The Commonwealth of Massachusetts


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.
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:

SECTION 1. To provide for a program of economic development and job creation, the sums set forth in sections 2 and 2A, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds; provided, however, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act. These sums shall be in addition to any amounts previously authorized and made available for these purposes.

SECTION 2.

Executive Office of Housing and Economic Development

Office of the Secretary

7002-8000 For the program administered by the Massachusetts Development Finance Agency for site assembly, site assessment, predevelopment permitting and other predevelopment and marketing activities that enhance a site’s readiness for commercial, industrial or mixed-use
development; provided, that a portion of the funds shall be used to facilitate the expansion or
replication of successful industrial parks ............... $15,000,000

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

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

7002-8003 For the Massachusetts Technology Park Corporation established by
section 3 of chapter 40J for matching grants that support collaboration among manufacturers
located in the commonwealth and institutions of higher education, nonprofits and other public or
quasi-public entities; provided that eligible grantees shall include but not be limited to
participants in the Manufacturing USA Institutes established under the National Network for
Manufacturing Innovation; provided further that grants shall be awarded and administered
consistent with the strategic goals and priorities of the advanced manufacturing collaborative
established by section 10B of chapter 23A ............... $10,000,000
For projects receiving assistance from the Technology Research and Development and Innovation Fund established by section 4G of chapter 40J of the General Laws, provided that not less than $2,000,000.00 be appropriated for the University of Massachusetts Amherst for capital improvements to the Marine Station in Gloucester; provided, however, that use of capital dollars may be include the following purposes: (a) capital improvements, equipment and faulty start-up costs at the marine station, and (b) capital equipment and other start-up costs for a Sustainable Seafood Production center of excellence including, but not limited to, the possibility of acquiring, expanding, improving or leasing a facility on Gloucester Harbor in Gloucester; provided further that the University of Massachusetts Amherst shall provide a 50 percent match to these funds; provided further that not less than $7,000,000 shall be expended on the capital needs of the Blue Economy Initiative at UMass Dartmouth............. $52,000,000

For a competitive program of grants or other financial assistance to support economic development, job creation and housing, and climate resilience initiatives, including nature-based solutions projects, that incorporate these elements, for the public purpose of promoting economic opportunity and prosperity in small towns or rural areas of the commonwealth; provided that such financial assistance may be offered to a municipality or other public entity, a community development corporation, nonprofit entity or for-profit entity; provided further that such financial assistance must support a project located in a municipality with a population of fewer than 7,000 year-round residents or a population density of not more than 500 persons per square mile; further that financial assistance offered pursuant to this line item may be administered by the executive office through a contract with the Massachusetts Development Finance Agency established by section 2 of chapter 23G; and provided further that
the administering agency may establish additional program requirements through regulations or policy guidelines $20,000,000

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

7002-8029 For a competitive grant program administered by the Massachusetts Office of Travel and Tourism to improve facilities and destinations visited by in-state and out-of-state travelers, with the goals of increasing visitation, enticing repeat visitation, and increasing the direct and indirect economic impacts of the tourism industry in all regions of the commonwealth; provided that grants shall support the design, repair, renovation, improvement, expansion and construction of facilities owned by municipalities or nonprofit entities; and provided further that all grantees shall provide a match based on a graduated formula determined by the Massachusetts Office of Travel and Tourism; and further provided that grant recipients shall be required to measure and report on return-on-investment data after the expenditure of grant funds; provided further, that not less than $500,000 shall be expended for infrastructure improvements and ADA upgrades to the bathhouse and boathouse at West Beach located on West Rodney French Boulevard in the city of New Bedford $10,000,000
For a program to provide assistance to projects that will improve, rehabilitate or redevelop blighted, abandoned, vacant or underutilized properties to achieve the public purposes of eliminating blight, increasing housing production, supporting economic development projects, increasing the number of commercial buildings accessible to persons with disabilities, and conserving natural resources through the targeted rehabilitation and reuse of vacant and underutilized property; provided that such assistance shall take the form of a grant or a loan provided to a municipality or other public entity, a community development corporation, nonprofit entity or for-profit entity; provided further that eligible uses of funding shall include, but not be limited to, improvements and additions to or alterations of structures and other facilities necessary to comply with requirements of building codes, fire or other life safety codes, and regulations pertaining to accessibility for persons with disabilities, where such code or regulatory compliance is required in connection with a new commercial residential or civic use of such structure or facility, and also shall include the targeted removal of existing underutilized structures or facilities to create or activate publicly-accessible recreational or civic spaces; provided further that funding shall be awarded on a competitive basis in accordance with guidelines developed by the agency; provided further that financial assistance offered pursuant to this line item may be administered by the executive office through a contract with the Massachusetts Development Finance Agency established by section 2 of chapter 23G; provided further that the executive office or the Massachusetts Development Finance Agency may establish additional program requirements through regulations or policy guidelines; and provided further that program funds may be used for the reasonable costs of administering the program, provided that such costs shall not exceed 5 per cent of the total assistance made during the fiscal year; provided further, that not less than $2,800,000 shall be expended for the restoration and
rehabilitation of the historic building located at 17 Fairmount Avenue in the Hyde Park neighborhood of Boston; provided further, that not less than $750,000 shall be expended for infrastructure improvements, ADA upgrades, safety code compliance, and the rehabilitation and renovation of the historical building serving as the Cape Verdeans Veterans Memorial Hall located at 561 Purchase Street in the city of New Bedford; provided further, that not less than $1,200,000 shall be expended for the restoration of the Cape Verdean Association of New Bedford Strand Theatre/Cape Verdean cultural center in the city of New Bedford

$45,000,000

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

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

SECTION 2A.

