of Housing and Community Development

123           7004-0059     For state financial assistance in the form of grants or loans to accelerate  
124 and support the creation of low- and moderate-income housing in close proximity to transit  
125 nodes; provided that the program shall be administered to achieve the following public benefits:  
126 (1) maximize the amount of affordable residential and mixed-use space in close proximity to  
127 transit nodes, resulting in higher density, compact development and pedestrian-friendly,  
128 inclusive and connected neighborhoods; (2) increase mass transit ridership, (3) decrease traffic  
129 congestion and reduce greenhouse gas emissions, (4) increase economic opportunity for  
130 disadvantaged populations by making it easier for residents of affordable housing to access  
131 public transportation, including transportation supporting commutes to employment centers;  
132 provided further that entities eligible to receive financial assistance shall include governmental  
133 bodies, community development corporations, local housing authorities, community action  
134 agencies, community-based or neighborhood-based non-profit housing organizations, other non-  
135 profit organizations, and for-profit entities; provided further that financial assistance provided  
136 pursuant to this section shall be made on a competitive basis, with preference for projects in  
137 communities most impacted by COVID-19 health and economic crisis; provided further, that  
138 funds may be used to assist units occupied by and affordable to persons with incomes up to, but  
139 not exceeding, 110 per cent of the area median income, as defined by the United States  
140 Department of Housing and Urban Development, with priority given to projects that provide  
141 higher and deeper levels of affordability; provided further, that not less than 25 per cent of the  
142 occupants of housing in projects assisted by this item shall be persons whose income is not more  
143 than 60 per cent of the area median income, as so defined; provided further that financial  
144 assistance offered pursuant to this line item may be administered by the department through a  
145 contract with the Massachusetts Housing Partnership, established in section 35 of chapter 405 of



146 the acts of 1985, which in turn may directly offer financial assistance for the purposes set forth  
147 herein, or may enter into subcontracts with nonprofit organizations established pursuant to  
148 chapter 180 of the General Laws for those purposes; provided further that the department may  
149 provide financial support to nonprofit and for-profit developers that enter into binding  
150 agreements to set aside residential units in market-rate transit-oriented housing, over and above  
151 any units required to be set aside under local zoning or approvals, for rent or sale to income-  
152 qualified households at affordable rents or sale prices, as applicable; and provided further, that  
153 the department may establish additional program requirements through regulations or policy  
154 guidelines ..... \$35,000,000

155           7004-0064    For financial assistance to accelerate and support the creation and  
156 preservation of sustainable and climate resilient affordable multifamily housing; provided that  
157 such financial assistance shall be made to achieve the following public benefits: (1) incorporate  
158 efficient, sustainable and climate-resilient design practices in affordable residential development,  
159 to support positive climate mitigation outcomes; (2) reduce greenhouse gas emissions and  
160 reliance on fossil fuels; (3) increase resiliency of existing housing developments to mitigate  
161 impacts of climate change, including flooding and extreme temperatures; and (4) enhance  
162 emergency preparedness, including sustainable means of power generation to allow for  
163 sheltering vulnerable populations in place; provided further that financial assistance shall be  
164 made available on a competitive basis to community development corporations, local housing  
165 authorities, community action agencies, community-based or neighborhood-based non-profit  
166 housing organizations, other non-profit organizations, and for-profit entities; provided further,  
167 that funds may be used to assist units occupied by and affordable to persons with incomes up to,  
168 but not exceeding, 110 per cent of the area median income, as defined by the United States

169 Department of Housing and Urban Development, with priority given to projects that provide  
170 higher and deeper levels of affordability; provided further, that not less than 25 per cent of the  
171 occupants of housing in projects assisted by this item shall be persons whose income is not more  
172 than 60 per cent of the area median income, as so defined; provided further that financial  
173 assistance provided pursuant to this section may be administered by the department through  
174 contracts with the Massachusetts Housing Partnership, established in section 35 of chapter 405 of  
175 the acts of 1985, the Massachusetts Housing Finance Agency, established in chapter 708 of the  
176 acts of 1966, or both, which authorities may directly offer financial assistance for the purposes  
177 set forth herein, or may enter into subcontracts with nonprofit organizations established pursuant  
178 to chapter 180 for those purposes; and provided further that the administering agency may  
179 establish additional program requirements through regulations or policy guidelines  
180 ..... \$10,000,000

181           7004-0065     For state financial assistance to cities and towns, or to agencies, boards,  
182 commissions, authorities, departments or instrumentalities within cities or towns, or to  
183 community development corporations or non-profit organizations, to assist in the revitalization  
184 of neighborhoods and communities with properties in blighted or substandard conditions by  
185 subsidizing the purchase price, borrowing costs or costs of demolition or renovation of up to 50  
186 units of residential rental housing or 1-4 units of home ownership residential housing that have  
187 been cited for building or sanitary code violations or that are subject to cancellation of  
188 commercial property insurance due to substandard property conditions, or are otherwise blighted  
189 or substandard; provided, that contracts entered into by the department of housing and  
190 community development for those projects may include, but shall not be limited to, projects  
191 providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous

192 material abatement, including asbestos and lead paint, and for compliance with state codes and  
193 laws and for adaptations necessary for compliance with the Americans with Disabilities Act of  
194 1990; provided further, that preference shall be given to community development corporations  
195 and local nonprofit organizations, to organizations sponsoring projects that secure private funds,  
196 and to projects with the greatest impact on community stabilization in weak markets, including  
197 but not limited to rural communities and communities that have been disproportionately affected  
198 by COVID-19 emergency, disinvestment, foreclosure and abandonment; provided further, that  
199 such rehabilitated housing shall remain affordable for such period as shall be established by the  
200 department through guidance, taking into account differences in market conditions and the type  
201 of restrictions best suited to promoting community stabilization in different markets; and  
202 provided further that an amount not to exceed 2 per cent of the amount expended may pay for  
203 administrative costs directly attributable to the purposes of this program, including costs of  
204 support personnel ..... \$40,000,000

205 SECTION 2B

206 EXECUTIVE OFFICE OF EDUCATION

207 Massachusetts Department of Elementary and Secondary Education

208 XXXX-XXXX For state financial assistance to cities and towns for the FY2021  
209 school year pursuant to Chapter 132, An Act Relative to Education Opportunity for  
210 Students..... \$35,000,000

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

214 In the executive office of housing and economic development, there shall be the  
215 following departments and offices: the department of housing and community development  
216 established by section 1 of chapter 23B; the Massachusetts office of consumer affairs and  
217 business regulation established by section 1 of chapter 24A; the Massachusetts office of business  
218 development established by section 1 of chapter 23A; the Massachusetts marketing partnership  
219 established by section 13A of chapter 23A; the Massachusetts office of travel and tourism  
220 established by section 13E of chapter 23A; and the Massachusetts office of international trade  
221 and investment established by section 13K of chapter 23A. Subject to appropriation, such  
222 departments and offices shall be provided with offices in Boston and elsewhere as may be  
223 approved by the governor and may expend sums for necessary expenses of those departments  
224 and offices.

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

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

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

233 (h) The secretary, with the approval of the governor, shall appoint an undersecretary for  
234 each of the office of consumer affairs and business regulation and the department of housing and  
235 community development, and shall appoint a director for each of the office of business

236 development, the office of travel and tourism and the office of international trade and  
237 investment. Such undersecretaries and directors shall devote their full time during business  
238 hours to the duties of their offices and shall not engage in other employment or business  
239 activities during business hours. In accordance with the provisions of chapter 30A, and with the  
240 advice of the undersecretaries and directors of the various departments and offices, the secretary  
241 may promulgate regulations with respect to the matters under the secretariat's supervision or  
242 control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

366 SECTION 31. Section 13C of said chapter 23A of the General Laws, as appearing in the  
367 2018 Official Edition, is hereby amended by striking out paragraphs (1) through (3), inclusive,  
368 and inserting in place thereof the following 3 paragraphs:-

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

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

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

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

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

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

381           There shall be within the executive office of housing and economic development an  
382 office of travel and tourism which shall be under the supervision and control of an executive  
383 director. The powers and duties given to the executive director of the office of travel and tourism  
384 in this chapter and in any other general or special law shall be exercised and discharged subject  
385 to the direction, control and supervision of the secretary of the executive office of housing and  
386 economic development.

387           The executive director of the office of travel and tourism shall be appointed by the  
388 secretary of the executive office of housing and economic development in accordance with  
389 subsection (h) of section 16G of chapter 6A, and serve at the pleasure of the secretary. The  
390 position of executive director of the office of travel and tourism shall be classified under section  
391 45 of chapter 30 and the executive director of travel and tourism shall devote full time during  
392 business hours to the duties of the office of travel and tourism and shall give to the state treasurer  
393 a bond for the faithful performance of those duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

580 Section 4G. (a) In order to undertake projects and programs to promote job creation and  
581 retention and economic development, competitiveness and growth in the commonwealth through  
582 support of the technology and innovation ecosystems, there is hereby established a fund to be  
583 known as the Technology Research and Development and Innovation Fund, hereinafter referred  
584 to as the fund, to which shall be credited the proceeds of bonds or notes of the commonwealth  
585 issued for this purpose, and any appropriations designated by the general court to be credited  
586 thereto. The fund shall be administered by the corporation. The corporation shall hold the fund in  
587 an account or accounts separate from other funds of the corporation.

588 (b) The fund shall be administered to foster scientific and technology research and  
589 development in the Commonwealth by providing matching funds for capital expenditures to be  
590 made in connection with projects which are sponsored by the University of Massachusetts,  
591 research universities, non-profit entities, independent research institutions, or technology

592 companies in the commonwealth for scientific or technology research and development that will  
593 increase and strengthen the commonwealth's economic development, employment opportunities  
594 and commercial and industrial sectors, and are funded in part by the federal government or other  
595 public or private funds; provided, however, that any grant awarded in accordance with this  
596 subsection shall leverage at least \$1, in the aggregate, during activities funded by such grant,  
597 from sources other than an agency as defined in section 39 of chapter 6 for each dollar granted;  
598 provided further, funds expended specifically for this matching grant program from the higher  
599 education bond bill, established by chapter 258 of the acts of 2008, shall not count towards the  
600 \$1 of financing that is required for the matching grant program; provided further, that as a  
601 condition of such grants being awarded, the corporation shall reach agreement with the grant  
602 recipient on performance measures and indicators that will be used to evaluate the performance  
603 of the grant recipient in carrying out the activities described in the recipient's application;  
604 provided further, that prior to awarding any grant under this subsection the corporation shall  
605 determine that the grant will advance the purposes of this subsection; provided further, that  
606 priority shall be given to large-scale, long-term research and development activities that have the  
607 greatest potential to support scientific and technological innovation and stimulate economic and  
608 employment opportunities in the commonwealth through industry partnerships; and provided,  
609 further that at least 50 per cent of the grant funds under this subsection shall be reserved for  
610 award, over the term of each authorization or appropriation, subject to qualification, to the  
611 University of Massachusetts. The University of Massachusetts may, if it deems necessary to help  
612 ensure efficient and effective research and development efforts, enter into collaborative  
613 agreements with other higher education institutions in the commonwealth to undertake parts of

614 any research and development project for which grant funding under this subsection is sought.  
615 Funds may be used by the corporation to support costs associated with managing this program.

