The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act enabling partnerships for growth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith finance improvements to the commonwealth's economic infrastructure and promote economic opportunity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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
32 Manufacturing Innovation; and 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

35 7002-8004 For projects receiving assistance from the Scientific and Technology Research and Development Matching Grant Fund established by section 4G of chapter 40J of the General Laws; provided, that not less than $2,000,000 shall be expended for the University of Massachusetts Amherst for capital improvements to the marine station in Gloucester; provided further, that use of funds may 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, acquiring, expanding, improving or leasing a facility on Gloucester Harbor in Gloucester; and provided further, that the University of Massachusetts Amherst shall provide a 50 per cent match to these funds ......................................................................................... $47,000,000

45 7002-8027 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; 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; and
provided further, that the administering agency may establish additional program requirements
through regulations or policy guidelines $10,000,000

7002-8028 For the Massachusetts Growth Capital Corporation, established in section 2 of chapter 40W of the General Laws to provide, in consultation with the microbusiness
development center within the Massachusetts office of business development, 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; provided further, that funds may be expended for micro businesses
with credible revenue losses due to the 2019 novel coronavirus pandemic; and provided further,
that not less than $10,000,000 shall be expended to minority-owned
businesses
$20,000,000

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; provided further, that all
grantees shall provide a match based on a graduated formula determined by the Massachusetts
office of travel and tourism; and provided further, that grant recipients shall be required to
measure and report on return-on-investment data after the expenditure of grant funds

$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; provided further, that program funds may be used for the reasonable costs of administering the program;
and provided further, that such costs shall not exceed 5 per cent of the total assistance made
during the fiscal year ................................................................. $40,000,000

7002-8032 For grants and technical assistance to be made to municipalities and
regional applicants, to support planning and locally-driven initiatives related to community
development, housing production, workforce training and economic opportunity, childcare and
early education initiatives and climate resilience initiatives, including nature-based solutions
projects, that incorporate these elements, across the commonwealth within individual
communities, regions or a defined subset of communities therein; provided, that funds shall be
expended for culturally competent and multi-lingual technical assistance and training to small
businesses; and provided further, that preference for these funds shall be given to businesses
located in low- or moderate-income areas and owned by women, veterans, minorities or
immigrants ................................................................. $10,000,000

7002-8033 For an employment social enterprise capital grant program to be
administered by the executive office of housing and economic development, in consultation with
the executive office of labor and workforce development, for the development of eligible
facilities for nonprofit employment social enterprises that sell goods and services and enhance
economic development; provided, that eligible applicants shall be nonprofit organizations with a
demonstrated history of operating employment social enterprises targeting individuals facing
significant barriers to employment; provided further, that grants shall support costs associated
with the acquisition of real property, and design, construction, repair, rehabilitation or renovation
of an eligible facility, and costs directly related to the development of an eligible facility;
provided further, that the employment social enterprises shall employ low-income individuals,
with priority to targeted populations who experience complex needs and barriers to employment
that require intensive interventions; and provided further, that eligible organizations provide the following services for targeted individuals as an integrated part of their paid employment in a social enterprise: (i) outreach to targeted populations; (ii) on-the-job training and skill development, including worksite supervision and performance coaching; (iii) supportive services provided for at least 1 year, including, but not limited to, case management aimed at helping to overcome barriers to employment; (iv) assistance to obtain external employment; and (v) job retention services which includes follow up with beneficiaries for at least 1 year and employers to support job retention and advancement…………………………………….…… $10,000,000

7002-8034 For the Commonwealth Zoological Corporation established in section 2 of chapter 92B of the General Laws, for costs associated with the preparation of plans, studies and specifications, repairs, construction, renovations, improvements, maintenance, asset management and demolition and other capital improvements including those necessary for the operation of facilities operated by Zoo New England, including the Franklin Park Zoo and the Walter D. Stone Memorial Zoo; provided, that not less than $2,500,000 shall be used for construction and be required to have a one-to-one match; and provided further, that Zoo New England shall provide a matching amount equal to $1 for every $1 disbursed from this item..................

$12,500,000

7002-8035 For the Massachusetts Growth Capital Corporation established in section 2 of chapter 40W of the General Laws, to provide working capital loans to small businesses severely impacted by the 2019 novel coronavirus pandemic; provided, that funds shall include, but not be limited to, employee payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt obligations; provided further, that loan amounts dispersed under this item shall not require repayment if the loan recipient: (i) expends the entirety of the loan payment on
employee payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt obligations and not less than 60 per cent of the loan payment on payroll and benefit costs; (ii) maintains the same or greater number of employees as the period prior to the governor’s March 10, 2020 declaration of a state of emergency relative to the 2019 novel coronavirus pandemic; and (iii) maintains employee wage or annual salary levels at not less than 75 per cent as the period prior to the governor’s March 10, 2020 declaration of a state of emergency relative to the 2019 novel coronavirus pandemic; provided further, that priority in awarding grants shall be given to: (i) businesses that serve areas of the commonwealth particularly impacted by the outbreak of the 2019 novel coronavirus pandemic; and (ii) businesses that have not received aid from federal programs related to the 2019 novel coronavirus; provided further, that not less than $20,000,000 shall be made available to minority-owned, women-owned and veteran-owned businesses; provided further, that not later than April 1, 2021, the Massachusetts Growth Capital Corporation shall submit a report to the house and senate committees on ways and means detailing: (i) loan recipients; (ii) loan amounts by recipient; and (iii) any additional criteria considered in the awarding of loans and in determining loan forgiveness…$30,000,000

7002-8036 For supports to local and statewide housing and economic development efforts, including relief measures to public and nonprofit entities significantly impacted by the 2019 novel coronavirus pandemic; provided, that not less than $500,000 shall be expended to fund capital improvements related to health and safety standards for early childcare facilities at United South End Settlements in the city of Boston; provided further, that not less than $500,000 shall be expended for the Natick Center Associates, Inc. for economic development in Natick center to assist in recovery from the combined effects of the 2019 fire and the 2019 novel coronavirus pandemic; provided further, that not less than $150,000 shall be expended to the
town of Millis for economic development; provided further, that not less than $150,000 shall be expended for the Sherborn Business Association, Inc. for revenue lost due to the 2019 novel coronavirus pandemic; provided further, that not less than $100,000 shall be expended to the Center for Arts in Natick, Inc. for revenue lost due to the 2019 novel coronavirus pandemic; provided further, that not less than $300,000 shall be expended for the executive office of housing and economic development to contract with a non-profit, which has a proven model for engagement with no less than 5 years of experience establishing connections between innovative products and Massachusetts-based manufacturers and suppliers, to build-out programming that assists startups with preparing to scale manufacturing and sourcing their supply chains to manufacturers from all regions in the commonwealth; provided further, that not less than $75,000 shall be expended to the South End Community Center of Springfield, Inc. community youth corps program in the city of Springfield; provided further, that not less than $75,000 shall be expended to the town of Hudson for a pilot commuter shuttle service linking employees to the Southborough commuter rail which makes stops in employment hubs such as Boston, Worcester and Framingham; provided further, that not less than $50,000 be expended to the disability commission of the city of Framingham; provided further, that not less than $200,000 shall be expended for capital improvements to the Cabot theatre in the city of Beverly; provided further, that not less than $500,000 shall be expended to Greenfield Community College for the development of a SIMS lab; provided further, that not less than $500,000 shall be expended for the Stationery Factory, LLC in the town of Dalton for accessibility improvements; provided further, that not less than $150,000 shall be expended to the community revitalization fund run by the Greater Northampton Chamber of Commerce, Inc., the Florence Civic and Business Assoc., Inc. and the Downtown Northampton Association to support losses by Northampton,
Florence and Leeds small businesses due to the 2019 novel coronavirus pandemic; provided further, that not less than $250,000 shall be expended to the town of Wakefield for building refurbishments for the Albion cultural exchange to ensure accessibility to second-floor artist lofts; provided further, that not less than $100,000 shall be expended to the city of Melrose for reconstruction of the friends parking lot in the downtown commercial district to support transit-oriented housing development efforts; provided further, that not less than $100,000 shall be expended for All Aces, Inc. in the city of Boston to provide equitable relief relative to impacts caused by the 2019 novel coronavirus pandemic; provided further, that not less than $150,000 shall be expended for the New North Citizens Council, Inc. for youth and senior information technology data instruction programming; provided further, that not less than $25,000 shall be expended for the New England Center for Arts and Technology, Inc. for career training in the restaurant industry; provided further, that not less than $100,000 shall be expended for reimbursements for expenditures related to the 2019 novel coronavirus pandemic, including but not limited to personal protective equipment, in the town of Ipswich; provided further, that not less than $100,000 shall be expended for the Kingston Business Association, Inc. for revenue lost during the 2019 novel coronavirus pandemic; provided further, that not less than $250,000 shall be expended for the historic restoration of the Governor Bellingham-Cary house in the city of Chelsea; provided further, that not less than $200,000 shall be expended for capital improvements to the Charlestown Working Theater, Inc. in the Charlestown section of the city of Boston; provided further, that not less than $100,000 shall be expended for the Homeless Prevention Council, Inc. in lower cape cod to support self-sufficiency and housing stability; provided further, that not less than $150,000 shall be expended for the Cape Cod commission for the application and administration of early education funding and grants; provided further, that
not less than $100,000 shall be expended for Smart from the Start, Inc. in the city of Boston;
provided further, that not less than $150,000 shall be expended for economic development in the
town of Pembroke; provided further, that not less than $400,000 shall be expended for the New
North Citizen Council, Inc. for a minority community down payment and closing costs
assistance program; provided further, that not less than $350,000 shall be expended for the
Talking Information Center, Incorporated in the town of Marshfield to provide supports to radio
reading services for visually impaired and otherwise disabled listeners across Massachusetts;
provided further, that not less than $50,000 shall be expended for funding to conduct a study to
investigate opportunities in the opportunity zones in the city of Framingham; provided further,
that not less than $20,000 shall be expended for the Framingham History Center, Inc.; provided
further, that not less than $500,000 shall be expended for the blue economy initiative at the
University of Massachusetts at Dartmouth for the flume tank for ocean technology research and
development; provided further, that not less than $100,000 shall be expended for infrastructure
improvements and federal Americans with Disabilities Act-compliant upgrades to the bathhouse
and boathouse at West beach located on West Rodney French boulevard in the city of New
Bedford; provided further, that not less than $350,000 shall be expended for infrastructure
improvements, federal Americans with Disabilities Act-compliant upgrades, safety code
compliance, and the rehabilitation and renovation of the historical building serving as the Cape
Verdean veterans memorial hall in the city of New Bedford; provided further, that not less than
$25,000 shall be expended for the town of Dracut for investments in economic development;
provided further, that not less than $25,000 shall be expended for the town of Tyngsborough for
investments in economic development; provided further, that not less than $150,000 shall be
expended for the Wayside Inn Foundation in the town of Sudbury; provided further, that not less
than $100,000 shall be expended for the city of Leominster to be used for a downtown storefront
revitalization program; provided further, that not less than $285,000 shall be expended for the
study of improvements to and redevelopment of commercial districts in the town of Brookline;
provided further, that not less than $56,000 shall be expended for the Arlington Historical
Society for maintenance, refurbishment, and replacement of critical assets at the Jason Russell
house and the Smith museum cultural attractions; provided further, that not less than $250,000
shall be expended for the town of Belmont for costs associated with designs for the community
path to connect town centers; provided further, that not less than $300,000 shall be expended for
the planning, design, development, and construction of a recreational area at 40 to 48 Geneva
avenue, inclusive, in the Grove Hall section in the city of Boston; provided further, that not less
than $100,000 shall be expended for capital improvements and construction-related costs toward
the development of a health center to be operated by Harvard Street Neighborhood Health
Center, Inc. on Blue Hill avenue in the city of Boston; provided further, that not less than
$750,000 shall be expended for the Fitchburg State University theater block renovations;
provided further, that not less than $250,000 shall be expended for the New England Historic
Genealogical Society for revenue lost during the 2019 novel coronavirus pandemic; provided
further, that not less than $250,000 shall be expended for costs related to a wastewater treatment
facility in the town of Southborough; provided further, that not less than $150,000 shall be
expended for changes in gas line sizing to increase capacity in the town of Leicester; provided
further, that not less than $250,000 shall be expended for the Malden department of public works
to aid the purchase of new equipment; provided further, that not less than $50,000 shall be
expended for the city of Malden to aid the purchase of new equipment for the Malden fire
department; provided further, that not less than $50,000 shall be expended for the city of Malden
to aid the purchase of new safety equipment for the Malden police department; provided further, that not less than $1,000,000 shall be expended for the city of Malden for repairs to public parking garages to continue to revitalize Malden center; provided further, that not less than $250,000 shall be expended for the city of Malden for federal Americans with Disabilities Act-compliant upgrades to the Oak Grove community center; provided further, that not less than $75,000 shall be expended for marketing materials for the promotion of a rural development district in the town of Leicester; provided further, that not less than $100,000 shall be expended for the establishment of an advanced manufacturing innovation village in the village of Rochdale in the town of Leicester; provided further, that not less than $1,000,000 shall be expended for the city of Newton for the rehabilitation of the Gath memorial pool; provided further, that not less than $1,000,000 shall be expended for the towns of Burlington and Bedford for use by each municipality to prepare unleased, pre-permitted commercial space for use by the life science industry, including costs of planning and utilities; provided further, that the funds shall be split evenly unless otherwise agreed by the municipalities; provided further, that not less than $100,000 shall be expended for the Worcester urban agenda food hub of the Worcester regional chamber of commerce to provide targeted, in-depth and hands-on support to diverse urban food entrepreneurs in the city of Worcester; provided further, that not less than $1,000,000 shall be expended for the city of Newton for the construction of the Newton center for active living; provided further, that not less than $30,000 shall be expended for the Care Center of Holyoke; provided further, that not less than $100,000 shall be expended for the city of Pittsfield to use as a site readiness grant to support the preparation of properties on Technology drive in Pittsfield for commercial development and use; provided further, that not less than $50,000 shall be expended to the town of Great Barrington for a feasibility study for the merger of the Great
Barrington water district; provided further, that not less than $100,000 shall be expended for land
acquisition for senior housing in the town of Lenox; provided further, that not less than $150,000
shall be expended for the Wayland housing authority; provided further, that not less than
$150,000 shall be expended for the Sudbury housing trust; provided further, that not less than
$50,000 shall be expended to the Berkshire regional planning commission for a regional overlay
study of cell towers in Berkshire county; provided further, that not less than $20,000 shall be
expended to Berkshire Grown, Inc. for a feasibility study for a meat processing facility in
Berkshire county; provided further, that not less than $30,000 shall be expended to Girls Inc. of
the Valley for partnering with Holyoke public schools to provide STEM training through its
eureka program at the University of Massachusetts at Amherst; provided further, that not less
than $35,000 shall be expended for economic development in the town of Grafton; provided
further, that not less than $35,000 shall be expended for economic development in the town of
Northbridge; provided further, that not less than $30,000 shall be expended for economic
development in the town of Upton; provided further, that not less than $1,000,000 shall be
expended for the redevelopment of the downtown corridor in the town of Winchester; provided
further, that not less than $150,000 shall be expended for the construction and expansion of a
deck and hospitality area at the clubhouse at D.W. Field golf course in the city of Brockton;
provided further, that not less than $1,000,000 shall be expended to the parks and recreation
department of the city of Newton to be combined with partnering funds from the city to support
the design, repair, renovation, improvement and construction of a modern facility at Crystal lake
public beach to replace the old bathhouse, to support tourism and recreational needs of Crystal
lake; provided further, that not less than $500,000 shall be expended for the expansion of the
Mary Cruise Kennedy Senior Center in the city of Brockton; provided further, that not less than
$100,000 shall be expended for the replacement and repair of roads within D.W. Field Park in the city of Brockton; provided further, that not less than $500,000 shall be expended for maintenance, repairs and additions to the Brockton Cape Verdean Association building; provided further, that not less than $1,000,000 shall be expended for the planning and development of a regional transit service in the town of Stoneham; provided further, that not less than $180,000 shall be expended for the build out and staffing of the Brockton Innovation Center; provided further, that not less than $100,000 shall be expended for life sciences planning and zoning in the city of Brockton; provided further, that not less than $500,000 shall be expended for design funding for sewer, roadway and pedestrian infrastructure improvement in the Easton Industrial Park in the town of Easton; provided further, that not less than $50,000 shall be expended for the revitalization, repair, and electrical upgrades of the Robert Goddard Rocket and Fountain area in Goddard park in the town of Auburn; provided further, that not less than $250,000 shall be expended for free remote field trip experiences for Massachusetts schools by the Boston Museum of Science on the topics of science, technology, engineering and mathematics; provided further, that not less than $200,000 shall be expended for the Brookline housing authority for the purpose of upgrading kitchens to all-electric appliances; provided further, that not less than $250,000 shall be expended for, in consultation with the department of conservation and recreation, renovations and improvements to the historic Stone Building in Hemlock Gorge in Wellesley to establish a visitor center, including but not limited to: improvements to the interior and exterior of the building, the building’s immediate surroundings and the development of a paved trail from the parking lot on Ellis street in Newton along Route 9 to the Stone building, connecting to the sidewalk along the south side of Route 9 in Wellesley; provided further, that not less than $75,000 shall be expended for the Stoneham Historical Society, Inc. to increase
remote access to enhance and provide remote programming; provided further, that not less than $50,000 shall be expended for the renovation of the playground at the West Somerville Neighborhood school in the city of Somerville; provided further, that not less than $75,000 shall be expended for the Winchester Historical Society, Inc. to increase remote access to enhance and provide remote programming; provided further, that not less than $250,000 shall be expended to support the capital costs at the Colonel Floyd Apartments in the town of Brookline; provided further, that not less than $10,000 shall be expended for the Massachusetts Alliance for Portuguese Speakers Framingham office; provided further, that not less than $10,000 shall be expended for the Framingham public schools drama department; provided further, that not less than $500,000 shall be expended for a laundry facility at the Bunker Hill housing development in the Charlestown section of Boston; provided further, that not less than $10,000 shall be expended for Downtown Framingham Inc.; provided further, that not less than $10,000 shall be expended for Amazing Things Arts Center, Inc.; provided further, that not less than $20,000 shall be expended for the Ashland Community Theatre; provided further, that not less than $10,000 shall be expended for the city of Framingham for funding for professional and technical consultants in order to undertake a downtown parking study; provided further, that not less than $20,000 shall be expended for the Ashland Historical Society; provided further, that not less than $10,000 shall be expended for the Ashland housing authority; provided further, that not less than $100,000 shall be expended for the Weymouth Teen Center Jobs program; provided further, that not less than $50,000 shall be expended for the implementation of a parking management program in downtown Reading; provided further, that not less than $50,000 shall be expended for the town of Scituate for economic development in the North Scituate business district; provided further, that not less than $50,000 shall be expended for technology upgrades to the Willis Ave
Community Center in the city of Medford; provided further, that not less than $50,000 shall be expended for cultural and educational programs for the senior center and the Ventress Memorial Library of the town of Marshfield; provided further, that not less than $15,000 shall be expended for the Hitchcock Center for the Environment, Inc. in Amherst for expenses related to virtual tours and educational programming; provided further, that not less than $15,000 shall be expended for The Eric Carle Museum of Picture Book Art, Inc. in Amherst for expenses related to virtual tours and programming; provided further, that not less than $15,000 shall be expended for the National Yiddish Book Center, Inc. in Amherst for expenses related to virtual tours and programming; provided further, that not less than $20,000 shall be expended for the Amherst Cinema Center, Inc. for revenue lost during the 2019 novel coronavirus pandemic and needed modifications to ensure adherence to public health guidelines; provided further, that not less than $40,000 shall be expended for the Taunton Council on Aging for the purchasing of supplies and hiring of qualified staff to increase program offerings to seniors in order to reduce social isolation and improve health and mental health in respond to the 2019 novel coronavirus pandemic; provided further, that not less than $50,000 shall be expended for the Methuen Arlington Neighborhood, Inc. for workforce development training for young men and women; provided further, that not less than $50,000 shall be expended for the Amherst Business Improvement District, Inc. to provide economic relief to restaurants in distress as a result of the 2019 novel coronavirus pandemic health or economic crisis in the town of Amherst; provided further, that not less than $75,000 shall be expended for the Methuen Arlington Neighborhood District for façade and signage to promote local, small businesses; provided further, that not less than $75,000 shall be expended for The Downtown Amherst Foundation, Inc. in its efforts to revitalize downtown Amherst; provided further, that not less than $100,000 shall be expended
for the city of Lawrence for the rehabilitation of the handball court located at the corner of Oxford street and Lowell street; provided further, that not less than $125,000 shall be expended for the Methuen Arlington Neighborhood, Inc. community center in the city of Methuen for youth recreational programming; provided further, that not less than $150,000 shall be expended for the city of Watertown for business assistance grants for store redesign, outside seating and other improvements to ensure safe business operations during the 2019 novel coronavirus pandemic; provided further, that not less than $150,000 shall be expended for a public facilities planning study to result in new housing and economic development opportunities in the downtown of the city of Methuen; provided further, that not less than $200,000 shall be expended to the town of Andover for upgrades to the Andover Senior Center; provided further, that not less than $250,000 shall be expended for strategic planning and pre-development expenditures resulting in a mixed-use and historic preservation project at the Searles Estate in the city of Methuen; provided further, that not less than $250,000 shall be expended for the Amherst Municipal Affordable Housing Trust to be used to develop and secure affordable housing; provided further, that not less than $250,000 shall be expended for the town of Amherst to use to develop climate resilience affordable multi-family units, upon receiving LEED Gold or LEED silver certification; provided further, that not less than $300,000 shall be expended for the town of Littleton for costs associated with the expansion of commuter parking at the Littleton Massachusetts Bay Transportation Authority train station; provided further, that not less than $500,000 shall be expended for the city of Lawrence for the construction of a footbridge along the Lawrence Rail Trail; provided further, that not less than $450,000 shall be expended for a gateway identification, signage, wayfinding and beautification program for economic development districts in the city of Methuen; provided further, that not less than $50,000 shall be
provided further, that not less than $150,000 be provided to the town of Braintree for economic development; provided further, that not less than $250,000 shall be expended for Northeastern University for equipment and infrastructure at its Technology Research Center in Burlington; provided further, that not less than $250,000 shall be expended for design, construction and making safety and other improvements to roadways and sidewalks, and to improve pedestrian and bicycle safety, including a crosswalk, at Soldiers Field road at William F. Smith Playground in the city of Boston; provided further, that not less than $100,000 shall be expended for the Leo M. Birmingham Parkway Trust Fund which shall be used for the purposes of advancing recreational, educational, and conservation interests including, but not limited to, the maintenance of facilities and infrastructure improvements for the parcel of land; provided further, that not less than $150,000 shall be expended for the town of Wilmington and its development committee for consultation services to develop, promote and retain small businesses within the town of Wilmington; provided further, that not less than 25,000 shall be expended for Roslindale Village main streets in the city of Boston for training and resources; provided further, that not less than $1,500,000 shall be expended for Roca, Inc. to provide and administer a transitional employment program to at-risk, court involved young people and adults; provided further, that not less than $1,000,000 shall be made available to the Dorchester Bay Economic Development Corporation, in matching grants for low-income housing developments in which at least 50 per cent of units are affordable; provided further, that not less than $1,000,000 shall be made available to the Codman Square Neighborhood Development Corporation, in matching grants for low-income housing developments in which at least 50 per cent of units are affordable; provided further, that not less than $300,000 shall be expended for the department of transitional assistance to establish
a telephone hotline to provide residents of the commonwealth information and consultation on program benefits, program eligibility, application processes and intersectionality with other programs facilitated by agencies including, but not limited to, the executive office of housing and economic development, the executive office of labor and workforce development and the executive office of education; provided further, that not less than $500,000 shall be expended to establish an online platform in order to conduct and provide services, communication and support for nonprofits, charitable organizations and other mission-oriented institutions impacted by the 2019 novel coronavirus pandemic; provided further, that not less than $3,000,000 shall be expended for the New England Aquarium Corporation for costs associated with the preparation of plans, studies and specifications, repairs, construction, renovations, improvements, maintenance, asset management and demolition and other capital improvements including those necessary for the operation of facilities operated by the New England Aquarium Corporation on Central Wharf in the city of Boston; provided further, that not less than $750,000 shall be expended for capital improvements to the "Z" building at the Dimock Center in the city of Boston to provide additional clinical stabilization services; provided further, that not less than $2,000,000 shall be expended for grants to be made available for seafood processing facilities for the purposes of mechanical or technological upgrades necessary to: (i) combat the effects of the 2019 novel coronavirus pandemic on supply chains, processing, distribution and sale of seafood products; (ii) limit the transmission of the 2019 novel coronavirus among the workforce; and (iii) undertake any further compliance measures in response to executive orders issued related to the declaration of the state of emergency beginning as of March 10, 2020; provided further, that not less than $250,000 shall be expended for the department of housing and community development to distribute as grants to any provider of temporary housing assistance, which shall include but
not be limited to, a family shelter, a shelter for adults, a hotel used for emergency shelter, an
emergency apartment, a domestic violence shelter, a runaway and homeless youth shelter or a
safe house for refugees, to provide disposable menstrual products, including but not limited to,
sanitary napkins, tampons and panty liners at no cost to menstruating individuals; provided
further, that such products shall be available in a convenient manner that does not stigmatize any
persons seeking such products; provided further, that not less than $100,000 shall be expended
for the Canton housing authority for the renovation, reconstruction and improvement of existing
housing units under the authority's control; provided further, that not less than $1,000,000 shall
be expended for the Massachusetts Food Trust Program established by section 65 of chapter 23A
of the General Laws; provided further, that not less than $500,000 shall be expended for the
office of travel and tourism to expand and promote agriculture tourism in the aquaculture and
cranberry industries; provided further, that not less than $2,000,000 shall be expended for the
New North Citizen's Council, Inc. in Springfield for programming at the Barbara Rivera
Community Center, including youth programs, HIV outreach, family support, disabled and the
community welcome center, to help individuals from housing and food bank programs; provided
further, that not less than $150,000 shall be expended for the town of Tewksbury and its
development committee for consultation services to develop, promote and retain small
businesses within the town of Tewksbury; provided further, that not less than $300,000 shall be
expended for Taunton public schools for the adoption of a new English language arts program to
provide online access for students and families to address equity and learning gaps; provided
further, that no less than $25,000 shall be expended for Mission Hill Main Streets, Inc. in the city
of Boston for training and resources; provided further, that not less than $1,000,000 shall be
expended for the town of Arlington for the redesign of the Arlington Heights Commercial
Corridor; provided further, that not less than $500,000 shall be expended for the town of
Arlington for improvements to Arlington center and Whittemore park; provided further, that not
less than $500,000 shall be expended for the town of Arlington for the Arlington workforce
training program; provided further, that not less than $400,000 shall be expended for the town of
Randolph to be used for business district revitalization efforts; provided further, that not less than
$25,000 shall be expended to JP Centre and South Main Streets in the city of Boston for training
and resources; provided further, that not less than $5,000,000 shall be expended for the
relocation of Springfield Technical Community College’s Allied Health Service Programs in
Building 20 across Federal street to Building 103B at Springfield Technology Park, operated by
Springfield Technical Community College’s Assistance Corporation, an eligible public entity, as
established by section 125 of chapter 273 of the acts of 1994, to address infrastructure
inadequacies in Building 20 and allow for the sustainability of important healthcare programs
that contribute to the regional workforce; provided further, that not less than $350,000 shall be
expended for Commonwealth Kitchen, Inc. for the purpose of developing an economic
development recovery plan including regional market based strategies to address food access and
security in gateway municipalities, as defined in section 3A of chapter 23A of the General Laws,
and Boston, including but not limited to, assessing infrastructure and food chain gaps; provided
further, that not less than $400,000 shall be expended to the town of Milton to be used for
overlay district revitalization efforts; provided further, that not less than $250,000 shall be
expended to create a pilot Sibling Cities Youth Work Initiative program for the design, planning,
and implementation of a tri-community jobs creation and training effort wherein the city of
Boston, city of Haverhill and town of Lexington shall collaborate on a pilot in pairing and
matching employers with underprivileged youth and young adults; provided further, that not less
than $25,000 shall be expended to Three Square Main Streets JP in the city of Boston for training
and resources; provided further, that no less than $200,000 shall be expended for the town of
Clinton for parking solutions for older housing stock in the downtown area; provided further,
that not less than $25,000 shall be expended for the Allston Village Main Streets, Inc. for the
beautification of the Allston and Brighton business district; provided further, that not less than
$100,000 shall be expended for The Megan House Foundation, Inc. in conjunction with The
Bridge Club of Greater Lowell to be expended for the purpose of the Career Success in Sobriety
program; provided further, that not less than $50,000 shall be expended for local economic
development in the town of Holliston; provided further, that not less than $200,000 shall be
expended to the Clinton housing authority for Presentation Apartments to improve building
quality; provided further, that not less than $300,000 shall be expended for the town of Lancaster
to be used for the creation of a new well system to help alleviate town water shortage; provided
further, that not less than $750,000 shall be expended to CitySpace Easthampton for the
renovation of Old Town Hall; provided further, that not less than $1,000,000 shall be expended
for the MassChallenge technology incubator; provided further, that not less than $1,000,000 shall
be expended for the city of Revere for investments in economic development; provided further,
that not less than $1,000,000 shall be expended for town of Winthrop for investments in
economic development; provided further, that not less than $1,000,000 shall be expended for
infrastructure improvements to parks and open space in the city of Medford; provided further,
that not less than $1,000,000 shall be expended for parking improvements and economic
development opportunities for Medford square in the city of Medford; provided further, that not
less than $1,000,000 shall be expended for parking improvements and economic development
opportunities for West Medford square in the city of Medford; provided further, that not less than
$250,000 shall be expended for the West Medford Community Center in the city of Medford; provided further, that not less than $1,500,000 shall be expended for capital improvements for the Needham housing authority; provided further, that not less than $4,000,000 shall be expended for the Shaw Wharf Pier in the city of Boston; provided further, that such funds shall be disbursed upon a match of not less than $1 in private contributions for every $1 in state grant funding; provided further, that not less than $100,000 shall be expended for infrastructure including public sewer improvements towards the construction of the Power Mill Place affordable housing development in the town of Acton; provided further, that not less than $100,000 shall be expended for infrastructure improvements for economic development at Depot square in the town of Ayer; and provided further, that not less than $250,000 shall be expended for the Island Housing Trust on the island of Martha’s Vineyard for wastewater remediation in housing development.................$62,976,000