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development
For state financial assistance in the form of grants or loans to accelerate and support the creation of low- and moderate-income housing in close proximity to transit nodes; provided that the program shall be administered to achieve the following public benefits: (1) maximize the amount of affordable residential and mixed-use space in close proximity to transit nodes, resulting in higher density, compact development and pedestrian-friendly, inclusive and connected neighborhoods; (2) increase mass transit ridership, (3) decrease traffic congestion and reduce greenhouse gas emissions, (4) increase economic opportunity for disadvantaged populations by making it easier for residents of affordable housing to access public transportation, including transportation supporting commutes to employment centers; provided further that entities eligible to receive financial assistance shall include governmental bodies, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations, and for-profit entities; provided further that financial assistance provided pursuant to this section shall be made on a competitive basis, with preference for projects in communities most impacted by COVID-19 health and economic crisis; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes up to, but not exceeding, 110 per cent of the area median income, as defined by the United States Department of Housing and Urban Development, with priority given to projects that provide higher and deeper levels of affordability; provided further, that not less than 25 per cent of the occupants of housing in projects assisted by this item shall be persons whose income is not more than 60 per cent of the area median income, as so defined; provided further that financial assistance offered pursuant to this line item may be administered by the department through a contract with the Massachusetts Housing Partnership, established in section 35 of chapter 405 of
the acts of 1985, which in turn may directly offer financial assistance for the purposes set forth herein, or may enter into subcontracts with nonprofit organizations established pursuant to chapter 180 of the General Laws for those purposes; provided further that the department may provide financial support to nonprofit and for-profit developers that enter into binding agreements to set aside residential units in market-rate transit-oriented housing, over and above any units required to be set aside under local zoning or approvals, for rent or sale to income-qualified households at affordable rents or sale prices, as applicable; and provided further, that the department may establish additional program requirements through regulations or policy guidelines ........................................... $35,000,000

7004-0064 For financial assistance to accelerate and support the creation and preservation of sustainable and climate resilient affordable multifamily housing; provided that such financial assistance shall be made to achieve the following public benefits: (1) incorporate efficient, sustainable and climate-resilient design practices in affordable residential development, to support positive climate mitigation outcomes; (2) reduce greenhouse gas emissions and reliance on fossil fuels; (3) increase resiliency of existing housing developments to mitigate impacts of climate change, including flooding and extreme temperatures; and (4) enhance emergency preparedness, including sustainable means of power generation to allow for sheltering vulnerable populations in place; provided further that financial assistance shall be made available on a competitive basis to community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations, and for-profit entities; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes up to, but not exceeding, 110 per cent of the area median income, as defined by the United States
Department of Housing and Urban Development, with priority given to projects that provide
higher and deeper levels of affordability; provided further, that not less than 25 per cent of the
occupants of housing in projects assisted by this item shall be persons whose income is not more
than 60 per cent of the area median income, as so defined; provided further that financial
assistance provided pursuant to this section may be administered by the department through
contracts with the Massachusetts Housing Partnership, established in section 35 of chapter 405 of
the acts of 1985, the Massachusetts Housing Finance Agency, established in chapter 708 of the
acts of 1966, or both, which authorities may directly offer financial assistance for the purposes
set forth herein, or may enter into subcontracts with nonprofit organizations established pursuant
to chapter 180 for those purposes; and provided further that the administering agency may
establish additional program requirements through regulations or policy guidelines

$10,000,000

7004-0065 For state financial assistance to cities and towns, or to agencies, boards,
commissions, authorities, departments or instrumentalities within cities or towns, or to
community development corporations or non-profit organizations, to assist in the revitalization
of neighborhoods and communities with properties in blighted or substandard conditions by
subsidizing the purchase price, borrowing costs or costs of demolition or renovation of up to 50
units of residential rental housing or 1-4 units of home ownership residential housing that have
been cited for building or sanitary code violations or that are subject to cancellation of
commercial property insurance due to substandard property conditions, or are otherwise blighted
or substandard; provided, that contracts entered into by the department of housing and
community development for those projects may include, but shall not be limited to, projects
providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous
material abatement, including asbestos and lead paint, and for compliance with state codes and
laws and for adaptations necessary for compliance with the Americans with Disabilities Act of
1990; provided further, that preference shall be given to community development corporations
and local nonprofit organizations, to organizations sponsoring projects that secure private funds,
and to projects with the greatest impact on community stabilization in weak markets, including
but not limited to rural communities and communities that have been disproportionately affected
by COVID-19 emergency, disinvestment, foreclosure and abandonment; provided further, that
such rehabilitated housing shall remain affordable for such period as shall be established by the
department through guidance, taking into account differences in market conditions and the type
of restrictions best suited to promoting community stabilization in different markets; and
provided further that an amount not to exceed 2 per cent of the amount expended may pay for
administrative costs directly attributable to the purposes of this program, including costs of
support personnel  $40,000,000

