

SENATE No. 1836

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to municipal impact statements.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 1836

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 1836) of Diana DiZoglio for legislation relative to municipal impact statements. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1747 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act relative to municipal impact statements.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 30A of the General Laws is hereby amended by inserting after Section 2 the
2 following section:-

3 Section 2A. (a) As used in this section, the following words shall have the following
4 meanings unless the context requires otherwise:

5 “Action”, (i) the adoption, repeal or amendment of any rule or regulation subject to
6 Chapter 30A of the General Laws; or (ii) any administrative action that either places additional
7 expenditure, procedural or organizational requirements on local governments or limits the
8 discretionary powers of local officials or agencies on a statewide basis.

9 “Local government advisory committee”, the commission established by section 62 of
10 chapter 3.

11 "Significant financial impact," requires municipalities to expand existing services,
12 employ additional personnel, or increase local expenditures.

13 (b) In the case of action subject to the procedures of Chapter 30A, at least 14 calendar
14 days prior to the initiation of compliance, an agency shall initiate the procedures set forth in this
15 section. In the case of actions not subject to the procedures of Chapter 30A, an agency shall
16 initiate said procedures at least 45 calendar days prior to the proposed implementation of said
17 action.

18 An agency shall provide the local government advisory committee, the division of local
19 mandates and the department of housing and community development with a brief statement
20 describing the proposed action, which emphasizes the agency’s best judgment of those elements
21 which might affect local governments including, when feasible, preliminary cost estimates.

22 Within 21 calendar days of receipt of said statement, the local government advisory
23 committee, the division of local mandates or the department of housing and community
24 development, in cooperation, shall notify the originating agency as to whether or not it believes
25 the proposed action presents potential for significant impact. Failure to notify the agency within
26 21 calendar days shall be deemed to constitute a judgment of no significant impact; provided,
27 however, that the local government advisory committee, the division of local mandates or the
28 department of housing and community development, with written consent from the originating
29 agency, may agree to extend the review period up to 10 calendar days.

30 Any such notice shall set forth the aspects of the proposed action which the local
31 government advisory committee, the division of local mandates or the department of housing and
32 community development, as the case may be, believes present potential for significant impact.

33 Within 14 calendar days of the receipt of a notice under this section, the originating
34 agency shall convene a meeting of representatives of the agency, the local government advisory
35 committee, the division of local mandates and the department of housing and community
36 development to review and discuss the potentially significant impact of the proposed action.

37 (c) To determine whether the proposed action may present potential for significant
38 impact, agencies, the local government advisory committee, the division of local mandates and
39 the department of housing and community development, in cooperation, shall consider the extent
40 to which the proposed action might require municipalities to: (i) significantly expand existing
41 services; (ii) employ additional personnel; (iii) significantly alter administrative and work
42 procedures; (iv) realign organizational structures; (v) increase disbursements which are not
43 reimbursed by the federal or state government; or (vi) limit the discretion exercised by local
44 officials.

45 Each agency head, or a designee of the agency head, shall have responsibility within that
46 agency for reviewing proposed administrative policies and regulations to ensure compliance with
47 this section.

48 (d) An agency may initiate emergency actions under relevant sections of Chapter 30A
49 without prior compliance with this order; provided, however, that compliance shall be initiated
50 as soon as practicable following the emergency action and before any emergency action becomes
51 permanent.