SECTION 2A.

JUDICIARY

Trial Court

1102-5702 For costs associated with information technology capital improvements at the trial court to support the provision of virtual mediation services pursuant to section 109 ....$15,000,000

TREASURER AND RECEIVER GENERAL

Lottery Commission
0640-0100  For costs associated with information technology projects at the state lottery
$15,000,000

Massachusetts Cultural Council

0640-0303  For a competitive grant program to be administered by the Massachusetts cultural council to: (i) promote artists, among all disciplines and sectors, including, arts, humanities and sciences, in creating new mediums to showcase their art, including showcasing their work in a variety of media formats and platforms, including, video, audio and interactive platforms; and (ii) promote local museums in the commonwealth, to showcase their exhibits and events by using remote access, including, video, audio and interactive platforms; provided, that funds may be used to assist artists to enhance and expand remote media platforms in response to the outbreak of the 2019 novel coronavirus, also known as COVID-19; provided further, that the funds may be used to increase remote access to enhance and provide remote programming and operations by local museums; provided further, that the Massachusetts cultural council shall determine the criteria to evaluate applications for the grant program; provided further, that the criteria shall promote remote access to cultural experiences, including new operation and programming models within the arts, humanities and sciences; provided further, that the criteria shall include, but not be limited to, the commitment by the artists and museums to improve and diversify access to remote cultural experiences, the artists and museums having the knowledge and skill to develop and implement the remote media platforms; and provided further, that the criteria shall prioritize local artists, local museums, local performing arts organizations, local performance venues, and other arts and cultural nonprofit organizations in the commonwealth, including, small to mid-sized museums...$6,000,000
For a competitive grant program to be administered by the Massachusetts cultural council, in consultation with the department of elementary and secondary education, to assist public school districts in providing access to cultural experiences in the community, including arts, humanities and sciences, through the use of information technology to provide remote experiences; provided, that the funds may be used to reimburse the costs incurred by school districts providing remote cultural experiences in response to the outbreak of the 2019 novel coronavirus, also known as COVID-19; provided further, that the Massachusetts cultural council, in consultation with the department of elementary and secondary education, shall determine criteria used to evaluate applications for the grant program; provided further, that the criteria shall promote access to cultural experiences, including, arts, humanities and sciences, for public school districts; and provided further, that the criteria shall include, but not be limited to, school districts using creative means to educate students during the outbreak of COVID-19 in place of school field trips and the ease of student access to the remote cultural experience.

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; and (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 nonprofit housing organizations, other
nonprofit 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 that are most impacted by the 2019 novel coronavirus pandemic;
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 Fund, 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 ................................................................. $50,000,000

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 nonprofit housing organizations, other nonprofit 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 Fund, established in section 35 of chapter
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 nonprofit 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 to 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 the 2019 novel coronavirus pandemic, 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

7004-0066 For a gateway city housing pilot program to support the construction of
shovel-ready market-rate housing opportunities in gateway municipalities, as defined in section
3A of chapter 23A, by providing funding in an amount up 150 per cent of the maximum Housing
Development Incentive Program tax credit under chapter 40V of the General Laws; provided,
that awards to projects shall be based on the following criteria: (1) communities that have
satisfied the 10 per cent affordable housing stock requirements under chapter 40B of the General
Laws; (2) non-profit developers; (3) new construction or market rate apartment rentals or
homeownership; (4) projects that are ready to commence construction within 6 months of
approval; and (5) projects that are located in a zoning area that permits high density housing such
as a TDI district, waterfront, or zoning overlay district such as those permitted under chapter 40R
of the General Laws; and provided further, that a developer’s fee under the program would be
defered by 33 per cent with positive net cash flow from the development to be split with the
commonwealth on an equal basis after payment of any first mortgage permanent
financing...$5,000,000
SECTION 3. Section 7 of chapter 4 of the General Laws, appearing in the 2018 Official Edition, is hereby amended by striking out the Tenth clause and inserting in place thereof the following clause:-

Tenth, “Illegal gaming,” a banking or percentage game played with cards, dice, tiles, dominoes, or an electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) a game conducted under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering on horse races under chapters 128A and 128C and greyhound races under said chapter 128C; (v) a game of bingo conducted under chapter 271; and (vi) charitable gaming conducted under said chapter 271.

SECTION 3A. Section 66 of chapter 23A of the General Laws, as so appearing, is hereby amended by inserting after the words “Commission” in lines 19 and 20, the following:-, 1 of whom shall be from the Southeastern Regional Planning and Economic Development District.

SECTION 3B. Chapter 23A of the General Laws, as so appearing, is hereby amended by inserting after section 66 the following new section:-

Section 66A. (a) There is hereby established within the executive office of housing and economic development an office of rural policy, which shall consult with the rural policy advisory commission established in section 66. The office shall not be under the control of the executive office and shall be an independent public entity not subject to the supervision and control of any other executive office, department, commission, board, bureau, agency, or political subdivision of the commonwealth. The mission of said office shall be to enhance the
economic vitality of rural communities, defined as municipalities with a population density of
less than 500 persons per square mile, and to advance the health and well-being of rural
residents.

(b) The office shall serve as a research and policy clearinghouse for issues critical to the
welfare and vitality of rural communities, including but not limited to, economic development,
education, environment, health, housing, infrastructure, technology and transportation. In
furtherance of that responsibility, the office shall work in coordination with and under the
direction of the rural policy advisory commission.

(c) The powers of the office shall include, but not be limited to, the following: (i) to use
such voluntary and uncompensated services of private individuals, agencies and organizations as
may from time to time be offered and needed; (ii) to recommend policies and make
recommendations to agencies and officers of the state and local subdivisions of government to
effectuate and the purposes of this section; (iii) to select an executive director and to acquire
adequate staff to perform its duties, subject to appropriation; (iv) to establish and maintain such
offices as it may deem necessary, subject to appropriation; (v) to enact bylaws for its own
governance; and (vi) to hold regular, public meetings and to hold fact-finding hearings and other
public forums as deemed necessary.

SECTION 3C. Chapter 23A of the General Laws is hereby amended by adding the
following section:-

Section 69. (a) The MOBD shall establish a micro business development center, in this
section referred to as the center, which shall foster micro businesses in the commonwealth by
providing resources, including information on available loans, grants and technical assistance.
The center shall provide micro businesses with information and technical assistance related to aspects of micro business management, including but not limited to, (i) business plan development; (ii) technology development; (iii) lending assistance; (iv) market research support; and (v) procurement and contracting aid. For the purposes of this section the term “micro business” shall mean a business: (i) with no more than 5 employees; (ii) located in a city or town with 75 per cent of residents living under the federal poverty level; and (iii) with no more than $200,000 in annual revenue.

(b) The center shall advise the Massachusetts Growth Capital Corporation in the design, administration and disbursement of loans and grants to entrepreneurs in the commonwealth for low and moderate-income entrepreneurs who are forming, running or expanding microbusinesses in the commonwealth.

(c) The center may expend funds as may be appropriated therefor, accept federal funds, or private gifts and grants to assist in carrying out the purposes as set forth in this section.

SECTION 4. 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 4A. Said chapter 23G is hereby further amended by adding the following section:

Section 47. (a) There shall be established within the agency a maritime piers repair and rehabilitation program to advance the public purpose of ensuring the physical integrity and safety of piers and other maritime infrastructure that is essential to the continued viability of (i) maritime industries; (ii) water-dependent uses, as defined in section 1 of chapter 91; and (iii) other commercial and industrial uses that contribute to the economic vitality of a designated port area. The agency, in consultation with the secretary of housing and economic development, shall design and implement the program. The agency may coordinate with other agencies, community development organizations and instrumentalities of the commonwealth to effectuate this section.

(b) The program shall be eligible to receive funds as appropriated by the general court, the board, federal grants and programs, and transfers, grants and donations from state agencies, foundations and private parties. Such funds shall be held in a separate account or accounts segregated from other funds. Money in or received for the fund may be deposited with and invested by an institution designated by the executive office and paid as the agency shall direct. A return on an investment received by the fund shall be deposited and held for the use and
benefit of the fund. The agency may make payments from a deposit account for use under this
section.

(c) The agency shall use the fund to make grants, loans or a combination thereof for the
reconstruction, repair, renovation or rehabilitation of existing commercial and marine industrial
infrastructure and public or private maritime transportation infrastructure. Eligible recipients of
such financial assistance shall include public entities, community development corporations,
non-profit and for-profit corporations and other private business entities. In making a loan or
grant, the agency shall consider: (i) the impacts on future economic growth, commercial and
industrial development and wastewater and wastewater pre-treatment within the designated port
area and on the commercial fishing industry; (ii) the attendant economic benefits to the
commonwealth; and (iii) the benefits to the commonwealth’s transportation system including the
benefits derived from enhancing intermodal connections from the seaports to road, rail and air
facilities. Funding shall be awarded on a competitive basis in accordance with guidelines
developed by the agency.

(d) The agency shall be reimbursed from the fund for all reasonable and necessary direct
costs and expenses incurred in any fiscal year associated with its administration, management
and operation of the fund, including reasonable staff time and out-of-pocket expenses and the
reasonable and approved administrative costs.

(e) The agency shall submit an annual report to the clerks of the house of representatives
and the senate who shall forward the report to the house and senate committees on ways and
means and the joint committee on economic development and emerging technologies not later
than December 31. The report shall include a current assessment of the progress of each project funded through the program.

SECTION 5. Subsection (c) of section 6 of 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, inclusive, in each instance, the words "minority students at schools where at least 80 per cent of the student population is eligible for free or reduced lunch" and inserting in place thereof the following words:- minority students attending schools in which at least 25 per cent of the student population is considered economically disadvantaged as measured by the department of elementary and secondary education.

SECTION 6. 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 6A. Section 58 of chapter 23K of the General Laws, as so appearing, is hereby amended by striking the words “abuse services, educational campaigns to mitigate the potential addictive nature of gambling”, in lines 10 to 12, inclusive, and inserting in place thereof the following words:- use and addiction services, educational campaigns to mitigate the potential addictive nature of gambling, which shall include targeted outreach to communities or groups at higher risk of gambling addiction including, but not be limited to, Asian American communities.

SECTION 7. The General Laws are hereby amended by inserting after chapter 23M the following chapter:-

CHAPTER 23N.

AUTHORIZATION AND REGULATION OF SPORTS WAGERING
Section 1. This chapter shall be known and may be cited as the “Massachusetts Sports Wagering Act”.

Section 2. Notwithstanding any provision of law to the contrary, the operation of sports wagering and ancillary activities are lawful when conducted in accordance with the provisions of this chapter and the rules and regulations of the commission.

Section 3. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Adjusted gross sports wagering receipts”, an operator’s total gross receipts from sports wagering, excluding sports wagers made with promotional gaming credits, less the total of all winnings paid to wagerers in such games, which shall include the cash equivalent of any merchandise or thing of value awarded as a prize, and all excise taxes paid pursuant to federal law.

“Category 1 license”, a license issued by the commission that permits the operation of sports wagering through a mobile application and other digital platforms approved by the commission and in person at a gaming establishment as defined in section 2 of chapter 23K.

“Category 2 license”, a license issued by the commission that permits the operation of sports wagering in person at a race track as defined in section 1 of chapter 128A or at a facility that was licensed to conduct a racing meeting as defined in said section 1 of said chapter 128A during calendar year 2020 and conducts pari-mutuel wagering in accordance with applicable laws.
“Category 3 license”, a license issued by the commission that permits the operation of
sports wagering through a mobile application and other digital platforms approved by the
commission.

“Collegiate sport or athletic event”, a sport or athletic event offered or sponsored by, or
played in connection with, a public or private institution that offers educational services beyond
the secondary level and is a member or is classified within the National Collegiate Athletic
Association Division 1.

“Commission”, the Massachusetts gaming commission established in section 3 of chapter
23K.

“Governmental authority”, any governmental unit of a national, state or local body
exercising governmental functions, other than the United States government.

“License”, any license, applied for or issued by the commission under this chapter,
including, but not limited to: (i) an operator license; or (ii) an occupational license.

“National criminal history background check system”, the criminal history record system
maintained by the Federal Bureau of Investigation, based on fingerprint identification or any
other method of positive identification.

“Occupational license”, a license required by an employee of an operator when the
employee performs duties directly related to the operation of sports wagering in the
commonwealth in a supervisory role.
“Operator” or “sports wagering operator”, any entity permitted under this chapter to offer sports wagering to persons in the commonwealth through a category 1 license, category 2 license or category 3 license.

“Operator license”, a category 1 license, category 2 license or category 3 license to operate sports wagering.

“Official league data”, statistics, results, outcomes and other data relating to a sporting event that is obtained pursuant to an agreement with the relevant sports governing body, or with an entity expressly authorized by the relevant sports governing body to provide such data to sports wagering operators, which authorizes the use of such data for determining the outcome of tier 2 sports wagers on such sporting event.

“Professional sport or athletic event”, an event at which 2 or more persons participate in a sports event and receive compensation in excess of actual expenses for their participation in such event.

“Promotional gaming credit”, a sports wagering credit or other item issued by an operator to a patron to enable the placement of a sports wager.

“Qualified gaming entity”, an entity that: (i) holds a gaming license as defined in section 2 of chapter 23K; (ii) holds a license to conduct a racing meeting as defined in section 1 of chapter 128A or held a license to conduct a racing meeting as defined in section 1 of chapter 128A during calendar year 2020 and conducts pari-mutuel wagering in accordance with applicable laws; (iii) has offered fantasy sports contests in the commonwealth pursuant to 940 C.M.R. 34.00 for at least 1 year at the time of enactment of this act and has been permitted to offer sports wagering in at least 2 other jurisdictions in the United States by the relevant
regulatory body in those jurisdictions; or (iv) is located in the United States that offers sports
wagering through a mobile application and other digital platforms and has been permitted to
offer sports wagering in at least 2 other jurisdictions in the United States by the relevant
regulatory body in those jurisdictions for at least 1 year.

“Sports event” or “sporting event”, any professional sport or athletic event, collegiate
sport or athletic event, motor race event, electronic sports event, competitive video game event
or any other event authorized by the commission under this chapter.

“Sports governing body”, an organization that is headquartered in the United States and
prescribes final rules and enforces codes of conduct with respect to a sporting event and
participants therein.

“Sports wagering”, the business of accepting wagers on sporting events or portions of
sporting events, other events, the individual performance statistics of athletes in a sporting event
or other events or a combination of any of the same by any system or method of wagering
approved by the commission including, but not limited to, mobile applications and other digital
platforms; provided, that sports wagering shall not include the acceptance of any wager with an
outcome dependent on the performance of an individual athlete in any collegiate sport or athletic
event, including but not limited, to in-game or in-play wagers; provided, further that sports
wagering shall not include any acceptance of wagers on a high school or youth sporting event;
provided further, that sports wagering shall not include fantasy contests as defined in section 135
of chapter 219 of the acts of 2016. Sports wagering shall include, but is not limited to, single-
game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game
wagering, in-play bets, proposition bets and straight bets.
“Sports wagering account”, a financial record established by an operator for an individual patron in which the patron may deposit by any method approved by the commission and withdraw funds for sports wagering and other authorized purchases, and to which the operator may credit winnings or other amounts due to or authorized by that patron. Such account may be established and funded by the patron electronically through an approved mobile application or digital platform.

“Tier 1 sports wager”, a sports wager that is determined solely by the final score or outcome of a sporting event and is placed before the sporting event has begun.

“Tier 2 sports wager”, a sports wager that is not a tier 1 sports wager.

“Wager”, a sum of money or thing of value risked on an uncertain occurrence.

Section 4. (a) The commission shall have the authority to regulate the conduct of sports wagering under this chapter.

(b) The commission shall examine the rules and regulations implemented in other states where sports wagering is authorized and shall, as far as practicable, adopt a similar regulatory framework through promulgation of rules and regulations.

(c) The commission shall have the authority to promulgate rules and regulations necessary for the implementation, administration and enforcement of this chapter. The commission may promulgate emergency rules and regulations in accordance with applicable procedures for the promulgation of emergency rules and regulations.

(d) The commission may promulgate rules and regulations including, but not limited to, those governing the acceptance of wagers on a sports event, other event or a series of sports
events; types of wagering receipts which may be used; methods of issuing receipts; methods of accounting to be used by operators; types of records to be kept; types of systems for wagering; protections for patrons placing wagers; and promotion of social responsibility and responsible gambling; provided, that such regulations shall include a requirement that all mobile applications and digital platforms authorized for sports wagering include prominently upon each entry into the application or platform, the following statement: “If you or someone you know has a gambling problem and wants help, call the Massachusetts Council on Compulsive Gambling hotline at 1-800-426-1234 or the Massachusetts Department of Public Health helpline at 1-800-327-5050.”

(e) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses and shall maintain a record of all licenses issued under this chapter. The commission may accept applications, evaluate qualifications of applicants, undertake initial review of licenses and issue temporary licenses upon the effective date of this chapter.

(f) The commission shall levy and collect all fees, surcharges, civil penalties and taxes on adjusted gross sports wagering receipts imposed by this chapter, except as otherwise provided under this chapter.

(g) The commission shall have the authority to enforce this chapter and any rule or regulation of the commission and may request that the attorney general bring an action to enforce this chapter or any rule or regulation of the commission by civil action or petition for injunctive relief.
(h) The commission may hold hearings, administer oaths and issue subpoenas or subpoenas duces tecum in order to enforce this chapter and the rules and regulations of the commission.

(i) The commission may exercise any other powers necessary to effectuate this chapter and the rules and regulations of the commission.

Section 5. (a) No person shall engage in any activity in connection with sports wagering in the commonwealth unless all necessary licenses or temporary licenses have been obtained in accordance with this chapter and rules and regulations of the commission; provided, that the power and authority granted to the commission shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter.

(b) The commission shall not grant an operator license, other than a temporary license pursuant to subsection (c) of section 6, until it determines that each person who has control of the applicant meets all qualifications for licensure. The following persons are considered to have control of an applicant:

(1) Each person who owns 10 per cent or more of a corporate applicant and who has the ability to control the activities of the corporate applicant; provided, however, that a bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business shall not be considered to have control of an applicant;

(2) Each person who holds a beneficial or proprietary interest of 10 per cent or more of a non-corporate applicant’s business operation and who has the ability to control the activities of the non-corporate applicant; and
(3) At the commission’s discretion, any executive, employee or agent having the power to exercise significant influence over decisions concerning the applicant’s sports wagering operations in the commonwealth.

