

# **HOUSE . . . . . No. 5007**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 11, 2022.

The committee on Ways and Means, to whom was referred the Bill investing in future opportunities for resiliency, workforce, and revitalized downtowns (House, No. 4864), reports, in part, recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5007) [Total Appropriation: \$2,545,220,941.00] [Bond Issue: General Obligation Bonds: \$1,255,800,000.00].

For the committee,

AARON MICHLEWITZ.



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*Office of the Comptroller*

1599-3384 Judgments, settlements and legal fees.....\$12,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Reserves*

1599-4448 Collective bargaining contract costs.....\$12,720,941

1599-2051 Federal funds oversight.....\$5,000,000

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Reserves*

1599-6059 For a reserve for investments in broadband infrastructure across the  
commonwealth; provided, that funds shall be administered in consultation with the executive  
office of housing and community development for programs including the Last Mile  
Infrastructure Grant program; provided further, that in order to be eligible for funding, projects  
must promote digital equity and inclusion; provided further, that priority shall be given to  
projects that benefit communities of color; provided further, that grants may be expended for  
providing wireless broadband connection to public housing units, public libraries and public  
schools and devices necessary to access said wireless connection; and provided further, that  
funds may be expended on projects that include private-public partnerships to provide  
community hotspots.....\$50,000,000

29           1599-6060     For a reserve for affordable housing and homeownership equity; provided,  
30 that funds shall be expended for projects that create and enhance access to homeownership in  
31 order to foster economic mobility with long-term benefits for housing security, racial equity and  
32 health outcomes to address the homeownership gap in socially disadvantaged communities; and  
33 provided further, that funds may be transferred to the Affordable Housing Trust Fund ,  
34 established in chapter 121D of the General Laws, for the creation and retention of affordable  
35 housing units across the  
36 commonwealth.....\$100,000,000

37           1599-6061     For a reserve for an equitable developers’ financing program to provide  
38 financial assistance to projects to construct, rehabilitate or redevelop residential or mixed-use  
39 residential properties or redevelop blighted, abandoned, vacant or underutilized properties into  
40 new residential, commercial or light-industrial uses; provided, that in order to be eligible for  
41 funding in this item, (i) the project must be in gateway cities, qualified census tracts or  
42 communities disproportionately impacted by the novel 2019 coronavirus pandemic; and (ii) the  
43 developer or sponsor must be an individual, or an entity controlled by 1 or more individuals, that  
44 has been socially and economically disadvantaged or disproportionately impacted by the 2019  
45 novel coronavirus pandemic, as defined by a certification process to be developed by the  
46 Massachusetts Housing Finance Agency; provided further, that said financing program may be  
47 administered by 1 or both the Massachusetts Housing Finance Agency and the Massachusetts  
48 Development Finance Agency; provided further, that such financial assistance may take the form  
49 of a grant, loan, equity investment or other form of financial assistance as determined by the  
50 administering agency; provided further, that eligible uses of funding may include, but shall not  
51 be limited to: (a) predevelopment costs such as the costs of permitting, engineering and site

52 planning, traffic studies, environmental assessment, design and architecture, legal fees and title  
53 and appraisal fees; and (b) financing low and no interest loans, grants, subsidies, credit  
54 enhancements and the costs incurred by public instrumentalities of interest rate reductions on  
55 permanent financing offerings or funding a portion of a capital pool or reserve for purposes  
56 including, but not limited to, providing equity and guarantees to eligible projects; provided  
57 further, that such financial assistance shall be awarded, to the extent feasible, in a manner that  
58 reflects geographic and demographic diversity and social, racial and economic equity within the  
59 commonwealth; and provided further, that not more than 5 per cent of this item may be used for  
60 the reasonable costs of administering the  
61 program.....\$75,000,000

62           1599-6062     For a reserve to support businesses impacted by the 2019 novel  
63 coronavirus pandemic and subsequent variants; provided, that not less than \$200,000,000 shall  
64 be transferred to the Massachusetts Growth Capital Corporation established in chapter 40W of  
65 the General Laws for grants to support small businesses negatively impacted by the 2019 novel  
66 coronavirus pandemic; provided further, that not less than \$75,000,000 shall be expended for  
67 grants to hotels throughout the commonwealth; provided further, that any hotel property that (i)  
68 received funds from Massachusetts Growth Capital Corporation in a previous round of small  
69 business grants; or (ii) was eligible to receive said funds but did not apply for said grants shall  
70 not be eligible; provided further, that any hotel property whose revenues in calendar year 2021  
71 exceeded that property’s gross revenues in calendar year 2019 shall not be eligible to receive  
72 funds; provided further, that the preceding proviso shall not apply to nascent hotels or hotel  
73 properties which were under major renovation or construction during calendar year 2019;  
74 provided further, that not less than \$50,000,000 shall be expended for grants to small businesses;

75 provided further, that eligible grant applicants for small businesses shall have no more than 50  
 76 employees; provided further, that grants may be used for employee payroll and benefit costs,  
 77 mortgage interest, rent, utilities and interest on other debt obligations; provided further, that not  
 78 less than \$75,000,000 shall be expended for grants to: (i) businesses that focus on reaching  
 79 underserved markets; (ii) minority-owned, women-owned and veteran-owned businesses; and  
 80 (iii) immigrant and first generation owned  
 81 businesses.....\$200,000,000

82           1599-6064    For a reserve for investments in nursing facilities and rest homes for costs  
 83 including, but not limited to, those related to the 2019 novel coronavirus pandemic and  
 84 subsequent variants; provided, that funds shall be distributed in consultation with the executive  
 85 office of health and human services; provided further, that not less than \$30,000,000 shall be  
 86 expended for rest homes for 2019 novel coronavirus pandemic related costs including, but not  
 87 limited to, testing, personal protective equipment and reimbursement for said costs; provided  
 88 further, that not later than September 1, 2022, pursuant to the executive office of health and  
 89 human services’ Administrative bulletin 22-02 entitled 101 CMR 206:00: Standard Payments to  
 90 Nursing Facilities and effective January 15, 2022, the executive office shall provide a Medicaid  
 91 supplemental payment to nursing facilities consistent with said bulletin and CMR 206.00 to  
 92 offset increased costs of providing care not accounted for in the nursing facility’s prospective  
 93 payment system rates during the 2019 novel coronavirus pandemic including workforce related  
 94 costs; and provided further, that not less than \$165,000,000 shall be expended for payments  
 95 consistent with the executive office of health and human services’ Administrative bulletin 22-02  
 96 entitled 101 CMR 206:00: Standard Payments to Nursing Facilities and effective January 15,  
 97 2022.....\$195,000,000

98           1599-6066     For a reserve for supplemental payments to providers whose rates are  
99     subject to rate implementation under chapter 257 of the acts of 2008; provided, that any human  
100    service provider receiving said supplemental payments shall use not less than 90 per cent of said  
101    supplemental payments for their direct care workforce including, but not limited to, hourly rate  
102    increases, wraparound benefits, shift differentials, overtime, hiring and retention bonuses or  
103    recruitment, as defined by the executive office of health and human services; provided further,  
104    that said methodology for distributing such supplemental payments shall be developed in  
105    consultation with the executive office of health and human services and representatives of  
106    organized labor; provided further, that any human service provider shall, as a condition of  
107    receiving said funds, submit a spending plan for said funds to the executive office of health and  
108    human services; and provided further, that not later than November 18, 2022, the executive  
109    office of administration and finance, in consultation with the executive office of health and  
110    human services, shall report to the house and senate committees on ways and means: (i) the  
111    methodology used to distribute said funds; (ii) the distribution of funds delineated by provider;  
112    and (iii) the use of funds by each provider.....\$100,000,000

113           1599-6067     For a reserve to address the needs of community health centers receiving  
114    grants under 42 U.S.C. section 245(b); provided, that not less than \$10,000,000 shall be  
115    expended for addressing deferred care as a result of the 2019 novel coronavirus pandemic and  
116    subsequent variants; provided further, that said funds may be expended for hiring and retention  
117    of the workforce; provided further, that not less than \$70,000,000 shall be expended for  
118    financing capital improvements and expansions at community health centers including, but not  
119    limited to, technology upgrades and maintenance; provided further, that of said funds, not less  
120    than 75 per cent of shall be expended for competitive grants of not less than \$5,000,000 and not

121 more than \$12,000,000; provided further, that the remaining 25 per cent of said funds shall be  
122 expended for grants not more than \$5,000,000; provided further, that projects leveraging  
123 multiple funding sources shall be prioritized; provided further, that said grants shall be  
124 administered by the secretary of health and human services, who may adjust the percentages in  
125 the proceeding provisions based on application demand; and provided further, that the secretary  
126 may award funds through multiple grant cycles.....\$80,000,000

127           1599-6069     For the distribution of funds for fiscally strained hospitals; provided, that  
128 not less than \$300,000,000 shall be distributed to eligible hospitals pursuant to section 135;  
129 provided further, that not less than \$50,000,000 shall be distributed by the secretary of health and  
130 human services as grants to hospitals designated as high public payer hospitals by the center for  
131 health information and analysis; and provided further, that the secretary shall prioritize grants for  
132 hospitals: (i) operating on significant negative margins; (ii) experiencing increased costs, reduced  
133 capacity or lost revenue due to workforce shortages; (iii) serving high percentages of COVID-19  
134 patients; (iv) demonstrating a commitment to historically underserved populations and  
135 addressing health disparities and social determinants of health; or (iv) hospitals that have not  
136 been awarded significant funds authorized by this item or grants administered through the  
137 COVID-19 Public Health Emergency Hospital Relief Trust Fund established in section 71 of  
138 chapter 102 of the acts of 2021.....\$350,000,000

139           1599-6072     For a reserve to address reproductive and family planning service needs in  
140 the commonwealth; provided, that funds shall be expended for grants to providers offering  
141 services including, but not limited to, pregnancy termination, contraception and prenatal and  
142 perinatal services; provided further, that said grants may be provided for costs related to  
143 providing care including, but not limited to, security, hiring and retention and informational



144 material to educate patients; provided further, that not less than \$1,000,000 shall be expended for  
145 a public awareness campaign to educate providers and the public about so called crisis pregnancy  
146 centers and pregnancy resource centers and their lack of medical services; provided further, that  
147 said campaign shall include information on the availability of providers across the  
148 commonwealth that provide legitimate medical and family planning services; and provided  
149 further, that said campaign shall be linguistically diverse and culturally  
150 competent.....\$15,000,000

151           1599-6074    For a reserve to reduce gun violence throughout the commonwealth;  
152 provided, that not less than \$1,000,000 shall be expended for a public awareness campaign on  
153 the commonwealth’s red flag laws pursuant to sections 131R to 131Y, inclusive, of chapter 140  
154 of the General Laws; provided further, that said campaign shall be administered in consultation  
155 with the department of public health and the department of mental health; and provided further,  
156 that funds shall be expended for grants to non-profits and community-based organizations that  
157 utilize evidence-based approaches to addressing gun violence and the impacts of gun violence-  
158 related trauma on individuals and  
159 communities.....\$15,000,000

160           1599-6075    For a reserve for investments in publicly-owned lands and lands otherwise  
161 protected and conserved for public access including, but not limited to: reservations, parks, trails,  
162 rivers, lakes, ponds, streams and other waterways, trails, beaches, fishing piers, boat ramps,  
163 community gardens, urban farms, working farms and forests and other recreational facilities and  
164 open spaces; provided further, that funds shall be expended for municipalities and non-profit  
165 organizations to dramatically increase new open space projects including, but not limited to,  
166 waterfront parks, trails, bike paths, playgrounds, urban farms, community gardens and green

167 space; provided further, that funds shall be expended for the acquisition of new conservation  
168 land and the conservation and agricultural preservation restrictions on working farms and forests,  
169 particularly in critical headwater, wetland and estuarine areas; provided further, that funds shall  
170 be expended for the removal of obsolete or unwanted dams across the commonwealth; provided  
171 further, that funds shall be expended for the protection and restoration of headwaters land and  
172 wetlands on cranberry farmlands taken out of production by owners; provided further, that funds  
173 shall be expended for the restoration of coastal and tidal wetlands, including salt marshes;  
174 provided further, that not less \$25,000,000 shall be expended for projects in communities of  
175 color; provided further, that priority shall be given to projects supporting communities  
176 disproportionately impacted by the 2019 novel coronavirus pandemic; provided further, that the  
177 executive office of administration and finance shall work with the executive office of energy and  
178 environmental affairs in distributing said funds and provided further, that grants may include a  
179 requirement for matching funds.....\$175,000,000

180           1599-6076     For a reserve for investments in publicly-owned lands and lands otherwise  
181 protected and conserved for public access in environmental justice communities including, but  
182 not limited to: reservations, parks, trails, rivers, lakes, ponds, streams and other waterways, trails,  
183 beaches, fishing piers, boat ramps, community gardens, urban farms, working farms and forests  
184 and other recreational facilities and open spaces; provided, that funds may be expended on  
185 climate resiliency and adaptation projects ..... \$125,000,000

186           1599-6078           For a reserve to address food insecurity; provided, that not less than  
187 \$25,000,000 shall be expended for the food security infrastructure grants...         \$25,000,000

188           1599-6079     For the Massachusetts Clean Water Trust for the purpose of reducing the  
189 principal or interest costs of water quality improvement projects; provided, that eligible projects  
190 shall include, but not be limited to: improvements to drinking water systems, PFAS remediation  
191 and combined sewer overflow projects; provided further, that not less than 25 per cent of funding  
192 shall be expended for grants to minority and environmental justice communities; and provided  
193 further, that grants may include a requirement for matching  
194 funds.....\$100,000,000

195           1599-6085     For costs associated with a study performed by the executive office of  
196 labor and workforce development on the effectiveness of career services and workforce  
197 development grant programs administered through the executive office, including  
198 Commonwealth Corporation and MassHire; provided, that said study shall include, but not be  
199 limited to, the following information: (i) status of grants awarded under the program; (ii) the  
200 number and names of educational and eligible service providers receiving grants; (iii) the  
201 number of participants receiving services under each grant; (iv) the number of participants  
202 placed in employment under each grant; (v) the salary and benefits that participants receive after  
203 placement for each grant; (vi) the average salary and benefits of participants in each program  
204 prior to participation; (vii) the cost per participant for each grant; (viii) job retention or  
205 promotion rates 1 year after training ends; (ix) job retention or promotion rates 3 years after  
206 training ends; (x) cost effectiveness of each program, including savings from public assistance  
207 and estimates of future tax contributions for participants; (xi) the number of grants awarded and  
208 money given to programs separated by region; (xii) the number of grants awarded and money  
209 given to programs separated by primary industry sector; (xiii) demographic information of  
210 participants for each grant program, including age, gender, race/ethnicity, educational attainment

211 level, employment status prior to participation, disability status, income level and use of public  
212 assistance; and (xiv) review of the grant application process and timeline for dispersing grants to  
213 vendors or applicants; and provided further, that the results of said study shall be reported to the  
214 joint committee on economic development and emerging technologies and the house and senate  
215 committees on ways and means not later than June 16,  
216 2023.....\$500,000

217 SECTION 3A. To provide for a program of economic development and job creation, the  
218 sums set forth in sections 3A to 3C, inclusive, for the several purposes and subject to the  
219 conditions specified in this act, are hereby made available, subject to the laws regulating the  
220 disbursement of public funds; provided, however, that the amounts specified in an item or for a  
221 particular project may be adjusted in order to facilitate projects authorized in this act. These sums  
222 shall be in addition to any amounts previously authorized and made available for these purposes.