616 (c) The fund also shall be administered to support technology and innovation ecosystems  
617 through grants or loans to eligible participants to pay or reimburse eligible capital costs of  
618 facilities that foster innovation, demonstration, research and product development in emerging  
619 technologies and systems, with preference given to sectors identified by the corporation as of  
620 strategic importance to the commonwealth, including but not limited to artificial intelligence,  
621 robotics, quantum computing, advanced manufacturing, cyber security, financial technology,  
622 blockchain and marine technologies. Eligible participants shall include universities and public  
623 entities, and may include for-profit business entities when the corporation has made a finding  
624 that the use of funds by the private entity is primarily for a public purpose and will result in a  
625 significant and measurable public benefit. Eligible costs shall include the costs of acquiring and  
626 improving real property; costs of acquiring and installing fixtures, equipment and other personal  
627 property; costs of planning and designing, any combination of the foregoing. Any such  
628 improvements, property or equipment shall be owned by one or more public entities but may be  
629 leased or licensed for use by private institutions; provided, however, that such assets may be  
630 privately owned where the corporation makes a finding that such private ownership is necessary  
631 to achieve the public purpose of the grant. The corporation shall establish guidelines,  
632 requirements and standards for participation in the program.

633 (d) There shall be credited to the fund revenue from appropriations or other monies  
634 authorized by the general court and specifically designated for the fund. Any such  
635 appropriations remaining in the fund at the end of a fiscal year shall not revert to the General  
636 Fund. Appropriations from the general court into the fund may be expended by the corporation

637 to establish programs that support technology and innovation ecosystems, consistent with the  
638 terms of the appropriation.

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

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

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

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

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

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

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



657 SECTION 82. Section 3 of said chapter 40R of the General Laws, as appearing in the  
658 2018 Official Edition, is hereby amended by inserting, in line 4, after the word “have” the  
659 following word:- safe.

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

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

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

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

669 (8) A proposed smart growth zoning district or starter home zoning district shall not  
670 impose restrictions on age or any other occupancy restrictions on the district as a whole or any  
671 portion thereof or project therein. Applicants may pursue the development of specific projects  
672 within a smart growth zoning district that are exclusively for the elderly, the disabled or for  
673 assisted living, provided that the department shall adopt regulations limiting the percentage of  
674 units in the district that qualify the city or town for density bonus payments under section 9 that  
675 may be subject to such restrictions that limit occupancy exclusively for the elderly, the disabled  
676 or for assisted living. Not less than 25 per cent of the housing units in a project that limits  
677 occupancy exclusively for the elderly, the disabled or for assisted living within a smart growth  
678 zoning district shall be affordable housing, as defined in section 2.

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

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

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

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

690 (g) Any amendment or repeal of a zoning ordinance or by-law affecting an approved  
691 smart growth zoning district or starter home zoning district shall not be effective without the  
692 written approval by the department. In addition, no such amendment or repeal shall be effective  
693 until the city or town has made the payment required under subsection (b) of section 14. Each  
694 amendment or repeal shall be submitted to the department with an evaluation of the effect on the  
695 number of projected units that will remain developable, if any, in relation to the number of units  
696 that have been built and the number of units that determined any corresponding zoning incentive  
697 payment paid to the city or town. Amendments shall be approved only to the extent that the  
698 district remains in compliance with this chapter. If the department does not respond to a  
699 complete request for approval of an amendment or repeal within 60 days of receipt, the request  
700 shall be deemed approved.

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

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

709 SECTION 92. Section 9 of said chapter 40R, as amended by section 13 of chapter 5 of  
710 the acts of 2019, is hereby further amended by striking out, in lines 18 through 21, inclusive, the  
711 words “, and consistent with either the city or town’s comprehensive housing plan or housing  
712 production plan, if any, or the housing production summary submitted in accordance with section  
713 8”.

714 SECTION 93. Section 10 of said chapter 40R of the General Laws, as appearing in the  
715 2018 Official Edition, is hereby amended by striking out, in line 3, the words “approving  
716 authority” and inserting in place thereof the following words:- plan approval authority.

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

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

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

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

742           (c) An application for approval under this section shall be filed by the applicant with  
743 the city or town clerk and a copy of the application including the date of filing certified by the  
744 town clerk shall be filed forthwith with the plan approval authority. The plan approval authority  
745 shall hold a public hearing for which notice has been given as provided in section 11 of chapter

746 40A. The decision of the plan approval authority shall be made, and a written notice of the  
747 decision filed with the city or town clerk, within 120 days of the receipt of the application by the  
748 city or town clerk. The required time limits for such action may be extended by written  
749 agreement between the applicant and the plan approval authority, with a copy of such agreement  
750 being filed in the office of the city or town clerk. Failure of the plan approval authority to take  
751 action within said 120 days or extended time, if applicable, shall be deemed to be an approval of  
752 the plan. The applicant who seeks approval of a plan by reason of the failure of the plan  
753 approval authority to act within such time prescribed, shall notify the city or town clerk, in  
754 writing within 14 days from the expiration of said 120 days or extended time, if applicable, of  
755 such approval and that notice has been sent by the applicant to parties in interest. The applicant  
756 shall send such notice to parties in interest by mail and each such notice shall specify that  
757 appeals, if any, shall be made pursuant to this section and shall be filed within 20 days after the  
758 date the city or town clerk received such written notice from the applicant that the plan approval  
759 authority failed to act within the time prescribed.

760 (d) The plan approval authority shall issue to the applicant a copy of its decision  
761 containing the name and address of the owner, identifying the land affected, and the plans that  
762 were the subject of the decision, and certifying that a copy of the decision has been filed with the  
763 city or town clerk and that all plans referred to in the decision are on file with the plan approval  
764 authority. If 20 days have elapsed after the decision has been filed in the office of the city or  
765 town clerk without an appeal having been filed or if such appeal, having been filed, is dismissed  
766 or denied, the city or town clerk shall so certify on a copy of the decision. If the plan is approved  
767 by reason of the failure of the plan approval authority to timely act, the clerk shall make such  
768 certification on a copy of the application. A copy of the decision or application bearing such

769 certification shall be recorded in the registry of deeds for the county and district in which the  
770 land is located and indexed in the grantor index under the name of the owner of record or  
771 recorded and noted on the owner's certificate of title. The fee for recording or registering shall be  
772 paid by the owner or applicant.

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

783 (f) Any court authorized to hear appeals under section 17 of chapter 40A shall be  
784 authorized to hear an appeal from a decision under this section by a party who is aggrieved by  
785 such decision. Such appeal may be brought within 20 days after the decision has been filed in  
786 the office of the city or town clerk. Notice of the appeal, with a copy of the complaint shall be  
787 given to such city or town clerk so as to be received within such 20 days. Review shall be based  
788 on the record of information and plans presented to the plan approval authority. To avoid delay  
789 in the proceedings, instead of the usual service of process, the plaintiff shall within 14 days after  
790 the filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery  
791 or certified mail to all defendants, including the members of the plan approval authority, and

792 shall within 21 days after the entry of the complaint file with the clerk of the court an affidavit  
793 that such notice has been given. If no such affidavit is filed within such time, the complaint shall  
794 be dismissed.

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

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

811 (i) An applicant for plan approval who appeals from a project denial or conditional  
812 approval shall identify in its complaint the specific reasons why the plan approval authority's

813 decision fails to satisfy requirements of this chapter or other applicable law. The plan approval  
814 authority shall have the burden of justifying its decision by substantial evidence in the record.

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

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

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

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

829 Section 14. (a) If, within 3 years, no construction of an approved project has been started  
830 within the smart growth zoning district or starter home zoning district, the department shall  
831 require the cities and towns to repay to the department all monies paid to the city or town under  
832 this chapter for said smart growth zoning district or starter home zoning district. Said 3 years  
833 shall commence on the date of the payment of the zoning incentive payment for said smart  
834 growth zoning district or starter home zoning district and may be extended by the department for



835 good cause in accordance with the department’s regulations. All monies repaid to the department  
836 under this section shall be credited to the funding source from which the payment originated.

837 (b) Within 60 days of receiving written approval by the department of an amendment of a  
838 zoning ordinance or by-law affecting an approved smart growth zoning district or starter home  
839 zoning district in accordance with subsection (g) of section 6, the city or town must repay to the  
840 department any portion of the zoning incentive payment received in excess of the zoning  
841 incentive payment that would have been payable based on the sum of (i) the number of units that  
842 have been built and (ii) the number of units, if any, that will remain developable under the smart  
843 growth zoning or starter home zoning. The department may include under (ii) in the preceding  
844 sentence any units that are developable in one or more adopted smart growth zoning district or  
845 starter home zoning district for which no zoning incentive payment has been paid but for which  
846 the city or town is nonetheless eligible if the associated units would have the effect of replacing  
847 some or all of the units that will no longer be developable as a result of the proposed amendment  
848 or repeal. All monies repaid to the department under this section shall be credited to the funding  
849 source from which the payment originated.

850 SECTION 97. Said section 1 of said chapter 40V, as so appearing, is hereby further  
851 amended by striking the definition for “Housing Development Project” and inserting in place  
852 thereof after the word “Project” the following: a multi-unit residential rehabilitation project that  
853 is located in a gateway municipality and once rehabilitated, shall contain at least 80 per cent  
854 market rate units and at least 20 per cent shall include affordable units for persons whose income  
855 is not more than 60 per cent of the area median income (“AMI”).

856 SECTION 98. Said section 2 of said chapter 40V, as so appearing, is hereby further  
857 amended by striking the last sentence and inserting in place thereof the following: The  
858 application shall include a plan which shall include a description of the activities, public and  
859 private, contemplated for such zone as of the date of the adoption of the zone plan, with such  
860 detail and information as the department may require in written guidelines.

861 SECTION 99. Clause (iv) of subsection (a) of section 4 of said chapter 40V, as so  
862 appearing, is hereby amended by inserting in line 9 after the word “units” the following words:  
863 and at least 20 per cent of affordable units for persons whose income is not more than 60 per cent  
864 of the AMI.

865 SECTION 100. Subsection (b) of said section 4 of said chapter 40V, as so appearing, is  
866 hereby amended by striking out, in line 15, the words “HD zones designated as certified projects  
867 under section 2” and inserting in place thereof the following words:- HD zones designated under  
868 section 2 as certified projects under this section.