(c) Each controlling person pursuant to subsection (b) shall submit to the commission an application in a form determined by the commission, and each such controlling person who is a natural person shall submit to the commission: (i) fingerprints for a national criminal records check by the department of the state police and the Federal Bureau of Investigation; and (ii) a signed authorization for the release of information by the department of the state police and the Federal Bureau of Investigation; provided, however, that a controlling person who is a natural person that has submitted to a national criminal records check in any jurisdiction within the previous year shall not be required to submit to another national criminal records check if such person submits to the commission the results of such previous national criminal records check. Any applicant convicted of any disqualifying offense shall not be licensed.

(d) Each person licensed under this chapter shall give the commission written notice within 30 days of any change to any material information provided in the application for a license or renewal.

(e) No commission employee shall be an applicant for any license issued under this chapter.

Section 6. (a) A licensed qualified gaming entity may operate sports wagering upon the approval of the commission.
(b)(1) The commission shall issue a category 1 license to any holder of a gaming license, as defined in section 2 of chapter 23K, that meets the requirements of this chapter and the rules and regulations of the commission.

(2) The commission shall issue a category 2 license to any holder of a license to conduct a racing meeting, as defined in section 1 of chapter 128A or to any person who held a license to conduct a racing meeting, as so defined, during the calendar year 2020 and conducts pari-mutuel wagering in accordance with applicable laws, that meets the requirements of this chapter and the rules and regulations of the commission.

(3) The commission shall issue a category 3 license to any entity that has offered fantasy sports contests in the commonwealth pursuant to 940 C.M.R. 34.00 for at least 1 year at the time of enactment of this act, has been permitted to offer sports wagering in at least 2 other jurisdictions in the United States by the relevant regulatory body in those jurisdictions and meets the requirements of this chapter and the rule and regulations of the commission.

(4) The commission may issue 2 additional category 3 licenses to any entity located in the United States that has been permitted to offer sports wagering in at least 2 other jurisdictions in the United States by the relevant regulatory body in those jurisdictions for at least 1 year and meets the requirements of this chapter and the rules and regulations of the commission. Prior to the issuance of such category 3 license, the entity shall undergo a suitability review by the commission subject to the requirements of section 12 of chapter 23K.

(c)(1) A qualified gaming entity may submit to the commission a request for a temporary license for the immediate commencement of sports wagering operations. Such request shall include an initial license fee of $50,000 payable to the commission.
(2) Upon receiving a request for a temporary license, the executive director of the commission shall review the request. If the executive director determines that the entity requesting the temporary license is a qualified gaming entity and has paid the sports wagering initial license fee, the commission shall authorize the qualified gaming entity to conduct sports wagering for a period of 2 years under a temporary license or until a final determination on its operator license application is made.

(3) All sports wagering conducted under authority of a temporary license shall comply with the house rules adopted under section 9.

(d) Upon application by a qualified gaming entity and payment of a $250,000 application fee, the commission shall grant an operator license to a qualified gaming entity that provides for the right to conduct sports wagering; provided, that the qualified gaming entity meets the requirements for licensure under this chapter and the rules and regulations of the commission. Such license shall be issued for a 5-year period, and may be renewed for 5-year periods upon payment of a $100,000 renewal fee; provided, that an operator continues to meet all requirements under this chapter and the rules and regulations of the commission.

(e) An operator shall submit to the commission such documentation or information as the commission may require demonstrating that the operator continues to meet the requirements of this chapter and the rules and regulations of the commission. An operator shall submit required documentation or information no later than 5 years after issuance of its operator license and every 5 years thereafter, or within lesser periods based on circumstances specified by the commission.
Section 7. (a) All persons employed by an operator to perform duties directly related to
the operation of sports wagering in Massachusetts in a supervisory role shall maintain a valid
occupational license issued by the commission. The commission shall issue such occupational
license to a person who meets the requirements of this section.

(b) An occupational license authorizes the licensee to be employed in the capacity
designated by the commission while the license is active. The commission may establish, by rule
or regulation, job classifications with different requirements based on the extent to which a
particular job impacts, or has the potential to impact, the lawful operation of sports wagering.

(c) An applicant for an occupational license shall submit any required application forms
established by the commission and shall pay a nonrefundable application fee of $100. An
employer may pay an application fee on behalf of an applicant.

(d) Each occupational license holder shall annually pay to the commission a license fee of
$100 by March 1 and submit a renewal application on the form required by the commission. An
employer may pay an application fee on behalf of the licensed employee.

Section 8. (a) The commission may deny a license to any applicant, reprimand any
licensee or suspend or revoke a license, if the applicant or licensee:

1. has knowingly made a false statement of a material fact to the commission;

2. has had a license revoked by any governmental authority responsible for regulation of
gaming activities;

3. has been convicted of a crime of moral turpitude, a gambling-related offense or a theft
or fraud offense;
(4) has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise; or

(5) is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business.

(b) The commission may deny, suspend or revoke an operator license or reprimand any licensee if the applicant or licensee has not met the requirements of this chapter.

Section 9. (a) Each operator shall adopt comprehensive house rules for game play governing sports wagering transactions with its patrons. The house rules shall specify the amounts to be paid on winning wagers and the effect of sports event schedule changes. The commission shall approve house rules prior to implementation.

(b) The house rules, together with any other information the commission deems appropriate, shall be accessible to any patrons of the sports wagering system. The operator shall make copies readily available to patrons.

Section 10. (a) Sports wagering operators shall employ commercially reasonable methods to:

(1) prohibit the operator, directors, officers, owners and employees of the operator, and any relative living in the same household as such persons, from placing bets with the operator;

(2) prohibit athletes, coaches, referees, team owners, employees of a sports governing body or its member teams and player and referee union personnel from wagering on any sporting event of their sport’s governing body; provided, that in determining which persons are excluded
from placing wagers under this subsection, operators shall use lists of such persons that the
sports governing body may provide to the commission;

(3) prohibit any individual with access to non-public confidential information held by the
operator from placing wagers with the operator;

(4) prohibit persons from placing wagers as agents or proxies for others; and

(5) maintain the security of wagering data, customer data and other confidential
information from unauthorized access and dissemination; provided, however, that nothing in this
chapter shall preclude the use of internet or cloud-based hosting of such data and information or
disclosure as required by court order, other law or this chapter.

(b) A sports governing body may submit to the commission in writing, by providing
notice in such form and manner as the commission may require, a request to restrict, limit or
exclude a certain type, form or category of sports wagering with respect to sporting events of
such body, if the sports governing body believes that such type, form or category of sports
wagering with respect to sporting events of such body is contrary to public policy, unfair to
consumers, may undermine the perceived integrity of such body or sporting events of such body
or affects the integrity of such body or sporting events of such body. The commission shall
request comment from sports wagering operators on all such requests. After giving due
consideration to all comments received, the commission shall, upon a demonstration of good
cause from the requestor, grant the request. The commission shall respond to a request
concerning a particular event before the start of the event, or if it is not feasible to respond before
the start of the event, no later than 7 days after the request is made; provided, that if the
commission determines that the requestor is more likely than not to prevail in successfully
demonstrating good cause for its request, the commission may provisionally grant the request of the sports governing body until the commission makes a final determination as to whether the requestor has demonstrated good cause. Absent such a provisional grant by the commission, sports wagering operators may continue to offer sports wagering on sporting events that are the subject of such a request during the pendency of the consideration of the applicable request.

(c) The commission shall designate a state law enforcement entity to have primary responsibility for conducting, or assisting the commission in conducting, investigations into abnormal betting activity, match fixing and other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain.

(d) The commission and sports wagering operators shall use commercially reasonable efforts to cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including but not limited to, using commercially reasonable efforts to provide or facilitate the provision of anonymized account-level betting information and audio or video files relating to persons placing wagers. All disclosures under this section are subject to the obligation of a sports wagering operator to comply with all federal, state and local laws and regulations, including but not limited to, laws and regulations relating to privacy and personally identifiable information.

(e) Sports wagering operators shall immediately report to the commission any information relating to:

(1) criminal or disciplinary proceedings commenced against the sports wagering operator in connection with its operations;
(2) abnormal betting activity or patterns that may indicate a concern with the integrity of a sporting event or events;

(3) any potential breach of the internal rules and codes of conduct pertaining to sports wagering of a relevant sports governing body;

(4) any other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain, including match fixing; and

(5) suspicious or illegal wagering activities, including use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, using agents to place wagers and using false identification.

Sports wagering operators shall immediately report information relating to conduct described in paragraphs (2), (3) and (4) of this subsection to the relevant sports governing body.

(f) The commission and sports wagering operators shall maintain the confidentiality of information provided by a sports governing body for purposes of investigating or preventing the conduct described in paragraphs (2), (3) and (4) of subsection (e), unless disclosure is required by this chapter, the commission, other law or court order or unless the sports governing body consents to disclosure.

(g) With respect to any information provided by a sports wagering operator to a sports governing body relating to conduct described in paragraphs (2), (3) and (4) of subsection (e), a sports governing body:

(1) shall only use such information for integrity purposes and shall not use the information for any commercial or other purpose; and
(2) shall maintain the confidentiality of such information, unless disclosure is required by this chapter, the commission, other law or court order or unless the sports wagering operator consents to disclosure; provided, that the sports governing body may make disclosures necessary to conduct and resolve integrity-related investigations and may publicly disclose such information if required by its integrity policies or if deemed by the sports governing body in its reasonable judgment to be necessary to maintain the actual or perceived integrity of its sporting events, and subject in all cases to the sports governing body’s compliance with federal, state and local laws and regulations, including but not limited to, laws and regulations relating to privacy and personally identifiable information. Prior to any such public disclosure that would identify the sports wagering operator by name, the sports governing body shall provide such sports wagering operator with notice of such disclosure and an opportunity to object to such disclosure.

(h) Sports wagering operators shall maintain records of all wagers placed by its patrons, including personally identifiable information of the patron, amount and type of the bet, the time the bet was placed, the location of the bet, including the IP address if applicable, the outcome of the bet and records of abnormal betting activity for 3 years after a sporting event occurs and video camera recordings in the case of in-person wagers for at least 1 year after a sporting event occurs, and shall make such data available for inspection upon request of the commission or as required by court order.

(i) A sports wagering operator shall use commercially reasonable efforts to maintain in real time and at the account level, anonymized information for each patron, including the amount and type of bet, the time the bet was placed, the location of the bet, including the IP address if applicable, the outcome of the bet and records of abnormal betting activity. The commission may request such information in the form and manner as it requires. Nothing in this section shall
require a sports wagering operator to provide any information prohibited by federal, state or local
laws or regulations, including but not limited to, laws and regulations relating to privacy and
personally identifiable information.

(j) If a sports governing body has notified the commission and demonstrated a need for
access to the information described in subsection (i) for wagers placed on sporting events of such
sports governing body for integrity monitoring purposes, and demonstrated the capability to use
such data for the purpose of effectively monitoring the integrity of sporting events of such sports
governing body, a sports wagering operator shall share, in a commercially reasonable frequency,
form and manner, with the sports governing body or its designee the same information the sports
wagering operator is required to maintain under subsection (i) with respect to sports wagers on
sporting events of such sports governing body. A sports governing body and its designee shall
only use information received under this section for integrity-monitoring purposes and shall not
use information received under this section for any commercial or other purpose. Nothing in this
section shall require a sports wagering operator to provide any information that is prohibited by
federal, state or local laws or regulations, including but not limited to, laws and regulations
relating to privacy and personally identifiable information.

(k) A sports wagering operator shall conduct a background check on each newly hired
employee, and a single background check on any employee hired prior to the effective date of
this act. Background checks shall search for criminal history, charges or convictions involving
corruption or manipulation of sporting events and association with organized crime.

Section 11. (a) All operators licensed under this chapter to conduct sports wagering shall:
(1) employ a monitoring system utilizing software to identify irregularities in volume or changes in odds that could signal suspicious activities and promptly report such information to the commission for further investigation. System requirements and specifications shall be developed according to industry standards and implemented by the commission as part of the minimum internal control standards;

(2) promptly report to the commission any facts or circumstances related to the operation of a sports wagering licensee which constitute a violation of state or federal law and promptly report to the appropriate state or federal authorities any suspicious betting over a threshold set by the operator that has been approved by the commission;

(3) conduct all sports wagering activities and functions in a manner that does not pose a threat to the public health, safety or welfare of the residents of the commonwealth;

(4) keep current in all payments and obligations to the commission;

(5) prevent any person from tampering with or interfering with the operation of any sports wagering;

(6) ensure that mobile sports wagering occurs only using a commission-approved mobile application or other digital platform to accept wagers initiated within the commonwealth;

(7) maintain sufficient cash and other supplies to conduct sports wagering at all times; and

(8) maintain daily records showing the gross sports wagering receipts and adjusted gross sports wagering receipts of the licensee from sports wagering and shall timely file with the commission any additional reports required by rule, regulation or this chapter.
(b) Sports wagering operators may use any data source for determining:

(1) the results of any and all tier 1 sports wagers on any and all sporting events; and

(2) the results of any and all tier 2 sports wagers on sporting events of an organization that is not headquartered in the United States.

(c) A sports governing body may notify the commission that it desires sports wagering operators to use official league data to settle tier 2 sports wagers on sporting events of such sports governing body. Such notification shall be made in the form and manner as the commission may require. Within 5 days of receipt of such notification, the commission shall notify each sports wagering operator of the requirement to use official league data to settle tier 2 sports wagers. If a sports governing body does not notify the commission of its desire to supply official league data, a sports wagering operator may use any data source for determining the results of any and all tier 2 sports wagers on sporting events of such sports governing body.

(d) Within 60 days of the commission notifying a sport wagering operator of the requirement to use official league data to settle tier 2 sports wagers pursuant to subsection (c), or such longer period as may be agreed between the sports governing body and the applicable sports wagering operator, a sports wagering operator shall use only official league data to determine the results of tier 2 sports wagers on sporting events of that sports governing body, unless:

(1) the sports governing body or its designee cannot provide a feed of official league data to determine the results of a particular type of tier 2 sports wager, in which case a sports wagering operator may use any data source for determining the results of the applicable tier 2
sports wager until such time a data feed becomes available from the sports governing body on commercially reasonable terms and conditions; or

(2) a sports wagering operator can demonstrate to the commission that the sports governing body or its designee will not provide a feed of official league data to the sports wagering operator on commercially reasonable terms and conditions.

(e) In evaluating whether official league data is offered on commercially reasonable terms and conditions for purposes of paragraphs (1) and (2) of subsection (d), the commission may consider factors, including but not limited to:

(1) the availability of official league data to a sports wagering operator from more than 1 authorized source;

(2) market information, including but not limited to, price and other terms and conditions regarding the purchase by sports wagering operators of comparable data for the purpose of settling sports wagers in the commonwealth and other jurisdictions;

(3) the nature and quantity of data, including the quality and complexity of the process used for collecting such data; and

(4) the extent to which a sports governing body or its designee has made data used to settle tier 2 wagers available to sports wagering operators and any terms and conditions relating to the use of that data.

(f) Notwithstanding anything to the contrary set forth herein, including but not limited to, subsection (d), during the pendency of the determination of the commission as to whether a sports governing body or its designee may provide official league data on commercially
reasonable terms, a sports wagering operator may use any data source to determine the results of tier 2 sports wagers. The determination shall be made within 120 days of the sports wagering operator notifying the commission that it requests to demonstrate that the sports governing body or its designee will not provide a feed of official league data to the sports wagering operator on commercially reasonable terms.

(g) A sports governing body may enter into commercial agreements with a sports wagering operator or other entity in which such sports governing body may share in the amount bet or revenues derived from sports wagering on sporting events of such sports governing body. A sports governing body shall not be required to obtain a license or any other approval from the commission to lawfully accept such amounts or revenues.

Section 12. (a) Holders of category 1 and category 2 licenses may accept wagers on sports events and other events authorized under this chapter in person at authorized facilities.

(b) Holders of category 1 and category 3 licenses may accept wagers on sports events and other events authorized under this chapter from individuals physically located within the commonwealth using mobile applications or digital platforms approved by the commission, through the patron’s sports wagering account. The branding for each mobile application or digital platform shall be determined by the operator. All bets authorized under this section must be initiated, received and otherwise made within the commonwealth. Consistent with the intent of the federal Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. section 5361 to 5367, inclusive, the intermediate routing of electronic data related to a lawful intrastate wager authorized under this chapter shall not determine the location or locations in which the wager is initiated, received or otherwise made.
(c) An operator may accept wagers placed by other operators, and may place wagers with other operators; provided, that any operator that places a wager with another operator shall inform the operator accepting the wager that the wager is being placed by an operator and shall disclose its identity.

(d) A person placing a wager shall be at least 21 years of age.

(e)(1) The commission or operator may ban any person from participating in the play or operation of any sports wagering consistent with rules and regulations promulgated by the commission. A list of all excluded patrons shall be kept by the commission and provided to each licensee, and no patron on the exclusion list shall be permitted to conduct sports wagering under this chapter.

(2) The commission shall establish a list of self-excluded persons from sports wagering. A person may request such person’s name to be placed on the list of self-excluded persons by filing a statement with the commission acknowledging that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person shall not collect any winnings or recover any losses resulting from any sports wagering. The commission shall adopt further regulations for the self-excluded persons list including procedures for placement, removal and transmittal of such list to sports wagering operators. The commission may revoke, limit, condition, suspend or fine a sports wagering operator if the operator knowingly or recklessly fails to exclude or eject from its premises any person placed on the list of self-excluded persons.

(f) No licensed employee may place a sports wager through any mobile application or digital platform owned or operated by their employer.
(g) No licensed employee may place a sports wager at any facility owned or operated by their employer.

(h) Sections 24, 24A and 27 of chapter 10 of the General Laws shall not apply to an operator conducting sports wagering in accordance with this chapter.

Section 13. (a)(1) For the privilege of holding a license to operate sports wagering under this chapter, the commonwealth shall impose and collect an excise equal to 15 per cent of the operator’s adjusted gross sports wagering receipts from the operation of sports wagering, hereinafter “privilege tax”. The accrual method of accounting shall be used for purposes of calculating the amount of the tax owed by the licensee.

(2) Annually not later than October 15, each sports wagering operator shall submit to the commission the number of sports events or other events that took place at sports stadiums or other sports facilities physically located in the commonwealth and the adjusted gross sports wagering receipts collected from each such event. The commission shall impose and collect an excise equal to 1 per cent of the operator’s adjusted gross sports wagering receipts from such events. Annually, no later than December 31, the commission shall proportionately distribute the amounts received to each sports facility based on the amount collected at each such facility during the previous calendar year. A sports facility shall use such funds only for the purpose of sports wagering security and integrity and shall report annually to the commission the amounts spent and purposes of such spending in a form prescribed by the commission.

(b)(1) The tax levied and collected pursuant to paragraph (1) of subsection (a) shall be due and payable to the commission in monthly installments on or before the 15th calendar day following the calendar month in which the adjusted gross sports wagering receipts were received.
(2) The operator shall complete and submit the return for the preceding month by electronic communication to the commission, on or before the 15th of each month, in the form prescribed by the commission that provides:

(i) the total gross sports wagering receipts and adjusted gross sports wagering receipts from operation of sports wagering during that month;

(ii) the tax amount for which the sports wagering licensee is liable; and

(iii) any additional information necessary in the computation and collection of the tax on adjusted gross sports wagering receipts required by the commission.

(3) The tax amount shown to be due shall be remitted by electronic funds transfer simultaneously with the filing of the return.

(4) When adjusted gross receipts for a month is a negative number because the winnings paid to patrons wagering on the operator’s sports wagering exceed the operator’s total gross receipts from sports wagering by patrons, the commission shall allow the operator to carry over the negative amount to returns filed for subsequent months. The negative amount of adjusted gross receipts shall not be carried back to an earlier month and taxes previously received by the commission will not be refunded, except if the operator surrenders its license and the operator’s last return reported negative adjusted gross receipts.

(c) The tax on adjusted gross sports wagering receipts imposed by this section shall be in lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from operation of sports wagering.
Section 14. There shall be established and set up on the books of the commonwealth a Sports Wagering Fund which shall receive revenues collected pursuant to sections 6 and 13. The commission shall be the trustee of the fund and shall transfer monies in the fund as follows:

1. 40 per cent to the Workforce Investment Trust Fund established in section 2IIIII of chapter 29;
2. 30 per cent to the Distressed Restaurant Trust Fund;
3. 10 per cent to the Youth Development and Achievement Fund established in section 15;
4. 10 per cent to the Gaming Local Aid Fund established in section 63 of section 23K;
5. 9 per cent to the Public Health Trust Fund established in section 58 of section 23K; and
6. 1 per cent to the Players’ Benevolence Fund established in section 2JJJJJ of chapter 29.

Section 15. There shall be established and set up on the books of the commonwealth a fund to be known as the Youth Development and Achievement Fund. The fund shall be credited any monies transferred under section 14 and all monies credited to or transferred to the fund from any other fund or source. Expenditures from the fund shall be subject to appropriation and shall be expended equally for the following purposes:

1. For the purposes of providing financial assistance to students from the commonwealth enrolled in and pursuing a program of higher education in any approved public or independent
college, university, school of nursing or any other approved institution furnishing a program of
higher education; and

(2) For the purposes after school and out of school activities including, but not limited to,
youth athletics and other activities that improve student health, literacy programs, academic
tutoring, art, theater and music programs and community service programs.

Section 16. The commission may impose on any person who violates this chapter a civil
penalty not to exceed $2,000 for each violation or $5,000 for violations arising from the same
series of events. Such penalty shall be imposed on all individuals and is not limited to individuals
licensed under this chapter.

Section 17. (a) Any person, other than an operator under this chapter, who engages in
accepting, facilitating or operating a sports wagering operation is guilty of a misdemeanor and,
upon conviction thereof, shall be fined not more than $10,000 or confined in jail for not more
than 90 days, or both fined and confined.

(b) Any person convicted of a second violation of subsection (a) is guilty of a
misdemeanor and, upon conviction thereof, shall be fined not more than $50,000, or confined in
jail for not more than 6 months, or both fined and confined.

(c) Any person convicted of a third or subsequent violation of subsection (a) is guilty of a
felony, and upon conviction thereof, shall be fined not less than $25,000 nor more than $100,000
or imprisoned in a state correctional facility for not less than 1 year nor more than 5 years, or
both fined and confined.
SECTION 8. Chapter 23N is hereby amended by striking section 14 and inserting in place thereof the following section:-

Section 14. Tax payments collected under section 13 shall be transferred as follows:

(1) 40 per cent to the Workforce Investment Trust Fund established in section 2IIIII;
(2) 25 per cent to the Youth Development and Achievement Fund established in section 15;
(3) 25 per cent to the Gaming Local Aid Fund established in section 63 of chapter 23K;
(4) 9 per cent to the Public Health Trust Fund established in section 58 of chapter 23K;
(5) 1 per cent to the Players’ Benevolence Fund established in section 2JJJJJ.

SECTION 9. 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 word “(f)” and inserting in place thereof the following word:- (h).

SECTION 10. 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 11. Chapter 29 of the General Laws is hereby amended by inserting after section 2HIIHHH, added by section 4 of chapter 142 of the acts of 2019, the following 2 sections:-

Section 2IIIII. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Investment Trust Fund, in this section called the fund. There shall be credited to the fund any sports wagering revenue transferred by section 14 of chapter 23N. Monies transferred to the fund shall be continuously expended, without regard for fiscal year, exclusively for carrying out the purposes of this section. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(b) The fund shall be administered by the secretary of housing and economic development. Money in the fund shall be competitively granted to develop and strengthen workforce opportunities for low-income communities and vulnerable youth and young adults in the commonwealth, including providing opportunities and strategies to promote stable employment and wage growth.

(c) Eligible grant recipients shall provide opportunities which: (i) target at risk youth, including resources to empower youth to succeed in the workforce; (ii) provide job skills trainings, including programs offering trainings in multiple languages and areas for development, including education and hands on skills; and (iii) promote adult literacy, including strategies to master reading and writing and providing digital formats to increase accessibility. The secretary
of housing and economic development shall establish criteria to evaluate applications for the
grant program; provided, the criteria shall include, but shall not be limited to, at risk populations;
provided, further, preference shall be given to eligible grant recipients providing opportunities
for individuals who meet at least 2 of the following: (i) is under 30 years of age; (ii) is a victim
of violence; (iii) is over 18 years of age and does not have a high school diploma; (iv) has been
convicted of a felony; (v) has been unemployed or has had a family income below 250 per cent
of the federal poverty level for not less than 6 months; or (vi) lives in a census tract where over
20 per cent of the populations fall below the federal poverty line.