223 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

224 *Office of the Secretary*

225 6720-1352 For a grant program to coastal communities to be administered by the  
226 Seaport Economic Council; provided, that funds shall be used for community planning and  
227 investment activities that stimulate economic development and create jobs in the maritime  
228 economy sector and to construct, improve, repair, maintain and protect coastal assets that are  
229 vital to achieving these aims; and provided further, that the planning, prioritization, selection and  
230 implementation of projects shall consider climate change impacts in furtherance of the goals of  
231 climate change mitigation and adaptation and consistent with the integrated state hazard  
232 mitigation and climate change adaptation plan.....\$10,000,000

233           7002-8041     For the Massachusetts Technology Park Corporation, established in  
 234 section 3 of chapter 40J of the General Laws, for a matching grant program that enables  
 235 academic institutions, non-profits, industry consortiums, federally funded research and  
 236 development centers and other technology-based economic development organizations to  
 237 compete for federal grants in technology and innovation fields including, but not limited to: (i)  
 238 artificial intelligence and machine learning; (ii) cybersecurity, data storage and data  
 239 management; (iii) quantum computing and information systems; (iv) robotics and advanced  
 240 automation; (v) high performance computing, semiconductors and advanced computer hardware;  
 241 (vi) blockchain; (vii) supply chain; (viii) energy storage and batteries; (ix) food security; and (x)  
 242 advanced materials; provided, that the matching grant program may also enable participation of  
 243 these entities in associated workforce development federal grant  
 244 programs.....\$200,000,000

245           7002-8042     For the Massachusetts Broadband Incentive Fund, established in section  
 246 6C of chapter 40J of the General Laws, for capital repairs and improvements to broadband  
 247 infrastructure owned by the Massachusetts Technology Park Corporation established in section 3  
 248 of chapter 40J of the General Laws.....\$12,000,000

249           7002-8043     For the Massachusetts Technology Park Corporation, established in  
 250 section 3 of chapter 40J of the General Laws, for matching grants that support collaboration  
 251 among manufacturers located in the commonwealth and institutions of higher education, non-  
 252 profits and other public or quasi-public entities; provided, that eligible grantees shall include  
 253 private businesses; provided further, that grants shall be awarded and administered consistent  
 254 with the strategic goals and priorities of the Massachusetts advanced manufacturing collaborative  
 255 established in section 10B of chapter 23A of the General Laws; provided further, that grants

256 made for the purchase of equipment to be owned by, leased to or located within the premises of a  
 257 private businesses shall be made in support of a partnership with an institution of higher  
 258 education or non-profit corporation with a mission of supporting manufacturing in the  
 259 commonwealth; provided further, that a private university or business entity shall not be eligible  
 260 for a grant unless the corporation has made a finding that a grant to such university or entity will  
 261 result in a significant public benefit and the private benefit is incidental to a legitimate public  
 262 purpose; and provided further, that grants shall be awarded in a manner that promotes  
 263 geographic, social, racial and economic  
 264 equity.....\$23,000,000

265           7002-8044   For projects receiving assistance from the Scientific and Technology  
 266 Research and Development Matching Grant Fund established in section 4G of chapter 40J of the  
 267 General Laws; provided, that grants shall be awarded in a manner that promotes geographic,  
 268 social, racial and economic equity ..... \$24,000,000

269           7002-8046   For the Massachusetts Technology Park Corporation, established in  
 270 section 3 of chapter 40J of the General Laws, to establish a competitive and secure future  
 271 innovation program that promotes partnerships between academic institutions, federally funded  
 272 research and development centers, industry and the venture community that drive innovation in  
 273 technology fields in the commonwealth including, but not limited to, the defense, health,  
 274 commercial and public sectors; provided, that non-profit and private business entities shall be  
 275 eligible to receive funding from the program; and provided further, that that any award to a  
 276 private entity shall result in a significant public benefit and the private benefit is incidental to a  
 277 legitimate public purpose..... \$50,000,000

278           7002-8047    For matching grants to support advanced manufacturing projects in  
279 partnership with institutions of higher education, including state and municipal colleges and  
280 universities, non-profits and other public or quasi-public entities; provided, that such projects  
281 shall be in alignment with a Manufacturing USA institute.....\$30,000,000

282           7002-8048    For the MassWorks infrastructure program established in section 63 of  
283 chapter 23A of the General Laws ..... \$400,000,000

284           7002-8049    For public entities and other eligible entities within the commonwealth to  
285 provide matching funds necessary to receive federal funding for broadband infrastructure, access  
286 and deployment in unserved or underserved locations and for adoption, digital equity and other  
287 eligible uses consistent with federal guidelines.....\$50,000,000

288           7002-8051    For a program to provide assistance to projects that will improve,  
289 rehabilitate or redevelop blighted, abandoned, vacant or underutilized properties to achieve the  
290 public purposes of eliminating blight, increasing housing production, supporting economic  
291 development projects, increasing the number of commercial buildings accessible to persons with  
292 disabilities and conserving natural resources through the targeted rehabilitation and reuse of  
293 vacant and underutilized property; provided, that such assistance shall take the form of a grant or  
294 a loan provided to a municipality or other public entity, a community development corporation,  
295 non-profit entity or for-profit entity; provided further, that eligible uses of funding shall include,  
296 but not be limited to: (i) improvements and additions to or alterations of structures and other  
297 facilities necessary to comply with requirements of building codes; (ii) fire or other life safety  
298 codes and regulations pertaining to accessibility for persons with disabilities; (iii) where such  
299 code or regulatory compliance is required in connection with a new commercial residential or

300 civic use of such structure or facility; and (iv) the targeted removal of existing underutilized  
301 structures or facilities to create or activate publicly-accessible recreational or civic spaces;  
302 provided further, that funding shall be awarded on a competitive basis in accordance with  
303 guidelines developed by the agency; provided further, that financial assistance offered pursuant  
304 to this line item may be administered by the executive office through a contract with the  
305 Massachusetts Development Finance Agency established in section 2 of chapter 23G of the  
306 General Laws; provided further, that the executive office or the Massachusetts Development  
307 Finance Agency may establish additional program requirements through regulations or policy  
308 guidelines; provided further, that financial assistance offered pursuant to this item shall be  
309 awarded, to the extent feasible, in a manner that reflects geographic and demographic diversity  
310 and social, racial and economic equity within the commonwealth; and provided further, that  
311 program funds may be used for the reasonable costs of administering the program not to exceed  
312 5 per cent of the total assistance made during the fiscal year.....\$50,000,000

313           7002-8052     For grants and technical assistance to be made to municipalities and  
314 regional applicants to support planning and locally-driven initiatives related to community  
315 development, housing production, workforce training and economic opportunity, child care and  
316 early education initiatives and climate resilience initiatives, including nature-based solutions  
317 projects, that incorporate these elements, across the commonwealth within individual  
318 communities, regions or a defined subset of communities therein; provided, that funds may be  
319 expended for culturally competent and multilingual technical assistance and training to small  
320 businesses; provided further, that preference for these funds shall be given to businesses located  
321 in low- or moderate-income areas and owned by women, veterans, minorities or immigrants; and



322 provided further, that grants shall be awarded in a manner that promotes geographic  
323 equity.....\$5,000,000

324           7002-8053     For the Commonwealth Zoological Corporation, established in section 2  
325 of chapter 92B of the General Laws, for costs associated with the preparation of plans, studies  
326 and specifications, repairs, construction, renovations, improvements, maintenance, asset  
327 management and demolition and other capital improvements, including those necessary for the  
328 operation of facilities operated by Zoo New England, including the Franklin Park Zoo and the  
329 Walter D. Stone Memorial Zoo; provided, that not less than \$2,500,000 shall be used for  
330 construction and be required to have a 1 to 1 match; provided further, that grants shall be  
331 awarded in a manner that promotes geographic equity; and provided further, that Zoo New  
332 England shall provide a matching amount equal to \$1 for every \$1 disbursed from this  
333 item..... \$9,000,000

334           7002-8054     For a competitive program of grants or other financial assistance to  
335 support economic development, job creation and housing and climate resilience initiatives,  
336 including nature-based solutions projects that incorporate these elements for the public purpose  
337 of rural areas of the commonwealth; provided, that such financial assistance may be offered to a  
338 municipality or other public entity, a community development corporation, non-profit entity or  
339 for-profit entity; provided further, that such financial assistance shall support a project located in  
340 a municipality with a population of not more than 7,000 year-round residents or a population  
341 density of not more than 500 persons per square mile; provided further, that financial assistance  
342 offered pursuant to this line item may be administered by the executive office through a contract  
343 with the Massachusetts Development Finance Agency established in section 2 of chapter 23G of  
344 the General Laws; provided further, that grants shall be awarded in a manner that promotes

345 geographic, social, racial and economic equity; and provided further, that the administering  
346 agency may establish additional program requirements through regulations or policy  
347 guidelines.....\$10,000,000

348           7002-8056   For a competitive grant program administered by the office of travel and  
349 tourism; provided, that funds may be used to improve facilities and destinations visited by in-  
350 state and out-of-state travelers, with the goals of increasing visitation, enticing repeat visitation  
351 and increasing the direct and indirect economic impacts of the tourism industry in all regions of  
352 the commonwealth; provided further, that grants shall support the design, repair, renovation,  
353 improvement, expansion and construction of facilities owned by municipalities or non-profit  
354 entities; provided further, that all grantees to improve facilities and destinations visited by in-  
355 state and out-of-state travelers shall provide a match based on a graduated formula determined by  
356 the office of travel and tourism; provided further, that grant recipients shall be required to  
357 measure and report on return on investment data after the expenditure of grant funds; provided  
358 further, that the program shall prioritize socially or economically disadvantaged businesses,  
359 which may include, but shall not be limited to, minority-owned, women-owned, veteran-owned  
360 and immigrant-owned small businesses, that have historically faced obstacles accessing capital;  
361 and provided further, that grants shall be awarded in a manner that promotes geographic  
362 equity..... \$10,000,000

363           SECTION 3B.

364           EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

365                           *Department of Housing and Community Development*

366           7004-0070     For state financial assistance in the form of loans for the development of  
367 community-based housing or supportive housing for individuals with mental illness and  
368 individuals with intellectual disabilities; provided, that the loan program shall be administered by  
369 the department of housing and community development through contracts with the  
370 Massachusetts Development Finance Agency established in chapter 23G of the General Laws,  
371 the Community Economic Development Assistance Corporation established in chapter 40H of  
372 the General Laws, operating agencies established pursuant to chapter 121B of the General Laws  
373 and the Massachusetts Housing Finance Agency established in chapter 708 of the acts of 1966;  
374 provided further, that those agencies may develop or finance community-based housing or  
375 supportive housing or may enter into subcontracts with non-profit organizations, established  
376 pursuant to chapter 180 of the General Laws, or organizations in which such non-profit  
377 corporations have a controlling financial or managerial interest or for-profit organizations;  
378 provided further, that preference for the subcontracts shall be given to non-profit organizations;  
379 provided further, that the department shall consider a balanced geographic plan for such  
380 community-based housing or supportive housing when issuing the loans; provided further, that  
381 the department shall consider development of a balanced range of housing models by prioritizing  
382 funds for integrated housing as defined by the appropriate housing and service agencies  
383 including, but not limited to, the department of housing and community development, the  
384 Massachusetts rehabilitation commission, the department of mental health and the department of  
385 developmental services, in consultation with relevant and interested clients, clients' families,  
386 advocates and other parties as necessary; provided further, that loans issued pursuant to this item  
387 shall: (i) not exceed 50 per cent of the financing of the total development costs; (ii) not be issued  
388 unless a contract or agreement for the use of the property for such housing provides for

389 repayment to the commonwealth at the time of disposition of the property in an amount equal to  
390 the commonwealth's proportional contribution from the Facilities Consolidation Fund to the cost  
391 of the development through payments made by the state agency making the contract; (iii) not be  
392 issued unless the contract or agreement for the use of the property for the purposes of such  
393 housing provides for the recording of a deed restriction in the registry of deeds or the registry  
394 district of the land court of the county in which the real property is located, for the benefit of the  
395 departments, running with the land, that the land shall be used to provide community-based  
396 housing or supportive housing for eligible individuals as determined by the department of mental  
397 health and the department of developmental services; provided further, that the property shall not  
398 be released from such restriction until the balance of the principal and interest for the loan has  
399 been repaid in full or until a mortgage foreclosure deed has been recorded; (iv) be issued for a  
400 term not to exceed 30 years, during which time repayment may be deferred by the loan issuing  
401 authority; provided further, that if on the date the loans become due and payable to the  
402 commonwealth, an outstanding balance exists and if, on such date, the department, in  
403 consultation with the executive office of health and human services, determines that there still  
404 exists a need for such housing and that there is continued funding available for the provision of  
405 services to such development, the department may, by agreement with the owner of the  
406 development, extend the loans for such periods, each period not to exceed 10 years, as the  
407 department shall determine; provided further, that the project shall remain affordable housing for  
408 the duration of the loan term, including any extension thereof, as set forth in the contract or  
409 agreement entered into by the department; provided further, that in the event the terms of  
410 repayment detailed in this item would cause a project authorized by this item to become  
411 ineligible to receive federal funds which would otherwise assist in the development of that