869 SECTION 101. Clause (ii) of said subsection (b) of said section 4 of said chapter 40V, as  
870 so appearing, is hereby amended by striking out, in line 25, the words “executed agreement by  
871 the municipality which” and inserting in place thereof the following words:- agreement executed  
872 by the municipality which is approved by the department and.

873 SECTION 102. Said clause (ii) of said subsection (b) of said section 4 of said chapter  
874 40V, as so appearing, is hereby further amended by striking out subclause (A) and inserting in  
875 place thereof the following subclause:-

876 (A) is consistent with and can reasonably be expected to benefit significantly from the  
877 plans of the gateway municipality relative to the project property tax exemption;

878 SECTION 103. Subsection (c) of said section 4 of said chapter 40V, as so appearing, is  
879 hereby amended by striking out, in line 51, the words “a term of 20 years” and inserting in place  
880 thereof the following words:- the term approved by the municipality, which term shall be  
881 consistent with clause (iii) of subsection (b).

882 SECTION 104. Subsection (e) of section 4 of said chapter 40V, as so appearing, is  
883 hereby amended by striking subsection (e) and inserting the following subsection:

884 The department shall review each pending project proposal and completed certified  
885 housing development project at least once every 2 years. The certification of a project may be  
886 revoked by the department upon: (i) the petition of the municipality that approved the project  
887 proposal, if the petition satisfies the authorization requirements for a municipal application or the  
888 petition of the director of the department; and (ii) the independent investigation and  
889 determination of the department that representations made by the sponsors in its project proposal  
890 are materially at variance with the conduct of the sponsors subsequent to the certification and  
891 such variance is found to frustrate the public purposes that such certification was intended to  
892 advance; or (iii) the project no longer meets the criteria in Section 4 of Chapter 40V. Upon such  
893 a revocation, the commonwealth and the municipality, may bring a cause of action against the  
894 sponsors for the value of any economic benefit received by the sponsors prior to or subsequent to  
895 such revocation.

896 SECTION 105. Said section 4 of said chapter 40V, as so appearing, is hereby amended  
897 by inserting at the end of the section, after the word “development” the following words: The  
898 report shall include, but is not limited to: identification of municipalities with approved HD  
899 zones, identification of each housing development project that has received certification, provide

900 information about each project such as: site address, project sponsor, certification level  
901 (preliminary, conditional, or final), the range of rents for the residential units, the type of  
902 residential units and number of each type of residential unit, the number of affordable units for  
903 persons who are 60% AMI and the number of affordable units for persons who are 30% AMI;  
904 the total amount of qualified project expenditures, the tax credit amount issued or reserved, the  
905 completion or estimated completion year, and the year the credit was issue.

906 SECTION 106. Said section 5 of said chapter 40V, as so appearing, is hereby further  
907 amended by striking out clause (iii) and inserting in place thereof the following 2 clauses:-

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

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

911 SECTION 107. Said section 5 of said chapter 40V, as so appearing is hereby amended by  
912 inserting subparagraph (c): Projects in gateway municipalities that did not receive a tax credit in  
913 the previous two fiscal years, shall be given priority in the following fiscal year.

914 SECTION 108. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby  
915 amended by adding the following clause: -

916 Fifty-ninth. Up to 100 percent of the assessed value of real estate in agricultural,  
917 horticultural or agricultural and horticultural use, as those terms are defined in sections 1 and 2  
918 of chapter 61A, provided that the real estate or portion thereof in agricultural, horticultural or  
919 agricultural and horticultural use is less than 2 acres in area; provided further, that gross sales of  
920 agricultural, horticultural or agricultural and horticultural products resulting from such uses

921 together total not less than \$500 in the previous year. The exemption provided in this clause shall  
922 apply only to the portion of real estate in agricultural, horticultural or agricultural and  
923 horticultural use. This clause shall take effect in any city or town upon acceptance of this section;  
924 provided, that such city or town has a population of at least 50,000 inhabitants or meets the  
925 definition of a gateway municipality under section 3A of chapter 23A. The legislative body of  
926 any city or town that accepts this clause shall establish and may thereafter modify the percentage  
927 of the assessed value exempt from taxation.

928 SECTION 109. Paragraph (2) of subsection (q) of section 6 of chapter 62 of the General  
929 Laws, as so appearing, is hereby amended by striking out, in line 868, the following words:-  
930 Credits passed through to individual partners and members are not transferable.

931 SECTION 110. Paragraph (5) of said subsection (q) of said section 6 of said chapter 62,  
932 as so appearing, is hereby further amended by striking out, in lines 896 through 898, inclusive,  
933 the words “The total amount of credits that may be authorized by DHCD in a calendar year  
934 pursuant to this subsection and section 38BB of chapter 63 shall not exceed \$10,000,000 and”  
935 and inserting in place thereof the following:- DHCD may authorize up to \$30,000,000 in credits  
936 annually under this subsection and section 38BB of chapter 63. In addition, DHCD may  
937 authorize (i) any unused credits for the preceding calendar years under this subsection or said  
938 section 38BB of said chapter 63; and (ii) any credits under this subsection or said section 38BB  
939 of said chapter 63 returned to DHCD by a certified housing development project. The total  
940 amount of credits authorized during a year.

941 SECTION 111. Said paragraph (5) of said subsection (q) of said section 6 of said chapter  
942 62, is hereby further amended by inserting, in line 900, after the words “chapter 63;” the  
943 following word:- and.

944 SECTION 112. Said paragraph (5) of said subsection (q) of said section 6 of said chapter  
945 62, is hereby further amended by striking out, in lines 903 through 905, inclusive, the words  
946 “Any portion of the \$10,000,000 annual cap not awarded by the DHCD in a calendar year shall  
947 not be applied to awards in a subsequent year.”

948 SECTION 113. Said paragraph (5) of said subsection (q) of said section 6 of said chapter  
949 62, as so appearing, is hereby further amended by striking out, in line 906, the words “The  
950 DHDC” and inserting in place thereof the following word:- DHCD.

951 SECTION 114. Paragraph (1) of subsection (v) of said section 6 of said chapter 62, as so  
952 appearing,, is hereby amended by adding, in line 1158, after the words “NAICS code 31-33” the  
953 following words:- and other expansion industries new to apprenticeship the secretary of labor  
954 and workforce development identifies as critical to a regional labor market economy.

955 SECTION 115. Subdivision (5) of section 38BB of chapter 63 of the General Laws, as so  
956 appearing, is hereby amended by striking out, in lines 42 through 44, inclusive, the words “The  
957 total amount of credits that may be authorized by DHCD in a calendar year under this section  
958 and subsection (q) of section (6) of chapter 62 shall not exceed \$10,000,000 and” and inserting in  
959 place thereof the following:- DHCD may authorize up to \$30,000,000 in credits annually under  
960 this section and subsection (q) of section (6) of chapter 62. In addition, DHCD may authorize; (i)  
961 any unused credits for the preceding calendar years under this section or said subsection (q) of  
962 said section (6) of said chapter 62; and (ii) any credits under this section or said subsection (q) of

963 said section (6) of said chapter 62 returned to DHCD by a certified housing development project.  
964 The total amount of credits authorized during a year.

965 SECTION 116. Said subdivision (5) of said section 38BB of said chapter 63, as so  
966 appearing, is hereby further amended by inserting, in line 46, after the words “chapter 62;” the  
967 following word:- and.

968 SECTION 117. Said subdivision(5) of said section 38BB of said chapter 63, as so  
969 appearing, is hereby further amended by striking out, in lines 50 through 52, inclusive, the words  
970 “Any portion of the \$10,000,000 annual cap not awarded by DHCD in a calendar year shall not  
971 be applied to awards in a subsequent year.”

972 SECTION 118. Subsection (a) of section 38HH of said chapter 63, as so appearing, is  
973 hereby amended by adding, in line 18, after the words “NAICS code 31-33” the following  
974 words:- and other expansion industries new to apprenticeship the secretary of labor and  
975 workforce development identifies as critical to a regional labor market economy.

976 SECTION 119. The General Laws are hereby amended by inserting after chapter 93K the  
977 following new chapter: –

978 CHAPTER 93L. Bad Faith Assertions of Patent Infringement

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

981 “Assertion of patent infringement”, means (i) sending or delivering a demand letter to a  
982 target; (ii) threatening a target with litigation asserting, alleging or claiming that the target has  
983 engaged in patent infringement; (iii) sending or delivering a demand letter to the customers of a

984 target; or (iv) otherwise making claims or allegations, other than those made in litigation against  
985 a target, that a target has engaged in patent infringement or that a target should obtain a license to  
986 a patent in order to avoid litigation.

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

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

993 Section 2. (a) A person shall not make, in bad faith, an assertion of patent infringement.

994 (b) In determining whether a person has made an assertion of patent infringement in bad faith, a  
995 court may consider the following factors and any other factor the court finds relevant:

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

997 (i) the patent number;

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

999 and

1000 (iii) factual allegations concerning the specific areas in which the target’s products,  
1001 services, and technology infringe the patent or are covered by the claims in the patent.

1002 (2) The demand letter lacks the information described in subsection (2)(b)(1), the target  
1003 requests the information, and the person fails to provide the information within a reasonable  
1004 period of time.



1005 (3) The demand letter demands payment of a license fee or response within an  
1006 unreasonably short period of time.

1007 (4) The claim or assertion of patent infringement is meritless, and the person knew, or  
1008 should have known, that the claim or assertion is meritless.

1009 (5) The claim or assertion of patent infringement is deceptive.

1010 (6) The person or its subsidiaries or affiliates have previously filed or threatened to file  
1011 one or more lawsuits based on the same or similar claim of patent infringement and:

1012 (i) those threats or lawsuits lacked the information described in subsection (a); or

1013 (ii) the person attempted to enforce the claim of patent infringement in litigation and a  
1014 court found the claim to be meritless.

1015 (7) The patent has been held invalid or unenforceable in a final judgment or  
1016 administrative decision.

1017 (c) A court may consider the following factors, and any other factor the court finds  
1018 relevant, as evidence that a person has not made an assertion of patent infringement in bad faith:

1019 (1) The demand letter contains the information described in subsection (1) of this section.

1020 (2) Where the demand letter lacks the information described in paragraph (1) of  
1021 subsection (b) and the target requests the information, the person provides the information within  
1022 a reasonable period of time.

1023 (3) The person engages in a good faith effort to establish that the target has infringed the  
1024 patent and to negotiate an appropriate remedy.

1025 (4) Prior to sending the demand letter, the person conducts an analysis comparing the  
1026 claims in the patent to the target's products, services, and technology.