(d) Annually, not later than October 1, the board shall provide a report of the grants given
and a breakdown of expenditures made by the fund. The report shall be posted on the website of
the executive office of housing and economic development.

Section 2JJJJ. (a) There shall be a Players’ Benevolence Fund to be administered by the
Massachusetts gaming commission established in section 3 of chapter 23K. The fund shall be
credited with: (i) funds collected under section 14 of chapter 23N; (ii) revenue from
appropriations or other money authorized by the general court and specifically designated to be
credited to the fund; (iii) interest earned on money in the fund; and (iv) funds from private
sources including, but not limited to, gifts, grants and donations received by the commonwealth
that are specifically designated to be credited to the fund. All amounts credited to the fund shall
be used without further appropriation for the purpose of making distributions to charitable
organizations as recommended pursuant to subsection (c). Any unexpended balance in the fund
at the close of a fiscal year shall not revert to the General Fund and shall be available for
expenditure in subsequent fiscal years.
(b) There shall be a Players’ Benevolence Fund advisory committee. The advisory committee shall consist of 9 members: 1 of whom shall be appointed by the governor and who shall serve as chair; 1 of whom shall be the state treasurer, or a designee; 1 of whom shall be appointed by the senate president; 1 of whom shall be appointed by the speaker of the house of representatives; 1 of whom shall be a designee of the National Football League Players’ Association, 1 of whom shall be a designee of the Major League Baseball Players’ Association; 1 of whom shall be a designee of the National Basketball Players’ Association; 1 of whom shall be a designee of the National Hockey League Players’ Association; and 1 of whom shall be a designee of the Major League Soccer Players’ Association.

(c) The advisory committee shall convene at least annually and make recommendations to the commission for distributions from the Players’ Benevolence Fund in a method to be determined by said committee. The committee shall recommend to the commission a distribution schedule for funds deposited in the Players’ Benevolence Fund to organizations that benefit current and former professional sports players or their charitable foundations. In developing its recommendations, the advisory committee shall consider charitable organizations, including but not limited to, organizations involved in medical research related to athletic participation, delivery of literacy and other academic assistance to disadvantaged and underserved youth populations, financial literacy and education.

(d) Annually, not later than July 1, the commission shall report to the clerks of the house of representatives and senate on the fund’s activities. The report shall include, but not be limited to: (i) the source and amounts of funds received; and (ii) the amounts and purpose of expenditures from the fund, including the name of each organization to which funds were distributed.
SECTION 12. Subsection (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 13. Said section 4 of said chapter 30B, as so appearing, 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 14. Section 6 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words “$50,000 utilizing” and inserting in place thereof the following words:- $50,000, except as permitted pursuant to subsection (a) of section 4, utilizing.

SECTION 14A. Section 23 of chapter 32 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following subdivision:-

(8)(a) It shall be the policy of the PRIM board to use minority investment managers to manage PRIT Fund assets, encompassing all asset classes, and to increase the racial, ethnic, and gender diversity of PRIT Fund investments to the greatest extent feasible, consistent with sound investment policy. The PRIM board and the executive director shall take affirmative steps to remove any barriers to the full participation of minority investment managers in investment opportunities. Such affirmative steps shall include, but not be limited to, consideration of
whether current investment policy discourages the use of minority investment managers through quantitative or qualitative restrictions, including, but not limited to, number of years track record and minimum assets under management.

(b) It shall be the goal of the PRIM board that not less than 20 per cent of investment managers be minorities, females and persons with disabilities. It shall further be the goal of the PRIM board to utilize businesses owned by minorities, females and persons with disabilities for not less than 20 per cent of total contracts awarded pursuant to section 23B.

(c) Annually, not later than January 15 of each year, the PRIM board shall file with the house and senate committee on ways and means and with the joint committee on public service a report detailing its progress toward implementing the policies and goals outlined above. Such report shall include documentation related to all minority investment managers considered for investment, including documentation, where applicable, of the reasons for declining any such investment.

SECTION 15. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

By a majority vote of their legislative bodies, and with the approval of the mayor, board of selectmen or other chief executive officer, any contiguous cities and towns may enter into an agreement to allocate public infrastructure costs, municipal service costs and local tax revenue associated with the development of an identified parcel or parcels or development within the contiguous communities generally; provided, that the agreement shall be approved by the department of revenue.
SECTION 16. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby amended by inserting after the introductory paragraph the following 8 definitions:-

“Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including but not limited to additional size restrictions, owner-occupancy requirements and restrictions or prohibitions on short-term rental of accessory dwelling units.

“As of right”, development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver or other discretionary zoning approval.

“Eligible locations”, areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.

“Lot”, an area of land with definite boundaries that is used or available for use as the site of a building or buildings.
“Mixed-use development”, development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses;

“Multi-family housing”, a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Natural resource protection zoning”, zoning ordinances or by-laws enacted principally to protect natural resources by promoting compact patterns of development and concentrating development within a portion of a parcel of land so that a significant majority of the land remains permanently undeveloped and available for agriculture, forestry, recreation, watershed management, carbon sequestration, wildlife habitat or other natural resource values.

“Open space residential development”, a residential development in which the buildings and accessory uses are clustered together into 1 or more groups separated from adjacent property and other groups within the development by intervening open land. An open space residential development shall be permitted only on a plot of land of such minimum size as a zoning ordinance or by-law may specify which is divided into building lots with dimensional control, density and use restrictions for such building lots varying from those otherwise permitted by the ordinance or by-law and open land. The open land may be situated to promote and protect maximum solar access within the development. The open land shall either be conveyed to the city or town and accepted by said city or town for park or open space use, or be made subject to a recorded use restriction enforceable by said city or town or a non-profit organization the principal purpose of which is the conservation of open space, providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.
SECTION 17. Said section 1A of said chapter 40A, as so appearing, is hereby further amended by striking out the definition of “Transfer of development rights” and inserting in place thereof the following definition:

“Transfer of development rights”, the regulatory procedure whereby the owner of a parcel may convey development rights, extinguishing those rights on the first parcel, and where the owner of another parcel may obtain and exercise those rights in addition to the development rights already existing on that second parcel.

SECTION 18. Section 5 of said chapter 40A, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

(1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;
(2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-
family housing or mixed-use development in an eligible location; (b) an increase in the
permissible density of population or intensity of a particular use in a proposed multi-family or
mixed-use development pursuant to section 9; (c) accessory dwelling units in a detached
structure on the same lot; or (d) a diminution in the amount of parking required for residential or
mixed-use development pursuant to section 9;

(3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning
or natural resource protection zoning in instances where the adoption of such zoning promotes
concentration of development in areas that the municipality deems most appropriate for such
development, but will not result in a diminution in the maximum number of housing units that
could be developed within the municipality; or (b) modify regulations concerning the bulk and
height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage
requirements to allow for additional housing units beyond what would otherwise be permitted
under the existing zoning ordinance or by-law; and

(4) the adoption of a smart growth zoning district or starter home zoning district in
accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote
shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or
town with a council of fewer than 25 members, there is filed with the clerk prior to final action
by the council a written protest against a zoning change under this section, stating the reasons
duly signed by owners of 50 per cent or more of the area of the land proposed to be included in
such change or of the area of the land immediately adjacent extending 300 feet therefrom, no
change of any such ordinance shall be adopted except by a two-thirds vote of all members.
SECTION 19. Section 9 of said chapter 40A, as so appearing, is hereby amended by inserting after the word “interests,” in line 34, the following words:; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of development rights to be permitted as of right, without the need for a special permit or other discretionary zoning approval.

SECTION 20. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by striking out, in lines 39 and 43, the word “cluster” each time it appears and inserting in place thereof in each instance the following words: open space residential.

SECTION 21. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by inserting, after the word “control,”, in line 47, the following words:; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing open space residential developments to be permitted as of right, without the need for a special permit or other discretionary zoning approval.

SECTION 22. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:

Zoning ordinances or by-laws may also provide that special permits may be granted for reduced parking space to residential unit ratio requirements after a finding by the special permit granting authority that the public good would be served and that the area in which the development is located would not suffer a substantial adverse effect from such diminution in parking.
SECTION 23. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by inserting after the twelfth paragraph the following paragraph:-

A special permit issued by a special permit granting authority shall require a simple majority vote for any of the following: (a) multifamily housing that is located within 1/2 mile of a commuter rail station, subway station, ferry terminal or bus station; provided, that not less than 10 per cent of the housing shall be affordable to and occupied by households whose annual income is less than 80 per cent of the area wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184; (b) mixed-use development in centers of commercial activity within a municipality, including town and city centers, other commercial districts in cities and towns and rural village districts; provided, that not less than 10 per cent of the housing shall be affordable to and occupied by households whose annual income is less than 80 per cent of the area wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184; or (c) a reduced parking space to residential unit ratio requirement, pursuant to this section; provided, that a reduction in the parking requirement will result in the production of additional housing units.

SECTION 24. Section 2 of chapter 40G, 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 25. Section 6B of chapter 40J, as so appearing, is hereby amended by inserting after the word “development”, in line 33, the following words:-, or a designee.

SECTION 26. Section 2 of chapter 40R of the General Laws, as amended by section 12 of chapter 5 of the acts of 2019, is hereby amended by inserting after the word “is”, in line 4, the following words:- equal to or.

SECTION 27. Said section 2 of said chapter 40R, as so amended, is hereby further amended by striking out the definition of “Approving authority”.

SECTION 28. 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 29. Section 3 of said chapter 40R, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “have”, in line 4, the following word:- safe.

SECTION 30. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by inserting after the word “frequent”, in line 5, the following word:- pedestrian.

SECTION 31. 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 32. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by inserting after the word “use”, in line 19, the following words:-
; provided, however, that a smart growth zoning district or starter home zoning district
ordinance or by-law shall be adopted by a simple majority vote of all the members of the town
council, or of the city council where there is a commission form of government or a single
branch, or of each branch where there are 2 branches, or by a simple majority vote of a town
meeting.

SECTION 33. 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 34. 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 35. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by striking out, in line 86, the word “approving” and inserting in place thereof the following words:- plan approval.

SECTION 36. Said section 6 of said chapter 40R, as so appearing, 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 shall only be permitted if the proposed density achieves a minimum of 4 units per acre.

SECTION 37. Said section 6 of said chapter 40R, as so appearing, 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. 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 38. Section 7 of said chapter 40R, as so appearing, is hereby amended by striking out, in line 14, the word “approving” and inserting in place thereof the following words:- plan approval.

SECTION 39. 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 40. 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 41. Section 10 of said chapter 40R, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 3, the words “approving” and inserting in place thereof the following words:- plan approval.

SECTION 42. 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 43. 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 44. Chapter 40R is hereby amended by striking out section 14, as amended by
section 14 of chapter 5 of the acts of 2019, 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 shall 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 clause (ii) in the
preceding sentence any units that are developable in 1 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 45. Section 1 of chapter 40S of the General Laws, as so appearing, is hereby
amended by striking out, in line 51, the word “properties” and inserting in place thereof the
following word:- buildings.

SECTION 46. Said section 1 of said chapter 40S, as so appearing, is hereby further
amended by inserting, in line 61, after the figure “40R,” the following words:- including without
limitation smart growth zoning districts and starter home zoning districts as defined in section 1
of said chapter 40R.
SECTION 47. The General Laws are hereby amended by inserting after chapter 40W the following chapter:-

CHAPTER 40X.

TOURISM DESTINATION MARKETING DISTRICTS.

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

“Commissioner”, the commissioner of revenue.

“Elector”, a tourism destination marketing district member or the authorized representative of a district member.

“Lead jurisdiction”, the city or town in which the tourism destination marketing district petition is filed.

“Lodging business”, any hotel or motel, as defined in section 1 of chapter 64G, and subject to the excise imposed by chapter 64G.

“Lodging business owner”, the owner of record or the owner's authorized representative, of a lodging business.

“Management entity”, an entity designated in a tourism destination marketing district plan to receive funds to carry out and implement the purposes of the tourism destination marketing district. The tourism destination marketing district plan shall designate a regional tourism council as the management entity. The management entity shall be required to furnish a surety bond conditioned on the faithful performance of its duties.
“Municipal governing body”, the city council or board of aldermen in a city or the board of selectmen or town council in a town.

“Special assessment”, a payment for supplemental services or improvements specified by the tourism destination marketing district plan.

“Special assessment formula”, a formula used to calculate the special assessment pursuant to section 7.

“Standard government services”, governmental functions, programs, activities, facilities, improvements and other services that a municipality is authorized to perform or provide.

“Supplemental services”, the provision of programs, activities or information in addition to the standard governmental services provided in the tourism destination marketing district, including, marketing, sales activities or events in addition to other tourism and travel promotion activities.

“Tourism destination marketing district”, a district formed pursuant to this chapter, which is a geographic area with clearly defined boundaries. A tourism destination marketing district may include multiple tourism regions served by multiple regional tourism councils; provided, however, that there shall only be 1 regional tourism council designated as the management entity for each tourism destination marketing district. Only those lodging businesses meeting the criteria described in the petition and tourism destination marketing district plan shall be liable for the tourism destination marketing district’s special assessment. The geographic regions within a tourism destination marketing district need not be contiguous.
“Tourism destination marketing district committee” or “district committee”, a committee selected by the management entity's board of directors responsible for overseeing the ongoing district plan.

“Tourism destination marketing district member” or “district member”, a lodging business owner who participates in a tourism destination marketing district.

“Tourism destination marketing district plan” or “district plan”, the strategic plan for the tourism destination marketing district that sets forth the supplemental services and programs, budget and special assessment structure, the criteria for inclusion of lodging businesses, and the management entity and tourism destination marketing district committee for the tourism destination marketing district, and is approved by the local municipal governing body as part of the creation of the tourism destination marketing district. The updated tourism destination marketing district plan shall take effect upon the approval of a majority of electors, with each elector's vote having the same weight. Any amendment to the tourism destination marketing district plan under section 9 shall be deemed to be an update of the tourism destination marketing district plan.

Section 2. The rights and powers of the management entity of the tourism destination marketing district approved by a municipal governing body pursuant to section 3 shall include:

(i) retaining or recruiting business; (ii) administering and managing the tourism destination marketing district; (iii) promoting economic development; (iv) formulating a special assessment structure; (v) planning and design services; (vi) design, engineer, construct, maintain or operate buildings, facilities, urban streetscapes or infrastructure to further economic development and public purposes; (vii) accumulating interest; (viii) incurring costs or indebtedness; (ix) entering
into contracts; (x) suing and being sued; (xi) employing legal and accounting services; (xii)
undertaking planning, feasibility and market analyses; (xiii) developing, implementing, and
conducting tourism marketing and promotional activities; and (xiv) other supplemental services
or programs that would further the purposes of this chapter.

Section 3. (a) The organization of a tourism destination marketing district shall be
initiated by a petition of the lodging business owners within the proposed tourism destination
marketing district, which shall be filed in the office of the clerk of the municipality that is to
serve as the lead jurisdiction. The petition shall contain:-

(i) the signatures of 55 per cent of the tourism destination marketing district members in
the proposed tourism destination marketing district;

(ii) a description of and site map delineating the boundaries of the proposed tourism
destination marketing district;

(iii) the initial list of lodging businesses to be included in the proposed tourism
destination marketing district. Lodging businesses that commence operations after the formation
of the tourism destination marketing district and meet the criteria by which lodging businesses
are assessed by the tourism destination marketing district shall be included in the tourism
destination marketing district pursuant to section 4;

(iv) the proposed tourism destination marketing district plan, which shall set forth the
supplemental services and programs, update mechanism, criteria by which lodging businesses
are assessed by the tourism destination marketing district, and budget and special assessment
structures; and
(v) the identity and address of the management entity and the tourism destination marketing district committee.

A copy of said petition shall be filed with the clerk of the lead jurisdiction and the commissioner within 30 days of receipt of such petition by the clerk of the lead jurisdiction.

(b) All required procedures related to the formation, operation and renewal of the tourism destination marketing district shall only be carried out by the lead jurisdiction. A lead jurisdiction is authorized to form a tourism destination marketing district that includes other cities or towns; provided, however, that the lead jurisdiction may not vote to form a tourism destination marketing district that includes the territorial jurisdiction of another city or town within the tourism destination marketing district’s boundaries until it has received consent, by vote, from such other city or town's local municipal governing body.

Section 4. (a) The municipal governing body of the lead jurisdiction shall hold a public hearing within 60 days of the receipt of a petition. Written notification of such hearing shall be sent to each tourism destination marketing district member within the boundary of the proposed tourism destination marketing district at least 30 days prior to such hearing, by mailing notice to the address listed in the business records of the municipalities proposed to be included within the boundaries of the tourism destination marketing district or, if no such records exist, by such other method as determined by the clerk of the municipality. Notification of the hearing shall also be published for 2 consecutive weeks in a newspaper of general circulation in the area, with the first date of publication beginning at least 14 days prior to such hearing listed on the municipality’s website. Such public notice shall contain the proposed boundaries of the tourism destination marketing district, the proposed special assessment rate formula, a summary of the supplemental
services provided by the petitioners and where the property owner may obtain a full copy of the petition and the management plan.

(b) Prior to the public hearing, the municipal governing body of the lead jurisdiction shall direct the clerk of the lead jurisdiction or the clerk's designee to determine that the establishment criteria and other petition requirements have been met, as set forth in section 3.

(c) At the public hearing, the municipal governing body of the lead jurisdiction shall determine if the petition satisfies the purposes set forth and the establishment criteria of this chapter and shall obtain public comment regarding the tourism destination marketing district plan and the effect the proposed tourism destination marketing district will have on the lodging business owners within the proposed tourism destination marketing district. If it appears that said petition is not in conformity with the purposes and establishment criteria, said local municipal governing body shall dismiss the petition. At the public hearing, the presiding officer or clerk of said local municipal governing body shall read into the record the basis for determining the special assessment pursuant to section 7 and the process by which tourism destination marketing district members may vote not to renew such tourism destination marketing district.

(d) Not more than 45 days after the close of the public hearing, the municipal governing body, in its sole discretion, may approve or disapprove the tourism destination marketing district by majority vote. Upon such declaration, the tourism destination marketing district may commence operations.

(e) Notice of the declaration of the organization of the tourism destination marketing district shall be mailed or delivered to each tourism destination marketing district member within the proposed tourism destination marketing district. The notice shall explain: (i) that membership
in the tourism destination marketing district is irrevocable unless as provided in subsection (g) or
the dissolution under section 10; (ii) a description of the basis for determining the special
assessment; (iii) the criteria by which lodging businesses are assessed by the tourism destination
marketing district; (iv) the special assessment rate; and (v) the proposed supplemental services to
be provided by the tourism destination marketing.

Such notice shall be published for 2 consecutive weeks in a newspaper of general
circulation in the area, the last publication being not more than 14 days after the vote to declare
the tourism destination marketing district organized and shall be posted on the municipality’s
website.

(f) Once established, participation in the tourism destination marketing district shall be
permanent until after the discontinuation of the tourism destination marketing district as provided
in this section, or until the dissolution of the tourism destination marketing district under section
10. All participating lodging business owners shall make payments in accordance with the
special assessment set out in the petition or management plan. Non-participating lodging
business owners in the tourism destination marketing district shall become tourism destination
marketing district members and shall be assessed on the date that their business meets the criteria
by which lodging businesses are assessed by the tourism destination marketing district.

(g) On or before the fifth anniversary of the organization of a newly created tourism
destination marketing district and the fifth anniversary thereafter of the date of the most recent
renewal of the tourism destination marketing district under this section, the tourism destination
marketing district committee shall call a renewal meeting of the tourism destination marketing
district members to: (i) review the history of the tourism destination marketing district since its
organization or, if applicable, its most recent renewal; (ii) propose an updated tourism
destination marketing district plan to succeed the then current tourism destination marketing
district plan; and (iii) consider whether to continue the tourism destination marketing district.
The meeting shall be held at a location within the tourism destination marketing district. Notice
of the meeting shall be given to tourism destination marketing district members at least 30 days
prior to the meeting. The tourism destination marketing district shall continue after each renewal
meeting if a majority of tourism destination marketing district members who are not more than
30 days in arrears in any payment due to the tourism destination marketing district and are
present at the renewal meeting, in person or by proxy, vote to renew the tourism destination
marketing district.

Such renewal shall last for a term of 5 years commencing on the first day of the next
fiscal year of the tourism destination marketing district.

(h) If the tourism destination marketing district members elect not to continue the tourism
destination marketing district, the tourism destination marketing district committee shall
conclude the business of the tourism destination marketing district prior to the sixth anniversary
of the tourism destination marketing district’s creation, or of the prior renewal vote, as the case
may be, and proceed to discontinue the tourism destination marketing district. Notice of the
discontinuation vote shall be given to the municipal governing body of the lead jurisdiction,
which shall formally declare the tourism destination marketing district dissolved as of such sixth
anniversary; provided, however, that the tourism destination marketing district shall not be
dissolved until it has received the accounts receivable due to the tourism destination marketing
district and until it has satisfied or paid in full all of its outstanding indebtedness, obligations and
liabilities, or until funds are on deposit and available therefor, or until a repayment schedule has
been formulated and approved by said local municipal governing body.

(i) Except as necessary to conclude the business of the tourism destination marketing
district, the tourism destination marketing district shall not incur any new or increased financial
obligations after such sixth anniversary. Upon the dissolution of a tourism destination marketing
district, the remaining assets shall first be applied to repay obligations of the tourism destination
marketing district, and then in accordance with the tourism destination marketing district plan, as
updated.

(j) Nothing in this section shall prevent the filing of a subsequent petition for a similar
project.

Section 5. (a) Each tourism destination marketing district shall be governed by a
management entity’s tourism destination marketing district committee to oversee its operations
and ensure the implementation of the tourism destination marketing district plan. The
management entity and its tourism destination marketing district committee shall be set forth in
the petition and tourism destination marketing district plan. A majority of the membership of the
tourism destination marketing district committee shall be lodging business owners paying the
tourism destination marketing district assessment.

(b) A tourism destination marketing district plan shall, within the limitations described in
section 9, be updated at least once every 5 years by the tourism destination marketing district
committee, and a copy thereof shall be mailed or delivered to each tourism destination marketing
district member and shall file a copy of such update with the municipal governing body and the
commissioner.
Section 6. All lodging businesses described in the petition and located within the proposed tourism destination marketing district shall be considered in the special assessment methodology for the supplemental services and programs as outlined in the tourism destination marketing district plan.

Section 7. (a) By formal approval of a tourism destination marketing district, the municipal governing body of a lead jurisdiction shall adopt the special assessment methodology for the financing of supplemental services submitted in the tourism destination marketing district plan for the tourism destination marketing district.

(b) The basis of such special assessment may be determined by a formula utilizing any 1 or a combination of the following:

(i) different rates for varying classifications of lodging businesses;

(ii) different rates for different benefit zones; or

(iii) any other formula which meets the objectives of the tourism destination marketing district.

The special assessment shall be equal to a percentage, not to exceed 2 per cent, of the total amount of rent taxable under chapter 64G.

(c) The methodology for determining the tourism destination marketing district special assessment shall be set forth in the original petition as required by section 3.

(d) In addition to receiving funds from the tourism destination marketing district special assessment, the management entity may receive grants, donations or gifts on behalf of the tourism destination marketing district.
Section 8. (a) Assessed lodging businesses shall pay the tourism destination marketing district special assessment to the commissioner at the time provided for filing the return required by section 16 of chapter 62C. All sums received by the commissioner under this chapter shall, at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner, to each management entity in proportion to the amount of such sums received from the respective tourism destination marketing districts.

(b) The special assessments collected shall be used solely to fund supplemental services identified and approved in the tourism destination marketing district plan for the tourism destination marketing district.

(c) Following establishment of the tourism destination marketing district, if any return by an assessed lodging business is not filed with the commissioner on or before its due date or within any extension of time granted by the commissioner, there shall be added to and become a part of the special assessment a penalty of 1 per cent of the amount required to be shown as the special assessment on such return for each month or fraction thereof during which such failure continues, not exceeding, in the aggregate, 25 per cent of said amount.

(d) If any amount of the special assessment is not paid to the commissioner on or before the date prescribed for payment of such special assessment, determined with regard to any extension of time for payment, there shall be added to the amount shown as the special assessment on such return a penalty of 1 per cent of the amount of such special assessment for each month or fraction thereof during which such failure continues, not exceeding, in the aggregate, 25 per cent of said amount.
(e) An annual audit, certified by a certified public accountant, of the revenues generated, the grants, donations and gifts received, and the expenses incurred by the tourism destination marketing district shall be made within 120 days of the close of the fiscal year, and shall be placed on file with the commissioner. Such accounting shall be a public record.