412 project, the department may waive the terms of repayment which would cause the project to  
413 become ineligible; and (v) have interest rates fixed at a rate, to be determined by the department,  
414 in consultation with the state treasurer; provided further, that the loans shall be provided only for  
415 projects conforming to this item; provided further, that the loans shall be issued in accordance  
416 with a facilities consolidation plan prepared by the secretary of health and human services,  
417 reviewed and approved by the department and filed with the secretary of administration and  
418 finance, the house and senate committees on ways and means, the house and senate committees  
419 on bonding, capital expenditures and state assets and the joint committee on housing; provided  
420 further, that no expenditure shall be made from this item without the prior approval of the  
421 secretary of administration and finance; provided further, that the department of housing and  
422 community development, the department of mental health and the Community Economic  
423 Development Assistance Corporation may identify appropriate financing mechanisms and  
424 guidelines for grants or loans from this item to promote private development to produce housing,  
425 to provide for independent integrated living opportunities, to write down building and operating  
426 costs and to serve households at or below 15 per cent of area median income for the benefit of  
427 department of mental health clients; provided further, that not more than \$5,000,000 may be  
428 expended from this item for a pilot program of community-based housing or supportive housing  
429 loans to serve mentally ill homeless individuals in the current or former care of the department of  
430 mental health; provided further, that in implementing the pilot program, the department shall  
431 consider a balanced geographic plan when establishing community-based residences; provided  
432 further, that the housing services made available pursuant to such loans shall not be construed as  
433 a right or an entitlement for any individual or class of persons to the benefits of the pilot  
434 program; provided further, that eligibility for the pilot program shall be established by

435 regulations promulgated by the department; and provided further, that the department shall  
436 promulgate regulations under chapter 30A of the General Laws to implement, administer and  
437 enforce this item, consistent with the facilities consolidation plan prepared by the secretary of  
438 health and human services and after consultation with the secretary and the commissioner of  
439 capital asset management and maintenance.....\$32,100,000

440           7004-0073     For state financial assistance in the form of grants or loans for the Housing  
441 Stabilization and Investment Trust Fund, established in section 2 of chapter 121F of the General  
442 Laws, and awarded only pursuant to the criteria established in said section 2 of said chapter  
443 121F; provided, that not less than 25 per cent shall be used to fund projects which preserve and  
444 produce housing for families and individuals with incomes of not more than 30 per cent of the  
445 area median income, as defined by the United States Department of Housing and Urban  
446 Development; and provided further, that if the department of housing and community  
447 development has not spent the amount authorized under the bond cap for this program, at the end  
448 of each year following the effective date of this act, the department may award the remaining  
449 funds to projects that serve households earning more than 30 per cent of the area median income,  
450 as defined by the United States Department of Housing and Urban  
451 Development..... \$73,100,000

452           7004-0075     For state financial assistance in the form of grants for a 5-year  
453 demonstration program, administered by the department of housing and community development  
454 to demonstrate cost effective revitalization methods for state-aided family and elderly-disabled  
455 public housing that seek to reduce the need for future state modernization funding; provided, that  
456 housing authorities with state-aided housing developments pursuant to chapter 200 of the acts of  
457 1948, chapter 667 of the acts of 1954, chapter 705 of the acts of 1966, chapter 689 of the acts of

458 1974 or chapter 167 of the acts of 1987 shall be eligible to participate in the demonstration  
459 program; provided further, that the department may exempt a recipient of demonstration grants  
460 from the requirements of chapters 7C and 121B of the General Laws upon a showing by the  
461 recipient that such exemptions are necessary to accomplish the effective revitalization of public  
462 housing and shall not adversely affect public housing residents or applicants of any income who  
463 are otherwise eligible; provided further, that the department may provide to recipients of  
464 demonstration grants such additional regulatory relief as may be required to further the  
465 objectives of the demonstration program; provided further, that funds shall be made available for  
466 technical assistance provided by the Community Economic Development Assistance Corporation  
467 established in chapter 40H of the General Laws or the Massachusetts Housing Partnership Fund  
468 established in section 35 of chapter 405 of the acts of 1985 to recipients of demonstration grants  
469 and for evaluation of the demonstration; provided further, that the department’s regulations for  
470 the implementation, administration and enforcement of this item shall: (i) require that selected  
471 housing authorities demonstrate innovative and replicable solutions to the management,  
472 marketing or capital needs of state-aided family and elderly-disabled public housing  
473 developments and contribute to the continued viability of the housing as a resource for public  
474 housing eligible residents; (ii) encourage proposals that demonstrate regional collaborations  
475 among housing authorities; and (iii) encourage proposals that propose new affordable housing  
476 units on municipally-owned land, underutilized public housing sites or other land owned by the  
477 housing authority; and provided further, that the department shall annually report to the house  
478 and senate committees on ways and means, the house and senate committees on bonding, capital  
479 expenditures and state assets and the joint committee on housing on the progress of the  
480 demonstration program.....\$19,300,000

481           7004-0076    For state financial assistance in the form of grants or loans for the Housing  
482 Innovations Trust Fund established in section 2 of chapter 121E of the General Laws; provided,  
483 that not less than 25 per cent of the funds made available in this item shall be used to fund  
484 projects which preserve and produce housing for families and individuals with incomes of not  
485 more than 30 per cent of the area median income, as defined by the United States Department of  
486 Housing and Urban Development ..... \$29,500,000

487           7004-0079    For state financial assistance in the form of grants or loans to accelerate  
488 and support the creation of low-income and moderate-income housing in close proximity to  
489 transit nodes; provided, that the program shall be administered to: (i) maximize the amount of  
490 affordable residential and mixed-use space in close proximity to transit nodes, resulting in higher  
491 density, compact development and pedestrian-friendly, inclusive and connected neighborhoods;  
492 (ii) increase mass transit ridership; (iii) decrease traffic congestion and reduce greenhouse gas  
493 emissions; and (iv) increase economic opportunity for disadvantaged populations by making it  
494 easier for residents of affordable housing to access public transportation, including transportation  
495 supporting commutes to employment centers; provided further, that entities eligible to receive  
496 financial assistance shall include governmental bodies, community development corporations,  
497 local housing authorities, community action agencies, community-based or neighborhood-based  
498 non-profit housing organizations, other non-profit organizations and for-profit entities; provided  
499 further, that financial assistance provided pursuant to this section shall be made on a competitive  
500 basis, with preference for projects in communities disproportionately impacted by the 2019 novel  
501 coronavirus pandemic health and economic crisis; provided further, that grants shall be awarded  
502 in a manner that promotes geographic, social, racial and economic equity; provided further, that  
503 funds may be used to assist units occupied by and affordable to persons with incomes not more



504 than 110 per cent of the area median income, as defined by the United States Department of  
505 Housing and Urban Development with priority given to projects that provide higher and deeper  
506 levels of affordability; provided further, that not less than 25 per cent of the occupants of housing  
507 in projects assisted by this item shall be persons whose income is not more than 60 per cent of  
508 the area median income, as defined by the United States Department of Housing and Urban  
509 Development; provided further, that financial assistance offered pursuant to this item may be  
510 administered by the department of housing and community development through a contract with  
511 the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts  
512 of 1985, which in turn may directly offer financial assistance for the purposes set forth herein or  
513 may enter into subcontracts with non-profit organizations, established pursuant to chapter 180 of  
514 the General Laws for the purposes herein; provided further, that the department may provide  
515 financial support to non-profit and for-profit developers that enter into binding agreements to set  
516 aside residential units in market-rate, transit-oriented housing, over and above any units required  
517 to be set aside under local zoning or approvals, for rent or sale to income-qualified households at  
518 affordable rents or sale prices, as applicable; and provided further, that the department may  
519 establish additional program requirements through regulations or policy  
520 guidelines.....\$11,700,000

521           7004-0081    For state financial assistance in the form of grants for projects undertaken  
522 pursuant to clause (j) of section 26 of chapter 121B of the General Laws; provided, that contracts  
523 entered into by the department of housing and community development for those projects may  
524 include, but shall not be limited to, projects providing for renovation, remodeling, reconstruction,  
525 redevelopment and hazardous material abatement, including asbestos and lead paint, and for  
526 compliance with state codes and laws and for adaptations necessary for compliance with the

527 federal Americans with Disabilities Act of 1990, the provision of day care facilities, learning  
528 centers and teen service centers and the adaptation of units for families and persons with  
529 disabilities; provided further, that priority shall be given to projects undertaken for the purpose of  
530 compliance with state codes and laws or for other purposes related to the health and safety of  
531 residents; provided further, that funds may be expended from this item to make such  
532 modifications to congregate housing units as may be necessary to increase the occupancy rate of  
533 those units; provided further, that the department shall continue to fund a program to provide  
534 predictable funds to be used flexibly by housing authorities for capital improvements to extend  
535 the useful life of state-assisted public housing; and provided further, that not less than 25 per cent  
536 of the funds made available in this item shall be used to fund projects which preserve or produce  
537 housing for families and individuals with incomes of not more than 30 per cent of the area  
538 median income, as defined by the United States Department of Housing and Urban  
539 Development.....\$95,200,000

540           7004-0084    For financial assistance to accelerate and support the creation and  
541 preservation of sustainable and climate resilient affordable multifamily housing; provided, that  
542 such financial assistance shall be made to: (i) incorporate efficient, sustainable and climate-  
543 resilient design practices in affordable residential development to support positive climate  
544 mitigation outcomes; (ii) reduce greenhouse gas emissions and reliance on fossil fuels; (iii)  
545 increase resiliency of existing housing developments to mitigate impacts of climate change,  
546 including flooding and extreme temperatures; and (iv) enhance emergency preparedness,  
547 including sustainable means of power generation to allow for sheltering vulnerable populations  
548 in place; provided further, that financial assistance shall be made available on a competitive basis  
549 to community development corporations, local housing authorities, community action agencies,

550 community-based or neighborhood-based non-profit housing organizations, other non-profit  
551 organizations and for-profit entities; provided further, that funds may be used to assist units  
552 occupied by and affordable to persons with incomes not more than 110 per cent of the area  
553 median income, as defined by the United States Department of Housing and Urban Development  
554 with priority given to projects that provide higher and deeper levels of affordability; provided  
555 further, that not less than 25 per cent of the occupants of housing in projects assisted by this item  
556 shall be persons whose income is not more than 60 per cent of the area median income, as  
557 defined by the United States Department of Housing and Urban Development; provided further,  
558 that financial assistance shall be awarded in a manner that promotes geographic, social, racial  
559 and economic equity provided further, that financial assistance provided pursuant to this section  
560 may be administered by the department of housing and community development through  
561 contracts with the Massachusetts Housing Partnership Fund, established in section 35 of chapter  
562 405 of the acts of 1985, the Massachusetts Housing Finance Agency, established in chapter 708  
563 of the acts of 1966, or both, which authorities may directly offer financial assistance for the  
564 purposes set forth herein or may enter into subcontracts with non-profit organizations,  
565 established pursuant to chapter 180 of the General Laws for those purposes; and provided  
566 further, that the administering agency may establish additional program requirements through  
567 regulations or policy

568 guidelines..... \$1,000,000

569           7004-8026   For the Smart Growth Housing Trust Fund established in section 35AA of  
570 chapter 10 of the General Laws..... \$6,900,000

571           SECTION 3C.

572

TREASURER AND RECEIVER GENERAL

573           0640-1006    For the Massachusetts Clean Water Trust, established in section 2 of  
574 chapter 29C of the General Laws, for deposit in the Water Pollution Abatement Revolving Fund,  
575 established in section 2L of chapter 29 of the General Laws, for application by the trust to the  
576 purposes specified in section 5 of said chapter 29C, any portion of which may be used as a  
577 matching grant by the commonwealth to federal capitalization grants received under Title VI of  
578 the federal Clean Water Act or for deposit in the Drinking Water Revolving Fund, established in  
579 section 2QQ of said chapter 29, for application by the trust to the purposes specified in section  
580 18 of said chapter 29C, any portion of which may be used as a matching grant by the  
581 commonwealth to federal capitalization grants received under the federal Safe Drinking Water  
582 Act; provided, that funds may be used to assist homeowners in complying with the revised title 5  
583 of the state environmental code for subsurface disposal of sanitary waste; and provided further,  
584 that funds may be expended for the costs of projects and programs included in the federal  
585 Infrastructure and Investment in Jobs Act of 2021 also known as the Bipartisan Infrastructure  
586 Law, Public Law No. 117-58..... \$104,000,000

587           SECTION 4. Chapter 6 of the General Laws is hereby amended by striking out section  
588 204, as appearing in the 2020 Official Edition, and inserting in place thereof the following  
589 section:-

590           Section 204. (a) There shall be an advisory board on employee ownership which shall  
591 consist of 19 members, including the director of the Massachusetts office of business  
592 development or their designee, the secretary of labor and workforce development or their  
593 designee, the director of the Massachusetts growth capital corporation or their designee, the chief

594 executive officer of Associated Industries of Massachusetts, Inc. or their designee, the director of  
595 the Center for Economic Democracy, Inc. or their designee, the chapter president of the New  
596 England chapter of the ESOP Association or their designee, the president of AFL-CIO of  
597 Massachusetts or their designee, the president of the University of Massachusetts or their  
598 designee, and 7 additional members appointed by the governor who shall represent separate and  
599 distinct corporations, each with not less than 30 per cent of company stock owned by an  
600 employee stock ownership plan or an employee ownership trust, and 4 additional members  
601 appointed by the governor who shall represent separate and distinct industrial or worker  
602 cooperatives.

603 (b) Each appointed member shall serve for a term of 4 years. Upon expiration of the term,  
604 a successor shall be appointed, in the same manner. Any member shall be eligible for  
605 reappointment, but shall not serve for longer than 8 consecutive years. Vacancies shall be filled  
606 in the same manner as the original appointment for the remainder of the unexpired term. Any  
607 member may be removed from their appointment by a vote of the majority of the advisory board.