1027 (5) The person is the inventor or joint inventor of the patent or, in the case of a patent  
1028 filed by and awarded to an assignee of the inventor or joint inventor is the original assignee.

1029 (d) This section shall not apply to:

1030 (1) Any party who is currently making significant investments in:

1031 (i) research and development in connection with the patented technology, where  
1032 development means technical or experimental work to create, test, qualify, modify, or validate  
1033 technologies or processes for commercialization of goods or services;

1034 (ii) development, product marketing, manufacturing, or sale of products or processes  
1035 embodying the patented technology;

1036 (iii) use of patented technology in the delivery or provision of goods or commercial  
1037 services; or

1038 (iv) a combination of any of the areas of business described in clauses (i) through (iii)

1039 (2) Any party whose business is the licensing of patents as a wholly-owned subsidiary of  
1040 any party described in paragraph (1).

1041 (3) Any institution of higher education, public or private, or non-profit research institute,  
1042 or an organization which has as one of its primary functions the management of inventions on  
1043 behalf of the aforementioned entities.

1044           Section 3. A target of conduct involving assertions of patent infringement and any other  
1045 person aggrieved by a violation of section 2 may bring an action in Superior Court.

1046           Section 4. (a) The attorney general shall have the same authority under this chapter to  
1047 make rules, conduct civil investigations, bring civil actions, and enter into assurances of  
1048 discontinuance as provided under chapter 93A. In an action brought by the attorney general  
1049 pursuant to this section, the court may award or impose any relief available under this chapter.

1050           (b) This chapter shall not be construed to limit the rights and remedies available to the  
1051 state or another person under any other law, or alter or restrict the attorney general's authority  
1052 under other law, with regard to conduct involving claims of patent infringement.

1053           Section 5. (a) A court may award the following remedies to a plaintiff who prevails in an  
1054 action brought pursuant to this chapter:

1055           (i) equitable relief;

1056           (ii) damages;

1057           (iii) costs and fees, including reasonable attorney's fees; and

1058           (iv) exemplary damages in an amount equal to \$50,000 or 3 times the total of damages,  
1059 costs, and fees, whichever is greater.

1060           (b) Any person who by contract, agreement, or otherwise, directly or indirectly, arranged  
1061 for the bad faith assertion of patent infringement and any person who otherwise caused or is  
1062 legally responsible for such bad faith assertion of patent infringement under the principles of the  
1063 common law shall be liable to a prevailing plaintiff for all damages, costs and fees. Such liability  
1064 shall be joint and several.

1065 (c) In an action arising under section 3 or 4 of this chapter, any person who has delivered  
1066 or sent, or caused another to deliver or send, a demand to a target in Massachusetts has  
1067 purposefully availed himself or herself of the privileges of conducting business in the  
1068 commonwealth and shall be subject to suit in the commonwealth, whether or not the person is  
1069 transacting or has transacted any other business in the commonwealth, and a court may exercise  
1070 personal jurisdiction over such person.

1071 Section 6. The Commonwealth recognizes the importance of patents, and enforceability  
1072 of patents, to the innovation economy of the Commonwealth. This chapter shall not be  
1073 construed to impair the legitimate, good faith commercial use, licensing, sale, or enforcement of  
1074 patents, consistent with this Chapter and Title 35 of the United States Code.”

1075 SECTION 120. The definition of “Blighted open area” in section 1 of chapter 121B of  
1076 the General Laws, as so appearing, is hereby amended by striking out in lines 7 and 31 to 32, the  
1077 word “morals”.

1078 SECTION 121. Said section 1 of said chapter 121B, as so appearing, is hereby further  
1079 amended by inserting, after the definition of “Blighted open area,” the following definition:-

1080 “Capital funds”, funds advanced by the department to a housing authority financing  
1081 capital outlays for housing production or preservation from proceeds of a bond authorization as  
1082 defined in section 1 of chapter 29.

1083 SECTION 122. Said section 1 of said chapter 121B, as so appearing, is hereby further  
1084 amended by striking out, in line 36, the words “subsection (d) of section twenty-six”, and  
1085 inserting the following words:- sections 11, 26 or 46.

1086 SECTION 123. Said section 1 of said chapter 121B as so appearing, is hereby further  
1087 amended by striking out, in line 58, the word “morals”.

1088 SECTION 124. Said section 1 of said chapter 121B, as so appearing, is hereby further  
1089 amended by striking out, in line 99, the word “director” and inserting the following word:-  
1090 department.

1091 SECTION 125. The definition of “Redevelopment authority” in said section 1 of said  
1092 chapter 121B, as so appearing, is hereby amended by adding the following words:- or by special  
1093 legislation.

1094 SECTION 126. Said section 1 of said chapter 121B, as so appearing, is hereby further  
1095 amended by striking out the definitions of “Relocation payments”, “Relocation project”, and  
1096 “Substandard area” and inserting in place thereof the following 3 definitions:-

1097 "Relocation payments", payments made by an operating agency to persons, businesses,  
1098 farm operations or other organizations displaced as a result of the public actions described in this  
1099 chapter. Such payments shall be made in accordance with the applicable federal or state  
1100 relocation requirements.

1101 “Replacement units”, low rent housing created to replace an existing housing project that  
1102 is demolished or disposed of under subsection (k) of section 26; such units may be included  
1103 within a privately owned mixed-income development that also includes dwellings that are not  
1104 low rent housing, provided that the use and occupancy of the replacement units is subject to a  
1105 binding legal contract and land use restriction under paragraph (7) of subsection (k) of section  
1106 26.

1107 "Substandard area", any area wherein dwellings or other buildings predominate which, by  
1108 reason of dilapidation, abandonment, foreclosure, overcrowding, faulty arrangement or design,  
1109 lack of ventilation, light or sanitation facilities or any combination of these factors, are  
1110 detrimental to safety or health.

1111 SECTION 127. Said section 1 of said chapter 121B, as so appearing, is hereby further  
1112 amended by striking out the definitions of "Urban renewal plan", "Urban renewal project", and  
1113 "Urban Revitalization and Development Project" and inserting in place thereof the following 2  
1114 definitions:-

1115 "Urban renewal plan", a detailed plan to redevelop a decadent, substandard or blighted  
1116 open area within a municipality, which shall comply with all requirements prescribed by state  
1117 legislation and regulations of the department. Such plan shall (1) conform to the general plan for  
1118 the municipality as a whole and be consistent with any definite local objectives respecting  
1119 appropriate land uses, improved traffic, public transportation, public utilities, recreational,  
1120 educational and community facilities and other public improvements; (2) be sufficiently  
1121 complete to indicate the boundaries of the area, such land acquisition, such demolition, removal,  
1122 and rehabilitation of structures, and such redevelopment and general public improvements as  
1123 may be proposed to be carried out within such area, zoning and planning changes, if any, and  
1124 proposed land uses, maximum densities and building requirements; and (3) indicate or be  
1125 accompanied by materials indicating that persons, businesses, farm operations and other  
1126 organizations displaced by the project will be provided relocation benefits and payments in  
1127 accordance with applicable federal and state requirements.

1128 "Urban renewal project", a project to be undertaken in accordance with an urban renewal  
1129 plan.

1130 SECTION 128. Section 11 of said chapter 121B, as so appearing, is hereby amended by  
1131 adding the following paragraph:-

1132 Notwithstanding any general or special law to the contrary, a housing authority, with the  
1133 approval of the department, shall have the power to secure indebtedness incurred for the  
1134 preservation, modernization and maintenance of one or more of its low-rent housing  
1135 developments assisted under section 32 or section 34 of chapter 121B by a pledge of a portion of  
1136 capital funds awarded to it for improvements to be carried out pursuant to a department-approved  
1137 capital improvement plan in accordance with department regulations governing capital projects.  
1138 The department shall promulgate regulations establishing limitations on the percentage of  
1139 awarded capital funds that may be pledged to secure indebtedness, describing permitted terms for  
1140 borrowing and repayment, and establishing criteria for housing authorities that will be permitted  
1141 to incur indebtedness secured by a pledge of capital funds. Any pledge of future year capital  
1142 funds under this section is subject to the availability of funds under the department's capital  
1143 spending plan as approved by the governor for that year. All financing documents related to  
1144 future year capital fund amounts must include a statement that the pledging of funds is subject to  
1145 the availability of funds under the department's capital spending plan as approved by the  
1146 governor.

1147 SECTION 129. Section 16 of said chapter 121B, as so appearing, is hereby amended by  
1148 adding the following paragraph:-

1149           Notwithstanding any provision to the contrary in this chapter or in any other general or  
1150 special law relative to the tax status of real property, where a housing authority sells or transfers  
1151 ownership of buildings or other structures on land owned by it to a private entity, including  
1152 without limitation a for-profit or charitable corporation, general or limited partnership, or limited  
1153 liability company, for the purpose of rehabilitation, repair, development, or redevelopment of  
1154 multifamily housing that will contain replacement units as defined in section 1, so much of the  
1155 resulting buildings or structures as is restricted for use as replacement units, including associated  
1156 common areas, and associated land shall be exempt from taxation, betterments and special  
1157 assessments. If replacement units and associated common areas constitute only a portion of such  
1158 resulting buildings or structures, the exemption shall be prorated based on the ratio which the  
1159 square footage of replacement units bears to the square footage of all other residential or  
1160 commercial units within the buildings or structures. The private entity shall pay (i) with respect  
1161 to the exempt portion of the buildings or structures and land, a payment in lieu of taxes  
1162 consistent with the valuation or other formula generally applicable under this section to the  
1163 housing authority's real estate in the city or town in which such real estate is located, or as  
1164 otherwise previously agreed upon between the city or town and the housing authority as the  
1165 method for computing the payments to be made in lieu of taxes, and using the ratio described  
1166 above, and (ii) with respect to the non-exempt portion of the buildings or structures and land, real  
1167 estate taxes in accordance with chapter 59 based on the fair cash value of the non-exempt portion  
1168 of the buildings or structures and non-exempt portion of the land using the ratio described above.

1169           SECTION 130. Section 26 of said chapter 121B, as so appearing, is hereby amended by  
1170 inserting, in line 91, after the word "sale," the following words:- or other disposition.