SECTION 2B

EXECUTIVE OFFICE OF EDUCATION

Massachusetts Department of Elementary and Secondary Education

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

SECTION 3. Subsection (a) of section 16G of chapter 6A of the General Laws, as
appearing in the 2018 Official Edition, is hereby amended by striking out the first and second
sentences and inserting in place thereof the following 2 sentences:-
In the executive office of housing and economic development, there shall be the following departments and offices: the department of housing and community development established by section 1 of chapter 23B; the Massachusetts office of consumer affairs and business regulation established by section 1 of chapter 24A; the Massachusetts office of business development established by section 1 of chapter 23A; the Massachusetts marketing partnership established by section 13A of chapter 23A; the Massachusetts office of travel and tourism established by section 13E of chapter 23A; and the Massachusetts office of international trade and investment established by section 13K of chapter 23A. Subject to appropriation, such departments and offices shall be provided with offices in Boston and elsewhere as may be approved by the governor and may expend sums for necessary expenses of those departments and offices.

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

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

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

(h) The secretary, with the approval of the governor, shall appoint an undersecretary for each of the office of consumer affairs and business regulation and the department of housing and community development, and shall appoint a director for each of the office of business
development, the office of travel and tourism and the office of international trade and
investment. Such undersecretaries and directors shall devote their full time during business
hours to the duties of their offices and shall not engage in other employment or business
activities during business hours. In accordance with the provisions of chapter 30A, and with the
advice of the undersecretaries and directors of the various departments and offices, the secretary
may promulgate regulations with respect to the matters under the secretariat’s supervision or
control.

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

The secretary shall establish in the executive office an office of performance management
and oversight. The secretary shall appoint a director to operate and administer said office who
shall have experience with economic development in the public or private sector. The director
shall establish performance measurements for all public and quasi-public entities engaged in
economic development, and may establish such measurements for any private organizations
under contract with the commonwealth to perform economic development services, in order to
improve the effectiveness of the economic development efforts of the commonwealth. In
developing these measurements, the director may seek out private sector advice and models that
can be adapted to the needs of the commonwealth. Clear measurements shall be developed and
effectuated while ensuring that no undue administrative burden is placed on agencies and
organizations subject to this section. The director shall prepare an annual report for publication
on progress to improve the effectiveness of the commonwealth's economic development efforts
and the progress agencies within the office are making towards achieving stated goals.
SECTION 7. Said subsection (i) of said section 16G of said chapter 6A, as so appearing, is hereby further amended by striking out, in line 61, the words “to which the system applies” and inserting in place thereof the following words:- designated by the secretary.

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

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

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

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

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

SECTION 13. Section 1 of chapter 23A of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-
(a) Within the executive office of housing and economic development, there shall be a Massachusetts office of business development, in this chapter referred to as MOBD, which shall be under the control of the director of the Massachusetts office of business development. The director shall be appointed by the secretary of the executive office of housing and economic development in accordance with subsection (h) of section 16G of chapter 6A for a term conterminous with the governor's and shall not be subject to chapter 31 or section 9A of chapter 30. Upon expiration of the term of office of the director or in the event of a vacancy, a successor shall be appointed in the same manner. The director shall devote his full time during business hours to the duties of his office. The director shall be the executive and administrative head of the MOBD and shall be responsible for administering and enforcing the laws relative to the MOBD and to each administrative unit thereof. The director shall receive such salary as the Secretary shall determine.

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

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

SECTION 16. Said section 2 of said chapter 23A is hereby further amended by striking out subsection (h).
SECTION 17. Section 3 of said chapter 23A, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following subsection:

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

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

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

The director shall file an annual report with the house and senate committees on ways and means by January 1 on the activities of the Massachusetts permit regulatory office and the interagency permitting board, including legislative recommendations on business development and expansion efforts.
The director shall also provide assistance to businesses in the process of complying with state regulations and other requirements of law that affect businesses. The director shall facilitate communication between individual businesses and state agencies and work with regulatory personnel in state agencies to minimize the small business impacts of regulation.

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

staff located.

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

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

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

SECTION 22. The second paragraph of said section 6 of said chapter 23A, as so appearing, is hereby amended by striking out the last two sentences.
SECTION 23. Section 7 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 1, the words “economic development” and inserting in place thereof the following word:- MOBD.

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

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

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

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

SECTION 28. Section 13A of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 13 through 15, the words “coordinate marketing efforts on behalf of the commonwealth and shall oversee the activities of agencies placed within it.” and inserting in place thereof the following words:- advise the secretary and the governor regarding the most effective means and methods for marketing the assets and regions of the commonwealth.
SECTION 29. Said section 13A of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 87, the words “and employees of the agencies within the partnership”.