608 (c) Ten members of the board shall constitute a quorum and the affirmative vote of 10  
609 members shall be necessary and sufficient for any action to be taken by the board. The board  
610 shall meet not less than 3 times annually; provided, that remote participation in meetings shall be  
611 allowed. No vacancy in the membership of the board shall impair the right of a quorum to  
612 exercise all the rights and perform all the duties of the board. Any action taken by the board may  
613 be authorized by resolution at any regular or special meeting and shall take effect immediately  
614 unless otherwise provided in the resolution.

615 (d) There shall be a chairperson and a vice chairperson of the board elected annually at  
616 the first meeting of the advisory board. The board may elect such other officers as it deems  
617 necessary.

618 (e) The board shall advise the governor and the director of the Massachusetts center for  
619 employee ownership on issues and policy matters pertaining to employee involvement and  
620 ownership in the commonwealth. Staff members of the Massachusetts center for employee  
621 ownership shall support the administrative functions of the board.

622 (f) The board shall advise the director of the Massachusetts office of business  
623 development on the selection of a director of the Massachusetts center for employee ownership.

624 (g) The board shall adopt by-laws, operating rules, procedures and a mission statement.

625 SECTION 5. Section 16 of chapter 23D of the General Laws, as so appearing, is hereby  
626 amended by striking out, in lines 8 and 9, the words “director of the industrial services program”  
627 and inserting in place thereof the following words:- director of the Massachusetts center for  
628 employee ownership.

629 SECTION 6. Said chapter 23D is hereby further amended by striking out section 17 and  
630 inserting in place thereof the following section:-

631 Section 17. (a) There is hereby established a Massachusetts center for employee  
632 ownership within the Massachusetts office of business development established pursuant to  
633 section 1 of chapter 23A. The Massachusetts center for employee ownership shall provide  
634 education, conduct outreach and promote efforts to create an overall environment in the  
635 commonwealth to: (i) expand and enhance employee ownership, (ii) increase the number of

636 employee-owned companies, (iii) publicize and promote the benefits of employee involvement  
637 and ownership to policy makers and the general public, (iv) encourage collaborative outreach  
638 efforts regarding involvement and ownership in the workplace, (v) research and evaluate  
639 employee involvement and employee ownership in the commonwealth, (vi) showcase employee  
640 ownership initiatives in the commonwealth, (vii) facilitate and coordinate the sharing of existing  
641 information and resources, and (viii) provide grants pursuant to this chapter.

642 (b)(1) The director of the Massachusetts center for employee ownership shall have the  
643 power to hire staff, appoint any specific committee or task force and contract with consultants,  
644 agents or advisors deemed necessary to further the purposes of this section.

645 (2) The director may accept gifts or grants of money or property from any source to  
646 further the work of the center; provided, however, that any money received shall be deposited  
647 with the state treasurer to be kept in a separate fund in the treasury to be named the  
648 Massachusetts Center for Employee Ownership Fund dedicated to the center and for expenditure  
649 without appropriation by the director of the center in accordance with the conditions of such a  
650 gift or grant. Amounts remaining in the fund at the end of a fiscal year shall not revert to the  
651 General Fund and shall be available for expenditure in subsequent fiscal years.

652 (3) The director shall issue rules, regulations and procedures governing the application  
653 for and delivery of services which are deemed necessary for the proper performance of the duties  
654 of the center.

655 (4) Annually, the director shall file a report with the clerks of the house of representatives  
656 and senate, including an inventory of employee-owned businesses in the state and the specific

657 activities taken by the center to support and promote the transition of traditionally structured  
658 companies to an employee ownership model.

659 (5) The director shall be a full-time employee of the Massachusetts office of business  
660 development and shall report directly to the director of the Massachusetts office of business  
661 development.

662 SECTION 7. Subsection (b) of section 29A of chapter 23G of the General Laws, as  
663 appearing in the 2020 Official Edition, is hereby amended by striking out the definition of  
664 “Economically distressed area”.

665 SECTION 8. Said section 29A of said chapter 23G, as so appearing, is hereby further  
666 amended by striking out, in line 29, the words “located within an economically distressed area”.

667 SECTION 9. Said section 29A of said chapter 23G, as so appearing, is hereby further  
668 amended by inserting, in line 34, after the word “made” the following words:- , or will make,.

669 SECTION 10. Said section 29A of said chapter 23G, as so appearing, is hereby further  
670 amended by striking out, in lines 44 and 45, the words “economically distressed areas of”.

671 SECTION 11. Said section 29A of said chapter 23G, as so appearing, is hereby further  
672 amended by striking out, in lines 55 and 56, the words “within an economically distressed area as  
673 defined in section 2 of chapter 21E”.

674 SECTION 12. Said section 29A of said chapter 23G, as so appearing, is hereby further  
675 amended by striking out, in line 66, the figure “\$500,000” and inserting in place thereof the  
676 following figure:- \$750,000.



677 SECTION 13. Said section 29A of said chapter 23G, as so appearing, is hereby further  
678 amended by striking out, in line 69, the figure “\$100,000” and inserting in place thereof the  
679 following figure:- \$250,000.

680 SECTION 14. Said section 29A of said chapter 23G, as so appearing, is hereby further  
681 amended by inserting, in line 78, after the word “applied;” the following words:- provided, that  
682 the required contribution may be in the form of in-kind services or other non-cash contribution as  
683 the agency may determine in its reasonable discretion;.

684 SECTION 15. Said section 29A of said chapter 23G, as so appearing, is hereby further  
685 amended by striking out, in line 84, the word “and”.

686 SECTION 16. Said section 29A of said chapter 23G, as so appearing, is hereby further  
687 amended by striking out, in lines 87 and 88, the words “corporation or an economic development  
688 authority.” and inserting in place thereof the following words:- corporation, economic  
689 development authority or a non-profit entity in connection with a project that has a demonstrable  
690 public benefit; provided, that the agency shall establish guidelines for non-profit eligibility; and.

691 SECTION 17. Subsection (d) of said section 29A of said chapter 23G, as so appearing, is  
692 hereby further amended by adding the following clause:-

693 (12) preference shall be given to projects located within 1 mile of an environmental  
694 justice population as defined in section 62 of chapter 30.

695 SECTION 18. Said section 29A of said chapter 23G, as so appearing, is hereby further  
696 amended by striking out, in lines 97 and 98, the words “economically distressed”.

697 SECTION 19. Said section 29A of said chapter 23G, as so appearing, is hereby further  
698 amended by striking out, in lines 128 and 129 and in lines 129 and 130, the words “economically  
699 distressed area” and inserting in place thereof, in each instance, the following word:-  
700 municipality.

701 SECTION 20. Said section 29A of said chapter 23G, as so appearing, is hereby further  
702 amended by striking out, in lines 189 and 190, the words “director of economic development or  
703 his” and inserting in place thereof the following words:- secretary of housing and economic  
704 development or the secretary’s.

705 SECTION 21. Said section 29A of said chapter 23G, as so appearing, is hereby further  
706 amended by striking out, in lines 208 to 210, inclusive, the words “in economically distressed  
707 areas that are considered by the ombudsman and the department of economic development” and  
708 inserting in place thereof the following words:- that are considered by the ombudsman and the  
709 secretary of housing and economic development.

710 SECTION 22. Section 1 of chapter 23M of the General Laws, as so appearing, is hereby  
711 amended by striking out the definition of “Commercial energy improvements” and inserting in  
712 place thereof the following definition:-

713 “Commercial energy improvements”, (1) any renovation or retrofit of a qualifying  
714 commercial or industrial property to reduce greenhouse gas emissions; (2) any new construction  
715 of a qualifying commercial or industrial property that does not utilize onsite fossil fuel as its  
716 primary heating source and that reduces greenhouse gas emissions compared to a baseline  
717 established by the department; or (3) any installation of renewable energy systems to serve

718 qualifying commercial or industrial property. Such renovation, retrofit or installation shall be  
719 permanently fixed to such qualifying commercial or industrial property.

720 SECTION 23. Clause (13) of section 6 of chapter 25A of the General Laws, as inserted  
721 by section 31 of chapter 8 of the acts of 2021, is hereby amended by inserting after the word  
722 “improvements”, the third time it appears, the following words:- , exceed required energy code  
723 requirements at the time of project permitting or the project meets another nationally-recognized  
724 building standard for energy performance as deemed appropriate by the department of energy  
725 resources in coordination with the Massachusetts Development Finance Agency.

726 SECTION 24. Section 10 of chapter 40G of the General Laws, as appearing in the 2020  
727 Official Edition, is hereby amended by striking out the first sentence and inserting in place  
728 thereof the following sentence:- Any documentary materials or data whatsoever made or  
729 received by any member or employee of the corporation, and consisting of, or to the extent that  
730 such material or data consist of, trade secrets, or commercial or financial information regarding  
731 the operation of any business conducted by an applicant for, or recipient of, any form of  
732 assistance which the corporation is empowered to render, or regarding the competitive position  
733 of such applicant in a particular field of endeavor, shall not be deemed public records of the  
734 corporation and shall not be subject to section 10 of chapter 66.

735 SECTION 25. Chapter 40J of the General Laws is hereby amended by inserting after  
736 section 6I the following 2 sections:-

737 Section 6J. (a) There shall be established within the corporation a Massachusetts  
738 cybersecurity center. The purpose of the center shall be to enhance the conditions for economic  
739 growth through outreach to the cybersecurity industry cluster in the commonwealth and to foster

740 cybersecurity resiliency through communication, collaboration and outreach with state agencies,  
741 municipalities, educational institutions and private partners.

742 (b) The center shall carry out the purposes of the fund established in section 4H.

743 (c) The center shall be responsible for convening state and local officials and private  
744 sector participants to recommend actions needed to address the cybersecurity resiliency of the  
745 commonwealth. The center may also convene regional hubs for business development to support  
746 cybersecurity entrepreneurs that are establishing innovative technologies to support resiliency.

747 (d) The center shall work in collaboration with private sector entities, educational  
748 institutions and state and local government to address cybersecurity issues, including, but not  
749 limited to: (i) improving the cybersecurity of organizations across the commonwealth, in  
750 particular municipalities, small businesses and non-profits, without access to affordable  
751 resources to defend against cybersecurity threats and to maintain cyber resiliency; (ii) the  
752 shortage of trained workers available to meet the cybersecurity industry's workforce demands,  
753 with a particular focus on increasing the diversity of the cybersecurity workforce; and (iii) the  
754 lack of affordable cybersecurity training for employees in all types of businesses.

755 Section 6K. (a) There shall be established within the corporation a center for advanced  
756 manufacturing. The purpose of the center shall be to support companies engaged in  
757 manufacturing in Massachusetts and shall be administered in a manner that considers the needs  
758 of manufacturers in all regions of the commonwealth and supports growth in the manufacturing  
759 sector statewide. The corporation shall design and implement the activities of the center, in  
760 consultation with the secretary of housing and economic development and the Massachusetts  
761 advanced manufacturing collaborative established pursuant to section 10B of chapter 23A.

762 (b) The center shall facilitate the growth and competitiveness of the advanced  
763 manufacturing sector in the commonwealth by: (i) aligning investments and programs with the  
764 commonwealth’s priorities for advanced manufacturing; (ii) leveraging existing state and federal  
765 programs that support manufacturers to increase the regional impact of advanced manufacturing;  
766 (iii) fostering collaboration throughout the manufacturing ecosystem; (iv) aligning programs and  
767 investments in support of federal programs to scale critical and secure supply chains; (v)  
768 supporting, coordinating and developing advanced manufacturing workforce training programs;  
769 and (vi) creating initiatives that advance the commonwealth’s manufacturing plan established  
770 pursuant to section 10B of chapter 23A.

771 SECTION 26. Section 2 of chapter 40R of the General Laws, as appearing in the 2020  
772 Official Edition, is hereby amended by striking out the definition of “Approved starter home  
773 zoning district”.

774 SECTION 27. Said section 2 of said chapter 40R, as so appearing, is hereby further  
775 amended by striking out, in line 38, the words “or starter home zoning”.

776 SECTION 28. Said section 2 of said chapter 40R, as so appearing, is hereby further  
777 amended by striking out, in line 56, the words “or starter home zoning districts”.

778 SECTION 29. Said section 2 of said chapter 40R, as so appearing, is hereby further  
779 amended by striking out, in lines 78 and 79, the words “or starter home zoning”.

780 SECTION 30. Said section 2 of said chapter, as so appearing, is hereby further amended  
781 by striking out, in line 91, the words “under the underlying zoning” and inserting in place thereof  
782 the following words:- without the smart growth zoning district.

783 SECTION 31. Said section 2 of said chapter 40R, as so appearing, is hereby further  
784 amended by striking out the definitions of “Production bonus payment” to “Starter home zoning  
785 district certificate of compliance”, inclusive, and inserting in place thereof the following 3  
786 definitions:-

787 “Project”, a proposed residential or mixed-use development within a smart growth zoning  
788 district.

789 “Smart growth zoning district”, a zoning district adopted by a city or town under this  
790 chapter that replaces or is superimposed over 1 or more zoning districts in an eligible location,  
791 within which a developer may elect to either develop a project in accordance with requirements  
792 of the smart growth zoning district ordinance or by-law, or, where superimposed over 1 or more  
793 zoning districts, develop a project in accordance with requirements of the underlying zoning  
794 district.

795 “Smart growth zoning district certificate of compliance”, a written certification by the  
796 department in accordance with section 7.

797 SECTION 32. Section 3 of said chapter 40R, as so appearing, is hereby amended by  
798 striking out, in lines 2, 8, and in lines 19 and 20, each time they appear, the following words:- or  
799 starter home zoning district.

800 SECTION 33. Said section 3 of said chapter 40R, as so appearing, is hereby further  
801 amended by striking out, in line 16, the words “or starter home zoning districts”.

802 SECTION 34. Section 4 of said chapter 40R, as so appearing, is hereby amended by  
803 striking out, in line 3, the words “or starter home”.

804 SECTION 35. Said section 4 of said chapter 40R, as so appearing, is hereby amended by  
805 striking out, in line 15, the words “or starter home zoning district”.

806 SECTION 36. Section 5 of said chapter 40R, as so appearing, is hereby amended by  
807 striking out, in lines 2, 7, 9, and in lines 18 and 19, each time they appear, the following words:-  
808 or starter home zoning district.