1171 SECTION 131. Subsection (k) of said section 26 of said chapter 121B, as so appearing, is  
1172 hereby further amended by striking out paragraphs (1) through (4), inclusive, and inserting in  
1173 place thereof the following 4 paragraphs:-

1174 (1) found that all or a substantial portion of such existing housing project or part thereof  
1175 requires such substantial modernization or rehabilitation to continue to provide decent, safe and  
1176 sanitary housing that, in the judgment of the department, the required substantial modernization  
1177 or rehabilitation cannot feasibly be executed by the housing authority pursuant to the provisions  
1178 of this chapter;

1179 (2) approved the proposed project, including a relocation plan for occupants of the  
1180 existing project and a plan to make housing available on the land where the existing project is  
1181 situated, in which the number of replacement units restricted as low rent housing for occupancy  
1182 by low income persons or families shall be the same as the number of low rent housing units in  
1183 the existing housing project or part thereof that is subject to demolition or disposition, unless the  
1184 department determines that (A) a shortage of low-rent housing no longer exists in the applicable  
1185 city or town, or (B) the reduction in the number of units is necessary to increase the number of  
1186 units that are accessible for persons with disabilities, which project may include plans to use a  
1187 portion of such land for market-rate housing or for a public purpose ancillary to such  
1188 development and approved by the department;

1189 (3) approved the sale or other disposition and the terms thereof, which shall be at a value  
1190 determined through procedures customarily accepted by the appraising profession as valid,  
1191 unless the department determines that a below-market disposition would be in the public interest

1192 in order to support the continued occupancy of dwelling units in the new development by  
1193 families of low income;

1194 (4) determined that the availability of funds to the housing authority for such project is  
1195 conditioned upon the occurrence of the initial mortgage loan closing for the development of new  
1196 or rehabilitated housing on the land where the existing project is situated; and the housing  
1197 authority has selected, through a qualifications-based competitive procurement process approved  
1198 by the department, a developer best qualified to develop, own and operate the new or  
1199 rehabilitated housing on the existing land, to provide for such development of the new housing  
1200 within a reasonable time in accordance with department-approved contracts, and to assure  
1201 continued occupancy of the required number of replacement units in the new development by  
1202 families of low income in accordance with the requirements of this chapter.

1203 SECTION 132. Said subsection (k) of said section 26 of said chapter 121B, as so  
1204 appearing, is hereby further amended by adding the following paragraph:-

1205 (7) approved a binding legal contract and land use restriction to be entered into by the  
1206 transferee of the property in favor of the local housing authority and the department of housing  
1207 and community development that requires compliance with chapter 121B of the General Laws  
1208 and the department's regulations in so far as the statute and regulations apply to tenancy at and  
1209 application to public housing, as determined by the department, with respect to the replacement  
1210 units in the same manner and to the same effect as if such entity were a housing authority,  
1211 subject to such regulatory waivers given by the department of housing and community  
1212 development as may be necessary to secure financing. The contract shall require compliance in  
1213 perpetuity unless the department determines that the project financing requires the use of Federal

1214 low income housing tax credits and that compliance in perpetuity would make it infeasible to  
1215 comply with Internal Revenue Service requirements with respect to the low income housing tax  
1216 credit program.

1217 SECTION 133. Said section 26 of said chapter 121B, as so appearing, is hereby further  
1218 amended by striking out, in line 243 the words “this section or section 34” and inserting in place  
1219 thereof the following words:- any provision of this chapter.

1220 SECTION 134. Said section 26 of said chapter 121B, as so appearing, is hereby further  
1221 amended by inserting, in line 248, after the words “feasible to”, the following words:- maintain  
1222 or to.

1223 SECTION 135. Said section 26 of said chapter 121B, as so appearing, is hereby further  
1224 amended by inserting, in line 252, after the word “demolition” the following words:- or other  
1225 disposition

1226 SECTION 136. Said section 26 of said chapter 121B, as so appearing, is hereby further  
1227 amended by striking out, in line 254 the words “as of November 1, 2012”, and inserting in place  
1228 thereof the following words:- for reasons DHCD has determined not to be the fault of the  
1229 housing authority for at least two years.

1230 SECTION 137. Said section 26 of said chapter 121B, as so appearing, is hereby further  
1231 amended by adding the following subsection:-

1232 (q) Notwithstanding any general or special law to the contrary, including without  
1233 limitation section 16 of chapter 30B, a housing authority may dispose of property pursuant to this  
1234 section or section 34 to a developer selected by competitive, qualifications-based procurement

1235 without separately soliciting proposals for the property disposition, provided that the developer  
1236 procurement declares the property available for disposition and that, in the case of a disposition  
1237 of property pursuant to subsection (k), the number of replacement units required under paragraph  
1238 (2) of said subsection (k) are provided. Without limiting the generality of the foregoing:

1239 (1) A housing authority shall not be required to determine the value of the property prior  
1240 to soliciting proposals for selection of a developer best qualified to develop, own and operate the  
1241 new or rehabilitated housing on the land. Prior to disposition of property by deed or other  
1242 instrument, the housing authority shall determine the value of the property through procedures  
1243 customarily accepted by the appraising profession as valid prior to the sale or other disposition of  
1244 the property, and if, with the approval of the department, the housing authority decides to dispose  
1245 of the property at a price less than the value as so determined, the housing authority shall publish  
1246 notice of its decision in the central register, explaining the reasons for its decision and disclosing  
1247 the difference between such value and the price to be received; and

1248 (2) A housing authority shall not be required to specify all of the restrictions that may be  
1249 placed on the subsequent use of property prior to selecting a developer through a qualifications-  
1250 based competitive procurement process, provided that the developer procurement identifies the  
1251 minimum number of dwelling units in the new development that must be occupied by families of  
1252 low income. In the case of a disposition pursuant to subsection (k), such minimum number must  
1253 conform to the requirements of paragraph (2) of subsection (k).

1254 SECTION 138. Section 29 of said chapter 121B, as so appearing, is hereby amended by  
1255 adding the following paragraph:-

1256 Notwithstanding any provision to the contrary in this section or elsewhere in this chapter,  
1257 if a housing authority does not own, lease or manage any housing project eligible to receive  
1258 ongoing capital or operating assistance under section 32 or section 34 of this chapter, the  
1259 department shall not investigate such housing authority's budgets, finances, dealings,  
1260 transactions and relationships or other affairs, nor shall the department require periodic reporting  
1261 by any such housing authority. Without limiting the generality of the foregoing, a housing  
1262 authority that does not own, lease or manage any housing project eligible to receive ongoing  
1263 capital or operating assistance under section 32 or section 34 of this chapter shall not be required  
1264 to: (a) participate in a training program under section 5B; (b) submit contracts with its executive  
1265 director to the department for review pursuant to section 7A; (c) participate in the performance-  
1266 based monitoring program established pursuant to section 26B; (d) participate in the regional  
1267 capital assistance team program established pursuant to section 26C; (e) prepare and submit an  
1268 annual plan pursuant to section 28A and this section; or (f) prepare and submit, or make  
1269 available, a written report and agreed upon procedures for review of housing authority financial  
1270 records pursuant to this section.

1271 SECTION 139. Section 34 of said chapter 121B, as so appearing, is hereby amended by  
1272 striking out the fifth paragraph and inserting in place thereof the following paragraph:-

1273 The proceeds of any sale or other disposition of such project in excess of the total of all  
1274 obligations of the housing authority with respect to such project shall, after the payment of all  
1275 bonds issued by the housing authority to finance the cost of such project and payment of the  
1276 costs of the sale or disposition, be retained by the housing authority for the preservation,  
1277 modernization and maintenance of its public housing assisted under this chapter as approved by  
1278 the department, or where the housing authority has no public housing assisted under this chapter,

1279 such proceeds shall be paid to the department to fund capital improvements for the preservation,  
1280 modernization and maintenance of state-aided public housing.

1281 SECTION 140. Said section 34 of said chapter 121B, as so appearing, is hereby further  
1282 amended by striking out the tenth paragraph and inserting in place thereof the following  
1283 paragraph:-

1284 Whenever a housing authority shall determine that land acquired by it under clause (d) of  
1285 section 11 for the purpose of this section is in excess of or no longer required for such purposes it  
1286 may, upon approval by the department, sell or otherwise dispose of such land by deed or  
1287 instrument approved as to form by the attorney general. If the housing authority is disposing of  
1288 such land for purposes of housing development, it may do so in accordance with section 26. So  
1289 long as any bonds issued by a housing authority to finance the cost of a project under this section  
1290 or section 35 and guaranteed by the commonwealth are outstanding, funds received from a  
1291 disposition of land as provided in this chapter shall be applied in accordance with the fourth  
1292 paragraph of this section. After the payment of all bonds issued by the housing authority to  
1293 finance the cost of such project, funds received shall be applied in accordance with the fifth  
1294 paragraph of this section.

1295 SECTION 141. Sections 42 through 44A, inclusive, of said chapter 121B are hereby  
1296 repealed.

1297 SECTION 142. Section 45 of said chapter 121B of the General Laws, as appearing in the  
1298 2018 Official Edition, is hereby further amended by striking out, in line 4, the word “morals”.

1299 SECTION 143. Said section 45 of said chapter 121B, as so appearing, is hereby further  
1300 amended by striking out, in line 9, the words “the treatment of juvenile delinquency and”.

1301 SECTION 144. Said section 45 of said chapter 121B, as so appearing, is hereby further  
1302 amended by inserting after the word “business,” in lines 42 to 43, the following words:-  
1303 including the conduct of business by nonprofit entities,.

1304 SECTION 145. Said section 45 of said chapter 121B, as so appearing, is hereby further  
1305 amended by striking out, in line 55, the words “and evils”.

1306 SECTION 146. Section 46 of said chapter 121B, as so appearing, is hereby further  
1307 amended by striking out, in line 32, the words “to the federal government,”.

1308 SECTION 147. Said section 46 of said chapter 121B, as so appearing, is hereby further  
1309 amended by striking out, in lines 41 to 42, the words “In any city whose population exceeds one  
1310 hundred and fifty thousand,”.

1311 SECTION 148. Section 47 of said chapter 121B, as so appearing, is hereby repealed.

1312 SECTION 149. Section 48 of said chapter 121B, as appearing in the 2018 Official  
1313 Edition, is hereby amended by striking out, in lines 2 through 3, the words “for such project”.

1314 SECTION 150. Said section 48 of said chapter 121B, as so appearing, is hereby further  
1315 amended by striking out the third paragraph.

1316 SECTION 151. Said section 48 of said chapter 121B, as so appearing, is hereby further  
1317 amended by striking out, in lines 37 through 38, the words “the relocation plan has been  
1318 approved under chapter seventy-nine A.” and inserting in place thereof the following words:-  
1319 relocation assistance will be provided pursuant to the applicable federal or state relocation  
1320 requirements.

1321 SECTION 152. Said section 48 of said chapter 121B, as so appearing, is hereby further  
1322 amended by striking out the seventh and eighth paragraphs and inserting in place thereof the  
1323 following paragraph:-

1324 When the urban renewal plan or such a project has been approved by the department and  
1325 notice of such approval has been given to the urban renewal agency, such agency may proceed at  
1326 once to acquire real estate within the urban renewal project area as is necessary to carry out the  
1327 urban renewal plan, either by eminent domain or by grant, purchase, lease, gift, exchange or  
1328 otherwise.