(f) The commissioner may promulgate rules and regulations for the assessing, reporting, collecting, remitting and enforcement of the special assessment under this section.

Section 9. (a) At any time after the establishment of a tourism destination marketing district pursuant to this chapter, the tourism destination marketing district plan upon which the establishment was based may, upon the recommendation of the management entity's tourism destination marketing district committee be amended by the municipal governing body of the lead jurisdiction after compliance with the procedures set forth in this section; provided, however, that a lead jurisdiction may not approve amendments to the boundaries of a tourism destination marketing district that include the territorial jurisdiction of a city or town not yet included in the tourism destination marketing district without the consent, by vote, from such other city or town's local municipal governing body.

Amendments to the tourism destination marketing district plan shall be subject to the approval of the municipal governing body of the lead jurisdiction for the following: (i) providing for additional supplemental services that affect more than 25 per cent of the total annual budget; (ii) incurring indebtedness; (iii) changing the special assessment methodology, management entity or tourism destination marketing district committee; or (iv) change the tourism destination marketing district boundaries; provided, however, that said municipal governing body, after a public hearing, determines that it is in the public interest to adopt said amendments.
(b) The municipal governing body shall give notice of the public hearing for the amendment to the district plan. Such notice shall be published for 2 consecutive weeks in a newspaper of general circulation in the area, with the first date of publication beginning at least 14 days prior to such hearing, and shall specify the time and the place of such hearing and the amendments to be considered.

(c) The local municipal governing body may, within 30 days of the public hearing and, in its sole discretion, declare the amendments approved or disapproved. If approved, such amendments shall be effective upon the date of such approval.

(d) Upon the adoption of any amendment to the tourism destination marketing district boundaries that increases the size of the tourism destination marketing district, any assessed lodging business owner to be added to the tourism destination marketing district shall be notified of the new boundaries of the tourism destination marketing district in accordance with section 4.

Section 10. (a) Any tourism destination marketing district established or extended pursuant to this chapter may be disestablished by declaration of the local municipal governing body of the lead jurisdiction in either of the following circumstances:

(i) if said local municipal governing body finds there has been misappropriation of funds, malfeasance or a violation of law in connection with the management of the tourism destination marketing district, it shall hold a hearing on disestablishment. Notice of the hearing shall be mailed to all tourism destination marketing district members within the tourism destination marketing district and shall be published in a newspaper of general circulation in the area at least 14 days prior to such hearing; or
(ii) during the operation of the tourism destination marketing district, there shall be a 30-day period each year in which the tourism destination marketing district may be dissolved by petition to the local municipal governing body and a subsequent decision by the local municipal governing body to authorize the dissolution. The 30-day period shall begin each successive year on the anniversary of the date the local municipal governing body formally approved the tourism destination marketing district. In order to be considered by the local municipal governing body, a petition to dissolve a tourism destination marketing district shall contain the signatures of a majority of the electors. The local municipal governing body shall hold a public hearing within 30 days of receipt of a completed petition on the issue of dissolution. Notice of the hearing shall be mailed to all tourism destination marketing district members within the tourism destination marketing district and shall be published in a newspaper of general circulation in the area at least 14 days prior to such hearing.

Following the public hearing, the local municipal governing body may declare the tourism destination marketing district dissolved; provided, however, that no tourism destination marketing district shall be dissolved until it has satisfied or paid in full all of its outstanding indebtedness, obligations and liabilities; or until funds are on deposit and available therefor; or until a repayment schedule has been formulated and municipally approved therefor. In addition, the tourism destination marketing district shall be prohibited from incurring any new or increased financial obligations.

(b) Any liabilities, either current or future, incurred as a result of action to accomplish the purposes of the tourism destination marketing district plan shall not be an obligation of the municipality. Said liabilities shall be paid for entirely from special assessment revenue gained from the assessed lodging businesses in the tourism destination marketing district.
2123 (c) Upon the dissolution of a tourism destination marketing district, any remaining
2124 revenues derived from the sale of assets acquired with special assessments collected shall be
2125 refunded to the lodging businesses owners in the tourism destination marketing district in which
2126 special assessments were charged by applying the same methodology used to calculate the
2127 special assessment in the fiscal year in which the tourism destination marketing district is
2128 dissolved in amounts proportionate to each lodging business’s share of the total special
2129 assessments collected in the fiscal year in which the tourism destination marketing district is
2130 dissolved or in accordance with the tourism destination marketing district plan, as updated.

2131 Section 11. The validity of an assessment levied pursuant to this chapter shall not be
2132 contested in any action or proceeding unless the action or proceeding is commenced within 30
2133 days after the formal approval of the tourism destination marketing district by the local
2134 municipal governing body of the lead jurisdiction. Any appeal from a final judgment in an action
2135 or proceeding shall be perfected within 30 days after entry of judgment.

2136 SECTION 48. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby
2137 amended by adding the following clause:-

2138 Fifty-ninth. Up to 100 per cent of the assessed value of real estate in agricultural,
2139 horticultural or agricultural and horticultural use, as those terms are set forth in sections 1 and 2
2140 of chapter 61A; provided, that the real estate or portion thereof in agricultural, horticultural or
2141 agricultural and horticultural use is less than 2 acres in area; provided further, that gross sales of
2142 agricultural, horticultural or agricultural and horticultural products resulting from such uses
2143 together total not less than $500 in the previous year. The exemption provided in this clause shall
2144 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 49. Paragraph (5) of subsection (q) of section 6 of chapter 62 of the General Laws, 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 words: - 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 50. Said paragraph (5) of said subsection (q) of said section 6 of said chapter 62, as so appearing, is hereby further amended by inserting, in line 900, after the words “chapter 63;” the following word: - and.

SECTION 51. 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 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 52. 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 53. Paragraph (1) of subsection (v) of said section 6 of said chapter 62, as so appearing, is hereby amended by inserting, 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 54. Section 6I of said chapter 62, as so appearing, is hereby amended by striking out, in line 70, the figure “$20,000,000” and inserting in place thereof the following figure:- $40,000,000.

SECTION 55. Said section 6I of said chapter 62, as so appearing, is hereby further amended by striking out the figure “$40,000,000”, inserted by section 54, and inserting in place thereof the following figure:- $20,000,000.

SECTION 55A. Paragraph (i) of subsection (b) of section 6J of said chapter 62, as so appearing, is hereby amended by striking out, in line 39, the figure “2022” and inserting in place thereof the following figure:- 2027.

SECTION 55B. Said paragraph (i) of said subsection (b) of said section 6J of said chapter 62, as so appearing, is hereby further amended by striking out, in line 41, the figure “55,000,000” and inserting in place thereof the following figure:- 65,000,000.
SECTION 56. Subsection (b) of section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out the figure “$20,000,000” and inserting in place thereof the following figure: $40,000,000.

SECTION 57. Said section 31H of said chapter 63, as so appearing, is hereby further amended by striking out the figure “$40,000,000”, inserted by section 56, and inserting in place thereof the following figure: $20,000,000.

SECTION 57A. Paragraph (i) of subsection (b) of section 38R of chapter 63, as so appearing, is hereby amended by striking out, in line 38, the figure “2022” and inserting in place thereof the following figure: 2027.

SECTION 57B. Said paragraph (i) of said subsection (b) of said section 38R of said chapter 63 is hereby further amended by striking out, in line 40, the figure “$55,000,000” and inserting in place thereof the following figure: $65,000,000.

SECTION 58. Subdivision (5) of section 38BB of said chapter 63, 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 59. 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 60. 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 61. 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 62. Chapter 63 of the General Laws is hereby amended by inserting after section 38HH the following section: -

Section 38II. (a) The purpose of this section shall be to attract capital investment to businesses in rural areas of the commonwealth in order to promote the retention and expansion of existing jobs, stimulate the creation of new jobs, and attract new business and industry to rural areas of the commonwealth.

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

“Affiliate”, an entity that directly or indirectly through 1 or more intermediaries, controls, is controlled by, or is under common control with another entity. An entity is controlled by
another entity if: (i) the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity; or (ii) has control over the day-to-day operations of the controlled entity by contract or by law.

“Closing date”, the date on which a rural growth fund has collected all of the amounts specified by subsection (c).

“Credit-eligible capital contribution”, an investment of cash by a person subject to tax under this chapter in a rural growth fund that equals the amount specified on a tax credit certificate issued by the MOBD under paragraph (5) of subsection (c) of this section; provided, however, that the investment shall purchase an equity interest in the rural growth fund or purchase, at par value or premium, a debt instrument that has a maturity date at least 5 years from the closing date.

“MOBD”, the Massachusetts office of business development established in section 1 of chapter 23A.

“Investment authority”, the amount stated on the notice issued under paragraph (5) of subsection (c) certifying the rural growth fund; provided, however, that at least 60 per cent of a rural growth fund's investment authority shall be comprised of credit-eligible capital contributions.

“Jobs created”, newly created positions of employment that were not previously located in the commonwealth at the time of the initial rural growth investment in the rural business concern and that require a minimum of 35 hours worked each week, measured each year by subtracting the number of employment positions at the time of the initial rural growth investment in the rural business concern from the monthly average of employment positions for the
applicable year. The monthly average shall be calculated by adding together the number of employment positions existing on the last day of each month of the applicable year and dividing by 12. Such number shall not be less than zero.

“Jobs retained”, positions requiring a minimum of 35 hours worked each week that existed prior to the initial rural growth investment. Retained jobs shall be counted each year based on the monthly average of employment positions for the applicable year. The monthly average shall be calculated by adding together the number of employment positions existing on the last day of each month of the applicable year and dividing by 12. Such number shall not exceed the initial amount of retained jobs reported and shall be reduced each year if employment at the rural business concern drops below such number.

“Principal business operations”, the principal operations of a business are located at the place or places where at least 80 per cent of its employees work or where employees that are paid at least 80 per cent of its payroll work; provided, however, that an out-of-state business that has agreed to relocate employees using the proceeds of a rural growth investment to establish its principal business operations in a rural area in the commonwealth shall be deemed to have its principal business operations in this new location if it satisfies this definition within 180 days after receiving the rural growth investment, unless the MOBD agrees to a later date.

“Rural area”, a municipality with population densities of less than 500 residents per square mile, according to the latest decennial census of the United States.

“Rural business concern”, a business that, at the time of the initial investment in the company by a rural growth fund: (i) has less than 250 employees and not more than $10,000,000 in revenue for the preceding taxable year; (ii) has its principal business operations in 1 or more
rural areas in the commonwealth; and (iii) is engaged in industries related to manufacturing,
plant sciences, services or technology or other industries as MOBD may approve, or, if not
engaged in such industries, the MOBD makes a determination that the investment will be highly
beneficial to the economic growth of the commonwealth.

“Rural growth fund”, an entity certified by the MOBD under subsection (c).

“Rural growth investment”, any capital or equity investment in a rural business concern
or any loan to a rural business concern with a stated maturity at least 1 year after the date of
issuance.

(c)(1) The MOBD shall accept applications for approval as a rural growth fund; provided,
however, that the application shall include:

(i) the total investment authority sought by the applicant under the business plan;

(ii) the following documents and other evidence:

(A) a copy of the applicant’s or an affiliate of the applicant’s license as a rural business
investment company under 7 U.S.C. 2009cc, or as a small business investment company under
15 U.S.C. 681; and evidence sufficient to prove that at least 1 principal in a rural business
investment company licensed under 7 U.S.C. 2009cc et seq. or a small business investment
company licensed under 15 U.S.C. 681 is, and has been for at least 4 years, an officer or
employee of the applicant or of an affiliate of the applicant on the date the application is
submitted; and (B) evidence sufficient to prove, to the satisfaction of the MOBD, that as of the
date the application is submitted, the applicant or affiliates of the applicant have invested at least
$50,000,000 in non-public companies located in rural areas;
(iii) an estimate of the number of jobs created and jobs retained in the commonwealth as a result of the applicant's rural growth investments;

(iv) a business plan that includes a revenue impact assessment projecting state and local tax revenue to be generated by the applicant's proposed rural growth investments prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan over the 10 years following the date the application is submitted to the MOBD; provided, however, that the dynamic forecasting model shall consider the economic impact of retained jobs as well as created jobs in the business plan;

(v) a signed affidavit from each investor stating the amount of credit-eligible capital contributions each taxpayer commits to make; and

(vi) a non-refundable application fee of $5,000.

(2) The MOBD shall make an application determination within 30 days of receipt in the order in which the applications are received. The MOBD shall deem applications received on the same day to have been received simultaneously. The MOBD shall not approve more than $100,000,000 in investment authority and not more than $60,000,000 in credit-eligible capital contributions under this section. If a request for investment authority exceeds this limitation, the MOBD shall reduce the investment authority and the credit-eligible capital contributions for that application as necessary to avoid exceeding the limit. If multiple applications received on the same day request a combined investment authority that exceeds this limitation, the MOBD shall proportionally reduce the investment authority and the credit eligible capital contributions for those applications as necessary to avoid exceeding the limit.
(3) The MOBD shall deny an application submitted under this section if any of the following are true:

(i) the application is incomplete or the application fee is not paid in full;

(ii) the applicant does not satisfy all the criteria described in clause (ii) of paragraph (1);

(iii) the revenue impact assessment submitted under clause (iv) of paragraph (1) does not demonstrate that the applicant's business plan, and associated created and retained jobs, will result in a positive economic impact on the commonwealth over a 10-year period that exceeds the cumulative amount of tax credits that would be issued to the applicant’s investors under subsection (d) if the application were approved;

(iv) the credit-eligible capital contributions described in affidavits submitted under clause (v) of paragraph (1) do not equal at least 60 per cent of the total amount of investment authority sought under the applicant’s business plan; or

(v) the MOBD has already approved the maximum amount of investment authority and credit eligible capital contributions allowed under paragraph (2).

(4) If the MOBD denies an application, the applicant may provide additional information to the MOBD to complete, clarify or cure defects in the application identified by the MOBD within 15 days of the notice of denial for reconsideration and determination. If the applicant completes, clarifies or cures its application within 15 days after the date of the notice of denial, the application shall be considered complete as of the original date of submission. If the applicant fails to provide the information to complete, clarify or cure its application within the 15-day period, the application remains denied and must be resubmitted in full with a new date of
submission. The MOBD shall review and reconsider such applications within 30 days and before any pending application submitted after the original submission date of the reconsidered application.

(5) The MOBD shall not deny a rural growth fund application or reduce the requested investment authority for reasons other than those described in paragraphs (2) and (3). Upon approval of an application, the MOBD shall provide a written approval to the applicant as a rural growth fund specifying the amount of the applicant’s investment authority and a tax credit certificate to each investor whose affidavit was included in the application specifying the amount of the investor’s credit-eligible capital contribution.

(6) After receiving the approval issued under paragraph (5), a rural growth fund shall:

(i) within 60 days:

(A) collect the credit-eligible capital contributions from each taxpayer issued a tax credit certificate under paragraph (5), and

(B) collect 1 or more investments of cash that, when added to the contributions collected under subclause (A), equal the rural growth fund’s investment authority; provided, however, that at least 10 per cent of the rural growth fund’s investment authority shall be comprised of equity investments contributed by affiliates of the rural growth fund, including employees, officers and directors of such affiliates; and

(ii) within 65 days, send to the MOBD documentation sufficient to prove that the amounts described in clause (i) have been collected.
(7) If the rural growth fund fails to fully comply with paragraph (6), the rural growth fund’s approval shall lapse and the corresponding investment authority and credit-eligible capital contributions under said paragraph (6) shall not count toward the limits on the program size prescribed in paragraph (2). The MOBD shall first award lapsed investment authority pro rata to each rural growth fund that was awarded less than the requested investment authority under said paragraph (2), which a rural growth fund may allocate to its investors at its discretion. Any remaining investment authority may be awarded by the MOBD to new applicants.

(d) (1) There is hereby allowed a nonrefundable tax credit for taxpayers that made a credit-eligible capital contribution to a rural growth fund and were issued a tax credit certificate under paragraph (5) of subsection (c). The credit may be claimed against the tax imposed by this chapter. The credit may not be sold, transferred or allocated to any other entity other than an affiliate subject to the tax imposed by this chapter.

(2) On the closing date, the taxpayer shall earn a vested credit equal to the amount of the taxpayer's credit-eligible capital contribution to the rural growth fund as specified on the tax credit certificate. The taxpayer may claim up to 25 per cent of the credit authorized under this subsection for each of the taxable years that includes the third, fourth, fifth or sixth anniversary of the closing date, exclusive of amounts carried forward pursuant to paragraph (3).

(3) If the amount of the credit for a taxable year exceeds the tax otherwise due for that year, the excess shall be carried forward to ensuing taxable years until fully used. A taxpayer claiming a credit under this section shall submit a copy of the tax credit certificate with the taxpayer’s return for each taxable year for which the credit is claimed.
(e)(1) The MOBD shall revoke a tax credit certificate issued under subsection (c) if any of the following occurs with respect to a rural growth fund before it exits the program in accordance with paragraph (4):

(i) the rural growth fund in which the credit-eligible capital contribution was made does not invest 100 per cent of its investment authority in rural growth investments in the commonwealth within 2 years of the closing date; provided, however, that, for the purpose of satisfying the requirements of this clause, the maximum amount of rural growth investments that a rural growth fund may count with respect to a single rural business concern, including amounts invested in affiliates of the rural business concern, may not exceed the greater of $5,000,000 or 20 per cent of the rural growth fund’s investment authority;

(ii) the rural growth fund, after satisfying clause (i), fails to maintain rural growth investments equal to 100 per cent of its investment authority until the sixth anniversary of the closing date; provided, however, that an investment shall be considered to be “maintained” even if the investment is sold or repaid if the rural growth fund reinvests an amount equal to the capital returned or recovered by the fund from the original investment, exclusive of any profits realized, in other rural growth investments in the commonwealth within 12 months of the receipt of such capital; provided further, that amounts received periodically by a rural growth fund shall be treated as continually invested in rural growth investments if the amounts are reinvested in 1 or more rural growth investments by the end of the following calendar year; provided, further, that, for purposes of satisfying the requirements of this clause, the maximum amount of rural growth investments that a rural growth fund may count with respect to a single rural business concern, including amounts invested in affiliates of the rural business concern, may not exceed the greater of $5,000,000 or 20 per cent of the rural growth fund’s investment authority;
(iii) the rural growth fund, before exiting the program in accordance with paragraph (4), makes a distribution or payment that results in the rural growth fund having less than 100 per cent of its investment authority invested in rural growth investments in the commonwealth or available for investment in rural growth investments and held in cash and other marketable securities; or

(iv) the rural growth fund makes a rural growth investment in a rural business concern that directly or indirectly through an affiliate owns, has the right to acquire an ownership interest, makes a loan to, or makes an investment in the rural growth fund, an affiliate of the rural growth fund or an investor in the rural growth fund; provided, however, that this clause does not apply to investments in publicly traded securities by a rural business concern or an owner or affiliate of such concern; and provided further, that a rural growth fund shall not be considered an affiliate of a rural business concern solely as a result of its rural growth investment.

(2) Before revoking 1 or more tax credit certificates under this subsection, the MOBD shall notify the rural growth fund of the reasons for the pending revocation. The rural growth fund shall have 90 days from the date the notice was received to correct any violation outlined in the notice to the satisfaction of the MOBD and avoid revocation of the tax credit certificate.

(3) If tax credit certificates are revoked under this subsection, the associated investment authority and credit-eligible capital contributions shall not count toward the limit on total investment authority and credit-eligible capital contributions described in paragraph (2) of subsection (c). The MOBD shall first award reverted authority pro rata to each rural growth fund that was awarded less than the requested investment authority under paragraph (5) of subsection (c). The MOBD may award any remaining investment authority to new applicants.
(4) On or after the sixth anniversary of the closing date, a rural growth fund may apply to the MOBD to exit the program and no longer be subject to the provisions of this section. The MOBD shall respond to the application within 30 days of receipt. In evaluating the application, the fact that no tax credit certificates have been revoked and that the rural growth fund has not received a notice of revocation that has not been cured under paragraph (2) shall be sufficient evidence to prove that the rural growth fund is eligible to exit. The MOBD shall not unreasonably deny an application submitted under this paragraph. If the application is denied, the notice shall include the reasons for the denial.

(5) The MOBD shall not revoke a tax credit certificate after the rural growth fund’s exit from the program.

(6) Once a rural growth fund has been determined to be eligible to exit under paragraph (4), if the number of jobs created and jobs retained by the rural business concerns that received rural growth investments from the rural growth fund, calculated pursuant to reports filed by the rural growth fund pursuant to subsection (g), is less than the number projected in the rural growth fund’s business plan filed as part of its application for certification under subsection (c), then the commonwealth shall receive a percentage of any distribution or payment made to the equity holders of the rural growth fund in excess of the rural growth fund’s investment authority and an amount equal to any projected increase in the equity holders’ federal or state tax liability, including penalties and interest, related to the equity holders’ ownership, management or operation of the fund; such percentage shall be equal to the percentage shortfall of the number of jobs created and retained relative to the projected jobs created and retained, as such number of jobs is certified under subsection (g) of this section; provided, however, that all reports filed by a
rural growth fund under subjection (g) shall be taken into account to arrive at a summation of
jobs created and retained.

(7) If the rural growth fund’s rural growth investments achieved a 20 per cent or greater internal rate of return, the commonwealth shall receive 15 per cent of any distribution or payment made to the equity holders of the rural growth fund in excess of the rural growth fund’s investment authority and an amount equal to any projected increase in the equity holders’ federal or state tax liability, including penalties and interest, related to the equity holders’ ownership of the fund. Any amounts payable to the state pursuant to paragraph (6) of this subsection shall be in addition to amounts due under this paragraph.

(8) All amounts payable to the commonwealth pursuant to paragraph (6) and (7) shall be subject to appropriation for purposes of supporting rural school aid.

(f) A rural growth fund, before making a rural growth investment, may request from the MOBD a written opinion as to whether the business in which it proposed to invest is a rural business concern. The MOBD, not later than the 15 business day after the date of receipt of the request, shall notify the rural growth fund of its determination. If the MOBD fails to notify the rural growth fund by the 15 business day of its determination, the business in which the rural growth fund proposes to invest shall be considered a rural business concern.

(g)(1) Each rural growth fund shall submit a report to the MOBD on or before the fifth business day after the second anniversary of the closing date. The report shall provide documentation as to the rural growth fund’s rural growth investments and include:

(i) a bank statement evidencing each rural growth investment;
(ii) the name, location and industry of each business receiving a rural growth investment, including either the determination letter set forth in subsection (f) or evidence that the business qualified as a rural business concern at the time the investment was made;

(iii) the number of jobs created or jobs retained as a result of the rural growth fund’s rural growth investments as of the last day of the preceding 2 calendar years; provided, however, that job numbers shall be certified by each rural business concern’s independent certified public accountant that is licensed to do business in the commonwealth or by the rural growth fund’s nationally recognized independent certified public accounting firm. MOBD shall publish a list of nationally recognized independent certified public accounting firms, which shall include at least 10 firms, within 12 months of certifying the first rural growth fund and shall periodically update such list as MOBD deems appropriate; and

(iv) any other information required by the MOBD.

(2) On or before the last day of February of each year following the year in which the report required under paragraph (1) is due, the rural growth fund shall submit an annual report to the MOBD, which shall include the following:

(i) the number of jobs created or jobs retained as a result of the rural growth fund’s rural growth investments as of the last day of the preceding calendar year, which number shall be independently certified in accordance with clause (iii) of paragraph (1);

(ii) the average annual salary of the positions described in clause (i); and

(iii) any other information required by the MOBD.
(h) The MOBD shall promulgate regulations necessary to implement the provisions in
this section.

SECTION 62A. Section 1 of chapter 121B of the General Laws, as appearing in the 2018
Official Edition, is hereby amended by striking out the definition of “Tenant member” and
inserting in place thereof the following definition:-

“Tenant member”, a member of the board of a housing authority who is: (i) a tenant who
has signed a lease for a public housing unit owned and operated by the housing authority; (ii) a
tenant in a public housing unit owned and operated on behalf of a housing authority; (iii) a
participant in a rental assistance program administered by a housing authority; or (iv) an adult
over the age of 18 years old who is authorized to reside in the unit of another pursuant to clause
(i), (ii) or (iii).