809 SECTION 37. Said section 5 of said chapter 40R, as so appearing, is hereby amended by  
810 striking out, in line 10, the words “as to smart growth zoning districts only,”.

811 SECTION 38. Section 6 of said chapter 40R, as so appearing, is hereby amended by  
812 striking out, in lines 1 and 2, the words “or starter home zoning district”.

813 SECTION 39. Clause (3) of subsection (a) of said section 6 of said chapter 40R, as so  
814 appearing, is hereby amended by striking out the second sentence.

815 SECTION 40. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
816 is hereby further amended by striking out clause (5).

817 SECTION 41. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
818 is hereby further amended by striking out, in line 40, the figure “(6)” and inserting in place  
819 thereof the following figure:- (5).

820 SECTION 42. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
821 is hereby further amended by striking out clause (7) and inserting in place thereof the following  
822 clause:-

823 (6) A proposed smart growth zoning district shall not be subject to limitation of the  
824 issuance of building permits for residential uses or a local moratorium on the issuance of such  
825 permits.

826 SECTION 43. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
827 is hereby further amended by striking out, in lines 56 and 57, the words “(8) A proposed smart  
828 growth zoning district or starter home zoning district” and inserting in place thereof the  
829 following words:- (7) A proposed smart growth zoning district.

830 SECTION 44. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
831 is hereby further amended by striking out, in lines 70 and 71, the words “(9) Housing in a smart  
832 growth zoning district or starter home zoning district” and inserting in place thereof the  
833 following words:- (8) Housing in a smart growth zoning district.

834 SECTION 45. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
835 is hereby further amended by striking out, in lines 73 and 74, the words “(10) A proposed smart  
836 growth zoning district or starter home zoning district” and inserting in place thereof the  
837 following words:- (9) A proposed smart growth zoning district.

838 SECTION 46. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
839 is hereby further amended by striking out, in lines 78 and 79, the words “(11) The aggregate land  
840 area of all approved smart growth zoning districts and starter home zoning district” and inserting  
841 in place thereof the following words:- (10) The aggregate land area of all approved smart growth  
842 zoning districts.



843 SECTION 47. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
844 is hereby further amended by striking out, in line 84, the figure “(12)” and inserting in place  
845 thereof the following figure:- (11).

846 SECTION 48. Said subsection (a) of said section 6 of said chapter 40R, as so appearing,  
847 is hereby further amended by striking out, in lines 88 and 89, the words “(13) A proposed smart  
848 growth zoning district or starter home zoning district” and inserting in place thereof the  
849 following words:- (12) A proposed smart growth zoning district.

850 SECTION 49. Subsection (b) of said section 6 of said chapter 40R, as so appearing, is  
851 hereby amended by striking out the first sentence and inserting in place thereof the following  
852 sentence:- A smart growth zoning district ordinance or by-law may modify or eliminate the city  
853 or town’s dimensional standards in order to support desired densities, mix of uses and physical  
854 character.

855 SECTION 50. Said section 6 of said chapter 40R, as so appearing, is hereby further  
856 amended by striking out, in lines 101 and 102, 103, 105 and 106, 110 and 111, 116 and 117, 122,  
857 125 and 126, 131, 149 and 150, and in lines 165 and 166, each time they appear, the following  
858 words:- or starter home zoning district.

859 SECTION 51. Said subsection (c) of said section 6 of said chapter 40R, as so appearing,  
860 is hereby further amended by striking out the second sentence.

861 SECTION 52. Section 7 of said chapter 40R, as so appearing, is hereby amended by  
862 striking out, in lines 3 and 4, the words “or starter home zoning district certificate of compliance,  
863 as applicable.”.

864 SECTION 53. Said section 7 of said chapter 40R, as so appearing, is hereby further  
865 amended by striking out, in line 9, the words “or a starter home zoning district, as applicable”.

866 SECTION 54. Clause (4) of said subsection (a) of said section 7 of said chapter 40R, as  
867 so appearing, is hereby amended by striking out, in lines 16 and 17, the words “or starter home  
868 zoning district ordinance or by-law, as applicable.”.

869 SECTION 55. Said section 7 of said chapter 40R, as so appearing, is hereby amended by  
870 striking out, in lines 29 and 30, the words “or starter home zoning district ordinance or by-law, as  
871 applicable.”.

872 SECTION 56. Section 8 of said chapter 40R, as so appearing, is hereby amended by  
873 striking out, in lines 7 and 11, each time they appear, the following words:- or starter home  
874 zoning district.

875 SECTION 57. Section 9 of said chapter 40R, as so appearing, is hereby amended by  
876 striking out, in lines 2, 16 and 17 and in line 20, each time they appear, the following words:- or  
877 starter home zoning district.

878 SECTION 58. Said section 9 of said chapter 40R, as so appearing, is hereby further  
879 amended by striking out, in lines 24 to 26, inclusive, the words “and a one-time production  
880 bonus payment to each city or town with an approved starter home zoning district”.

881 SECTION 59. Said section 9 of said chapter 40R, as so appearing, is hereby further  
882 amended by striking out, in lines 27 to 29, inclusive, the words “and \$3,000 for each housing  
883 unit of new construction created in the starter home zoning district”.

884 SECTION 60. Said section 9 of said chapter 40R, as so appearing, is hereby further  
885 amended by striking out, in line 38, the words “or starter home zoning districts”.

886 SECTION 61. Section 10 of said chapter 40R, as so appearing, is hereby amended by  
887 striking out, in line 5 and in lines 21 and 22, in each instance, the following words:- or starter  
888 home zoning district.

889 SECTION 62. Said section 10 of said chapter 40R, as so appearing, is hereby further  
890 amended by striking out, in line 12, the words “In a smart growth zoning district, the” and  
891 inserting in place thereof the following word:- The.

892 SECTION 63. Section 11 of said chapter 40R, as so appearing, is hereby amended by  
893 striking out, in lines 2, 12, 18, 71, 76 and in lines 130 and 131, each time they appear, the  
894 following words:- or starter home zoning district.

895 SECTION 64. Section 12 of said chapter 40R, as so appearing, is hereby amended by  
896 striking out, in line 3, the words “and starter home zoning district programs” and inserting in  
897 place thereof the following word:- program.

898 SECTION 65. Said section 12 of said chapter 40R, as so appearing, is hereby further  
899 amended by striking out, in lines 7 and 8, the words “or starter home zoning districts”.

900 SECTION 66. Said section 12 of said chapter 40R, as so appearing, is hereby further  
901 amended by striking out, in lines 14 and 15, the words “and starter home zoning districts”.

902 SECTION 67. Said section 12 of said chapter 40R, as so appearing, is hereby further  
903 amended by striking out, in line 16 and in lines 23 and 24, each time they appear, the following  
904 words:- and one-time production bonus payments.

905 SECTION 68. Section 14 of said chapter 40R, as so appearing, is hereby amended by  
906 striking out, in lines 2 and 3, 5 and 6, 8, 15 and 16, and in line 24, each time they appear, the  
907 following words:- or starter home zoning district.

908 SECTION 69. Said section 14 of said chapter 40R, as so appearing, is hereby further  
909 amended by striking out, in lines 21 and 22, the words “or starter home zoning”.

910 SECTION 70. Section 5 of chapter 40V of the General Laws, as so appearing, is hereby  
911 amended by inserting after the word “department”, in lines 19 and 20, the following words:- ;  
912 provided, however, that any such dollar amount limit set by the department shall not be less than  
913 \$3,000,000.

914 SECTION 71. The General Laws are hereby further amended by inserting after chapter  
915 40X the following chapter:-

916 CHAPTER 40Y.

917 STARTER HOME ZONING DISTRICTS

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

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

921 “Developable land area”, that area within an approved starter home zoning district that  
922 can be feasibly developed into residential or mixed-use developments determined in accordance  
923 with regulations of the department. Developable land shall not include: (i) land area that is  
924 already substantially developed, including existing parks and dedicated, perpetual open space  
925 within such substantially developed land area; (ii) open space designated by the city or town as

926 provided in section 3; or (iii) areas exceeding one-half acre of contiguous land that are unsuitable  
927 for development because of topographic features or for environmental reasons, such as wetlands.  
928 Developable land area may include the land area occupied by or associated with underutilized  
929 residential, commercial, industrial or institutional buildings or uses that have the potential to be  
930 recycled or converted into residential or mixed-use developments as determined in accordance  
931 with regulations of the department.

932 “Historic district”, a local historic district established under chapter 40C.

933 “Open space”, shall include, but not be limited to, land to protect existing and future well  
934 fields, aquifers, and recharge areas, watershed land, agricultural land, grasslands, fields, forest  
935 land, fresh and saltwater marshes and other wetlands, ocean, river, stream, lake and pond  
936 frontage, beaches, dunes, and other coastal lands, lands to protect scenic vistas, land for wildlife  
937 or nature preserve and land for recreational use.

938 “Plan approval authority”, a board or other unit of municipal government designated by  
939 the city or town to conduct site plan review of proposed starter home projects.

940 “Production bonus payment”, a 1-time payment to a municipality from the trust fund for  
941 each starter home created in a starter home zoning district.

942 “Starter home”, a single-family home not exceeding 1,850 square feet in heated living  
943 area.

944 “Starter home zoning district”, a base or overlay zoning district adopted in a municipal  
945 zoning ordinance or by-law that complies with the requirements of section 3.

946 “Sustainable development standards”, provisions in the zoning, including, but not limited  
947 to, requirements that new development projects: (i) minimize site disturbance and permanently  
948 preserve undeveloped open space to the greatest extent practicable; and (ii) collect and manage  
949 storm water runoff in accordance with low impact development practices.

950 “Trust Fund”, the Smart Growth Housing Trust Fund, established by section 35AA of  
951 chapter 10.

952 “Zoning incentive payment”, a 1-time payment to a municipality from the trust fund  
953 payable upon the municipality’s adoption, and the department’s approval, of an approved starter  
954 home zoning district.

955 Section 2. (a) In its zoning ordinance or by-law, a city or town may adopt a starter home  
956 zoning district in any area deemed suitable by the city or town. A starter home zoning district  
957 ordinance or by-law, or any amendment to or repeal of such ordinance or by-law, shall be  
958 adopted in accordance with section 5 of chapter 40A; provided, that the ordinance or by-law, or  
959 any amendment to or repeal of such ordinance or by-law, shall be enacted by a simple majority  
960 vote of all the members of the town council, or of the city council where there is a commission  
961 form of government or a single branch, or of each branch where there are 2 branches, or by a  
962 simple majority vote of a town meeting.

963 (b) Prior to the adoption of a proposed starter home zoning district, a city or town shall  
964 request a preliminary determination by the department as to whether the proposed starter home  
965 zoning district will comply with the requirements of this chapter. A request for a preliminary  
966 determination of eligibility shall be submitted by the chief executive of a city or town on a form  
967 prescribed by the department, and shall include: the boundaries of the proposed starter home

968 zoning district; a map and description of the developable land area within the proposed starter  
969 home zoning district; a copy of the proposed starter home zoning district ordinance or by-law;  
970 narrative and exhibits as needed to establish the elements set forth in section 3; and any  
971 additional information the department may require in order to make a preliminary determination  
972 of eligibility. The department shall respond to such a request within 45 days of receipt of all  
973 information required to make such a preliminary determination of compliance.

974 (c) After the adoption of a proposed starter home zoning district, the city or town shall  
975 request from the department a final approval of the starter home zoning district. The department  
976 shall issue a final approval upon finding that the starter home zoning district as adopted complies  
977 in all respects with the requirements of this chapter, subject to any conditions imposed by the  
978 department as a condition of its approval. The department's final approval shall be required prior  
979 to the disbursement of a zoning incentive payment as set forth in section 6.

980 (d) The city or town shall provide written notice to the department not less than 45 days  
981 before a vote taken to adopt any amendment to the zoning ordinance or by-law as it applies to an  
982 approved starter home zoning district. Such notice shall state the number of starter homes that  
983 have been built within the district since its adoption and shall include an evaluation the number  
984 of projected starter homes, if any, that will remain developable within the starter home district  
985 after the adoption of the proposed amendment.

986 Section 3. A starter home zoning district shall comply with the following minimum  
987 requirements:

988 (1) Starter homes shall be a use permitted as of right at a density of not fewer than 4 units  
989 per acre of developable land area. No other single-family residential uses shall be permitted as of

990 right or by special permit in the starter home zoning district, except the zoning may permit  
991 construction of an accessory dwelling unit of 600 square feet or less on the same lot as a starter  
992 home. Accessory commercial and other non-residential uses may be allowed in a starter home  
993 district with the approval of the department.

994 (2) Each starter home zoning district shall incorporate sustainable development standards  
995 that apply to all starter home developments.

996 (3) At least 50 per cent of the starter homes to be developed in a proposed starter home  
997 zoning district, excluding accessory dwelling units, shall contain not fewer than 3 bedrooms.

998 (4) The zoning ordinance or by-law for each proposed starter home zoning district shall  
999 provide that, for any proposed development of more than 12 starter homes, not less than 10 per  
1000 cent of said starter homes shall be affordable to and occupied by individuals and families whose  
1001 annual income is less than 110 per cent of the area median income as determined by the United  
1002 States Department of Housing and Urban Development. The zoning shall specify the mechanism  
1003 by which the city or town will ensure a project complies with such affordability requirements,  
1004 when applicable, and may require the execution and recording of an affordable housing  
1005 restriction, as defined in section 31 of chapter 184.

1006 (5) A proposed starter home zoning district shall not be subject to limitation of the  
1007 issuance of building permits for residential uses or a local moratorium on the issuance of such  
1008 permits. In addition, a proposed starter home zoning district shall not be subject to any municipal  
1009 environmental or health ordinances, bylaws or regulations that exceed applicable requirements of  
1010 state law or regulation and would render infeasible the development contemplated under the  
1011 application for such district, as determined by the department.



1012 (6) A starter home zoning district shall not impose restrictions on age or any other  
1013 occupancy restrictions on the district as a whole or any portion thereof or project therein.

1014 (7) Housing in a starter home zoning district shall comply with federal, state and local  
1015 fair housing laws.

1016 (8) The total land area of all starter home zoning districts in a city or town shall not  
1017 exceed 15 per cent of the total land area in the city or town. Upon request, the department may  
1018 approve a larger land area if such approval serves the goals and objectives of this chapter.