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

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

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

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

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

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

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

SECTION 34. Section 13E of said chapter 23A, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following 2 paragraphs:-
There shall be within the executive office of housing and economic development an office of travel and tourism which shall be under the supervision and control of an executive director. The powers and duties given to the executive director of the office of travel and tourism in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of the executive office of housing and economic development.

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

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

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

SECTION 37. Said section 13H of said chapter 23A, as so appearing, is hereby further amended by striking out, in line 6 to 7, the word “partnership” and inserting in place thereof the following words:-- secretary of the executive office of housing and economic development.
SECTION 38. Section 13J of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 9 to 10, the words “shall meet on a quarterly basis and”.

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

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

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

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

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

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

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

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

SECTION 45. Section 13O of said chapter 23A, as so appearing, is hereby amended by
striking out, in lines 1 to 2 and in line 2, in each instance, the words “international trade office”
and inserting in place thereof, in each instance, the following words:- office of international trade
and investment.
SECTION 46. Section 13P of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 1 to 2, the words “international trade office” and inserting in place thereof the following words:- office of international trade and investment.

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

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

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

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

The commission shall convene at such times and with such frequency as the executive director of the office of international trade and investment shall request. The commission may conduct a public hearing and otherwise solicit information regarding the economic and sovereignty impacts of international trade agreements on the commonwealth. The commission may recommend changes to United States trade policy or commitments including, but not limited to, proposed international trade agreements. Any report or recommendations prepared by the
commission shall be transmitted to the clerks of the house of representatives and the senate, the
governor, the attorney general, the United States trade representative and each member of the
commonwealth’s congressional delegation.

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

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

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

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

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

(e) The office of travel and tourism shall submit an annual report to the clerks of the
senate and house of representatives and the joint committee on tourism, arts and cultural
development not later than December 31 on the cost-effectiveness of the fund. The report shall
include expenditures out of the fund made by the office of travel and tourism to promote tourism
and for the administrative costs of the office of travel and tourism.
SECTION 55. Section 62 of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “state permit ombudsman” and inserting in place thereof the following words:- director of the Massachusetts permit and regulatory office established by section 3H.

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

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

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

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

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

SECTION 61. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby amended by striking out the definition “Equity investments” and inserting in place thereof the following definition:-
“Equity investments”, (i) investments that result in the agency holding an ownership interest in any company; (ii) a membership interest that constitutes voting rights in a company; (iii) an interest in real estate or other assets; (iv) a grant or loan designated pursuant to a competitive process administered by the agency, provided to governmental subdivisions, community development corporations, community action agencies, for-profit entities, private property owners, nonprofit entrepreneur support organizations and business operators for design, construction or improvement of buildings or real estate to spur economic development; (v) a transaction which in substance falls into any of these categories even though it may be structured as some other form of business transaction, including, but not limited to a lease of real estate for such duration as the agency deems appropriate in light of the amount of the equity to be invested; and (vi) an equity security; provided, however, that “equity investments” shall not include any of the foregoing if the interest is taken as security for a loan.

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

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

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

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

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

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

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

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

SECTION 70. Subsection (c) of said section 4 of said chapter 23L is hereby amended by adding the following 2 sentences:- Infrastructure assessments levied under this chapter shall continue notwithstanding any alienation or conveyance of the property in the development zone by one property owner to a new property owner. A new property owner in the development zone shall take title to such property subject to the infrastructure assessments and related liens.
SECTION 71. Subsection (b) of section 6A of chapter 25C of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the letter “(f)” and inserting in place thereof the following letter:—(h).

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

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

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

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

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

(b) Quotations shall not be modified or disclosed until the award of the contract after submission; however, the procurement officer shall waive minor informalities or allow the person submitting quotations to correct the minor informality. The procurement officer shall award the contract to the responsible and responsive person offering the needed quality of supply or service at the lowest quotation. A contract requiring payment to the governmental body of a net monetary amount shall be awarded to the responsible and responsive person offering the needed quality of supply or service at the highest quotation.
SECTION 75. Paragraph (a) of section 6 of said chapter 30B, as so appearing, is hereby amended by inserting, in line 2, after the words “$50,000” the following words:- except as permitted pursuant to subsection (a) of section 4.