SECTION 62B. Section 5 of said chapter 121B, as so appearing, is hereby amended by
striking out the third paragraph and inserting in place thereof the following 3 paragraphs:-

In a town, 4 members of a redevelopment authority that is not a housing authority shall
be elected by the town; provided, however, that of the members originally elected at an annual
town meeting, the candidate who received the highest number of votes shall serve for 5 years, the
candidate who received the next highest number of votes shall serve for 4 years, the candidate
who received the next highest number of votes shall serve for 2 years and the candidate who
received the next highest number of votes shall serve for 1 year. Notwithstanding the preceding
sentence, upon the initial organization of a redevelopment authority that is not a housing
authority, if a town so votes at an annual or special town meeting called for the purpose, 4
members of the redevelopment authority shall be appointed immediately by the board of
selectmen to serve only until the qualification of their successors; provided, however, that the
successors shall be elected at the next annual town meeting as provided in this paragraph.

Notwithstanding section 20 of chapter 43B or any other general or special law to the
contrary, in a town, 1 member of a housing authority shall be a tenant member appointed by the
board of selectmen and 3 members shall be elected by the town; provided, however, that of the
members originally elected at an annual town meeting, the candidate who received the highest
number of votes shall serve for 5 years, the candidate who received the next highest number of
votes shall serve for 4 years and the candidate who received the next highest number of votes
shall serve for 2 years. Notwithstanding the preceding sentence, upon the initial organization of a
housing authority, if a town so votes at an annual or special town meeting called for the purpose,
3 members of the authority shall be appointed immediately by the board of selectmen to serve
only until the qualification of their successors; provided, however, that the successors shall be
elected at the next annual town meeting as provided above.

A tenant, where applicable, shall be appointed by the town from a list of names submitted
by a duly recognized tenants’ organization in the town. A tenants’ organization may submit a list
to the board of selectmen that shall contain not less than 2 and not more than 5 names and the
board shall make the appointment from among the names so submitted; provided, that if there is
no such tenants’ organization, the housing authority shall immediately post notices throughout
the common areas of the authority and provide each household with notice of the opportunity to
be appointed to the housing authority board and, if any person wishes to be considered for such
appointment, that person shall submit their name within 30 days thereafter to the town clerk;
provided, further, that the notice shall include contact information for the town clerk and for any
independent technical training programs available pursuant to section 5B. The board of
selectmen shall appoint a tenant member from the list; provided, however, that where federal law
requires the town to maintain a member who is a federally-subsidized tenant, a federally-
subsidized tenant shall be given preference for the appointment. If there are no public housing
units owned and operated by the local housing authority and if there a no such units owned and
operated on behalf of the local housing authority, the board of selectmen shall appoint a person
meeting the eligibility requirements for a tenant member. If a list of names is not submitted
within 60 days after a vacancy occurs, the board of selectmen shall appoint a tenant member of
its own choosing to the authority. The town shall provide any written notice to tenants’
organizations as required by this section not less than 90 days before the expiration of the term of
a tenant member. If a vacancy occurs in the term of a tenant member for any reason other than
the expiration of a term, the town shall provide written notice to the tenants’ organizations within
10 business days after the vacancy occurs. The board of selectmen shall make the appointment of
the successor tenant member within a reasonable time after the expiration of 60 days following
the provision of notice as provided in this section.

SECTION 62C. Said chapter 121B is hereby further amended by striking out section 5A
and inserting in place thereof the following section:-

Section 5A. A housing authority may request a waiver of the requirement to appoint a
tenant member to a housing authority board if the department determines that a housing authority
provided notice pursuant to section 5 and there is no person who is eligible and willing to serve
as a tenant member on the board. The waiver shall be for a term of 1 year and may be renewed
by the department. A housing authority shall submit a written statement to the department that
explains why a waiver is being requested and documents the steps that it took to educate tenants
about the right of a tenant to serve on a housing authority board; provided, however, that such
steps shall include the housing authority meeting with all local tenants’ organizations. Before
issuing a waiver, the department shall, in addition to reviewing the written statement, make a
determination that the housing authority provided notice pursuant to said section 5.

If the department grants a waiver, it shall notify the housing authority and the town that a
person other than a person who is eligible to be a tenant member may be appointed to the tenant
member seat on the board for a 1-year period. The housing authority shall notify any tenants’
organizations of the waiver and post a notice of the waiver throughout common areas of the
authority.

SECTION 62D. Section 3 of chapter 101 of the General Laws, as so appearing, is hereby
amended by striking out the words “one year”, in line 23, and inserting in place thereof the
following words:- 3 years.

SECTION 62E. Chapter 130 of the General Laws is hereby amended by adding the
following section:-

Section 107. There shall be within the department of fish and game an office of
renewable energy fishery impacts, which shall be under the supervision and control of the
commissioner. The office of renewable energy fishery impacts shall: (i) conduct and foster
research concerning the impacts of offshore wind energy infrastructure on marine fisheries
including effects of such installations and connections on the health and behavior of marine
mammals; (ii) accept and review commentary from representatives of impacted fishing fleets and
renewable energy operators or providers; and (iii) educate and inform citizens on matters related
to offshore wind energy and associated impacts on marine life. The office of renewable energy
fishery impacts shall advise all other branches of state and local government concerning the
health and behavior of fisheries relative to the operation and management of offshore wind installations. The office of renewable energy fishery impacts shall maintain a liaison with federal and state agencies and other academic institutions.

SECTION 63. Section 1 of chapter 137 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the figure “23K”, in line 3, the following words:- or sports wagering conducted pursuant to chapter 23N.

SECTION 64. Section 2 of said chapter 137, as so appearing, is hereby amended by inserting after the figure “23K”, in line 3, the following words:- or an operator who offers sports wagering pursuant to chapter 23N.

SECTION 65. Section 3 of said chapter 137, as so appearing, is hereby amended by inserting after the figure “23K”, in line 7, the following words:- or sports wagering conducted pursuant to chapter 23N.

SECTION 66. Sections 19B, 19C, 19D, and 19E of chapter 159 of the General Laws are hereby repealed.

SECTION 67. Section 37 of chapter 159 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “thereof,” , in line 3, the following words:- by electronic medium as defined by the department..

SECTION 67A. Chapter 159B of the General Laws, as so appearing, is hereby amended by inserting after section 15A the following section:-

Section 15B. Notwithstanding any general or special law or regulation to the contrary, any agricultural carrier by motor vehicle or common or contract carrier by motor vehicle, or any
individual, partnership or corporation regularly and lawfully conducting a parcel delivery service
or a general express or trucking business, or a business regularly and lawfully engaged in the
business of leasing trucks for hire, with or without drivers, may, if authorized by a fleet permit
issued by the department, transport or deliver the products sold at retail by licensees under
sections 19B, 19C, or 19F of chapter 138 to the ultimate consumers of such products. There shall
be an annual fee for such fleet permit of $3,500. Such fleet permit shall cover any and all
vehicles owned or hired, and operated, by such permittee. Persons operating a vehicle when
engaged in such transportation or delivery shall be required to carry such permit or a photostatic
copy thereof. Parcels transported or delivered under this section shall be clearly labeled with
words that indicate that the package contains alcohol and that the signature of a person, age 21
years or older, is required for delivery. Receipts for delivery of such parcels shall contain a check
box next to the recipient’s signature where the recipient shall certify that the recipient is not
under 21 years of age and a check box where the delivery person shall certify that valid
identification showing that the recipient is not under 21 years of age was presented by the
recipient upon delivery.

A delivery company may use an electronic device to receive the signature of a person
accepting delivery of a parcel under this section and to certify that the person has displayed a
valid identification as so required. No such delivery shall exceed 108 liters.

SECTION 68. Section 1 of chapter 159C of the General Laws, as so appearing, is hereby
amended by adding the following 2 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, codified at 47 U.S.C. section 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 outbound 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 69. 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 inserting in place thereof the
following words:- voice service provider.

SECTION 70. Said section 5 of said chapter 159C, as so appearing, is hereby further
amended by striking out, in lines 18 and 19, the words “telephone company” and inserting in
place thereof, in each instance, the following words:- voice service provider.

SECTION 71. 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 72. 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, utilize voice service or 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 73. 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 74. Said section 8 of said chapter 159C, as so appearing, is hereby further amended by striking out, in line 5, the figure “$1,500” and inserting in place thereof the following figure:- $5,000.

SECTION 75. Section 8 of said chapter 159C, as so appearing, is hereby further amended by striking out, in line 15, the figure “$5,000” and inserting in place thereof the following figure:- $25,000.

SECTION 77. 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 78. Subsection (1) of said section 20A of said chapter 175, as so appearing, is hereby amended by inserting after paragraph (E) the following paragraph:-
Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth in this paragraph.

(a) The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. A “reciprocal jurisdiction” shall mean jurisdiction that meets 1 of the following:

(1) A jurisdiction outside of the United States 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 paragraph, a “covered agreement” shall mean an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. sections 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 the commonwealth or for allowing the ceding insurer to recognize credit for reinsurance.

(2) A jurisdiction of the United States 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 shall 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 shall 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 shall 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 shall 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 shall agree and provide adequate assurance to the commissioner, in a form specified by the commissioner pursuant to regulation, as follows:

(1) The assuming insurer shall 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 shall 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 shall 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 shall 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 shall confirm that it is not presently participating in any solvent
scheme of arrangement which involves the commonwealth’s ceding insurers and agree 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 a 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 shall 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 shall 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 shall 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) The commissioner’s list of reciprocal jurisdictions 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 list of reciprocal jurisdictions published by NAIC. The commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed under regulations issued by the commissioner.

(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, provided that the commissioner shall not remove from the list a 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.

(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 a 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 1 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 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 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; or (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.

(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 79. 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 80. Said subsection (1) of said section 20A of said chapter 175, as so appearing, is hereby further amended by striking out, in line 279, the words “(B) or (C)” and inserting in place thereof the following words:— (B), (C) or (E1/2).

SECTION 81. 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);

(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
SECTION 82. Said chapter 175, 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. (1) Minimum loss ratio test: Benefits shall 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. (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 the commissioner, its claims experience and loss ratio data on said insurance separately for motor vehicle dealers and other than motor vehicle dealers. If 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 credibility table, corrective action shall be required. If corrective action is indicated, the carrier shall include with its submission its proposed plan for such corrective action.

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

“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.

“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.

“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.

“Earned premiums”, the premiums earned at the premium rates actually charged for

coverage in force during the experience period.

“Experience”, earned premiums, incurred claims, incurred claim count, number of life

years insured, and average amount of insurance during the experience period.

“Incurred claims”, total claims paid during the experience period, adjusted for the

change in the claim reserve.

“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 1 claim is counted. If a debtor receives disability benefits, only the initial claim

payment for that period of disability is counted.

“Loss Ratio”, the ratio of incurred claims to earned premiums.
SECTION 82A. Chapter 184 of the General Laws is hereby amended adding the following section:-

Section 36. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Affiliate”, an entity owned or controlled by an owner or under common control with the owner.

“Auction” or “public auction”, the sale of a housing accommodation under power of sale in a mortgage loan by public bidding.

“Borrower”, a mortgagor of a mortgage loan.

“Deed in lieu,” a deed for the collateral property or the housing accommodation that the mortgagee accepts from the borrower in exchange for the release of the borrower’s obligation under the mortgage loan.

“Designee”, a nonprofit organization, established pursuant to chapter 180, which is selected by members of a tenant association.

“Department”, the department of housing and community development.

“Elderly tenant household”, a tenant household in which 1 or more of the residents are age 65 or older.

“Foreclosure,” a legal proceeding to terminate a borrower’s interest in property instituted by the mortgagee and regulated under chapter 244.
“Housing accommodation,” a building, structure or part thereof, rented or offered for rent for living or dwelling purposes, including, without limitation, houses, apartments, condominium units, cooperative units and other multi-family residential dwellings; provided, however, that a housing accommodation shall not include a group residence, homeless shelter, lodging house, orphanage, temporary dwelling structure or transitional housing; and provided, further that a housing accommodation shall not include a borrower-occupied housing accommodation if the borrower is domiciled in the housing accommodation at the initiation of the short-sale, deed in lieu or foreclosure process.

“Member”, a natural person who is a member of a tenant association.

“Minimum tenant participation percentage”, the minimum percentage of tenants who must participate as members of the tenant association as defined by the city or town in a municipal ordinance; provided, that the minimum tenant participation percentage shall be not less than 51 per cent of the tenant-occupied housing units. The percentage shall be calculated based on the number of tenant-occupied housing units in a property. If more than 1 person is a lessee in a unit, all of the tenants who are lessees for that unit shall participate as members of the tenant association if the unit is counted towards the participating percentage of units.

“Mortgage loan,” a loan secured wholly or partially by a mortgage on a housing accommodation.

“Mortgagee,” an entity to whom property is mortgaged, the mortgage creditor or lender including, but not limited to, mortgage servicers, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee or any successor in interest or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.
“Owner”, a person, firm, partnership, corporation, trust, organization, limited liability company or other entity, or its successors or assigns that holds title to real property.

“Purchaser”, a party who has entered into a purchase contract with an owner and who will, upon performance of the purchase contract, become the new owner of the property.

“Purchase contract”, a binding written agreement whereby an owner agrees to sell property including, without limitation, a purchase and sale agreement, contract of sale, purchase option or other similar instrument.

“Sale”, an act by which an owner conveys, transfers or disposes of property by deed or otherwise, whether through a single transaction or a series of transactions; provided, that a disposition of housing by an owner to an affiliate of such owner shall not constitute a sale.

“Short-sale,” sale approved by the mortgagee to a bona fide purchaser at a price that is less than borrower’s existing debt on the housing accommodation.

“Successor”, the entity through which the tenant association will take title to the property, which may be a corporation, with the sole stockholder being the tenant association; a housing cooperative organized under chapter 157B, a limited liability company in which the tenant association is the member; a limited partnership in which the tenant association is a general partner or when permitted by the municipality’s ordinance, a joint venture between any of such entities and another party with: (i) the requisite experience in acquiring, developing and owning residential property and (ii) the financial capacity to guaranty financing of the purchase transaction.
“Tenant”, a natural person who has: (i) entered into an express written lease or rental agreement with the owner for exclusive possession of the premises for at least 6 months or (ii) paid rent to the owner and the owner has accepted said rent for at least 6 months.

“Tenant association”, an organization with a membership limited to present tenants of a property that is: (i) registered with the municipality that has adopted an ordinance consistent with this section or (ii) a non-profit organization incorporated under chapter 180.

“Third-party offer”, an offer to purchase the mortgaged property for valuable consideration by an arm’s length purchaser; provided, that a third-party offer shall not include an offer by the borrower or tenants.

“Third-party purchaser”, a purchaser who is not a tenant association, a designee or an affiliate.

(b) A city or town may adopt this section in the manner provided in section 4 of chapter 4. The acceptance of this local option by a municipality shall take effect no later than 180 days after such acceptance. A city or town may at any time revoke the acceptance of this section in the manner provided in said section 4 of said chapter 4. The revocation shall not affect agreements relative to a tenants’ right to purchase that have already been asserted prior to the revocation. In addition, the ordinance or bylaw accepting this section may contain provisions that establish:

(i) tenancy protections for non-elderly tenant households that do not participate in the tenant association; and
(ii) exclusion of applicability to properties with fewer than a designated number of units; different exclusion numbers may be adopted for owner-occupied properties and properties with no owner occupancy; and

(iii) criteria for qualified designee; and

(iv) the tenant association’s ability to exercise rights hereunder through a joint venture or partnership with another entity with requisite experience in developing, owning or operating residential real estate or an entity that has the financial capacity to guaranty the financing of the purchase transaction; and

(v) exclusion of classes of properties not enumerated in subsection (k).

(c) In any city or town that votes to adopt the provisions of this section, an owner of a residential building shall:

(i) notify the municipality and each tenant household, in writing by hand delivery and United States’ mail, of the owner’s intention to sell the property, with copy of the municipality’s prepared summary of the ordinance adopted hereunder; and

(2) provide a tenant association with the minimum tenant participation percentage, an opportunity to make an offer to purchase the property prior to entering into an agreement to sell such property pursuant to the time periods contained in this section, but no owner shall be under any obligation to enter into an agreement to sell such property to the tenants.

(d) a tenant association with the minimum tenant participation percentage may select a successor entity or a designee to act on its behalf as purchaser of the property and shall give the owner and the municipality notice of its selection.
(e) A tenant association with the minimum tenant participation percentage, or its successor or designee, may, within 15 days after receipt of the owner’s intention to sell, submit an offer to the owner to purchase the property. Failure to submit a timely offer shall constitute an irrevocable waiver of the tenants’ rights under subsection (e) and the owner may enter into a contract sell the property to a third party, subject to subsections (f) to (i), inclusive. If the owner and the tenant association, or its successor, or its designee, have not entered into an agreement within 15 days after receipt of the notice of the owner’s intent to sell, the owner may enter into an agreement to sell the property to a third party, subject to subsections (f) to (i), inclusive.

(f) Upon execution of any purchase contract with a third party, the owner shall, within 7 days, submit a copy of the contract along with a proposed purchase contract for execution by tenant association or its successor, or designee. If the tenant association, or its successor or, its designee, elect to purchase the property, the tenant association, or its successor, or its designee, shall within 30 days after the receipt of the third party purchase contract and the proposed purchase contract, execute the proposed purchase contract or such other agreement as is acceptable to both parties. The time periods set forth in this subsection may be extended by agreement between the owner and the tenant association, its successor or its designee. Except as otherwise specified in subsection (h), the terms and conditions of the proposed purchase contract offered to the tenant association, successor, or its designee, shall be the same as those of the executed third party purchase contract.

(g) After receipt of the third party purchase contract provided for in subsection (f), the tenant association or its successor or designee may, within the 15 day time period prescribed in said subsection (f), make a counteroffer by executing and submitting to the owner an amended proposed purchase contract. Failure by the tenant association, successor or its designee, to
execute the purchase contract or submit a counteroffer within the 15 day period referenced in subsection (f) shall constitute a waiver of the tenants’ right to purchase under these subsections. If the tenant association, successor or its designee, submits a counteroffer, the owner shall have 15 days from the date it receives the amended proposed purchase contract to execute the amended proposed purchase contract or reject, in writing, the counteroffer. However, if the owner rejects a counteroffer, it may not subsequently enter into any purchase contract with a third party on terms that are the same as, or materially more favorable to the proposed third party purchaser, than the economic terms and conditions in the counteroffer proposed by the tenant association, successor, or its designee, unless the owner first provides a copy of such new third party purchase contract, along with a new proposed purchase contract for execution by the tenant association, successor, or its designee, which shall contain the same terms and conditions as the newly executed third party purchase contract, except as otherwise specified by subsection (h), and the tenant association, successor, or its designee, shall have 30 days from the date they receive the third party purchase contract and the proposed purchase contract to execute the proposed purchase contract or such other agreement as is acceptable to the owner and the tenant association, successor, or its designee.

(h) Any purchase contract offered to, or proposed by, the tenant association, its successor or its designee shall provide at least the following terms:

(i) the earnest money deposit shall not exceed the lesser of:

(1) the deposit in the third party purchase contract;

(2) 5 per cent of the sale price; or
(3) $250,000; provided, however, that the owner and the tenant association, or its successor, or its designee, may agree to modify the terms of the earnest money deposit; provided, further, that the earnest money deposit shall be held under commercially-reasonable terms by an escrow agent selected jointly by the owner and the tenant association, its successor or its designee;

(ii) the earnest money deposit shall be refundable for not less than 90 days from the date of execution of the purchase contract or such greater period as provided for in the third party purchase contract; provided, however, that if the owner unreasonably delays the buyer's ability to conduct due diligence during the 90 day period, the earnest money deposit shall continue to be refundable for a period greater than 90 days. After the expiration of the specified time period, the earnest money deposit shall be forfeited and the right to purchase of the tenant association, its successor or designee shall be irrevocably waived.

(i) The tenant association or its successor, or designee, shall have 160 days from execution of the purchase and sale agreement to perform all due diligence, secure financing for and close on the purchase of the building. Failure to exercise the purchase option within 160 days shall constitute a waiver of the purchase option by the tenant association, its successor or, or its designee.

(j) Any notice required by this section shall be deemed to have been provided when delivered in person or mailed by certified or registered mail, return receipt requested, to the party to whom notice is required. Notice shall be deemed to have been provided when either: (i) the notice is delivered in hand to the tenant or an adult member of the tenant’s household; or (ii) the
notice is sent by first class mail and a copy is left in or under the door of the tenant’s dwelling unit. A notice to the affected municipality shall be sent to the chief executive officer.

(k) This section shall not apply to the following:

(i) property that is the subject of a government taking by eminent domain or a negotiated purchase in lieu of eminent domain;

(ii) a proposed sale to a purchaser pursuant to terms and conditions that preserve affordability, as determined by the department;

(iii) any sale of publicly-assisted housing, as defined in section 1 of chapter 40T;

(iv) rental units in any hospital, skilled nursing facility, or health facility;

(v) rental units in a nonprofit facility that has the primary purpose of providing short term treatment, assistance or therapy for alcohol, drug or other substance abuse; provided, that such housing is incident to the recovery program, and where the client has been informed in writing of the temporary or transitional nature of the housing;

(vi) rental units in a nonprofit facility that provides a structured living environment that has the primary purpose of helping homeless persons obtain the skills necessary for independent living in a permanent housing and where occupancy is restricted to a limited and specific period of time of not more than 24 months and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception;

(vii) public housing units managed by the local housing authority;
(viii) federal public housing units that are subsidized and regulated under federal laws, to the extent such applicable federal laws expressly preempt the provisions of this section;

(ix) any residential property where the owner is a natural person who owns 6 or fewer residential rental units in the municipality and who resides in the commonwealth;

(x) any unit that is held in trust on behalf of a disabled individual who permanently occupies the unit, or a unit that is permanently occupied by a disabled parent, sibling, child or grandparent of the owner of that unit; or

(xi) any rental unit that is owned or managed by a college or university for the express purpose of housing students.

(l) The tenant association, successor or its designee shall ensure that their purchase of the property will not result in the displacement of any elderly tenant households that choose not to participate in the purchase of the property.

(m)(1) An owner shall give notice to each tenant household of a housing accommodation of the intention to sell the housing accommodation by way of short-sale to avoid foreclosure. Such notice shall be mailed by regular and certified mail, with a simultaneous copy to the attorney general, the director of housing and community development and to the municipality adopting this section within 2 business days of the owner’s submission of a request or application to the mortgagee for permission to sell the housing accommodation by way of short-sale or to accept a deed in lieu. This notice shall also include a notice of the rights provided by this section.
(2) No mortgagee may accept any third party offers or deem the owner’s application for short-sale submitted for review unless and until the mortgagee receives documentation in a form approved by the attorney general demonstrating that the tenants of the housing accommodation have been informed of the owner’s intent to seek a short-sale or deed in lieu and the tenants have expressed their interest in exercising a right of first refusal within 60 days, assigning that right of first refusal, or the tenants have waived those rights. If tenants have not affirmatively expressed their interest in exercising a right of first refusal or in assigning that right within 60 days, or have not affirmatively waived that right within 60 days, the tenants’ rights are deemed waived.

(3) Before a housing accommodation may be transferred by short-sale or deed-in-lieu, the owner shall notify each tenant household, with a simultaneous copy to the attorney general and the director of housing and community development, and the municipality adopting this section, by regular and certified mail, of any bona fide offer that the mortgagee intends to accept. Before any short-sale or transfer by deed-in-lieu, the owner shall give each tenant household such a notice of the offer only if households constituting at least 51 per cent of the households occupying the housing accommodation notify the owner, in writing, that they collectively desire to receive information relating to the proposed sale. Tenants may indicate this desire within the same notice described in paragraph (2). Any notice of the offer required to be given under this subsection shall include the price, calculated as a single lump sum amount and of any promissory notes offered in lieu of cash payment.

(4) A group of tenants representing at least 51 per cent of the households occupying the housing accommodation that are entitled to notice under paragraph (3) shall have the collective right to purchase, in the case of a third party offer that the mortgagee intends to accept, provided that the group of tenants:
(i) submits to the owner reasonable evidence that the tenants of at least 51 per cent of the
occupied units in the housing accommodation have approved the purchase of the housing
accommodation;

(ii) submits to the owner a proposed purchase and sale agreement on substantially
equivalent terms and conditions within 60 days of receipt of notice of the offer made under
paragraph (3);

(iii) obtains a binding commitment for any necessary financing or guarantees within an
additional 90 days after execution of the purchase and sale agreement; and

(iv) closes on such purchase within an additional 90 days after the end of the 90-day
period described in clause (iii).