1329 SECTION 153. Said chapter 121B, as so appearing, is hereby amended by striking out  
1330 section 49 as and inserting in place thereof the following section:-

1331 Section 49. If an urban renewal agency shall sell or lease any property acquired by it for  
1332 an urban renewal project, the terms of such sales or leases shall obligate the purchasers or  
1333 lessees: (a) to devote the land to the use specified in the urban renewal plan for said land; (b) to  
1334 begin the building of their improvements within a reasonable time; (c) for a residential  
1335 redevelopment project, to give preference in the selection of tenants to eligible families displaced  
1336 as a result of the project, subject to applicable federal or state laws and requirements; and (d) to  
1337 comply with such other conditions as are deemed necessary to carry out the purposes of this  
1338 chapter, including complying with the applicable federal or state relocation requirements.

1339 Nothing in this chapter shall be construed as limiting the power of an urban renewal agency in  
1340 the event of a default by a purchaser or lessee of land in an urban renewal project to retake title  
1341 to and possession of the property sold or leased free from the obligations in the conveyance or  
1342 lease thereof.



1343 SECTION 154. Said chapter 121B, as so appearing, is hereby amended by striking out  
1344 section 50 and inserting in place thereof the following section:-

1345 Section 50. If necessary to redevelop a decadent, substandard or blighted open area, an  
1346 urban renewal agency is authorized to delegate to a city or town or other public body or to any  
1347 board or officer of a city, town or other public body any of the powers or functions of the agency  
1348 with respect to the planning or undertaking of an urban renewal project in the area in which such  
1349 city, town or other public body is authorized to act, and such city, town or other public body, or  
1350 such board or officer thereof, is authorized to carry out or perform such powers or functions for  
1351 the agency. An urban renewal agency, to the greatest extent it determines to be feasible in  
1352 carrying out the provisions of this chapter, shall afford maximum opportunity consistent with the  
1353 sound needs of the city or town as a whole for the rehabilitation or redevelopment of decadent,  
1354 substandard or blighted open areas by private enterprise.

1355 SECTION 155. Section 51 of said chapter 121B is hereby repealed.

1356 SECTION 156. Section 52 of said chapter 121B, as appearing in the 2018 Official  
1357 Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the  
1358 following paragraph:-

1359 Each urban renewal agency shall keep an accurate account of all its activities, receipts  
1360 and expenditures in connection with the planning and execution of urban renewal projects and  
1361 shall annually in the month of January make a report of such activities, receipts and expenditures  
1362 to the department, the state auditor and the mayor of the city or to the selectmen of the town  
1363 within which such authority is organized. The department or state auditor shall have the power

1364 to examine into the properties and records of urban renewal agencies for such activities, receipts  
1365 and expenditures.

1366 SECTION 157. Said section 52 of said chapter 121B, as so appearing, is hereby further  
1367 amended by striking out, in line 32, the word “six,” and inserting in place thereof the following  
1368 figure:- 9.

1369 SECTION 158. Sections 53 through 57, inclusive, of said chapter 121B are hereby  
1370 repealed.

1371 SECTION 159. Section 97 of chapter 140 of the General Laws, as appearing in the 2018  
1372 Official Edition, is hereby amended by striking out, in lines 15 to 16, the words “, at least once in  
1373 every two calendar years and more often if he deems it necessary,”.

1374 SECTION 160. Sections 19B, 19C, 19D, and 19E of chapter 159 of the General Laws are  
1375 hereby repealed.

1376 SECTION 161. Section 37 of chapter 159 of the General Laws, as appearing in the 2018  
1377 Official Edition, is hereby amended by inserting, in line 3, after the word “thereof,” the  
1378 following words:-by electronic medium as defined by the department,.

1379 SECTION 162. Section 1 of chapter 159C of the General Laws, as so appearing, is  
1380 hereby amended by inserting after the definition of “Unsolicited telephonic sales call” the  
1381 following definitions:-

1382 “voice service”, (a) any service that is interconnected with the public switched telephone  
1383 network and that furnishes voice communications to an end user using resources from the North  
1384 American Numbering Plan or any successor to the North American Numbering Plan adopted by

1385 the Federal Communication Commission under section 251(e)(1) of the Communications Act of  
1386 1934 (47 U.S.C. 251(e)(1)); and (b) includes—

1387 (i) transmissions from a telephone facsimile machine, computer, or other device to a  
1388 telephone facsimile machine; and

1389 (ii) without limitation, any service that enables real-time, two-way voice  
1390 communications, including any service that requires internet protocol-compatible customer  
1391 premises equipment (commonly known as “CPE”) and permits out-bound calling, whether or not  
1392 the service is one-way or two-way voice over internet protocol.

1393 “voice service provider”, a person that provides voice service to a subscriber or end user.

1394 SECTION 163. Subsection (b) of section 5 of said chapter 159C, as so appearing, is  
1395 hereby amended by striking out, in lines 12 to 14, inclusive, the words “telephone company,  
1396 subject to the authority of the department of telecommunications and energy”, and in lines 18  
1397 and 19, the words “telephone company” and inserting in place thereof in each instance the  
1398 following words:- voice service provider.

1399 SECTION 164. Section 6 of said chapter 159C, as so appearing, is hereby amended by  
1400 striking out, in line 2, the words “local exchange company” and inserting in place thereof the  
1401 following words:- voice service provider.

1402 SECTION 165. Said chapter 159C, as so appearing, is hereby further amended by  
1403 inserting after section 7 the following section:-

1404 Section 7A. A person shall not, with the intent to deceive, defraud, harass, cause harm, or  
1405 wrongfully obtain anything of value, including, but not limited to, financial resources or personal

1406 identifying information, (a) utilize voice service, or (b) engage in conduct that results in the  
1407 display of misleading, false, or inaccurate caller identification information on the receiving  
1408 party's telephone or device.

1409 SECTION 166. Subsection (a) of section 8 of said chapter 159C, as so appearing, is  
1410 hereby amended by striking out, in line 4, the figure "\$5,000" and inserting in place thereof the  
1411 following figure:- "\$25,000"

1412 SECTION 167. Said subsection (a) of said section 8 of said chapter 159C, as so  
1413 appearing, is hereby further amended and by striking out, in line 5, the figure "\$1,500" and  
1414 inserting in place thereof the following figure:- "\$5,000".

1415 SECTION 168. Subsection (b) of section 8 of said chapter 159C, as so appearing, is  
1416 hereby amended by striking out, in line 15, the figure "\$5,000" and inserting in place thereof the  
1417 following figure:- "\$25,000".

1418 SECTION 169. Section 47E of chapter 164 of the General Laws, as so appearing, is  
1419 hereby amended by adding the following 2 sentences:- A cooperative or municipal lighting plant  
1420 shall, upon commencing operations of a telecommunications system, provide notice to the  
1421 department of telecommunications and cable. A cooperative or municipal lighting plant that is  
1422 engaged in the business of operating a broadband telecommunications system shall file annually  
1423 with the department of telecommunications and cable, on a form prescribed by the department of  
1424 telecommunications and cable, a statement of its revenues and expenses and a financial balance  
1425 sheet, each of which shall be open to public inspection.

1426 SECTION 170. Subsection (1) of section 20A of chapter 175 of the General Laws, as so  
1427 appearing, is hereby amended by inserting, in line 4, after the words “(E)” the following words:-  
1428 , (E1/2).

1429 SECTION 171. Said subsection (1) of said section 20A of said chapter 175, as so  
1430 appearing, is hereby further amended by inserting after paragraph (E) the following paragraph:-

1431 (E1/2) (i) Credit shall be allowed when the reinsurance is ceded to an assuming  
1432 insurer meeting each of the conditions set forth below.

1433 (a) The assuming insurer must have its head office or be domiciled in, as applicable,  
1434 and be licensed in a Reciprocal Jurisdiction. A “Reciprocal Jurisdiction” is a jurisdiction that  
1435 meets one of the following:

1436 1. A non-U.S. jurisdiction that is subject to an in-force covered agreement with the  
1437 United States, each within its legal authority, or, in the case of a covered agreement between the  
1438 United States and European Union, is a member state of the European Union. For purposes of  
1439 this subsection, a “covered agreement” is an agreement entered into pursuant to Dodd-Frank  
1440 Wall Street Reform and Consumer Protection Act, 31 U.S.C. §§ 313 and 314, that is currently in  
1441 effect or in a period of provisional application and addresses the elimination, under specified  
1442 conditions, of collateral requirements as a condition for entering into any reinsurance agreement  
1443 with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit  
1444 for reinsurance.

1445 2. A U.S. jurisdiction that meets the requirements for accreditation under the NAIC  
1446 financial standard and accreditation program; or

1447           3.       A qualified jurisdiction, as determined by the commissioner pursuant to clause  
1448 (iii) of paragraph (E) of subsection (1), which is not otherwise described in subclause 1 or 2 of  
1449 this subparagraph above and which meets certain additional requirements, consistent with the  
1450 terms and conditions of inforce covered agreements, as specified by the commissioner in  
1451 regulation.

1452           (b)       The assuming insurer must have and maintain, on an ongoing basis, minimum  
1453 capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary  
1454 jurisdiction, in an amount to be set forth in regulation. If the assuming insurer is an association,  
1455 including incorporated and individual unincorporated underwriters, it must have and maintain,  
1456 on an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated  
1457 according to the methodology applicable in its domiciliary jurisdiction, and a central fund  
1458 containing a balance in amounts to be set forth in regulation.

1459           (c)       The assuming insurer must have and maintain, on an ongoing basis, a minimum  
1460 solvency or capital ratio, as applicable, which will be set forth in regulation. If the assuming  
1461 insurer is an association, including incorporated and individual unincorporated underwriters, it  
1462 must have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the  
1463 Reciprocal Jurisdiction where the assuming insurer has its head office or is domiciled, as  
1464 applicable, and is also licensed.

1465           (d)       The assuming insurer must agree and provide adequate assurance to the  
1466 commissioner, in a form specified by the commissioner pursuant to regulation, as follows:

1467           1.       The assuming insurer must provide prompt written notice and explanation to the  
1468 commissioner if it falls below the minimum requirements set forth in subparagraphs (b) or (c), or  
1469 if any regulatory action is taken against it for serious noncompliance with applicable law;

1470           2.       The assuming insurer must consent in writing to the jurisdiction of the courts of  
1471 the Commonwealth and to the appointment of the commissioner as agent for service of process.  
1472 The commissioner may require that consent for service of process be provided to the  
1473 commissioner and included in each reinsurance agreement. Nothing in this provision shall limit,  
1474 or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative  
1475 dispute resolution mechanisms, except to the extent such agreements are unenforceable under  
1476 applicable insolvency or delinquency laws;

1477           3.       The assuming insurer must consent in writing to pay all final judgments, wherever  
1478 enforcement is sought, obtained by a ceding insurer or its legal successor, that have been  
1479 declared enforceable in the jurisdiction where the judgment was obtained;

1480           4.       Each reinsurance agreement must include a provision requiring the assuming  
1481 insurer to provide security in an amount equal to 100 per cent of the assuming insurer's liabilities  
1482 attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists  
1483 enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it  
1484 was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer  
1485 or by its legal successor on behalf of its resolution estate; and

1486           5.       The assuming insurer must confirm that it is not presently participating in any  
1487 solvent scheme of arrangement which involves this state's ceding insurers, and agrees to notify  
1488 the ceding insurer and the commissioner and to provide security in an amount equal to 100 per

1489 cent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter  
1490 into such as solvent scheme of arrangement. Such security shall be in a form consistent with the  
1491 provisions of paragraph (E) of subsection (1) and subsection (2) and as specified by the  
1492 commissioner in regulation.