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

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

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

(b) The fund shall be administered to foster scientific and technology research and development in the Commonwealth by providing matching funds for capital expenditures to be made in connection with projects which are sponsored by the University of Massachusetts, research universities, non-profit entities, independent research institutions, or technology
companies in the commonwealth for scientific or technology research and development that will
increase and strengthen the commonwealth's economic development, employment opportunities
and commercial and industrial sectors, and are funded in part by the federal government or other
public or private funds; provided, however, that any grant awarded in accordance with this
subsection shall leverage at least $1, in the aggregate, during activities funded by such grant,
from sources other than an agency as defined in section 39 of chapter 6 for each dollar granted;
provided further, funds expended specifically for this matching grant program from the higher
education bond bill, established by chapter 258 of the acts of 2008, shall not count towards the
$1 of financing that is required for the matching grant program; provided further, that as a
condition of such grants being awarded, the corporation shall reach agreement with the grant
recipient on performance measures and indicators that will be used to evaluate the performance
of the grant recipient in carrying out the activities described in the recipient's application;
provided further, that prior to awarding any grant under this subsection the corporation shall
determine that the grant will advance the purposes of this subsection; provided further, that
priority shall be given to large-scale, long-term research and development activities that have the
greatest potential to support scientific and technological innovation and stimulate economic and
employment opportunities in the commonwealth through industry partnerships; and provided,
further that at least 50 per cent of the grant funds under this subsection shall be reserved for
award, over the term of each authorization or appropriation, subject to qualification, to the
University of Massachusetts. The University of Massachusetts may, if it deems necessary to help
ensure efficient and effective research and development efforts, enter into collaborative
agreements with other higher education institutions in the commonwealth to undertake parts of
any research and development project for which grant funding under this subsection is sought. Funds may be used by the corporation to support costs associated with managing this program.

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

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

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

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

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

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

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

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

“Plan approval authority”, a unit of municipal government designated by the city or town
to review projects and issue approvals under section 11.
SECTION 82. Section 3 of said chapter 40R of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in line 4, after the word “have” the following word:- safe.

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

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

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

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

(8) A proposed smart growth zoning district or starter home zoning district shall not impose restrictions on age or any other occupancy restrictions on the district as a whole or any portion thereof or project therein. Applicants may pursue the development of specific projects within a smart growth zoning district that are exclusively for the elderly, the disabled or for assisted living, provided that the department shall adopt regulations limiting the percentage of units in the district that qualify the city or town for density bonus payments under section 9 that may be subject to such restrictions that limit occupancy exclusively for the elderly, the disabled or for assisted living. Not less than 25 per cent of the housing units in a project that limits occupancy exclusively for the elderly, the disabled or for assisted living within a smart growth zoning district shall be affordable housing, as defined in section 2.
SECTION 87. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by striking out, in line 86, the words “approving authority” and inserting in place thereof the following words:-- plan approval authority.

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

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

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

(g) Any amendment or repeal of a zoning ordinance or by-law affecting an approved smart growth zoning district or starter home zoning district shall not be effective without the written approval by the department. In addition, no such amendment or repeal shall be effective until the city or town has made the payment required under subsection (b) of section 14. Each amendment or repeal shall be submitted to the department with an evaluation of the effect on the number of projected units that will remain developable, if any, in relation to the number of units that have been built and the number of units that determined any corresponding zoning incentive payment paid to the city or town. Amendments shall be approved only to the extent that the district remains in compliance with this chapter. If the department does not respond to a complete request for approval of an amendment or repeal within 60 days of receipt, the request shall be deemed approved.
SECTION 90. Section 7 of said chapter 40R, as so appearing, is hereby amended by
striking out, in line 14, the words “approving authority” and inserting in place thereof the
following words: plan approval authority.

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

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

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

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

SECTION 95. Said chapter 40R, as so appearing, is hereby amended by striking out
section 11 and inserting in place thereof the following section:-
Section 11. (a) A city or town may incorporate provisions within the smart growth zoning district or starter home zoning district ordinance or by-law that prescribe contents of an application for approval of a project. The ordinance or by-law may require the applicant to pay for reasonable consulting fees to provide peer review of the applications for the benefit of the plan approval authority. Such fees shall be held by the municipality in a separate account and used only for expenses associated with the review of the development application by outside consultants and any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith. The smart growth zoning district or starter home zoning district ordinance or by-law may provide for the referral of the plan to municipal officers, agencies or boards other than the plan approval authority for comment. Any such board, agency or officer shall provide any comments within 60 days of its receipt of a copy of the plan and application for approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 97. Said section 1 of said chapter 40V, as so appearing, is hereby further
amended by striking the definition for “Housing Development Project” and inserting in place
thereof after the word “Project” the following: a multi-unit residential rehabilitation project that
is located in a gateway municipality and once rehabilitated, shall contain at least 80 per cent
market rate units and at least 20 per cent shall include affordable units for persons whose income
is not more than 60 per cent of the area median income (“AMI”).
SECTION 98. Said section 2 of said chapter 40V, as so appearing, is hereby further amended by striking the last sentence and inserting in place thereof the following: The application shall include a plan which shall include a description of the activities, public and private, contemplated for such zone as of the date of the adoption of the zone plan, with such detail and information as the department may require in written guidelines.

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

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

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

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

(A) is consistent with and can reasonably be expected to benefit significantly from the plans of the gateway municipality relative to the project property tax exemption;.
SECTION 103. Subsection (c) of said section 4 of said chapter 40V, as so appearing, is hereby amended by striking out, in line 51, the words “a term of 20 years” and inserting in place thereof the following words:- the term approved by the municipality, which term shall be consistent with clause (iii) of subsection (b).