No owner shall unreasonably refuse to enter into, or unreasonably delay the execution or
closing on a purchase and sale with tenants who have made a bona fide offer to meet the price
and substantially equivalent terms and conditions of an offer for which notice is required to be
given pursuant to paragraph (3). Failure of the tenants to submit such a purchase and sale
agreement within the first 60-day period, to obtain a binding commitment for financing within
the additional 90-day period or to close on the purchase within the second 90-day period, shall
serve to terminate the rights of such tenants to purchase. The time periods provided in this
paragraph may be extended by agreement. Nothing herein shall be construed to require an owner
to provide financing to such tenants. A group or association of tenants that has the right to
purchase pursuant to this subsection, at its election, may assign its purchase right pursuant to this
subsection to the city or town in which the housing accommodation is located, or the housing
authority of the city or town in which the housing accommodation is located, or an agency of the
commonwealth, nonprofit, community development corporation, affordable housing developer, or land trust, for the purpose of permanently continuing the use of the housing accommodation as affordable rental housing.

(5) The right of first refusal created in this subsection shall inure to the tenants for the time periods provided in paragraph (4), beginning on the date of notice to the tenants under paragraph (1). The effective period for such right of first refusal shall begin anew for each different offer to purchase that the mortgagee intends to accept. The right of first refusal shall not apply with respect to any offer received by the owner for which a notice is not required pursuant to paragraph (3).

(6) In any instance where the tenants are not the successful purchaser of the housing accommodation, the mortgagee shall provide evidence of compliance with this section by filing an affidavit of compliance with the attorney general, the director of housing and community development and the registry of deeds for the county and district where the property is located within 7 days of the sale.

(7) It is illegal for the owner to evict a tenant or tenants in order to avoid application of this subsection.

(8) Aggrieved tenants may seek damages under chapter 93A and may file a complaint with the attorney general. Tenants may seek damages including compensatory relief in the form of a percentage of the sales price, injunctive relief in the form of specific performance to compel transfer of the property or both compensatory and injunctive relief. Nothing in this subsection shall be construed to limit or constrain the rights tenants currently have under applicable laws,
including but not limited to chapters 186 and 186A. At all times, all parties shall negotiate in good faith.

(9) The attorney general shall enforce this section and shall promulgate rules and regulations necessary for enforcement. The attorney general may seek injunctive, declaratory, and compensatory relief on behalf of tenants and the commonwealth in a court of competent jurisdiction. The attorney general shall post a sample intent to sell notice, sample proof of notice to tenants, sample notice of offer, and other necessary documents.

(n)(1) When a mortgagee seeks judicial determination of the right to foreclose, then the mortgagee shall provide a copy of the complaint by regular and certified mail to the tenants of the housing accommodation and to the municipality adopting this section. The mortgagee shall also provide tenants and the municipality, by regular and certified mail, with a copy of any order of notice issued by the land court, if applicable, within 5 days of issuance.

(2) The mortgagee shall provide each tenant household and the municipality adopting this section, by regular and certified mail, a copy of any and all notices of sale published pursuant to section 14 of chapter 244. A copy shall be provided simultaneously with the successive publication notices.

(3) No later than 5 business days before the auction of a housing accommodation, the tenants shall inform the mortgagee, in writing, if a group of tenants representing at least 51 percent of the households occupying the housing accommodation or an entity to which they have assigned their right of first refusal intend to exercise their right of first refusal at auction and desire to receive information relating to the proposed auction.
A group of tenants representing at least 51 per cent of the households occupying the housing accommodation or an entity to which they have assigned their right of first refusal may exercise their collective right to purchase the housing accommodation, in the event of a third party offer at auction that the mortgagee receives, provided that the group of tenants:

(i) submits to the mortgagee reasonable evidence that the tenants of at least 51 percent of the occupied homes in the housing accommodation have approved the purchase of the housing accommodation;

(ii) submits to the mortgagee a proposed purchase and sale agreement on substantially equivalent terms and conditions to that received by the mortgagee in the third party offer within 60 days of receipt of notice of the bid made under paragraph (3) of this subsection;

(iii) obtains a binding commitment for any necessary financing or guarantees within an additional 90 days after execution of the purchase and sale agreement; and

(iv) closes on such purchase within an additional 90 days after the end of the 90-day period under clause (iii).

No mortgagee shall unreasonably refuse to enter into, or unreasonably delay the execution or closing on a purchase and sale with tenants who have made a bona fide offer to meet the price and substantially equivalent terms and conditions of a bid received at auction.

Failure of the tenants to submit such a purchase and sale agreement within the first 60-day period, to obtain a binding commitment for financing within the additional 90-day period or to close on the purchase within the second 90-day period, shall serve to terminate the rights of such tenants to purchase. The time periods provided in this paragraph may be extended by agreement.
Nothing herein shall be construed to require a mortgagee to provide financing to such tenants. A group or association of tenants that has the right to purchase hereunder, at its election, may assign its purchase right hereunder to the city, town, housing authority, or agency of the commonwealth, nonprofit, community development corporation, affordable housing developer, or land trust for the purpose of permanently continuing the use of the housing accommodation as affordable rental housing.

If there are no third party bids at auction for the housing accommodation, the tenants shall have a right of first refusal whenever the mortgagee seeks to sell the housing accommodation. The tenants shall be notified of any offers the mortgagee intends to accept and shall be given an opportunity to meet the price and substantially the terms of a third-party offer based on the same time line described in paragraph (4).

(5) The right of first refusal created herein shall inure to the tenants for the time periods herein before provided, beginning on the date of notice to the tenants under paragraph (1).

(6) In any instance where the tenants are not the successful purchaser of the housing accommodation, the seller of such unit shall provide evidence of compliance with this section by filing an affidavit of compliance with the attorney general, the director of housing and community development, and the registry of deeds for the county and district where the property is located within seven days of the sale.

(7) It is illegal for the owner to evict a tenant or tenants in order to avoid application of this law.

(8) Aggrieved tenants may seek damages under chapter 93A and may file a complaint with the attorney general. Tenants may seek damages including a percentage of the sales price or
injunctive relief in the form of specific performance to compel transfer of property. Nothing in
this act shall be construed to limit or constrain in any way the rights tenants currently have under
applicable laws, including but not limited to chapters 186 and 186A. At all times, all parties must
negotiate in good faith.

(9) The attorney general shall enforce this section and shall promulgate rules and
regulations necessary for enforcement. The attorney general may seek injunctive, declaratory,
and compensatory relief on behalf of tenants and the commonwealth in a court of competent
jurisdiction. The attorney general shall post a sample intent to sell notice, sample proof of notice
to tenants, sample notice of offer, and other necessary documents.

SECTION 82B. Subsection (a) of section 168 of chapter 175 of the General Laws, as
appearing in the 2018 Official Edition, is hereby amended by adding the following definitions:-

“Personal vehicle sharing”, the authorized use of a vehicle by an individual other than the
vehicle’s owner through a personal vehicle sharing program.

“Personal vehicle sharing program”, a business platform that connects vehicle owners
with drivers to enable the sharing of vehicles for financial consideration.

SECTION 82C. Said section 168 of said chapter 175, as so appearing, is hereby further
amended by striking out, in lines 18 to 27, inclusive the words “(b) The commissioner may, upon
the payment of the fee prescribed by section 14, issue to any suitable person aged 18 or older, a
license to act as a special insurance broker to negotiate, continue or renew contracts of insurance
against any of the hazards specified in section 47, except as specified in clause Fifteenth thereof,
and except accident and health, workers' compensation, compulsory motor vehicle liability, with
the exception of motor vehicle policies for transportation network vehicles, and life insurance on
property or interests in the commonwealth with an unauthorized company upon the following conditions:” and inserting in place thereof the following words:- (b) The commissioner may, upon the payment of the fee prescribed by section 14, issue to any suitable person aged 18 or older, a license to act as a special insurance broker to negotiate, continue or renew contracts of insurance against any of the hazards specified in section 47, except as specified in clause Fifteenth thereof, and except accident and health, workers' compensation, compulsory motor vehicle liability, with the exception of both motor vehicle policies for transportation network vehicles and any contracts that directly or indirectly provide insurance or other forms of protection, including without limitation, collision damage waivers, for vehicles and vehicle drivers engaged in personal vehicle sharing through a personal vehicle sharing program, and life insurance on property or interests in the commonwealth with an unauthorized company upon the following conditions:

SECTION 82D. Said section 168 of said chapter 175, as so appearing, is hereby further amended by striking out subsection (i) and inserting in place thereof the following 2 subsections:-

(i) Nothing in this section shall preclude a personal vehicle sharing program from procuring a contract of insurance for itself, vehicles, and vehicle drivers engaged in personal vehicle sharing, if the personal vehicle sharing program or the policyholder expressly acknowledges its understanding, that: (1) the company from which insurance is procured is not admitted to transact insurance in the commonwealth; and (2) in the event of the insolvency of the company, a loss shall not be paid by the Massachusetts Insurers Insolvency Fund under chapter 175D.
(j) The commissioner may promulgate regulations as necessary to implement this section.

SECTION 83. 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 84. Section 1 of chapter 271 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 85. Section 2 of said chapter 271, as so appearing, is hereby amended by striking out, in line 4, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 86. Section 3 of said chapter 271, as so appearing, is hereby amended by striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 87. Section 5 of said chapter 271, as so appearing, is hereby amended by striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 88. Section 5A of said chapter 271, as so appearing, is further amended by inserting after the words “chapter 23K”, in line 32, the following words:- or sports wagering conducted pursuant to chapters 23N.
SECTION 89. Section 5B of said chapter 271, as so appearing, is hereby amended by striking out, in line 58, the words “chapter 23K” and inserting in place thereof the following words:- chapters 23K and 23N.

SECTION 90. Section 8 of said chapter 271, as so appearing, is hereby amended by striking out, in lines 10 to 11, the words “other game of chance that is not being conducted in a gaming establishment licensed under chapter 23K” and inserting in place thereof the following words:- other game that is not being conducted pursuant to chapter 23K and any other sports wagering that is being conducted pursuant to chapter 23N.

SECTION 91. Section 17 of said chapter 271, as so appearing, is hereby amended by inserting after the words “chapter 23K”, in line 27, the following words:- or for the purpose of sports wagering conducted in accordance with chapter 23N.

SECTION 92. Said chapter 271, as so appearing, is hereby further amended by striking out section 17A and inserting in place thereof the following section:-

Section 17A. Except as permitted under chapter 23N, whoever uses a telephone, internet or other communications technology or, being the occupant in control of premises where a telephone, internet or other communications technology is located or a subscriber for such communications technology, knowingly permits another to use a telephone, internet or other communications technology so located or for which such person subscribes, as the case may be, for the purpose of accepting wagers or bets, or buying or selling of pools, or for placing all or any portion of a wager with another, upon the result of a trial or contest of skill, speed or endurance of man, beast, bird or machine, or upon the result of an athletic game or contest, or upon the lottery called the numbers game, or for the purpose of reporting the same to a
headquarters or booking office, or who under another name or otherwise falsely or fictitiously procures telephone, internet or other communications technology service for oneself or another for such purposes, shall be punished by a fine of not more than $2,000 or by imprisonment for not more than 1 year.

SECTION 93. Section 19 of said chapter 271, as so appearing, is hereby amended by inserting after the words “chapter 23K”, in line 19, the following words:- and shall not apply to advertising of sports wagering conducted pursuant to chapter 23N.

SECTION 94. Section 20 of said chapter 271, as so appearing, is hereby amended by inserting at the end thereof the following sentence:- Nothing in this section shall prohibit an operator licensed under chapter 23N from posting, advertising or displaying materials relevant to its sports wagering operations.

SECTION 95. Section 23 of said chapter 271, as so appearing, is hereby amended by inserting after the words “chapter 23K”, in line 31, the following words:- and shall not apply to sports wagering conducted pursuant to chapter 23N.

SECTION 96. Section 27 of said chapter 271, as so appearing, is hereby amended by inserting after the word “thereto”, in line 15, the following words:- ; provided, however, that such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

SECTION 97. Section 28 of said chapter 271, as so appearing, is hereby amended by inserting after the word “prescribed”, in line 12, the following words:- ; provided, however, that such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.
SECTION 98. Section 42 of said chapter 271, as so appearing, is hereby amended by inserting after the word “both”, in line 4, the following words:-- ; provided, however, that such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.

SECTION 99. Section 3 of chapter 614 of the acts of 1968 is hereby amended by inserting after paragraph (p), added by section 3 of chapter 419 of the acts of 1984, the following paragraph:-

(q) “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 100. Section 5 of said chapter 614 is hereby amended by striking out paragraph (p), as inserted by section 4 of chapter 769 of the acts of 1979, and inserting in place thereof the following 2 paragraphs:-

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

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

SECTION 101. Section 100 of chapter 142 of the acts of 2011 is hereby repealed.

SECTION 101A. Section 226 of chapter 139 of the acts of 2012 is hereby amended by striking out the figure “2021”, inserted by section 15 of chapter 142 of the acts of 2019, and inserting in place thereof- 2023.

SECTION 102. Sections 46, 48, 61 and 63 of chapter 287 of the acts of 2014 are hereby repealed.
SECTION 103. Section 124A of chapter 287 of the acts of 2014 is hereby repealed.

SECTION 103A. Item 7002-8014 of section 2A of chapter 219 of the acts of 2016 is hereby amended by adding the following words: ; and provided further, that funds in this item shall be made available until June 30, 2025.

SECTION 104. The second sentence of section 135 of chapter 219 of the acts of 2016 is hereby amended by inserting after the words “includes any fantasy or simulated game or contest” the following words: , including but not limited to, any fantasy or simulated game or contest based on college or professional sports events.

SECTION 104A. Item 7008-1116 of section 2 of chapter 154 of the acts of 2018, as amended by section 26 of chapter 142 of the acts of 2019, is hereby further amended by striking out the words “provided further, that not less than $150,000 shall be expended for the construction of bathroom facilities at Frasca field in Tewksbury and such funds shall be made available until June 30, 2020” and inserting in place thereof the following words: provided further, that not less than $150,000 shall be expended for the construction of bathroom facilities, sidewalks, parking lots and other pedestrian upgrades at the Livingston street recreational field in Tewksbury and such funds shall be available until June 30, 2021.

SECTION 105. The executive office of housing and economic development shall issue guidance to assist local officials in 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 106. The secretary of housing and economic development shall report annually to the clerks of the house of representatives and the senate, the chairs of the joint committee on housing and the chairs of the senate and house committees on ways and means, on the activities and status of the Housing Choice Initiative, as described by the governor in a message to the general court dated December 11, 2017, including progress made towards the production of 135,000 new units by 2025. The report also shall include a list of all cities and towns that qualify as “housing choice” communities, a list and description of grant funds disbursed to such cities and towns and a description of how the funds were used to support the production of new housing.

SECTION 106A. Notwithstanding the fourth paragraph of section 5 of chapter 121B of the General Laws, if a town has 4 elected members of a housing authority board on the effective date of this act, any vacant seat or, if there is no vacant seat, the first seat set to expire not less than 60 days after the effective date of this act, shall be filled by the appointment of a tenant member unless a waiver has been granted by the department pursuant to section 5A of said chapter 121B that allows for the appointment of a person who is not eligible to be a tenant member.

SECTION 107. 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, $317,476,000. 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 108. 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, $146,000,000. 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 108A. (a) Notwithstanding chapter 62C of the General Laws or any other
general or special law to the contrary, in order to address disruptions caused by the outbreak of
the 2019 novel coronavirus, also known as COVID-19 and the effects of the governor’s March
10, 2020 declaration of a state of emergency, a vendor who has made any sale subject to the tax
imposed on the sale of meals by chapters 64H and 64L of the General Laws from August 1, 2020
to December 31, 2020 may delay the filing of the returns and payment of taxes required pursuant
to section 16 of said chapter 62C; provided, that if a vendor delays the filing of said return and
payment of said taxes, the vendor shall file the return and make the payment of taxes required for
the period of August 1, 2020 to October 31, 2020, on or before November 20, 2020 and for the
period of November 1, 2020 to December 31, 2020, on or before January 20, 2021.

(b) If a vendor delays the filing of returns and payment of taxes pursuant to subsection
(a), the commissioner of revenue shall waive: (i) any late-file or late-pay penalties imposed
pursuant to section 33 of said chapter 62C; and (ii) any interest that accrues as a result of any late
payments pursuant to section 32 of said chapter 62C.

(c) Nothing in this section shall be construed to waive any late-file, late-pay penalties or
interest for a vendor who fails to file returns or make payment of taxes on or before the date set
pursuant to subsection (a). Notwithstanding subsection (a), if a vendor fails to file returns and
make payment of taxes on or before the date set pursuant to subsection (a), the payment shall
accrue interest from the date the return was required to be filed pursuant to section 16 of said
chapter 62C.

(d) The commissioner of revenue may promulgate guidance on the implementation of this
section.

SECTION 108B. Notwithstanding any general or special law to the contrary, the
executive office of education shall establish a financial literacy task force on financial literacy
from kindergarten to grade 12 in schools. The task force shall consist of: the secretary of the
executive office of education or a designee, who shall serve as chair; the commissioner of early
education and care or a designee; the commissioner of the department of elementary and
secondary education or a designee; the state treasurer or a designee; and 6 persons to be
appointed by the secretary of education, 2 of whom shall be representatives from the
Massachusetts Teachers Association, 1 of whom shall be a representative from the
Massachusetts Bankers Association. Inc., 1 of whom shall be a representative from
Massachusetts JumpStart Coalition for Personal Financial Literacy, Inc., and 1 of whom shall be
a representative of the office of economic empowerment or a designee.

(b) The task force shall: (i) review current financial literacy standards in schools in the
commonwealth; (ii) review the commonwealth’s financial literacy activities and programs; (iii)
develop a comprehensive strategic plan to improve outcomes for individuals with a risk of
negative financial situations, including recommendations to: (1) promote research on financial
education in kindergarten through grade 12; (2) improve the frequency and quality of financial
education in public schools and charter schools; (3) improve public awareness and recognition of
the importance of financial literacy; (4) improve financial education with a focus on low-income
and minority communities; (5) advance the goals and objectives outlined by the state treasurer’s
2015 financial literacy task force report; and (6) provide information on student loans and
strategies for avoiding or reducing student debt; and (iv) monitor the implementation of the
comprehensive strategic plan and make updates as necessary.

(c) The task force shall submit a report on the status of financial literacy in schools with
recommendations, if any, to the governor and the clerks of the house of representatives and
senate not later than December 31, 2021.

SECTION 108C. (a) In this section, unless the context clearly requires otherwise,
“outdoor table service” shall mean a service that is provided outside the restaurant building
envelope, whether on a sidewalk, patio, deck, lawn, parking area or other outdoor space, which
may include, but is not limited to, service that is provided under awnings or table umbrellas or other cover from the elements; provided, however, that at least 50 per cent of the perimeter of any covered dining space must remain open and unobstructed by any form of siding or barriers at all times.

(b) Notwithstanding chapter 40A of the General Laws, or any special permit, variance or other approval thereunder, or any other general or special law to the contrary, a city or town may approve requests for the expansion of outdoor table service, including changing the description of a licensed premises, as described in section 108D; provided, however, prior to such approval, the chief executive officer of the city or town, as defined in clause Fifth B of section 7 of chapter 4 of the General Laws, as established by charter or special act, shall establish the process for approving such requests; provided further, that said process need not comply with the notice and publication provisions set forth in section 11 of said chapter 40A. Said approval may be exercised immediately upon filing of notice thereof with the city or town clerk, without complying with any otherwise applicable recording or certification requirements.

SECTION 108D. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Commission”, the alcohol beverages control commission, established in section 70 of chapter 10 of the General Laws.

“Local licensing authorities”, as defined in section 1 of chapter 138 of the General Laws.

(b) Notwithstanding any general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19 and the effects of the governor’s March 10, 2020 declaration of a state of emergency, local licensing
authorities in any city or town that vote to authorize the granting of licenses for the sale of alcoholic beverages for on-premises consumption may grant approval for a change in the description of a licensed premises for the purpose of permitting outdoor alcohol service as the local licensing authorities may deem reasonable and proper and issue an amended license to existing license holders for said purpose, without further review or approval by the commission.

(c) Upon approval of an amended license, the local licensing authorities shall forward notice of the amended license to the commission.

(d) The commission shall, within 10 days of the passage of this act, promulgate regulations consistent with this section and issue updated guidance to local licensing authorities.

(e) Nothing in this section shall prevent the commission from exercising its statutory or regulatory enforcement authority over any such amended license granted.

Section 108E. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Covered establishment”, a restaurant or other eating or drinking establishment offering same-day food or drink for sale in a single commercial transaction through any third-party delivery service platform, from 1 or more retail locations within the commonwealth.

“COVID-19 emergency”, the state of emergency declared by the governor on March 10, 2020 in order to address the outbreak of the 2019 novel coronavirus, also known as COVID-19.

“Customer”, an individual using a third-party delivery service platform to place an online order.
“Online order”, an order for food or drinks placed by a customer through a third-party delivery service platform provided by a third-party delivery service company for pickup or delivery in the commonwealth.

“Purchase price”, the menu price publicly offered on the third-party delivery service platform by a covered establishment. The purchase price shall not include any taxes, gratuities or other fees that may make up the total cost charged to the customer for an online order.

“Third-party delivery service company”, a corporation, partnership, sole proprietorship or other entity qualified to do business in the commonwealth that is engaged in facilitating same-day delivery or pickup of food and beverages through a third-party delivery service platform for 20 or more separately owned and operated covered establishments.

“Third-party delivery service platform”, any online enabled application, software, website or system offered or utilized by a third-party delivery service company to facilitate the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, covered establishments.

(b) Notwithstanding any general or special law to the contrary, no third-party delivery service company, from the effective date of this act and for a period of 45 days after the termination of the COVID-19 emergency, shall charge a covered establishment a delivery fee per online order for the use of its services and fees other than a delivery fee that totals more than 15 per cent of the purchase price of the online order.

(c) This section shall preempt, supersede or nullify any inconsistent, contrary or conflicting local law, ordinance, rule or regulation relating to third-party delivery service
platforms and third-party delivery service companies fees, including with respect to any agreements with covered establishments using third-party delivery service companies.

(d) A violation of this section shall be an unfair and deceptive trade practice in violation of chapter 93A of the General Laws.

SECTION 108F. (a) There is hereby established a special legislative commission, pursuant to section 2A of chapter 4 of the General Laws, to study journalism in underserved communities in the commonwealth. The commission shall: (i) conduct a comprehensive study relative to communities underserved by local journalism in the commonwealth; (ii) review all aspects of local journalism including, but not limited to, the adequacy of press coverage of cities and towns, ratio of residents to media outlets, print and digital business models for media outlets, the impact of social media on local news, strategies to improve local news access, public policy solutions to improve the sustainability of local press business models and private and nonprofit solutions, and identifying career pathways and existing or potential professional development opportunities for aspiring journalists in the commonwealth.

(b) The commission shall consist of the following 23 members: the chairs of the joint committee on community development and small business, who shall serve as co-chairs; 1 member of the house of representatives appointed by the speaker; 1 member of the senate appointed by the senate president; 1 member who shall be a professor at the Northeastern School of Journalism; 1 member who shall be a member of the Boston Association of Black Journalists; 1 member who shall be a member of the National Association of Hispanic Journalists; 1 member who shall be a member of the Asian American Journalists Association of New England; 1 member who shall be a representative from the Massachusetts Newspaper Publishers Association; 11 members
to be appointed by the chairs: 2 of whom shall be representatives of public colleges or
universities of the commonwealth with either a journalism or communications program, 1 of
whom shall be a representative of a private college or university of the commonwealth with
either a journalism or communications program, and 8 of whom shall be currently employed or
freelance journalists, editors or producers from independent community news outlets from across
the commonwealth; provided, that the appointees shall represent communities underserved by
professional news organizations, rural communities, immigrants communities, working-class
communities and communities of color; 3 members to be appointed by the governor who shall be
representatives of journalism unions or associations; provided, that the appointees shall be
selected from the following unions and associations: (i) the NewsGuild – Communication
Workers of America, (ii) the Screen Actors Guild-American Federation of Television and Radio
Artists, (iii) the National Association of Broadcast Employees and Technicians –
Communications Workers of America, (iv) the Association of Independents in Radio, (v) the
Boston Chapter of the National Writers Union, (vi) the New England Newspaper and Press
Association, or (vii) the New England Chapter of the Society of Professional Journalists. All
appointments shall be made no later than 30 days following the effective date of this act.

