

HOUSE No. 4632

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 establishing a building permit surcharge and special revenue fund in the town of
Winchester.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/7/2022</i>

HOUSE No. 4632

By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 4632) of Michael S. Day (by vote of the town) that the town of Winchester be authorized to establish a building permit surcharge and special revenue fund in said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing a building permit surcharge and special revenue fund in the town of Winchester.

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. The Town of Winchester, hereafter referred to as “the Town,” may, by
2 bylaw, require the payment of a sustainability surcharge for any construction that (i) requires a
3 building permit and (ii) exceeds a minimum construction value to be determined by the Select
4 Board of the Town. The bylaw shall specify the amount of said sustainability surcharge, the
5 method by which the surcharge may be increased from time to time, and any types of
6 construction or uses to which sustainability surcharge shall not apply. All fees received pursuant
7 to such a bylaw act shall be deposited in a special revenue fund established pursuant to section 2
8 of this act.

9 SECTION 2. (a) Notwithstanding section 53 of chapter 44 of the General Laws or any
10 other general or special law to the contrary, the Town may establish a special revenue fund to be
11 known as the Sustainability Special Revenue Fund, hereinafter referred to as “the Fund” into

12 which shall be deposited certain receipts comprised of the surcharge authorized by Section 1 of
13 this Act and any additional funds appropriated for placement into said fund by the legislative
14 body. (b) An appropriation shall be required to spend any monies in the Fund. Appropriations
15 shall be made by a majority vote of Town Meeting and shall be limited to the actual
16 unencumbered balance of the Fund at the time of the appropriation. Anticipated receipts cannot
17 be appropriated. Monies from the Fund may be used, at the direction of the Town Manager, to
18 support the Town's environmental sustainability efforts, activities, operations and administration,
19 including (i) the procurement or purchase of goods and services to study, analyze, and reduce the
20 Town's and Town residents' and businesses' greenhouse gas emissions, (ii) the purchase or
21 procurement of renewable energy or renewable energy infrastructure, and (iii) the hiring of a
22 town sustainability coordinator and other employees engaged in energy conservation, energy
23 reduction, renewable energy use and other sustainability efforts, including any associated wages
24 and benefits for such employees. (c) Notwithstanding any general or special law to the contrary,
25 any interest accruing on any amount on deposit in the Fund shall be credited to the general fund
26 of the Town. The Town Treasurer may pool the cash and shall not be required to establish a
27 separate bank account for the Fund. (d) The Comptroller of the Town shall establish and
28 maintain the Fund as a separate account and record all activity in the Fund as follows: (i)
29 revenues shall be recorded directly into the Fund; (ii) expenditures may be recorded directly to
30 the Fund and transfers out shall be appropriated and accounted for; (iii) the unspent and
31 unencumbered balance of the Fund for an appropriation for a particular sustainability purpose
32 shall be limited to other purposes of the Fund and shall not revert to the general fund; and (iv)
33 the balance in the Fund at the end of a fiscal year shall carry forward to the next fiscal year. (e)
34 The Comptroller of the Town shall, until such time as the Fund ceases to exist, provide an annual

35 financial report to the Select Board at the close of the fiscal year, by October 1, and to Town
36 Meeting. The annual financial report shall specifically include: (i) the beginning fund balance;
37 (ii) revenues; (iii) expenses; (iv) transfers in/out; (v) the ending fund balance. (f) The Town may
38 close the Fund by a majority vote of Town Meeting. The vote to close the Fund shall state that:
39 (i) the Fund shall cease to have effect; (ii) all unexpended and uncommitted amounts on deposit
40 in the Fund as of the date of the vote shall immediately be credited to the general fund of the
41 Town; and (iii) the surcharge that is received annually by the Town under section 1 of this act
42 and credited to the Fund shall be credited to the general fund of the Town.

43 SECTION 3. This act shall take effect upon its passage.