1019 Section 4. (a) The zoning applicable to a starter home zoning district may require that  
1020 individual projects design site plans in a manner that preserves developable land area as open  
1021 space; provided, that the zoning allows for 4 starter homes per acre, including the developable  
1022 land area preserved as open space. The zoning may provide for such open space to be preserved  
1023 through a conservation restriction as defined in section 31 of chapter 184, by the grant of an  
1024 easement or restriction to the municipal conservation commission or by such other means as is  
1025 permitted by state law.

1026 (b) A local historic district may overlap with a starter home zoning district in whole or in  
1027 part; provided, that the local historic district does not render the city or town noncompliant with  
1028 this chapter, as determined by the department.

1029 (c) The zoning applicable to a starter home zoning district may include reasonable design  
1030 standards applicable to individual starter home projects, to ensure that the physical character of  
1031 development within the starter home zoning district is complementary to adjacent buildings and  
1032 structures. Such standards may address the scale and proportions of buildings, the alignment, the  
1033 width and grade of streets and sidewalks, the type and location of infrastructure, the location of

1034 building and garage entrances, off-street parking, the protection of significant natural site  
1035 features, the location and design of on-site open spaces, exterior signs and buffering in relation to  
1036 adjacent properties. A design standard shall not be adopted if it will add unreasonable costs to  
1037 starter home developments or unreasonably impair the economic feasibility of proposed starter  
1038 home projects.

1039 (d) The starter home zoning district zoning ordinance or by-law may provide for site plan  
1040 review of proposed starter home projects; provided, that such review is consistent with and  
1041 subject to the following limitations:

1042 (1) The ordinance or by-law may require the applicant to pay for reasonable consulting  
1043 fees to provide peer review of the applications for the benefit of the plan approval authority;  
1044 provided, that fees shall be held by the municipality in a separate account and used only for  
1045 expenses associated with the review of the development application by outside consultants and  
1046 any surplus remaining after the completion of such review, including any interest accrued, shall  
1047 be returned to the applicant.

1048 (2) The starter home zoning district ordinance or by-law may provide for the referral of  
1049 the plan to municipal officers, agencies or boards other than the plan approval authority for  
1050 comment; provided, that any such board, agency or officer shall provide any comments to the  
1051 plan approval authority within 60 days of its receipt of a copy of the plan.

1052 (3) Notwithstanding any provision in the zoning code or by-law to the contrary, the  
1053 decision of the plan approval authority shall be made, and a written notice of the decision filed  
1054 with the city or town clerk, not later than 120 days after the receipt of a complete application by  
1055 the city or town clerk, unless such timeframe for decision is extended by written agreement

1056 between the applicant and the plan approval authority. Failure of the plan approval authority to  
1057 take action within said 120 days or extended time, if applicable, shall be deemed to be an  
1058 approval of the plan. An applicant who seeks approval of a plan by reason of the failure of the  
1059 plan approval authority to act within said 120 days shall notify the city or town clerk, in writing,  
1060 within 14 days after the expiration of said 120 days or extended time, if applicable. Such notice  
1061 to the city or town clerk shall specify relevant details of the application timeline demonstrating  
1062 the lack of decision.

1063 (4) Notwithstanding any provision to the contrary in the starter home zoning district  
1064 ordinance or by-law, the plan approval authority may approve a site plan subject only to those  
1065 conditions that are necessary to: (i) ensure substantial compliance of the proposed project with  
1066 the requirements of the starter home zoning district ordinance or by-law; (ii) ensure public safety  
1067 or the safety of persons living in or visiting the proposed project; or (iii) mitigate any  
1068 extraordinary adverse impacts of the project on nearby properties.

1069 (5) The department may establish additional standards or limitations for site plan review  
1070 pursuant to this section.

1071 Section 5. Not less frequently than once per year, on or before a date specified by the  
1072 department, each city or town with 1 or more approved starter home zoning districts shall submit  
1073 to the department the following information:

1074 (1) Whether the city or town has repealed or amended, or proposed to amend or repeal,  
1075 any of the requirements applicable to the starter home zoning district or districts;

1076 (2) Whether there are any pending proposals to construct starter homes within the starter  
1077 home district or districts; and

1078 (3) Whether any starter homes have been constructed within the starter home district or  
1079 districts, and if so, whether those projects comply with the zoning requirements applicable to the  
1080 district or districts.

1081 Section 6. Subject to any conditions imposed by the department as a condition of  
1082 approving a starter home zoning district, each city or town with an approved starter home zoning  
1083 district shall be entitled to a 1-time zoning incentive payment upon approval of the district by the  
1084 department in accordance with the schedule set forth in subsection (a) of section 9 of chapter  
1085 40R and a production bonus payment in the amount of \$3,000 for each starter home created in  
1086 the starter home zoning district.

1087 Section 7. (a) The department may revoke its approval of an approved starter home  
1088 zoning district if, at any time, the department determines that:

1089 (1) A city or town with an approved starter home zoning district has not complied with  
1090 the requirements of this chapter;

1091 (2) The zoning applicable to an approved starter home zoning district no longer complies  
1092 with the requirements of this chapter;

1093 (3) The zoning applicable to an approved starter home zoning district has been amended  
1094 in such a way that reduces the number of starter homes that can be developed within the starter  
1095 home zoning district; or

1096 (4) No building permits have been issued for any starter homes within the starter home  
1097 zoning district within 5 years from the date of the department's approval of the district.

1098           The department may revoke the approval of an approved starter home zoning district only  
1099 after conducting a hearing in accordance with chapter 30A, unless the municipality in writing  
1100 waives its right to such a hearing. The department’s revocation of approval shall not affect the  
1101 validity of the starter home zoning district ordinance or by-law, as applicable, or the application  
1102 of such ordinance or by-law to land, development or proposed development within the starter  
1103 home zoning district.

1104           (b) If the department revokes its approval of an approved starter home zoning district, the  
1105 affected city or town shall repay to the department the zoning incentive payment, or such portion  
1106 thereof as the department may specify. All monies repaid to the department under this section  
1107 shall be credited to the funding source from which the payment originated.

1108           Section 8. The department may promulgate regulations for the administration and  
1109 enforcement of this chapter.

1110           SECTION 72. Section 53 of chapter 44 of the General Laws, as appearing in the 2020  
1111 Official Edition, is hereby amended by striking out clauses (2) and (3) and inserting in place  
1112 thereof the following 4 clauses:-

1113           (2) sums not in excess of \$150,000 recovered under the terms of a fire or physical  
1114 damage insurance policy or received in restitution for damage done to such city, town or district  
1115 property may, with the approval of the chief executive officer, be used by the officer or  
1116 department having control of the city, town or district property for the restoration or replacement  
1117 of such property without specific appropriation during the fiscal year in which they are received  
1118 or 120 days after receipt, whichever is later, (3) sums recovered from pupils in the public schools  
1119 for loss of or damage to school books, materials, electronic devices or other learning aids

1120 provided by the school committee, or paid by pupils for materials used in the industrial arts  
1121 projects, may be used by the school committee for the restoration or replacement of such books  
1122 or materials without specific appropriation, (4) non-recurring, unanticipated sums received by  
1123 multiple cities, towns or districts and not otherwise provided for by a general or special law,  
1124 may, upon the approval of the director of accounts, be expended at the direction of the chief  
1125 executive officer without further appropriation only for the singular purpose for which the  
1126 money was received, and (5) non-recurring, unanticipated sums received by multiple cities,  
1127 towns or districts and not otherwise provided for by a general or special law, may, upon the  
1128 approval of the director of accounts, be deposited in a separate revenue account established in the  
1129 city, town or district treasury and expended, with appropriation, only for the purposes for which  
1130 the money was received.

1131 SECTION 73. Section 3 of chapter 62 of the General Laws , as so appearing, is hereby  
1132 amended by striking out, in line 109the figure “\$3,000” and inserting in place thereof the  
1133 following figure:- \$4,000.

1134 SECTION 74. Section 6 of said chapter 62is hereby amended by striking out, in lines 245  
1135 and 250, as so appearing, the figure “30”, each time it appears, and inserting in place thereof, in  
1136 each instance, the following figure:- 40.

1137 SECTION 75. Said section 6 of said chapter 62 is hereby amended by striking out, in line  
1138 290, as so appearing, the figure “2023” and inserting in place thereof the following figure:- 2028.

1139 SECTION 76. Said section 6 of said chapter 62 is hereby further amended by striking  
1140 out, in line 296, as so appearing, the figure “2024” and inserting in place thereof the following  
1141 figure:- 2029.

1142 SECTION 77. Paragraph (4) of said subsection (j) of said section 6 of said chapter 62, as  
1143 so appearing, is hereby amended by adding the following sentence:- For the purpose of the  
1144 Brownfields Redevelopment Fund, state financial assistance shall mean the amount of any grant  
1145 or principal amount of any loan, but shall not include any loan principal repaid as of the date the  
1146 credit application is filed with the commissioner.

1147 SECTION 78. Said section 6 of said chapter 62 is hereby amended by striking out, in line  
1148 447, as so appearing, the figure “\$750”, and inserting in place thereof the following figure:-  
1149 \$1,755.

1150 SECTION 79. Said section 6 of said chapter 62 is hereby further amended by striking  
1151 out, in lines 896 to 898, inclusive, as so appearing, the words “The total amount of credits that  
1152 may be authorized by DHCD in a calendar year pursuant to this subsection and section 38BB of  
1153 chapter 63 shall not exceed \$10,000,000 and” and inserting in place thereof the following  
1154 words:- DHCD may authorize up to \$57,000,000 in credits during fiscal year 2023 and up to  
1155 \$30,000,000 in credits annually thereafter under this subsection and section 38BB of chapter 63.  
1156 In addition, DHCD may authorize annually: (i) any portion of the annual cap on credits not  
1157 authorized by DHCD in the preceding calendar years under this subsection or said section 38BB  
1158 of said chapter 63; and (ii) any credits under this subsection or said section 38BB of said chapter  
1159 63 returned to DHCD by a certified housing development project. The total amount of credits  
1160 authorized during a year.

1161 SECTION 80. Said section 6 of said chapter 62 is hereby further amended by inserting  
1162 after the figure “63;”, in line 900, as so appearing, the following word:- and.

1163 SECTION 81. Said section 6 of said chapter 62 is hereby further amended by striking  
1164 out, in lines 903 to 905, inclusive, as so appearing, the words “Any portion of the \$10,000,000  
1165 annual cap not awarded by the DHCD in a calendar year shall not be applied to awards in a  
1166 subsequent year.”.

1167 SECTION 82. Said section 6 of said chapter 62 is hereby further amended by striking  
1168 out, in line 906, as so appearing, the word “The” the first time it appears.

1169 SECTION 83. Said section 6 of said chapter 62 is hereby further amended by inserting  
1170 after the figures “31-33”, in line 1158, as so appearing, the following words:- or other expansion  
1171 industries new to apprenticeship that the secretary of labor and workforce development identifies  
1172 as critical to a regional labor market economy.

1173 SECTION 84. Said section 6 of said chapter 62, as most recently amended by section 31  
1174 of chapter 102 of the acts of 2021, is hereby further amended by striking out subsections (x) and  
1175 (y) and inserting in place thereof the following subsection:-

1176 (x) A taxpayer who maintains a household that includes as a member: (i) at least 1  
1177 individual under the age of 13 who qualifies for exemption as a dependent under section 151 of  
1178 the Code; (ii) at least 1 qualifying individual, as defined in said section 21 of the Code; or (iii) at  
1179 least 1 individual who is: (A) not less than 65 years of age or who is disabled; and (B) who  
1180 qualifies as a dependent under section 152 of the Code, shall be allowed a credit in an amount  
1181 equal to \$310 for each such dependent or qualifying individual with respect to the taxpayer;  
1182 provided, however, that if the taxpayer is married at the close of the taxable year, the credit  
1183 provided in this subsection shall be allowed if the taxpayer and the taxpayer’s spouse file a joint  
1184 return for the taxable year or if the taxpayer qualifies as a head of household under section 2(b)



1185 of the Code; and provided further, that for the purposes of this subsection, “maintains a  
1186 household” shall have the same meaning as in said section 21 of the Code. With respect to a  
1187 taxpayer who is a non-resident for part of the taxable year, the credit shall be further limited to  
1188 the amount of allowable credit multiplied by a fraction, the numerator of which shall be the  
1189 number of days in the taxable year the person resided in the commonwealth and the denominator  
1190 of which shall be the number of days in the taxable year. A person who is a non-resident for the  
1191 entire taxable year shall not be allowed the credit. If the amount of the credit allowed under this  
1192 subsection exceeds the taxpayer’s tax liability, the commissioner shall treat the excess as an  
1193 overpayment and shall pay the taxpayer the entire amount of the excess without interest.

1194 SECTION 85. Said section 6 of said chapter 62 of the General Laws, as so amended, is  
1195 hereby further amended by adding the following subsection:-

1196 (aa)(1) As used in this subsection, the following words shall, unless the context clearly  
1197 requires otherwise, have the following meanings:

1198 “Advertising and public relations expenditure”, a cost incurred within the commonwealth  
1199 by an eligible theater production for goods or services related to the marketing, public relations,  
1200 creation and placement of print, electronic, television, billboards or other forms of advertising to  
1201 promote the eligible theater production.

1202 “Eligible theater production”, a live stage musical, dance or theatrical production or tour  
1203 being presented in a qualified production facility that is either: (a) a pre-Broadway production;  
1204 (b) a pre-off Broadway production; or (c) a national tour launch.

1205 “Eligible theater production certificate”, a final certificate issued by the office, in  
1206 consultation with the commissioner, certifying that a production is an eligible theater production  
1207 that meets the rules or regulations of the office.

1208 “National tour launch”, a live stage production that, in its original or adaptive version, is  
1209 performed in a qualified production facility and opens its national tour in the commonwealth.

1210 “Office”, the office of travel and tourism established in section 13E of chapter 23A.