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

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

SECTION 105. Said section 4 of said chapter 40V, as so appearing, is hereby amended by inserting at the end of the section, after the word “development” the following words: The report shall include, but is not limited to: identification of municipalities with approved HD zones, identification of each housing development project that has received certification, provide
information about each project such as: site address, project sponsor, certification level
(preliminary, conditional, or final), the range of rents for the residential units, the type of
residential units and number of each type of residential unit, the number of affordable units for
persons who are 60% AMI and the number of affordable units for persons who are 30% AMI;
the total amount of qualified project expenditures, the tax credit amount issued or reserved, the
completion or estimated completion year, and the year the credit was issued.

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

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

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

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

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

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

SECTION 109. Paragraph (2) of subsection (q) of section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in line 868, the following words:-

Credits passed through to individual partners and members are not transferable.

SECTION 110. Paragraph (5) of said subsection (q) of said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in lines 896 through 898, inclusive, the words “The total amount of credits that may be authorized by DHCD in a calendar year pursuant to this subsection and section 38BB of chapter 63 shall not exceed $10,000,000 and” and inserting in place thereof the following:- DHCD may authorize up to $30,000,000 in credits annually under this subsection and section 38BB of chapter 63. In addition, DHCD may authorize (i) any unused credits for the preceding calendar years under this subsection or said section 38BB of said chapter 63; and (ii) any credits under this subsection or said section 38BB of said chapter 63 returned to DHCD by a certified housing development project. The total amount of credits authorized during a year.
SECTION 111. Said paragraph (5) of said subsection (q) of said section 6 of said chapter 62, is hereby further amended by inserting, in line 900, after the words “chapter 63;” the following word:- and.

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

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

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

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

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

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

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

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

CHAPTER 93L. Bad Faith Assertions of Patent Infringement

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

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

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

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

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

(1) The demand letter does not contain the following information:
(i) the patent number;
(ii) the name and address of the patent owner or owners and assignee or assignees, if any;
and
(iii) factual allegations concerning the specific areas in which the target’s products,
services, and technology infringe the patent or are covered by the claims in the patent.

(2) The demand letter lacks the information described in subsection (2)(b)(1), the target
requests the information, and the person fails to provide the information within a reasonable
period of time.
(3) The demand letter demands payment of a license fee or response within an unreasonably short period of time.

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

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

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

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

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

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

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

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

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

(3) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.
(4) Prior to sending the demand letter, the person conducts an analysis comparing the claims in the patent to the target’s products, services, and technology.

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

(d) This section shall not apply to:

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

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

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

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

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

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

(3) Any institution of higher education, public or private, or non-profit research institute, or an organization which has as one of its primary functions the management of inventions on behalf of the aforementioned entities.
Section 3. A target of conduct involving assertions of patent infringement and any other person aggrieved by a violation of section 2 may bring an action in Superior Court.

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

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

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

(i) equitable relief;

(ii) damages;

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

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

(b) Any person who by contract, agreement, or otherwise, directly or indirectly, arranged for the bad faith assertion of patent infringement and any person who otherwise caused or is legally responsible for such bad faith assertion of patent infringement under the principles of the common law shall be liable to a prevailing plaintiff for all damages, costs and fees. Such liability shall be joint and several.
(c) In an action arising under section 3 or 4 of this chapter, any person who has delivered
or sent, or caused another to deliver or send, a demand to a target in Massachusetts has
purposefully availed himself or herself of the privileges of conducting business in the
commonwealth and shall be subject to suit in the commonwealth, whether or not the person is
transacting or has transacted any other business in the commonwealth, and a court may exercise
personal jurisdiction over such person.

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

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

SECTION 121. Said section 1 of said chapter 121B, as so appearing, is hereby further
amended by inserting, after the definition of “Blighted open area,” the following definition:-
“Capital funds”, funds advanced by the department to a housing authority financing
capital outlays for housing production or preservation from proceeds of a bond authorization as
defined in section 1 of chapter 29.

SECTION 122. Said section 1 of said chapter 121B, as so appearing, is hereby further
amended by striking out, in line 36, the words “subsection (d) of section twenty-six”, and
inserting the following words:- sections 11, 26 or 46.
SECTION 123. Said section 1 of said chapter 121B as so appearing, is hereby further amended by striking out, in line 58, the word “morals”.

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

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

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

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

“Replacement units”, low rent housing created to replace an existing housing project that is demolished or disposed of under subsection (k) of section 26; such units may be included within a privately owned mixed-income development that also includes dwellings that are not low rent housing, provided that the use and occupancy of the replacement units is subject to a binding legal contract and land use restriction under paragraph (7) of subsection (k) of section 26.
"Substandard area", any area wherein dwellings or other buildings predominate which, by reason of dilapidation, abandonment, foreclosure, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities or any combination of these factors, are detrimental to safety or health.

