

SENATE No. 1189

The Commonwealth of Massachusetts

PRESENTED BY:

Adam G. Hinds

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 to improve the local infrastructure development program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/24/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/28/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/30/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/8/2019</i>

SENATE No. 1189

By Mr. Hinds, a petition (accompanied by bill, Senate, No. 1189) of Adam G. Hinds, Mike Connolly, William N. Brownsberger, Jennifer E. Benson and other members of the General Court for legislation to improve the local infrastructure development program. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act to improve the local infrastructure development program.

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

1 SECTION 1. Section 2 of chapter 23L is hereby amended by striking out subsection b,
2 and inserting in place thereof the following section:-

3 (b) The establishment of a development zone shall be initiated by the filing of a petition
4 signed by owners of 51 per cent of either the land area or assessed value of real estate within the
5 proposed development zone in the office of the clerk of the municipality and the office of the
6 agency. The petition shall contain at least:

7 (1) a legal description of the boundaries of the proposed development zone;

8 (2) the written consent to the establishment of the development zone and to the adoption
9 of the improvement plan or an amended improvement plan, by the persons with the record
10 ownership of 51 per cent of either the land area or assessed value of real estate to be included in
11 the development zone; provided, however, that any real estate owned by the commonwealth or

12 an agency or political subdivision thereof, included in the boundaries of the development zone,
13 shall not be included in the count of persons owning tax parcels or acreage in the proposed
14 development zone for the purposes of this clause;

15 (3) the name of the proposed development zone;

16 (4) a map of the proposed development zone, showing its boundaries and any current
17 public improvements which may be added to or modified by any improvements;

18 (5) the estimated timetable for construction of the improvements;

19 (6) estimates of any other private or public funding sources;

20 (7) the improvement plan for the proposed development zone; and

21 (8) the procedure by which the municipality shall be reimbursed for any costs incurred by
22 it in establishing the development zone and for any administrative costs to be incurred in the
23 administration and collection of infrastructure assessments imposed within the proposed
24 development zone

25 SECTION 2. Section 3 of said chapter 23L is hereby further amended by striking out
26 subsection (a) and inserting in place thereof the following section:-

27 (a) Upon receipt of a petition under section 2, the municipal governing body shall, within
28 120 days of such receipt, hold a public hearing on the petition. Written notification of the hearing
29 and a summary of the petition and the improvement plan shall be provided by the clerk of the
30 municipality to all owners and tenants of properties in the proposed development zone and to the
31 regional planning agency, not later than 14 days before the hearing, by mailing a notice to the
32 address listed in the municipality's property tax records or other appropriate listings of owners

33 and residents. Notification of the hearing shall be published once a week for 2 consecutive weeks
34 in a newspaper of general circulation in the municipality and in a newspaper of general
35 circulation in all municipalities within one-half mile of the borders of the proposed development
36 zone, the first publication shall be at least 14 days before the hearing. The public notice shall
37 state:

38 (1) the proposed boundaries of the development zone;

39 (2) the improvements proposed to be provided in the development zone;

40 (3) the proposed basis for determining any infrastructure assessments with respect to
41 those improvements, including the rate, method of apportionment, and manner of collection of
42 the assessment in sufficient detail to allow each owner of real estate or resident within the
43 proposed development district to estimate the maximum amount that her or she will have to pay;
44 and

45 (4) any locations for viewing and copying the petition, including the improvement
46 plan.

47 SECTION 3. Section 3 of said chapter 23L is further amended by inserting after
48 subsection (c) the following subsection:-

49 (c ½) The resolution creating the development zone shall also include (i) that the
50 development zone shall expire 35 years from the passing of the resolution, and (ii) that the
51 development zone shall expire when the development zone is abolished in accordance with
52 section 12.

53 SECTION 4. Section 4 of said chapter 23L is further amended by inserting at the end of
54 subsection (b) of Section 4:-

55 (6) an exemption from charges for residential dwelling units at or below 100 per cent
56 Area median Income (AMI)

57 SECTION 5. Said chapter 23L is further amended by inserting after section 10 the
58 following new sections:-

59 Section 11. Amendments to the development zone

60 (a) The development zone shall be enlarged by resolution of the local governing body
61 upon the petitions of the owners of at least 51 percent of either the land area or assessed value of
62 land of the district within each locality and of at least 51 percent of either the land area or
63 assessed value of land located within the territory sought to be added to the development zone.
64 Any such territory shall be contiguous to the existing district. The petition shall present the
65 information required by Section 2. Upon receipt of such a petition, the locality shall use the
66 standards and procedures provided in Section 3, except that the residents and owners of both the
67 existing development zone and the area proposed for the enlargement shall have the right to
68 appear and show cause why any property should not be included in the proposed development
69 zone.

70 (b) If the local governing body finds the enlargement of a development zone would be in
71 the best interests of the residents and owners of the property within the proposed district, and if
72 the local governing body finds that enlargement of the district does not limit or adversely affect
73 the rights and interests of any party that has contracted with the development zone, the local
74 governing body may pass a resolution providing for the enlargement of the development zone.

75 Section 12. Abolition of the development zone

76 (a) Any development zone created pursuant to this chapter may be abolished by
77 resolution adopted by the governing body of any participating municipality, upon the petition of
78 owners of at least 51 percent of the land area located within the development zone. The petition
79 shall at least:

80 (1) State whether the purposes for which the development zone was formed have
81 been substantially achieved;

82 (2) State whether all obligations incurred by the development zone have been fully
83 paid;

84 (3) Describe the benefits that can be expected from the abolition of the district; and

85 (4) Request the governing body to abolish the district.

86 (b) Upon the receipt of such a petition, the governing body of any participating
87 municipality, in consideration of abolition of the development zone, shall use the standards and
88 procedures described in section 2, except that all interested persons who either reside on or who
89 own real estate within the boundaries of the development zone shall have the right to appear and
90 show cause why the district should not be abolished.

91 (c) If the governing body of any participating municipality finds that (i) the abolition of
92 the development zone is in the best interests of the residents and owners of real estate within the
93 development zone and (ii) all debts of the development zone have been paid and the purposes of
94 the development zone either have been, or should not be, fulfilled, then the governing body of
95 any participating municipality may adopt a resolution abolishing the development zone.