1493 (e) The assuming insurer or its legal successor must provide, if requested by the  
1494 commissioner, on behalf of itself and any legal predecessors, certain documentation to the  
1495 commissioner, as specified by the commissioner in regulation.

1496 (f) The assuming insurer must maintain a practice of prompt payment of claims  
1497 under reinsurance agreements, pursuant to criteria set forth in regulation.

1498 (g) The assuming insurer's supervisory authority must confirm to the commissioner  
1499 on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily  
1500 reported to the Reciprocal Jurisdiction, that the assuming insurer complies with the requirements  
1501 set forth in subparagraphs (b) and (c).

1502 (h) Nothing in this provision precludes an assuming insurer from providing the  
1503 commissioner with information on a voluntary basis.

1504 (ii) The commissioner shall timely create and publish a list of Reciprocal Jurisdictions.

1505 (a) A list of Reciprocal Jurisdictions is published through the NAIC Committee Process.  
1506 The commissioner's list shall include any Reciprocal Jurisdiction as defined under subclauses 1  
1507 and 2 of subparagraph (a) of clause (i) of this paragraph, and shall consider any other Reciprocal  
1508 Jurisdiction included on the NAIC list. The commissioner may approve a jurisdiction that does



1509 not appear on the NAIC list of Reciprocal Jurisdictions in accordance with criteria to be  
1510 developed under regulations issued by the commissioner.

1511 (b) The commissioner may remove a jurisdiction from the list of Reciprocal Jurisdictions  
1512 upon a determination that the jurisdiction no longer meets the requirements of a Reciprocal  
1513 Jurisdiction, in accordance with a process set forth in regulations issued by the commissioner,  
1514 except that the commissioner shall not remove from the list of Reciprocal Jurisdiction as defined  
1515 under subclauses 1 and 2 of subparagraph (a) of clause (i) of this paragraph. Upon removal of a  
1516 Reciprocal Jurisdiction from the list credit for reinsurance ceded to an assuming insurer which  
1517 has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed  
1518 pursuant to this section 20A.

1519 (iii) The commissioner shall timely create and publish a list of assuming insurers that  
1520 have satisfied the conditions set forth in this subsection and to which cessions shall be granted  
1521 credit in accordance with this subsection. The commissioner may add an assuming insurer to  
1522 such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such  
1523 assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to  
1524 the commissioner as required under subparagraph (d) of clause (i) of this paragraph and complies  
1525 with any additional requirements that the commissioner may impose by regulation, except to the  
1526 extent that they conflict with an applicable covered agreement.

1527 (iv) If the commissioner determines that an assuming insurer no longer meets one or  
1528 more of the requirements under this subsection, the commissioner may revoke or suspend the  
1529 eligibility of the assuming insurer for recognition under this subsection in accordance with  
1530 procedures set forth in regulation.

1531           (a)     While an assuming insurer's eligibility is suspended, no reinsurance agreement  
1532 issued, amended or renewed after the effective date of the suspension qualified for credit except  
1533 to the extent that the assuming insurer's obligations under the contract are secured in accordance  
1534 with subsection 2.

1535           (b)     If an assuming insurer's eligibility is revoked, no credit for reinsurance may be  
1536 granted after the effective date of the revocation with respect to any reinsurance agreements  
1537 entered into by the assuming insurer, including reinsurance agreements entered into prior to the  
1538 date of revocation, except to the extent that the assuming insurer's obligations under the contract  
1539 are secured in a form acceptable to the commissioner and consistent with the provision of  
1540 subsection 2.

1541           (v) If subject to a legal process of rehabilitation, liquidation or conservation, as  
1542 applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by  
1543 the court in which the proceedings are pending, may obtain an order requiring that the assuming  
1544 insurer post security for all outstanding ceded liabilities.

1545           (vi) Nothing in this subsection shall limit or in any way alter the capacity of parties to a  
1546 reinsurance agreement to agree on requirements for security or other terms in that reinsurance  
1547 agreement, except as prohibited by this section 20A or other applicable law or regulation.

1548           (vii) Credit may be taken under this subsection only for reinsurance agreements entered  
1549 into, amended, or renewed on or after the effective date of the statute adding this subsection, and  
1550 only with respect to losses incurred and reserves reported on or after the later of (1) the date on  
1551 which the assuming insurer has met all eligibility requirements pursuant to clause (i) of this

1552 paragraph (E1/2) of this subsection herein, and (2) the effective date of the new reinsurance  
1553 agreement, amendment, or renewal.

1554 (a) This paragraph does not alter or impair a ceding insurer's right to take credit for  
1555 reinsurance, to the extent that credit is not available under this subsection, as long as the  
1556 reinsurance qualifies for credit under any other applicable provision of this section 20A.

1557 (b) Nothing in this subsection shall authorize an assuming insurer to withdraw or  
1558 reduce the security provided under any reinsurance agreement except as permitted by the terms  
1559 of the agreement.

1560 (c) Nothing in this subsection shall limit, or in any way alter, the capacity of parties  
1561 to any reinsurance agreement to renegotiate the agreement.

1562 SECTION 172. Said subsection (1) of said section 20A of said chapter 175, as so  
1563 appearing, is hereby further amended by striking out paragraph (F) and inserting in place thereof  
1564 the following paragraph:-

1565 (F) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not  
1566 meeting the requirements of paragraphs (A), (B), (C), (D), (E), or (E1/2) but only with respect to  
1567 the insurance of risks located in jurisdictions where such reinsurance is required by applicable  
1568 law or regulation of that jurisdiction.

1569 SECTION 173. Said subsection (1) of said section 20A of said chapter 175, as so  
1570 appearing, is hereby further amended by striking out paragraph (H) and inserting thereof the  
1571 following paragraph :-

1572 (H) If the assuming insurer does not meet the requirements of paragraphs (A), (B), (C) or  
1573 (E1/2), the credit permitted by paragraph (D) shall not be allowed unless the assuming insurer  
1574 agrees in substance in the trust agreements to the following conditions:.

1575 SECTION 174. Clause (iv) of paragraph (B) of subsection (5) of said section 20A of said  
1576 chapter 175, as so appearing, is hereby amended by striking out subparagraphs (a) and (b) and  
1577 inserting in place thereof the following 3 subparagraphs:-

1578 (a) meets the conditions set forth in paragraph (E1/2) of subsection (1) of this section;

1579 (b) is certified in the commonwealth; or

1580 (c) maintains at least \$250,000,000 in capital and surplus when determined in

1581 accordance with the NAIC Accounting Practices and Procedures Manual, including all

1582 amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed

1583 practices; and is licensed in at least 26 states; or licensed in at least 10 states and licensed or

1584 accredited in a total of at least 35 states.

1585 SECTION 175. Said chapter 175 of the General Laws, as so appearing, is hereby further  
1586 amended by striking out section 117C and inserting in place thereof the following section:-

1587 Section 117C. (a) The following method of determination of premium rates with respect

1588 to credit life insurance and credit accident and health insurance is required only for such

1589 insurance written in connection with obligations, other than loans secured by first liens on real

1590 property, which are subject to section 12G of chapter 255, section 10 of chapter 255B, section

1591 14A of chapter 255C, or subsection C of section 26 of chapter 255D, for which an identifiable

1592 charge is paid by insured persons.

1593 (b) The following are the procedures for determining the maximum premium rates  
1594 permitted to be charged any account:

1595 A. Rate Review.

1596 (1) Minimum loss ratio test: Benefits will be considered reasonable in relation to the  
1597 premium charged if the loss ratio equals or exceeds or is reasonably expected to equal or exceed  
1598 the minimum loss ratio standard specified below. The minimum loss ratio standard is:

1599 (i) for credit life insurance, 50 per cent and

1600 (ii) for credit accident and health insurance, 55 per cent.

1601 In applying the minimum loss ratio test, the commissioner shall make appropriate  
1602 adjustment to account for differences in loss ratios that may be expected on single premium  
1603 credit life insurance plans resulting from changes in the benefit structure.

1604 The rate review will be made each year for all classes of business.

1605 B. Reports of Experience:

1606 (1) Each insurer writing said life insurance and accident and health insurance shall report  
1607 to the commissioner its claims experience and loss ratio data on said insurance separately for the  
1608 motor vehicle dealers class of business and for all classes of business combined on the credit  
1609 insurance supplement forms as specified by the National Association of Insurance  
1610 Commissioners for inclusion in the annual statement blanks filed pursuant to section 25.

1611 (2) Each insurer writing said life insurance and accident and health insurance shall  
1612 annually report to the commissioner, on a form prescribed by him or her, its claims experience

1613 and loss ratio data on said insurance separately for motor vehicle dealers and other than motor  
1614 vehicle dealers. Should the reported experience indicate that claims experience does not meet  
1615 the minimum loss ratio tests, taking into consideration the credibility of said experience as  
1616 measured by the table set forth in paragraph C, corrective action will be required. If corrective  
1617 action is indicated, the carrier shall include with its submission its proposed plan for such  
1618 corrective action.

1619 C. Definitions:

1620 As used in this section the following terms, unless the context clearly requires otherwise,  
1621 shall have the following meanings:

1622 (1) "Average Number of Life Years", the average number of group certificates in force  
1623 during the experience period, without regard to multiple coverage, times the number of years in  
1624 the experience period, or some equivalent calculation, which shall be made separately for credit  
1625 life insurance and for credit accident and health insurance.

1626 (2) "Credibility factor", the extent to which past experience can be expected to recur in  
1627 the future. The credibility factor may be based on either the number of claims incurred or on the  
1628 "average number of life years" for the case during the experience period using the credibility  
1629 table.

1630 (3) "Credibility table" means the following table:

1631

1632 The above integral numbers represent the lower end of the bracket for each "Z" factor.

1633 The upper is 1 less than the lower end for the next higher "Z" factor.

1634 (4) “Earned premiums”, the premiums earned at the premium rates actually charged for  
1635 coverage in force during the experience period.