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

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

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

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

SECTION 129. Section 16 of said chapter 121B, as so appearing, is hereby amended by adding the following paragraph:-
Notwithstanding any provision to the contrary in this chapter or in any other general or special law relative to the tax status of real property, where a housing authority sells or transfers ownership of buildings or other structures on land owned by it to a private entity, including without limitation a for-profit or charitable corporation, general or limited partnership, or limited liability company, for the purpose of rehabilitation, repair, development, or redevelopment of multifamily housing that will contain replacement units as defined in section 1, so much of the resulting buildings or structures as is restricted for use as replacement units, including associated common areas, and associated land shall be exempt from taxation, betterments and special assessments. If replacement units and associated common areas constitute only a portion of such resulting buildings or structures, the exemption shall be prorated based on the ratio which the square footage of replacement units bears to the square footage of all other residential or commercial units within the buildings or structures. The private entity shall pay (i) with respect to the exempt portion of the buildings or structures and land, a payment in lieu of taxes consistent with the valuation or other formula generally applicable under this section to the housing authority’s real estate in the city or town in which such real estate is located, or as otherwise previously agreed upon between the city or town and the housing authority as the method for computing the payments to be made in lieu of taxes, and using the ratio described above, and (ii) with respect to the non-exempt portion of the buildings or structures and land, real estate taxes in accordance with chapter 59 based on the fair cash value of the non-exempt portion of the buildings or structures and non-exempt portion of the land using the ratio described above.

SECTION 130. Section 26 of said chapter 121B, as so appearing, is hereby amended by inserting, in line 91, after the word “sale,”’’ the following words:- or other disposition.
SECTION 131. Subsection (k) of said section 26 of said chapter 121B, as so appearing, is hereby further amended by striking out paragraphs (1) through (4), inclusive, and inserting in place thereof the following 4 paragraphs:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 138. Section 29 of said chapter 121B, as so appearing, is hereby amended by adding the following paragraph:-
Notwithstanding any provision to the contrary in this section or elsewhere in this chapter, if a housing authority does not own, lease or manage any housing project eligible to receive ongoing capital or operating assistance under section 32 or section 34 of this chapter, the department shall not investigate such housing authority’s budgets, finances, dealings, transactions and relationships or other affairs, nor shall the department require periodic reporting by any such housing authority. Without limiting the generality of the foregoing, a housing authority that does not own, lease or manage any housing project eligible to receive ongoing capital or operating assistance under section 32 or section 34 of this chapter shall not be required to: (a) participate in a training program under section 5B; (b) submit contracts with its executive director to the department for review pursuant to section 7A; (c) participate in the performance-based monitoring program established pursuant to section 26B; (d) participate in the regional capital assistance team program established pursuant to section 26C; (e) prepare and submit an annual plan pursuant to section 28A and this section; or (f) prepare and submit, or make available, a written report and agreed upon procedures for review of housing authority financial records pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 151. Said section 48 of said chapter 121B, as so appearing, is hereby further amended by striking out, in lines 37 through 38, the words “the relocation plan has been approved under chapter seventy-nine A.” and inserting in place thereof the following words:-- relocation assistance will be provided pursuant to the applicable federal or state relocation requirements.
SECTION 152. Said section 48 of said chapter 121B, as so appearing, is hereby further amended by striking out the seventh and eighth paragraphs and inserting in place thereof the following paragraph:-

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

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

Section 49. If an urban renewal agency shall sell or lease any property acquired by it for an urban renewal project, the terms of such sales or leases shall obligate the purchasers or lessees: (a) to devote the land to the use specified in the urban renewal plan for said land; (b) to begin the building of their improvements within a reasonable time; (c) for a residential redevelopment project, to give preference in the selection of tenants to eligible families displaced as a result of the project, subject to applicable federal or state laws and requirements; and (d) to comply with such other conditions as are deemed necessary to carry out the purposes of this chapter, including complying with the applicable federal or state relocation requirements. Nothing in this chapter shall be construed as limiting the power of an urban renewal agency in the event of a default by a purchaser or lessee of land in an urban renewal project to retake title to and possession of the property sold or leased free from the obligations in the conveyance or lease thereof.
SECTION 154. Said chapter 121B, as so appearing, is hereby amended by striking out
section 50 and inserting in place thereof the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 169. Section 47E of chapter 164 of the General Laws, as so appearing, is hereby amended by adding the following 2 sentences: - A cooperative or municipal lighting plant shall, upon commencing operations of a telecommunications system, provide notice to the department of telecommunications and cable. A cooperative or municipal lighting plant that is engaged in the business of operating a broadband telecommunications system shall file annually with the department of telecommunications and cable, on a form prescribed by the department of telecommunications and cable, a statement of its revenues and expenses and a financial balance sheet, each of which shall be open to public inspection.
SECTION 170. Subsection (1) of section 20A of chapter 175 of the General Laws, as so appearing, is hereby amended by inserting, in line 4, after the words “(E)” the following words:–

, (E1/2).