1211 “Payroll”, all salaries, wages, fees and other compensation, including, but not limited to,  
1212 taxes, benefits and any other consideration incurred or paid to talent and non-talent employees of  
1213 the applicant for services rendered within the commonwealth to and on behalf of an eligible  
1214 theater production; provided, that the payroll expenditure shall be incurred or paid by the  
1215 applicant for services related to any portion of an eligible theater production from its pre-  
1216 production stages, including, but not limited to: (a) the writing of the script, (b) casting, (c) hiring  
1217 of service providers, (d) purchases from vendors, (e) marketing, (f) advertising, (g) public  
1218 relations, (h) load in, (i) rehearsals, (j) performances, (k) other eligible theater production related  
1219 activities, and (l) load out; and provided further, that the payroll expenditure shall be directly  
1220 attributable to the eligible theater production and shall be limited to the first \$100,000 of wages  
1221 incurred or paid to each employee of an eligible theater production in each tax year.

1222 “Pre-Broadway production”, a live stage production that, in its original or adaptive  
1223 version, is performed in a qualified production facility having a presentation scheduled for New  
1224 York City’s Broadway theater district within 24 months after its presentation in the  
1225 commonwealth.

1226 “Pre-off Broadway production”, a live stage production that, in its original or adaptive  
1227 version, is performed in a qualified production facility having a presentation scheduled for New  
1228 York City’s off-Broadway theater district within 24 months after its presentation in the  
1229 commonwealth.

1230 “Production and performance expenditures”, a contemporaneous exchange of cash or  
1231 cash equivalent for goods or services related to development, production, performance or  
1232 operating expenditures incurred in the commonwealth for a qualified theater production,  
1233 including, but not limited to, expenditures for design, construction and operation, including sets,  
1234 special and visual effects, costumes, wardrobes, make-up, accessories, costs associated with  
1235 sound, lighting, staging, advertising and public relations expenditures, facility expenses, rentals,  
1236 per diems, accommodations and other related costs.

1237 “Qualified production facility”, a facility located in the commonwealth in which live  
1238 theater productions are, or are intended to be, exclusively presented that contains at least 1 stage,  
1239 a seating capacity of not less than 175 seats, dressing rooms, storage areas and other ancillary  
1240 amenities necessary for the eligible theater production.

1241 “Transportation expenditures”, expenditures for the packaging, crating and transportation  
1242 both to the commonwealth for use in a qualified theater production of sets, costumes or other  
1243 tangible property constructed or manufactured out of state, or from the commonwealth after use  
1244 in a qualified theater production of sets, costumes or other tangible property constructed or  
1245 manufactured in the commonwealth and the transportation of the cast and crew to and from the  
1246 commonwealth; provided, that “transportation expenditures” shall include the packaging, crating  
1247 and transporting of property and equipment used for special and visual effects, sound, lighting

1248 and staging, costumes, wardrobes, make-up and related accessories and materials and any other  
1249 performance or production-related property and equipment.

1250 (2) Any taxpayer that receives an eligible theater production certificate shall be allowed a  
1251 tax credit against taxes imposed by this chapter. The credit shall be equal to 35 per cent of the  
1252 total in-state payroll costs and 25 per cent of the production and performance expenditures and  
1253 transportation expenditures and all out of state payroll costs for the eligible theater production  
1254 directly attributable to activities in the commonwealth. The credit shall not be greater than  
1255 \$5,000,000 and shall be limited to (i) in-state payroll costs, (ii) production and performance  
1256 expenditures; (iii) transportation expenditures, and (iv) all out of state payroll costs, directly  
1257 attributable to activities in the commonwealth. The eligible theater production budget shall be  
1258 not less than \$100,000.

1259 (3) Not more than \$5,000,000 in total may be issued for any tax year for tax credits  
1260 pursuant to this subsection. If the total amount of allocated credits applied for in any particular  
1261 year exceeds the aggregate amount of tax credits allowed for such year, the excess shall be  
1262 treated as having been applied on the first day of the subsequent year.

1263 (4) The tax credit shall be allowed against the tax for the taxable period in which the  
1264 credit is earned and may be carried forward for not more than 5 succeeding tax years.

1265 (5) If a taxpayer has not claimed the tax credits in whole or part, a taxpayer eligible for  
1266 the tax credits may assign, transfer or convey the tax credits, in whole or in part, by sale or  
1267 otherwise to any individual or entity and such assignee of the tax credits that have not claimed  
1268 the tax credits, in whole or in part, may assign, transfer or convey the tax credits, in whole or in  
1269 part, by sale or otherwise to any individual or entity. The assignee of the tax credits may use

1270 acquired credits to offset up to 100 per cent of the tax liabilities otherwise imposed pursuant to  
1271 this chapter. The assignee may apply the tax credits against taxes imposed on the assignee for not  
1272 more than 5 succeeding tax years. The assignor shall perfect the transfer by notifying the  
1273 commissioner, in writing, within 30 calendar days following the effective date of the transfer and  
1274 shall provide any information as may be required by the commissioner to administer and carry  
1275 out this subsection.

1276 (6) Any assignment or sales of proceeds received by the assignor for its assignment or  
1277 sale of the tax credits allowed pursuant to this subsection shall be exempt from tax under this  
1278 chapter.

1279 (7) Upon determination by the office, in consultation with the commissioner, that the  
1280 taxpayer qualifies for an eligible theater production certificate the commissioner shall issue to  
1281 the taxpayer a tax credit in an amount in accordance with paragraph (2).

1282 (8) The commissioner shall promulgate such rules and regulations necessary for the  
1283 administration of this subsection.

1284 SECTION 86. Section 38Q of chapter 63 of the General Laws, as appearing in the 2020  
1285 Official Edition, is hereby amended by striking out, in line 3, the figure “2023” and inserting in  
1286 place thereof the following figure:- 2028.

1287 SECTION 87. Said section 38Q of said chapter 63, as so appearing, is hereby further  
1288 amended by striking out, in line 9, the figure “2024” and inserting in place thereof the following  
1289 figure:- 2029.

1290 SECTION 88. Subsection (d) of said section 38Q of said chapter 63, as so appearing, is  
1291 hereby amended by adding the following sentence:- For the purpose of the Brownfields  
1292 Redevelopment Fund, state financial assistance shall mean the amount of any grant or principal  
1293 amount of any loan, but shall not include any loan principal repaid as of the date the credit  
1294 application is filed with the commissioner.

1295 SECTION 89. Section 38BB of said chapter 63, as so appearing, is hereby amended by  
1296 striking out, in lines 42 to 44, inclusive, the words “The total amount of credits that may be  
1297 authorized by DHCD in a calendar year under this section and subsection (q) of section (6) of  
1298 chapter 62 shall not exceed \$10,000,000 and” and inserting in place thereof the following  
1299 words:- DHCD may authorize up to \$57,000,000 in credits during fiscal year 2023 and up to  
1300 \$30,000,000 in credits annually thereafter under this section and subsection (q) of section (6) of  
1301 chapter 62. In addition, DHCD may authorize annually: (i) any portion of the annual cap on  
1302 credits not authorized by DHCD in the preceding calendar years under this section or said  
1303 subsection (q) of said section (6) of said chapter 62; and (ii) any credits under this section or said  
1304 subsection (q) of said section (6) of said chapter 62 returned to DHCD by a certified housing  
1305 development project. The total amount of credits authorized during a year.

1306 SECTION 90. Said section 38BB of said chapter 63, as so appearing, is hereby further  
1307 amended by inserting after the words “chapter 62;”, in line 46, the following word:- and.

1308 SECTION 91. Subdivision (5) of said section 38BB of said chapter 63, as so appearing, is  
1309 hereby amended by striking out the second sentence.

1310 SECTION 92. Section 38HH of said chapter 63, as so appearing, is hereby amended by  
1311 inserting after the figure “31-33”, in line 18, the following words:- or other expansion industries

1312 new to apprenticeship that the secretary of labor and workforce development identifies as critical  
1313 to a regional labor market economy.

1314 SECTION 93. Said chapter 63 is hereby further amended by inserting after section 38JJ  
1315 the following section:-

1316 Section 38KK. (a) As used in this section the following words shall, unless the context  
1317 clearly requires otherwise, have the following meanings:

1318 “Advertising and public relations expenditure”, a cost incurred within the commonwealth  
1319 by an eligible theater production for goods or services related to the marketing, public relations,  
1320 creation and placement of print, electronic, television, billboards or other forms of advertising to  
1321 promote the eligible theater production.

1322 “Eligible theater production”, a live stage musical, dance or theatrical production or tour  
1323 being presented in a qualified production facility that is either: (a) a pre-Broadway production;  
1324 (b) a pre-off Broadway production; or (c) a national tour launch.

1325 “Eligible theater production certificate”, a final certificate issued by the office, in  
1326 consultation with the commissioner, certifying that a production is an eligible theater production  
1327 that meets the rules or regulations of the office.

1328 “National tour launch”, a live stage production that, in its original or adaptive version, is  
1329 performed in a qualified production facility and opens its national tour in the commonwealth.

1330 “Office”, the office of travel and tourism established in section 13E of chapter 23A.

1331 “Payroll”, all salaries, wages, fees and other compensation, including, but not limited to,  
1332 taxes, benefits and any other consideration incurred or paid to talent and non-talent employees of

1333 the applicant for services rendered within the commonwealth to and on behalf of an eligible  
1334 theater production; provided, that the payroll expenditure shall be incurred or paid by the  
1335 applicant for services related to any portion of an eligible theater production from its pre-  
1336 production stages, including, but not limited to: (a) the writing of the script, (b) casting, (c) hiring  
1337 of service providers, (d) purchases from vendors, (e) marketing, (f) advertising, (g) public  
1338 relations, (h) load in, (i) rehearsals, (j) performances, (k) other eligible theater production related  
1339 activities, and (l) load out; and provided further, that the payroll expenditure shall be directly  
1340 attributable to the eligible theater production and shall be limited to the first \$100,000 of wages  
1341 incurred or paid to each employee of an eligible theater production in each tax year.

1342 “Pre-Broadway production”, a live stage production that, in its original or adaptive  
1343 version, is performed in a qualified production facility having a presentation scheduled for New  
1344 York City’s Broadway theater district within 24 months after its presentation in the  
1345 commonwealth.

1346 “Pre-off Broadway production”, a live stage production that, in its original or adaptive  
1347 version, is performed in a qualified production facility having a presentation scheduled for New  
1348 York City’s off-Broadway theater district within 24 months after its presentation in the  
1349 commonwealth.

1350 “Production and performance expenditures”, a contemporaneous exchange of cash or  
1351 cash equivalent for goods or services related to development, production, performance or  
1352 operating expenditures incurred in the commonwealth for a qualified theater production,  
1353 including, but not limited to, expenditures for design, construction and operation, including sets,  
1354 special and visual effects, costumes, wardrobes, make-up, accessories, costs associated with



1355 sound, lighting, staging, advertising and public relations expenditures, facility expenses, rentals,  
1356 per diems, accommodations and other related costs.

1357 “Qualified production facility”, a facility located in the commonwealth in which live  
1358 theater productions are, or are intended to be, exclusively presented that contains at least 1 stage,  
1359 a seating capacity of not less than 175 seats, dressing rooms, storage areas and other ancillary  
1360 amenities necessary for the eligible theater production.

1361 “Transportation expenditures”, expenditures for the packaging, crating and transportation  
1362 both to the commonwealth for use in a qualified theater production of sets, costumes or other  
1363 tangible property constructed or manufactured out of state, or from the commonwealth after use  
1364 in a qualified theater production of sets, costumes or other tangible property constructed or  
1365 manufactured in the commonwealth and the transportation of the cast and crew to and from the  
1366 commonwealth; provided, that “transportation expenditures” shall include the packaging, crating  
1367 and transporting of property and equipment used for special and visual effects, sound, lighting  
1368 and staging, costumes, wardrobes, make-up and related accessories and materials and any other  
1369 performance or production-related property and equipment.

1370 (b) Any taxpayer that receives an eligible theater production certificate shall be allowed a  
1371 tax credit against taxes imposed by this chapter. The credit shall be equal to 35 per cent of the  
1372 total in-state payroll costs and 25 per cent of the production and performance expenditures and  
1373 transportation expenditures and all out of state payroll costs for the eligible theater production  
1374 directly attributable to activities in the commonwealth. The credit shall not be greater than  
1375 \$5,000,000 and shall be limited to (i) in-state payroll costs, (ii) production and performance  
1376 expenditures; (iii) transportation expenditures, and (iv) all out of state payroll costs, directly

1377 attributable to activities in the commonwealth. The eligible theater production budget shall be  
1378 not less than \$100,000.

1379 (c) Not more than \$5,000,000 in total may be issued for any tax year for tax credits  
1380 pursuant to this section. If the total amount of allocated credits applied for in any particular year  
1381 exceeds the aggregate amount of tax credits allowed for such year, the excess shall be treated as  
1382 having been applied on the first day of the subsequent year.

1383 (d) The tax credit shall be allowed against the tax for the taxable period in which the  
1384 credit is earned and may be carried forward for not more than 5 succeeding tax years.

1385 (e) If a taxpayer has not claimed the tax credits in whole or part, a taxpayer eligible for  
1386 the tax credits may assign, transfer or convey the tax credits, in whole or in part, by sale or  
1387 otherwise to any individual or entity and such assignee of the tax credits that have not claimed  
1388 the tax credits, in whole or in part, may assign, transfer or convey the tax credits, in whole or in  
1389 part, by sale or otherwise to any individual or entity. The assignee of the tax credits may use  
1390 acquired credits to offset up to 100 per cent of the tax liabilities otherwise imposed pursuant to  
1391 this chapter. The assignee may apply the tax credits against taxes imposed on the assignee for not  
1392 more than 5 succeeding tax years. The assignor shall perfect the transfer by notifying the  
1393 commissioner, in writing, within 30 calendar days following the effective date of the transfer and  
1394 shall provide any information as may be required by the commissioner to administer and carry  
1395 out this section.

1396 (f) Any assignment or sales of proceeds received by the assignor for its assignment or  
1397 sale of the tax credits allowed pursuant to this section shall be exempt from tax under this  
1398 chapter.

1399 (g) The credit shall only be allowed against the tax of a corporation included in a  
1400 consolidated return that qualifies for the credit and shall not be allowed against the tax of other  
1401 corporations that may join in the filing of a consolidated tax return; provided, however, that in  
1402 the case of a corporation that files a consolidated return with 1 or more other corporations with  
1403 operations in the commonwealth, the credit shall be allowed to be included in a consolidated  
1404 return with respect to such corporations with operations only in the commonwealth.