(c) The commission shall hold public information sessions in order to promote the work
of the commission and to solicit public comment pursuant to the work of the commission.

(d) The commission shall accept written and oral comment from the public beginning at
the first meeting of the commission.
(e) The commission shall meet no less than 5 times to review, study and analyze existing literature, quantitative and qualitative data on the status of journalism in the commonwealth and review the oral and written public comments.

(f) No later than August 1, 2021, the commission shall submit its findings, along with recommendations for legislation, if any, to the clerks of the house of representatives and the senate and the joint committee of community development and small business.

(g) The special commission may make such interim reports as it considers appropriate.

SECTION 108G. There is hereby established a special commission pursuant to section 2A of chapter 4 of the General Laws to conduct an investigation and study regarding the needs of agriculture in the commonwealth in the 21st century, including the viability, efficiency, climate change resiliency, education, technical assistance and energy needs of farms and means of ensuring farms’ ability to adapt to changing economic, climate and energy conditions.

The commission shall consist of 1 member who shall be appointed by the senate president, who shall serve as co-chair; 1 member who shall be appointed by the minority leader of the senate; 1 member who shall be appointed by the speaker of the house of representatives, who shall serve as co-chair; 1 member who shall be appointed by the minority leader of the house of representatives; the house and senate chairs of the joint committee on environment, natural resources and agriculture; the house and senate chairs of the joint committee on telecommunications, utilities and energy; the secretary of energy and environmental affairs or a designee; the secretary of housing and economic development or a designee; the commissioner of agricultural resources or a designee; a representative of the Massachusetts Farm Bureau Federation, Incorporated; a representative of the University of Massachusetts center for
agriculture, food and the environment; a representative of the Massachusetts chapter of the
Northeast Organic Farming Association; a representative of the Cape Cod Cranberry Growers’
Association; and a representative of the Massachusetts Association of Dairy Farmers, Inc.
Members shall not receive compensation for their services but may receive reimbursement for
the reasonable expenses incurred in carrying out their responsibilities as members of the
commission. The executive office of energy and environmental affairs and executive office of
housing and economic development may furnish reasonable staff and other support for the work
of the commission.

The commission shall review: (i) methods of supporting farms including development of
tax incentives and credits for equipment related to farm-based renewable energy projects; (ii)
effects of zoning ordinances and bylaws on farm-based renewable energy projects and means of
reducing administrative and regulatory barriers to such projects; (iii) potential zoning exemptions
of farm renewable energy systems; (iv) the feasibility of establishing an incentive program to
facilitate the growth of non-solar renewable-energy distributed-generation projects on farms; (v)
methods of encouraging the use of renewable energy resources on farms; (vi) development of
potential grant programs in support of farms to develop farm-based renewable energy
capabilities including wind harvesting, energy conserving refrigerated food storage pilot projects,
methane capture and green combustion and solar and photovoltaic energy projects; (vii)
feasibility of using farms as resiliency centers during power outages or extreme weather events
by installing technology such as battery storage or microgrids; (viii) the effects of climate change
and means by which farms may seek to adapt to climate change; (ix) methods of promoting and
facilitating more prompt interconnection of energy projects owned or operated by agricultural
producers; (x) the development of a single uniform application for use by owners of farms in the
commonwealth for application to any and all grant and other assistance programs administered
by the department of agricultural resources and consistent with federal grant and program
application criteria; (xi) the benefits of designating an administrator or separate office within the
department of agricultural resources to provide advice, technical assistance and other guidance to
owners of farms who apply for grants and other programs; (xii) ways to support, expand and
enhance opportunities for agricultural tourism; (xiii) the timing of grant applications to the
department of agricultural resources and department responses with a view to facilitating more
efficient and timely use of grant funds; (xiv) administrative and regulatory barriers to and
restrictions on farm owners placing renewable energy structures on farmland; (xv) means of
addressing the need for education and technical assistance to farmers; and (xvi) any other
matters the commission deems relevant to supporting the viability of farms in the
commonwealth.

The commission shall file a report of its findings and recommendations, together with
drafts of legislation necessary to carry those recommendations into effect, by filing the same
with the clerks of the senate and the house of representatives, the chairs of the senate and house
committees on ways and means, the senate and house chairs of the joint committee on
environment, natural resources and agriculture, and the house and senate chairs of the joint
committee on telecommunications, utilities and energy not later than June 30, 2021.

SECTION 108H. Notwithstanding any general or special law to the contrary, there shall
be established a special commission to investigate, study and make legislative recommendations
on the participation of minority business enterprises and women business enterprises in public
construction projects, including, but not limited to: (i) a review of the efficiency and adequacy of
current laws and regulations designed to promote diversity; (ii) a review of employment data and
recruitment strategies for public construction projects; and (iii) development of best practices for the promotion of diversity and application of such practices to public construction projects. The commission shall consist of 19 members, 1 of whom shall be appointed by the governor and who shall serve as co-chair; 1 of whom shall be appointed by the attorney general and who shall serve as co-chair; 2 of whom shall be members of the senate, 1 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the minority leader of the senate; 2 of whom shall be members of the house of representatives, 1 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house of representatives; the commissioner of capital asset management and maintenance or a designee; the inspector general or a designee; the chairperson of the Massachusetts Municipal Association, Inc. or a designee; the president of the Massachusetts Building Trades Council or a designee; the president of the Associated General Contractors of Massachusetts, Inc. or a designee; the president of the Building Trades Employers Association of Boston and Eastern Massachusetts, Inc. or a designee; the president of Associated Subcontractors of Massachusetts, Inc. or a designee; the president of Construction Industries of Massachusetts, Inc. or a designee; the president of the Massachusetts AFL-CIO or a designee; 2 representatives of the Massachusetts Minority Contractors Association, Inc.; a representative of the Boston chapter of the National Association of Women and Construction; and a representative of the Policy Group on Tradeswomen’s Issues. The commission shall file a report on the results of its study, together with its recommendations and any legislation necessary to carry such recommendations into effect, with the clerks of the house of representatives and the senate not later than December 31, 2020.
SECTION 108I. (a) There is hereby established a special commission to examine and make recommendations relative to the economic impact of early education and care programming in the commonwealth. The commission shall consist of 19 members: 1 of whom shall be the commissioner of the department of early education and care, or a designee, and 1 of whom shall be the secretary of housing and economic development, or a designee, who shall serve as co-chairs; 1 of whom shall be the secretary of education, or a designee; 1 of whom shall be a member of the house of representatives appointed by the speaker of the house of representatives; 1 of whom shall be a member of the senate appointed by the senate president; 1 of whom shall be a member of the house of representatives appointed by the minority leader of the house of representatives; 1 of whom shall be a member of the senate appointed by the minority leader of the senate; 1 of whom shall be the executive director of the Massachusetts Association of Early Education and Care, or a designee; 1 of whom shall be the executive director of the Massachusetts Association of School Superintendents, Inc., or a designee; 1 of whom shall be a representative of the Massachusetts Afterschool Partnership, Inc.; 1 of whom shall be the executive director of the Massachusetts Business Roundtable, or a designee; 1 of whom shall be the executive director of the Black Economic Council of Massachusetts, Inc., or a designee; 1 of whom shall be the director of Strategies for Children, Inc. or a designee; 1 of whom shall be the president-elect of the Massachusetts Association for the Education of Young Children, Inc. or a designee; and 5 of whom shall be appointed by the governor, 1 of whom shall be an early educator in a community serving high percentages of low-income children, 1 of whom shall be a family child-care provider, 1 of whom shall be a private-pay early education and care provider and 2 of whom shall be employers or business leaders with proven records of supporting increased access to high quality early education and care programs and services.
(b) In appointing members of the commission, consideration shall be given to race, gender, socioeconomic and geographic diversity that is reflective of the early education and care workforce and the children and families it serves.

(c) The commission shall consider and report on: (i) the creation of statewide and regional hubs in order to foster, support and strengthen early education and care programming efforts and needs in partnership with public and private programs and local businesses; (ii) an overview and assessment of the current economic landscape of early education and care providers in the commonwealth; (iii) recommendations for providing targeted small business and economic development support for early education and care providers, including but not limited to technical support and loan programs; and (iv) recommendations on ways to strengthen public and private efforts and coordination in support of early education and care programming, including, but not limited to, establishing tax credits for businesses and employers interested in providing childcare benefits to employees.

(d) The chairs of the commission shall hold no fewer than 6 public meetings and ensure that the work of the commission incorporates feedback from the early education and care sector, and the families and employers the sector serves across the commonwealth. The special commission shall submit a report of its findings and recommendations by filing its report with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on education and the joint committee on economic development and emerging technologies, not later than November 1, 2020.

(e) Not later than August 21, 2020, the department of early education and care in consultation with the secretary of housing and economic development shall submit a plan to the
house and senate committees on ways and means, the joint committee on education and the joint
committee on economic development and emerging technologies on how the department will
provide ongoing support for early education and care programs in the commonwealth in order to
ensure economic diversity during the commonwealth’s recovery efforts in 2020, including
continued efforts to stabilize those programs serving the commonwealth’s most vulnerable
children and families, including, but not limited to, those serving children and families with
active cases at the department of children and families. The report shall include an analysis of the
economic impact any changes to such reimbursement efforts is expected to have on childcare
providers and the region’s local economy, including the recent economic impact on programs
currently not supported by a state subsidy.

SECTION 108J. There is hereby established along state highway route 62 in the towns of
Hudson, Berlin, Clinton, Sterling, Princeton, Stow and Maynard, a cultural highway, which shall
ensure the preservation of the economic, cultural, historical, agricultural and scenic aspects
unique to the route and its municipalities. The secretary of energy and environmental affairs shall
establish the exact meets and bounds of the cultural highway and shall develop a program to
protect the resources within the boundaries of the cultural highway. The program may include,
but is not limited to, the implementation of conservation restrictions, preservation restrictions,
aricultural preservation restrictions, watershed preservation restrictions and the establishment of
historical districts.

SECTION 109. As used in this section, the following words shall, unless the context
clearly requires otherwise, have the following meanings:
“COVID-19 emergency”, the state of emergency concerning the novel coronavirus disease outbreak declared by the governor pursuant to executive order 591 on March 10, 2020.

“Good-faith effort”, an effort by each party upon being present or taking part in the pre-eviction mediation conference as required pursuant to subsection (b), to negotiate and agree upon a reasonable alternative to eviction.

“Notice of eviction rights and responsibilities form”, a form developed by the executive office of housing and economic development pursuant to subsection (e) and approved by the chief justice of the housing court.

“Pre-eviction mediation”, a conference with the plaintiff and defendant conducted by a housing specialist, as described in section 16 of chapter 185C of the General Laws.

(a) Notwithstanding chapter 186 or chapter 239 of the General Laws, or any other general or special law, rule, regulation or order to the contrary, any notice, including a notice to quit, requesting or demanding a tenant of a residential dwelling unit to vacate the premises shall, as part of said notice, include a notice of eviction rights and responsibilities form. A court having jurisdiction over an action for summary process related to said chapter 239, including the Boston municipal court department, shall not accept for filing a writ, summons or complaint for entry without a copy of the notice of eviction rights and responsibilities form which has been delivered to the tenant, with proof of delivery of such notice.

(b) Notwithstanding said chapter 186 or said chapter 239, or any other general or special law, rule, regulation or order to the contrary, a court having jurisdiction over an action for summary process related to said chapter 239, including the Boston municipal court department, shall require pre-eviction mediation prior to an eviction hearing or trial for non-payment of rent
by a tenant of a residential dwelling unit. An eviction hearing or trial for non-payment of rent by
a tenant of a residential dwelling unit shall not proceed unless the court determines that the
parties have made a good-faith effort to come to a resolution in a pre-eviction mediation. If the
court determines the plaintiff did not act in good-faith, the hearing shall be postponed and
rescheduled for a date 2 weeks from the original trial date, at which time the court shall make a
new determination as to whether the plaintiff has acted in good-faith. If the court determines the
defendant did not act in good-faith at the rescheduled hearing, the hearing or trial shall proceed
as scheduled.

(c) Notwithstanding said chapter 186 or said chapter 239, or any other general or special
law, rule, regulation or order to the contrary, in an action for nonpayment of rent due to a
financial impact from the COVID-19 emergency, a tenant, whether at will or under lease, a
tenant shall have the right to prevent the termination of the tenancy by paying or tendering to the
landlord or to the landlord’s attorney all rent then due, including, interest and costs of such
action, by the day of the hearing or trial; provided, however, that the tenant shall provide
documentation and the court shall determine that non-payment of rent was due to a financial
impact resulting from the COVID-19 emergency.

(d) Notwithstanding subsections (a), (b) and (c) of this section, pre-eviction mediation
shall not be required in an action against a tenant at sufferance if the landlord has acquired new
tenants for the residential dwelling for which the action is brought prior to the date of the
eviction hearing or trial.

(e) The executive office of housing and economic development shall develop a standard
notice of eviction rights and responsibilities form. The form shall include, but not be limited to,
the following information: (i) a tenant’s right to mediation, including notice that mediation may be required; (ii) a tenant’s right to cure, if the eviction is for non-payment of rent; (iii) housing consumer education services; (iv) legal services, including contact information; and (v) how to transfer a case to housing court, if applicable. The notice of eviction rights and responsibilities form shall include, for evictions related to the non-payment of rent, in a fillable format, easy to use by the landlord, to provide the following information: (i) the amount owed and the date by which the amount shall be furnished to avoid eviction; (ii) attempts taken by the landlord to collect payment of rent, including dates and responses from the tenant, if any; (iii) whether the tenant provided notice and documentation to the landlord that non-payment of rent was due to a financial impact resulting from the COVID-19 emergency; and (iv) any agreements between the tenant and landlord for the tenant to repay the landlord for non-payment of rent. The notice shall be made available in the 5 most common languages in the commonwealth, in addition to English.

(f) The executive office of housing and economic development shall issue emergency regulations and guidance as necessary to implement this section.

SECTION 110. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“COVID-19 emergency”, the state of emergency concerning the 2019 novel coronavirus disease outbreak declared by the governor pursuant to executive order 591 on March 10, 2020.

“Small business premises unit”, a premises occupied by a tenant for commercial purposes; provided, however that “small business premises unit” shall not include a premises occupied by a tenant if the tenant or a party that controls, is controlled by or is in common
control with the tenant: (i) operates multi-state; (ii) operates multi-nationally; (iii) is publicly
traded; or (iv) has no fewer than 150 full-time equivalent employees.

(b) There shall be a Distressed Restaurant Trust Fund. The secretary of the executive
office of housing and economic development shall be trustee of the fund and shall expend money
in the fund to address the financial impacts of the COVID-19 emergency on distressed
restaurants in the commonwealth. There shall be credited to the fund: (i) revenue transferred
pursuant to section 14 of chapter 23N; (ii) any interest earned on money in the fund; and (iii) any
gifts, grants or private contributions. Money deposited in the fund that is unexpended at the end
of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the
subsequent fiscal year.

(c) Money in the fund shall be expended for a competitive one-time grant program to
assist distressed restaurants in the commonwealth financially impacted by the COVID-19
emergency; said assistance shall include: (i) rental assistance for restaurants in small business
premises units; and (ii) mortgage assistance for restaurants located on a property that is owner
occupied; provided, that the cost of rent or mortgage payment constitutes 10 per cent or more of
a restaurant’s revenue, based on the restaurant’s 2019 total revenue and rent or mortgage
payments; provided, further, the maximum amount each restaurant is eligible for rent or
mortgage expenses under the fund is 7 per cent of the restaurant’s 2019 total revenue. Money
from the fund shall also be expended to provide other support to restaurants, including: (i)
insurance costs; (ii) payroll expenses; (iii) past due payment orders for supplies, goods or
services used by the restaurant; and (iv) procuring personal protective equipment. No recipient
shall receive more than $15,000 for assistance under said one time grant program for distressed
restaurants.
(d) The executive office of housing and economic development shall determine criteria to evaluate financial needs of distressed restaurants; provided, that the criteria shall prioritize small business owners financially impacted by the COVID-19 emergency; provided further, that the criteria shall promote the continued operation of restaurants in diverse locations throughout the commonwealth.

(e) Not later than October 1, 2021 and October 1, 2022, the secretary of the executive office of housing and economic development shall provide a report of the funds used to support distressed restaurants, including a breakdown of expenditures. The report shall also include a breakdown of the demographic information, including, but not limited to, race, gender and age, using non-identifying information of the recipients of the grant program. The report shall be provided the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on tourism, arts and cultural development.

SECTION 111. There is hereby established a special legislative commission pursuant to section 2A of chapter 4 of the General Laws to examine and make recommendations on addressing the recovery of the cultural and creative sector, including the arts, humanities and sciences, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor’s March 10, 2020 declaration of a state of emergency pursuant to executive order 591. The special commission shall review and develop recommendations and best practices for the recovery, promotion and continued growth and vitality of the cultural and creative sector in the commonwealth. The special legislative commission shall meet no fewer than 4 times, in diverse locations throughout the commonwealth.
The commission shall consist of the following 13 members: the house and senate chairs of the joint committee on tourism, arts and cultural development, who shall serve as co-chairs; the executive director of the Massachusetts cultural council or a designee; the executive director of MassCreative, Inc. or a designee; 1 member of the commonwealth association of museums; 1 member of the educational theatre association; and 7 members to be appointed by the co-chairs: 2 of whom shall be representatives from 2 different designated cultural districts in the commonwealth; and 5 artists from different disciplines and sectors, including the arts, humanities and sciences. All appointments shall be made not later than 30 days after the effective date of this act. The commission shall convene its first meeting not later than 60 days after the effective date of this act.

The commission shall examine ways to increase recovery and promote remote operations and programming in the commonwealth, including, challenges maintaining and operating programming, including, training staff, developing new creative work regardless of format, barriers in reopening physical locations and maintaining a virtual presence, strategies for increased marketing and strategies for cross-promotional partnerships with other industries, including the hospitality industry.

The chairs of the commission shall work to facilitate information and data requests of the commission members, ensure that the work of the commission incorporates feedback from the cultural and creative sector statewide and coordinate cooperation throughout the review. The commission shall submit a report of its review and its recommendations, together with drafts of legislation, if any, necessary to carry out the recommendations of the commission by filing the same with the clerks of the house of representatives and the senate, the house and senate...
committees on ways and means and the joint committee on tourism, arts and cultural
development, not later than June 30, 2021.

SECTION 112. The Massachusetts office of business development shall accept
applications for approval as a rural growth fund as required under subsection (c) of section 38II
of chapter 63 of the General Laws not more than 90 days after the effective date of this act.

SECTION 112A. Tenants required to be appointed to housing authority boards pursuant
to the fourth and fifth paragraph of section 5 of chapter 121B of the General Laws, as appearing
in section 62B, shall be implemented within 90 days after the effective date of this act.

SECTION 112B. On the effective date of this act, a housing authority may request a
waiver of the requirement to appoint a tenant member to a housing authority board pursuant to
section 5 of chapter 121B of the General Laws if a person who is eligible to be a tenant member
is already serving as either an elected member or a member appointed to fill a vacancy by the
board of selectmen. The waiver shall be valid for 1 year and may be renewed for successive 1-
year terms until the expiration of the current tenant member’s term or until the that member
vacates the position and, at that time, the board of selectmen shall appoint a tenant member
pursuant to said section 5 of said chapter 121B.

SECTION 112C. Any votes taken by a local housing authority and any votes taken by a
town with respect to a local housing authority between August 6, 2014 and the effective date of
this act are hereby ratified, validated and confirmed, notwithstanding the number of elected
members on the local housing authority board.

SECTION 112D. (a) Notwithstanding any general or special law to the contrary, not later
than October 1, 2020, the Massachusetts gaming commission, established in chapter 23K of the
General Laws, shall submit a report on the status of region C, as defined in section 19 of said chapter 23K, to the speaker of the house of representatives, the president of the senate, the minority leaders of the house of representatives and senate, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies and the clerks of the house of representatives and the senate.

(b) The report shall include, but not be limited to: (i) an evaluation of economic conditions within region C and surrounding areas with respect to the region’s ability to sustain a category 1 gaming establishment; (ii) an evaluation of the likelihood of an applicant for a category 1 license to be able to offer convincing evidence that it could provide value to region C, as required by said section 19 of said chapter 23K; and (iii) the probability of the submission of an application for a category 1 license in region C prior to January 1, 2024.

SECTION 112E. Any approvals issued pursuant to section 108C shall automatically revert back to their status prior to the approval of the change for expansion of outdoor table service on November 30, 2020.

SECTION 112F. Amended licenses issued by local licensing authorities pursuant to section 108D shall automatically revert back to their status prior to the approval of the change in the description of a licensed premises on November 30, 2020.

SECTION 112G. Section 108A shall take effect on August 1, 2020.

SECTION 113. Section 109 shall take effect on October 17, 2020.

SECTION 114. Section 109 is hereby repealed.

SECTION 115. Section 110 is hereby repealed.
SECTION 116. Section 14 of chapter 23N of the General Laws is hereby repealed.

SECTION 117. Section 12 of chapter 490 of the acts of 1980 is hereby repealed.

SECTION 118. Section 114 shall take effect on June 1, 2021.

SECTION 119. Sections 15 to 23, inclusive, sections 32, 45 and 46, and sections 105 and 106, shall take effect 90 days after enactment.

SECTION 120. Sections 49 to 52, inclusive, section 54, section 56, sections 58 to 60, inclusive, shall apply to tax years beginning on or after January 1, 2021.

SECTION 121. Sections 8, 115, and 116 shall take effect on January 1, 2023.

SECTION 122. Sections 55 and 57 shall take effect on January 1, 2026.

SECTION 123. Section 1. Chapter 6C of the General Laws is hereby amended by adding the following section:-

Section 77. (a) As used in this section, the following words shall have the following meanings:

Executive director”, the executive director of the office of travel and tourism.

Secretary”, the secretary of the Massachusetts Department of Transportation.

(b) Notwithstanding any general or special law to the contrary, the secretary, in conjunction with the executive director, shall develop and implement a Women’s Rights History Trail program, which shall include designating properties and sites that are historically and thematically associated with the struggle for women’s rights and women’s suffrage. Said
(c) The secretary and executive director shall produce and disseminate appropriate educational materials regarding the trail program, which may include handbooks, maps, exhibits, uniform signs, interpretive guides and electronic information.

(d) The executive director shall develop vacation itineraries based on the Women’s Rights History Trail program, which shall identify surrounding attractions, restaurants, farms, lodging and other exhibits or places of entertainment as may be a part of the historical theme linking the properties and sites in the Women’s Rights History Trail program.

(e) The secretary may erect and maintain signs on the state highway system or trails designated pursuant to this section; provided that any trail designation shall be of a ceremonial nature and the official names of such highways shall not be changed as a result of such designations.

(f) In developing and implementing the Women’s Rights History Trail program, the secretary shall consider the recommendations of the Women’s Rights History Trail Task Force of 2020-2021.

Section 2. There shall be established, pursuant to section 2A of chapter 4 of the General Laws, the Women’s Rights History Trail Task Force of 2020-2021 to research, solicit public input and make recommendations for sites, properties and attractions to be included in the Women’s Rights History Trail program established pursuant to section 1. The task force shall consider, in making such recommendations, sites that (i) are historically and thematically associated with the struggle for women’s rights and women’s suffrage; (ii) are geographically
diverse; and (iii) commemorate individuals who reflect racial, ethnic, cultural and economic 
diversity.

The task force shall consist of the following 13 members: the house and senate chairs of 
the joint committee on tourism, arts, and cultural development, who shall serve as co-chairs of 
the task force; 1 person to be appointed by the speaker of the house of representatives; 1 person 
to be appointed by the president of the senate; the minority leader of the house of representatives, 
or their designee; the minority leader of the senate, or their designee; the house and senate chairs 
of the Massachusetts Caucus of Women Legislators, or their designees; the secretary of the 
Massachusetts Department of Transportation, or their designee; the executive director of the 
Massachusetts office of travel and tourism, or their designee; the executive director of the 
commission on the status of women, established pursuant to section 66 of chapter 3 of the 
General Laws; 1 person to be appointed by the commission on the status of women, established 
pursuant to said section 66 of said chapter 3; and a representative of the Massachusetts Historical 
Society.

The task force shall submit its findings and recommendations with the clerks of the house 
of representatives and senate not later than July 31, 2021.