1636 (5) “Experience”, earned premiums, incurred claims, incurred claim count, number of life  
1637 years insured, and average amount of insurance during the experience period.

1638 (6) “Incurred claims”, total claims paid during the experience period, adjusted for the  
1639 change in the claim reserve.

1640 (7) “Incurred claim count”, the number of claims incurred during the experience period.  
1641 This means the total number of claims reported during the experience period, whether paid or in  
1642 the process of payment. If a debtor has been issued more than one certificate for the same plan of  
1643 insurance, only one claim is counted. If a debtor receives disability benefits, only the initial claim  
1644 payment for that period of disability is counted.

1645 (8) “Loss Ratio”, the ratio of incurred claims to earned premiums.

1646 SECTION 176. The second paragraph of section 32 of chapter 184 of the General Laws,  
1647 as so appearing, is hereby amended by adding the following sentence:-

1648 Notwithstanding the foregoing, the director of housing and community development may  
1649 release or approve the release of an affordable housing restriction after soliciting public comment  
1650 upon reasonable public notice, in lieu of a public hearing, provided that the director first  
1651 determines that the release is likely to be in the public interest and states the basis for such  
1652 determination in the notice of public comment.

1653 SECTION 177. Section 2 of chapter 239 of the General Laws, as so appearing, is hereby  
1654 amended by adding the following paragraph:- The defendant named in a summary process

1655 summons and complaint shall not include any minors, and any such minors' names so included  
1656 shall be expunged from any court record and electronic docket entry.

1657 SECTION 178. Section 3 of chapter 614 of the acts of 1968, as most recently amended  
1658 by section 5 of chapter 454 of the acts of 1969, is hereby further amended by adding after  
1659 subsection (h) the following subsection:-

1660 (i) "Nonprofit Beneficiary". Any nonprofit person, as defined in section 1 of chapter 23G  
1661 of the General Laws, to which the agency is authorized to provide financing.

1662 SECTION 179. Section 5 of said chapter 614, as most recently amended by section 9 of  
1663 said chapter 454, is hereby further amended by striking out subsection (o) and inserting in place  
1664 thereof the following 2 subsections:-

1665 (o) to make loans from the assets of any existing authority trust to nonprofit beneficiaries  
1666 in support of such trust;

1667 (p) to do all things necessary and convenient to carry out the purposes of this act.

1668 SECTION 180. Section 12 of chapter 490 of the acts of 1980 is hereby repealed.

1669 SECTION 181. Sections 46, 48, 61 and 63 of chapter 287 of the acts of 2014, as most  
1670 recently amended by chapter 99 of the acts of 2018, are hereby repealed.

1671 SECTION 182. Section 124A of chapter 287 of the acts of 2014, as added by section 26  
1672 of chapter 99 of the acts of 2018, is hereby repealed.

1673 SECTION 183. The executive office of housing and economic development shall issue  
1674 guidance to assist local officials determining the voting thresholds for various zoning



1675 amendments. Such guidance shall be assembled in consultation with the Department of Housing  
1676 and Community Development, the Massachusetts Attorney General’s Municipal Law Unit, and  
1677 Massachusetts Housing Partnership.

1678 SECTION 184. Notwithstanding any general or special law to the contrary, to meet the  
1679 expenditures necessary in carrying out section 2, 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, \$218,000,000. 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 185. Notwithstanding any general or special law to the contrary, to meet the  
1691 expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a  
1692 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
1693 by the governor from time to time but not exceeding, in the aggregate, \$85,000,000. All bonds  
1694 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
1695 Economic Development Act of 2020”, and shall be issued for a maximum term of years, not  
1696 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of  
1697 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall

1698 be payable not later than June 30, 2055. All interest and payments on account of principal on  
1699 such obligations shall be payable from the General Fund. Bonds and interest thereon issued  
1700 under the authority of this section shall, notwithstanding any other provision of this act, be  
1701 general obligations of the commonwealth.

1702 SECTION 186. Notwithstanding any general or special law to the contrary, to  
1703 meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon receipt  
1704 of a request by the governor, issue and sell bonds of the commonwealth in an amount to be  
1705 specified by the governor from time to time but not exceeding, in the aggregate, \$35,000,000. All  
1706 bonds issued by the commonwealth, as aforesaid, shall be designated on their face "Education  
1707 Capital Investment of 2020", and shall be issued for a maximum term of years, not exceeding 5  
1708 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII  
1709 of the Amendments to the Constitution; provided, however, that all such bonds shall be payable  
1710 not later than June 30, 2025. All interest and payments on account of principal on such  
1711 obligations shall be payable from the Twenty-First Century Education Trust Fund. Bonds and  
1712 interest thereon issued under the authority of this section shall, notwithstanding any other  
1713 provision of this act, be general obligations of the commonwealth.

1714 SECTION 187. Notwithstanding any general or special law to the contrary, certain  
1715 regulatory approvals are hereby extended as provided in this section.

1716 (a) For purposes of this section, the following words shall, unless the context clearly  
1717 requires otherwise, have the following meanings:

1718 "Approval" except as otherwise provided in subsection (b), any permit, certificate, order,  
1719 excluding enforcement orders, license, certification, determination, exemption, variance, waiver,

1720 building permit, or other approval or determination of rights from any municipal, regional or  
1721 state governmental entity, including any agency, department, commission, or other  
1722 instrumentality of the municipal, regional or state governmental entity, concerning the use or  
1723 development of real property, including certificates, licenses, certifications, determinations,  
1724 exemptions, variances, waivers, building permits, or other approvals or determination of rights  
1725 issued or made under chapter 21, chapter 21A excepting section 16, chapter 21D, sections 61 to  
1726 62I, inclusive, of chapter 30, chapters 30A, 40, 40A to 40C, inclusive, 40R, 41, 43D, section 21  
1727 of chapter 81, chapter 91, chapter 131, chapter 131A, chapter 143, sections 4 and 5 of chapter  
1728 249, or chapter 258, of the General Laws or chapter 665 of the acts of 1956, or any local by-law  
1729 or ordinance.

1730 "Development", division of a parcel of land into 2 or more parcels, the construction,  
1731 reconstruction, conversion, structural alteration, relocation or enlargement of a building or other  
1732 structure or facility, or any grading, soil removal or relocation, excavation or landfill or any use  
1733 or change in the use of any building or other structure or land or extension of the use of land.

1734 "Tolling period", the period beginning March 10, 2020, and continuing through March  
1735 10, 2021.

1736 (b) (1) Notwithstanding any general or special law to the contrary, an approval in effect  
1737 or existence during the tolling period shall be extended for a period of 1 year, in addition to the  
1738 lawful term of the approval.

1739 (2) Nothing in this section shall be deemed to extend or purport to extend:

1740 (i) a permit or approval issued by the government of the United States or an agency  
1741 or instrumentality of the government of the United States or to a permit or approval, of which the

1742 duration of effect or the date or terms of its expiration are specified or determined by or under  
1743 law or regulation of the federal government or any of its agencies or instrumentalities;

1744 (ii) a comprehensive permit issued by a board of appeals under sections 20 to 23,  
1745 inclusive, of chapter 40B of the General Laws;

1746 (iii) a permit, license, privilege or approval issued by the division of fisheries and  
1747 wildlife under chapter 131;

1748 (iv) any approval, determination, exemption, certification, statement of qualification,  
1749 or any other administrative action by the Department of Energy Resources under 225 CMR  
1750 20.00, subsection (c) of section 17 of chapter 25A of the General Laws, or the corresponding  
1751 regulations at 225 CMR 21.00; or

1752 (v) any agreement entered into by the Massachusetts Department of Transportation or  
1753 the Massachusetts Bay Transportation Authority, or any permit, license, or approval issued by  
1754 said department or authority, relating to the sale, acquisition, or lease or development of real  
1755 property owned in whole or in part by said department or authority, or the sale, acquisition, lease  
1756 or development of any interest therein related to such real property, pursuant to authority granted  
1757 under chapter 6C or chapter 161A of the General Laws.

1758 (3) Nothing in this section shall affect the ability of a municipal, regional or state  
1759 governmental entity, including an agency, department, commission or other instrumentality of a  
1760 municipal, regional or state governmental entity to revoke or modify a specific permit or  
1761 approval or extension of a specific permit or approval under this section, when that specific  
1762 permit or approval or the law or regulation under which the permit or approval was issued  
1763 contains language authorizing the modification or revocation of the permit or approval.

1764           (4)     In the event that an approval tolled under this section is based upon the  
1765 connection to a sanitary sewer system, the approval's extension shall be contingent upon the  
1766 availability of sufficient capacity, on the part of the treatment facility, to accommodate the  
1767 development whose approval has been extended. If sufficient capacity is not available, those  
1768 permit holders whose approvals have been extended shall have priority with regard to the further  
1769 allocation of gallonage over those approval holders who have not received approval of a hookup  
1770 prior to the effective date of this section. Priority regarding the distribution of further gallonage  
1771 to a permit holder who has received the extension of an approval under this section shall be  
1772 allocated in order of the granting of the original approval of the connection.

1773           (5)     In the case when an owner or petitioner sells or otherwise transfers a property or  
1774 project, in order for an approval to receive an extension, all commitments made by the original  
1775 owner or petitioner under the terms of the permit must be assigned to and assumed by the new  
1776 owner or petitioner. If the new owner or petitioner does not meet or abide by those commitments  
1777 then the approval shall not be extended under this section.

1778           (6)     Nothing in this section shall be construed or implemented in such a way as to  
1779 modify a requirement of law that is necessary to retain federal delegation to, or assumption by,  
1780 the commonwealth of the authority to implement a federal law or program.

1781           SECTION 188. Subsection (b) of said section 6J of said chapter 62, as so appearing, is  
1782 hereby amended by striking out in line 33 "\$55,000,000" and inserting in place thereof the  
1783 following: \$65,000,000.

1784 SECTION 189. Subsection (b) of said section 6J of said chapter 62, as so appearing, is  
1785 hereby amended by striking out in line 32 “2022” and inserting in place thereof the following:  
1786 2027.

1787 SECTION 190. Notwithstanding any general or special law to the contrary, the  
1788 unexpended balances of all capital accounts authorized in Line Item 7002-8014, Chapter 219 of  
1789 the Acts of 2016, which otherwise would revert on or before June 30, 2021, but which are  
1790 necessary to fund obligations during fiscal years 2021 through 2025, inclusive, are hereby  
1791 reauthorized through June 30, 2025. SECTION 191. Section 182 shall take effect 90 days after  
1792 enactment.

1793 SECTION 192. Sections 109 to 113, inclusive, and sections 115 to 117, inclusive, shall  
1794 apply to tax years beginning on or after January 1, 2021.