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

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

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

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

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

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

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

(d) The assuming insurer must agree and provide adequate assurance to the commissioner, in a form specified by the commissioner pursuant to regulation, as follows:
1. The assuming insurer must provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in subparagraphs (b) or (c), or if any regulatory action is taken against it for serious noncompliance with applicable law;

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

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

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

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

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

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

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

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

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

(a) A list of Reciprocal Jurisdictions is published through the NAIC Committee Process.
The commissioner’s list shall include any Reciprocal Jurisdiction as defined under subclauses 1
and 2 of subparagraph (a) of clause (i) of this paragraph, and shall consider any other Reciprocal
Jurisdiction included on the NAIC list. The commissioner may approve a jurisdiction that does
(b) The commissioner may remove a jurisdiction from the list of Reciprocal Jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a Reciprocal Jurisdiction, in accordance with a process set forth in regulations issued by the commissioner, except that the commissioner shall not remove from the list of Reciprocal Jurisdiction as defined under subclauses 1 and 2 of subparagraph (a) of clause (i) of this paragraph. Upon removal of a Reciprocal Jurisdiction from the list credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to this section 20A.

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

(iv) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this subsection, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this subsection in accordance with procedures set forth in regulation.
(a) While an assuming insurer’s eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualified for credit except to the extent that the assuming insurer’s obligations under the contract are secured in accordance with subsection 2.

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

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

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

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

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

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

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

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

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

SECTION 173. Said subsection (1) of said section 20A of said chapter 175, as so appearing, is hereby further amended by striking out paragraph (H) and inserting thereof the following paragraph:–
(H) If the assuming insurer does not meet the requirements of paragraphs (A), (B), (C) or (E1/2), the credit permitted by paragraph (D) shall not be allowed unless the assuming insurer agrees in substance in the trust agreements to the following conditions:

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

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

(b) is certified in the commonwealth; or

(c) maintains at least $250,000,000 in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices; and is licensed in at least 26 states; or licensed in at least 10 states and licensed or accredited in a total of at least 35 states.

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

Section 117C. (a) The following method of determination of premium rates with respect to credit life insurance and credit accident and health insurance is required only for such insurance written in connection with obligations, other than loans secured by first liens on real property, which are subject to section 12G of chapter 255, section 10 of chapter 255B, section 14A of chapter 255C, or subsection C of section 26 of chapter 255D, for which an identifiable charge is paid by insured persons.
(b) The following are the procedures for determining the maximum premium rates permitted to be charged any account:

A. Rate Review.

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

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

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

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

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

B. Reports of Experience:

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

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

C. Definitions:

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

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

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

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

The above integral numbers represent the lower end of the bracket for each “Z” factor.
The upper is 1 less than the lower end for the next higher “Z” factor.
(4) “Earned premiums”, the premiums earned at the premium rates actually charged for
coverage in force during the experience period.

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

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

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

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

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

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

SECTION 177. Section 2 of chapter 239 of the General Laws, as so appearing, is hereby
amended by adding the following paragraph:- The defendant named in a summary process
summons and complaint shall not include any minors, and any such minors’ names so included shall be expunged from any court record and electronic docket entry.

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

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

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

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

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

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

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

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

SECTION 183. The executive office of housing and economic development shall issue guidance to assist local officials determining the voting thresholds for various zoning
amendments. Such guidance shall be assembled in consultation with the Department of Housing and Community Development, the Massachusetts Attorney General’s Municipal Law Unit, and Massachusetts Housing Partnership.

SECTION 184. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $218,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth Economic Development Act of 2020”, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2055. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 185. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $85,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth Economic Development Act of 2020”, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall
be payable not later than June 30, 2055. All interest and payments on account of principal on
such obligations shall be payable from the General Fund. Bonds and interest thereon issued
under the authority of this section shall, notwithstanding any other provision of this act, be
general obligations of the commonwealth.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Nothing in this section shall affect the ability of a municipal, regional or state governmental entity, including an agency, department, commission or other instrumentality of a municipal, regional or state governmental entity to revoke or modify a specific permit or approval or extension of a specific permit or approval under this section, when that specific permit or approval or the law or regulation under which the permit or approval was issued contains language authorizing the modification or revocation of the permit or approval.
(4) In the event that an approval tolled under this section is based upon the connection to a sanitary sewer system, the approval's extension shall be contingent upon the availability of sufficient capacity, on the part of the treatment facility, to accommodate the development whose approval has been extended. If sufficient capacity is not available, those permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallonage over those approval holders who have not received approval of a hookup prior to the effective date of this section. Priority regarding the distribution of further gallonage to a permit holder who has received the extension of an approval under this section shall be allocated in order of the granting of the original approval of the connection.

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

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

SECTION 188. Subsection (b) of said section 6J of said chapter 62, as so appearing, is hereby amended by striking out in line 33 “$55,000,000” and inserting in place thereof the following: $65,000,000.
SECTION 189. Subsection (b) of said section 6J of said chapter 62, as so appearing, is hereby amended by striking out in line 32 “2022” and inserting in place thereof the following:

2027.

SECTION 190. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts authorized in Line Item 7002-8014, Chapter 219 of the Acts of 2016, which otherwise would revert on or before June 30, 2021, but which are necessary to fund obligations during fiscal years 2021 through 2025, inclusive, are hereby reauthorized through June 30, 2025.

SECTION 191. Section 182 shall take effect 90 days after enactment.

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