1405 (h) Credits allowed to a company that is a S corporation, as defined in section 1361 of the  
1406 Code, partnership or a limited liability company that is taxed as a partnership shall be passed  
1407 through respectively to persons designated as partners, members or owners of such companies on  
1408 a pro rata basis or pursuant to an executed agreement among such persons designated as S  
1409 corporation shareholders, partners or members documenting an alternate distribution method  
1410 without regard to their sharing of other tax or economic attributes of such entity.

1411 (i) Upon determination by the office, in consultation with the commissioner, that the  
1412 taxpayer qualifies for an eligible theater production certificate, the commissioner shall issue to  
1413 the taxpayer a tax credit in an amount in accordance with subsection (b).

1414 (j) The commissioner shall promulgate such rules and regulations necessary for the  
1415 administration of this section.

1416 SECTION 94. Subsection (a) of section 2 of chapter 65C of the General Laws, as  
1417 appearing in the 2020 Official Edition, is hereby amended by striking out the last row of the table  
1418 and inserting in place thereof the following 2 rows:-

1419 4,000,000 5,000,000 \$547,000 plus 16% of the excess over \$4,000,000

1420           5,000,000                   \$547,000 plus 17% of the excess over \$5,000,000

1421           SECTION 95. Section 2A of said chapter 65C, as so appearing, is hereby amended by  
1422 striking out subsection (a) and inserting in place the following subsection:-

1423           (a) A tax is hereby imposed upon the transfer of the estate of each person dying on or  
1424 after January 1, 1997 who, at the time of death, was a resident of the commonwealth. The  
1425 amount of the tax shall be equal to the credit for state death taxes that would have been allowable  
1426 to a decedent's estate as computed under section 2011 of the Code, as in effect on December 31,  
1427 2000, hereinafter referred to as the "credit". In the event that the federal gross estate of a person  
1428 includes real or tangible personal property located outside of Massachusetts at the time of death,  
1429 the tax shall be reduced by an amount equal to the proportion of such allowable credit as the  
1430 value of said real or tangible personal property located outside of Massachusetts bears to the  
1431 value of the entire federal gross estate wherever situated, as determined under section 2011 of the  
1432 Code, as in effect on December 31, 2000.

1433           SECTION 96. Said section 2A of said chapter 65C, as so appearing, is hereby further  
1434 amended by adding the following subsection:-

1435           (f) Effective for the estates of decedents dying on or after January 1, 2023, for purposes  
1436 of computing the tax imposed by subsections (a) and (b), the credit shall be determined based on  
1437 the value of the federal taxable estate after such estate is reduced by \$2,000,000. Estates of  
1438 decedents dying on or after January 1, 2023 are not required to pay any tax under subsection (a)  
1439 or (b) if the value of the federal taxable estate is \$2,000,000 or less. For purposes of this  
1440 subsection, the federal taxable estate is the federal gross estate less any qualified conservation

1441 exclusion elected under section 2031(c) of the Code, as in effect on December 31, 2000, and  
1442 further reduced by the deductions allowable by the Code, as in effect on December 31, 2000.

1443 SECTION 97. Chapter 69 of the General Laws is hereby amended by adding the  
1444 following section:-

1445 Section 37. For the purposes of this section, the following words shall, unless the context  
1446 clearly requires otherwise, have the following meanings:

1447 “Career technical education” or “CTE”, organized education programs offering  
1448 sequences of courses designed to educate and prepare students for both employment and  
1449 continuing academic and occupational preparation. Such programs shall integrate academic and  
1450 vocational education and shall include competency-based applied learning which contributes to  
1451 an individual’s academic knowledge, higher order reasoning and problem-solving skills, work  
1452 attitudes, general employability skills and the occupational-specific skills necessary for  
1453 economic independence as a productive and contributing member of society. Vocational-  
1454 technical education shall also include applied technology education to be taught by personnel  
1455 certified in technology education.

1456 “Collaborative CTE demonstration programs”, programs where students split time  
1457 between a comprehensive high school and a school offering programs pursuant to chapter 74.

1458 “Office”, the office of career technical education.

1459 (b) There is hereby established within the department of elementary and secondary  
1460 education an office of career technical education, which shall be under the supervision and  
1461 management of the deputy commissioner of career technical education. The deputy

1462 commissioner shall be appointed by the commissioner of elementary and secondary education,  
1463 with the approval of the board. It shall be the duty of the deputy commissioner to improve and  
1464 maximize career technical education throughout the commonwealth. The office of career  
1465 technical education shall, in collaboration with the board, promulgate regulations and develop  
1466 and implement polices to enhance all career technical education programs in the commonwealth,  
1467 including, but not limited to, ensuring the enforcement of regulations relative to certificates of  
1468 occupational proficiency.

1469 (c) The office shall:

1470 (1) promote and support innovative and collaborative CTE demonstration programs;  
1471 provided, that under said programs, participating students shall take required academic classes in  
1472 the morning and vocational courses in the afternoon when the equipment is available;

1473 (2) develop credentials for students graduating from high quality CTE programs in  
1474 applied knowledge, effective relationships and workplace skills as described in the  
1475 Employability Skills Framework of the federal Office of Career, Technical, and Adult Education;

1476 (3) ensure instructional ability and competence of CTE instructors through the utilization  
1477 of occupational advisory boards and nationally validated teacher competency testing;

1478 (4) utilize both pre- and post-technical assessment in both cognitive and psychomotor  
1479 domains to determine students' abilities and knowledge;

1480 (5) collaborate with recognized industry credential providers to develop state-customized  
1481 credentials to measure career readiness through skill assessments appropriate to each tier of  
1482 CTE;

1483           (6) consider the use of the 21st Century Skills for Workplace Success credential  
1484 developed by NOCTI which validates overall workplace readiness skills and is aligned to the  
1485 Employability Skills Framework of the federal Office of Career, Technical, and Adult Education;  
1486 provided, that the credential may be utilized to validate basic competencies before participation  
1487 in externships or school-based enterprises and may be utilized with Massachusetts one-stop  
1488 career centers or as a graduation or completion requirement for post-graduate and post-secondary  
1489 programs pursuant to chapter 74;

1490           (7) support the use of industry-recognized credentials in a program offered pursuant to  
1491 chapter 74;

1492           (8) support the use of both longitudinal and pre- and post-student assessment as a means  
1493 of obtaining meaningful data for curricular improvement; provided that data may be utilized for  
1494 facilities improvement, equipment investments, mission success and professional development;

1495           (9) engage in statewide data sharing agreements with credential providers that include a  
1496 variety of access portals for a variety of levels of personnel, including, but not limited to, state  
1497 and local CTE administration, CTE teachers, parents and students, providing access to  
1498 stakeholders to assess program effectiveness;

1499           (10) encourage and work to increase the use of articulation agreements with community  
1500 colleges and public universities and other dual credit programs to allow CTE students to earn  
1501 credit and stacked credentials that lead to an associate degree; and

1502           (11) implement and promote efforts, including those related to student outreach and  
1503 retention, to ensure that CTE programs are accessible to all students, including English language

1504 learners, students with disabilities and student populations traditionally underrepresented in CTE  
1505 programs.

1506 SECTION 98. Section 3A of chapter 70B of the General Laws, as appearing in the 2020  
1507 Official Edition, is hereby amended by striking out, in line 7, the figure “17” and inserting in  
1508 place thereof the following figure:- 19.

1509 SECTION 99. Said section 3A of said chapter 70B, as so appearing, is hereby further  
1510 amended by inserting after the word “Inc.”, in line 21, the following words:- , Massachusetts  
1511 Association of Vocational Administrators, Inc., Alliance for Vocational Technical Education.

1512 SECTION 100. Section 16 of chapter 71 of the General Laws, as so appearing, is hereby  
1513 amended by striking out, in line 152, the word “five” and inserting in place thereof the following  
1514 figure:- 25.

1515 SECTION 101. Chapter 94C of the General Laws is hereby amended by inserting after  
1516 section 19D the following section:-

1517 Section 19E. (a) As used in this section and unless the context clearly requires otherwise,  
1518 “COVID-19 control measure” shall mean a COVID-19 drug, COVID-19 test or other COVID-19  
1519 diagnostic device approved or otherwise authorized by the federal Food and Drug  
1520 Administration.

1521 (b) Notwithstanding any general or special law to the contrary, the commissioner, or a  
1522 physician who is designated by the commissioner and is registered to distribute or dispense a  
1523 controlled substance in the course of professional practice under section 7, may issue a standing  
1524 order that may be used for a licensed pharmacist to dispense a COVID-19 control measure. A



1525 standing order issued pursuant to this section shall include, but not be limited to, any necessary  
1526 information or standardized procedures or protocols for the dispensing of the COVID-19 control  
1527 measure.

1528 (c) Notwithstanding any general or special law to the contrary, a pharmacist may  
1529 dispense a COVID-19 control measure in accordance with a standing order issued under  
1530 subsection (b).

1531 (d) A pharmacist who dispenses a COVID-19 control measure in accordance with a  
1532 standing order issued under subsection (b) shall, upon request, report to the department on the  
1533 doses, tests or devices dispensed. Reports shall be confidential and shall not constitute a public  
1534 record as defined in clause Twenty-sixth of section 7 of chapter 4. The department shall publish  
1535 an annual report that includes aggregate information about the dispensing of COVID-19 control  
1536 measures in the commonwealth.

1537 (e) A pharmacist who dispenses a COVID-19 control measure pursuant to this section  
1538 shall, for the purposes of health insurance billing and cost-sharing, treat the transaction as the  
1539 dispensing of a prescription to the person purchasing the COVID-19 control measure regardless  
1540 of the ultimate user of the COVID-19 control measure. Unless the person purchasing the  
1541 COVID-19 control measure requests to pay for the prescription out-of-pocket, the pharmacist  
1542 shall make a reasonable effort to identify the purchaser's insurance coverage and to submit a  
1543 claim for the COVID-19 control measure to the insurance carrier prior to dispensing the COVID-  
1544 19 control measure.

1545 (f) Except for an act of gross negligence or willful misconduct, the commissioner or a  
1546 physician who issues the statewide standing order under subsection (b) and any pharmacist who,

1547 acting in good faith, directly or through the standing order, dispenses a COVID-19 control  
1548 measure in accordance with a standing order issued under subsection (b) shall not be subject to  
1549 any criminal or civil liability or any professional disciplinary action.

1550 (g) The department, the board of registration in medicine and the board of registration in  
1551 pharmacy may adopt regulations to implement this section.

1552 SECTION 102. Section 1 of chapter 121B of the General Laws, as appearing in the 2020  
1553 Official Edition, is hereby amended by inserting, after the definition of “Blighted open area,” the  
1554 following definition:-

1555 “Capital funds”, funds advanced by the department to a housing authority to finance  
1556 capital outlays for housing production or preservation from proceeds of a bond authorization as  
1557 defined in section 1 of chapter 29.

1558 SECTION 103. Said section 1 of said chapter 121B, as so appearing, is hereby further  
1559 amended by inserting, after the definition of “Relocation project,” the following definition:-

1560 “Replacement units”, low-rent housing created to replace an existing housing project that  
1561 is demolished or disposed of under subsection (k) of section 26; provided, that such units may be  
1562 included within a privately-owned mixed-income development that also includes dwellings that  
1563 are not low-rent housing; and provided further, that the use and occupancy of the replacement  
1564 units is subject to a binding legal contract and land use restriction under paragraph (7) of  
1565 subsection (k) of section 26.

1566 SECTION 104. Section 11 of said chapter 121B, as appearing in the 2020 Official  
1567 Edition, is hereby amended by adding the following paragraph:-

1568           Notwithstanding any general or special law to the contrary, a housing authority, with the  
1569 approval of the department, shall have the power to secure indebtedness incurred for the  
1570 preservation, modernization and maintenance of 1 or more of its low-rent housing developments  
1571 assisted under section 32 or section 34 by a pledge of a portion of capital funds awarded to it for  
1572 improvements to be carried out pursuant to a department-approved capital improvement plan in  
1573 accordance with department regulations governing capital projects. The department shall  
1574 promulgate regulations establishing limitations on the percentage of awarded capital funds that  
1575 may be pledged to secure indebtedness, describing permitted terms for borrowing and repayment  
1576 and establishing criteria for housing authorities that will be permitted to incur indebtedness  
1577 secured by a pledge of capital funds. Any pledge of future year capital funds pursuant to this  
1578 section is subject to the availability of funds under the department’s capital spending plan as  
1579 approved by the governor for that year. All financing documents related to future year capital  
1580 fund amounts shall include a statement that the credit of the commonwealth is not pledged and  
1581 that the pledging of funds is subject to the availability of funds under the department’s capital  
1582 spending plan as approved by the governor.

1583           SECTION 105. Section 26 of said chapter 121B is hereby amended by inserting after the  
1584 word “sale”, in line 91, as so appearing the following words:- or other disposition.

1585           SECTION 106. Subsection (k) of said section 26 of said chapter 121B, as amended by  
1586 section 72 of chapter 39 of the acts of 2021, is hereby further amended by striking out paragraphs  
1587 (1) to (4), inclusive, and inserting in place thereof the following 4 paragraphs:-

1588           (1) found that all or a substantial portion of such existing housing project or part thereof  
1589 requires such substantial modernization or rehabilitation to continue to provide decent, safe and

1590 sanitary housing and that, in the judgment of the department, the required substantial  
1591 modernization or rehabilitation cannot feasibly be executed by the housing authority pursuant to  
1592 this chapter;

1593 (2) approved the proposed project, including a relocation plan for occupants of the  
1594 existing project and a plan to make housing available on the land where the existing project is  
1595 situated, in which the number of replacement units restricted as low-rent housing for occupancy  
1596 by low-income persons or families shall be the same as the number of low-rent housing units in  
1597 the existing housing project or part thereof that is subject to demolition or disposition, unless the  
1598 department determines that: (i) a shortage of low-rent housing no longer exists in the applicable  
1599 city or town; or (ii) the reduction in the number of units is necessary to increase the number of  
1600 units that are accessible for persons with disabilities, which project may include plans to use a  
1601 portion of such land for market-rate housing or for a public purpose ancillary to such  
1602 development and approved by the department;

1603 (3) approved the sale or other disposition and the terms thereof, which shall be at a value  
1604 determined through procedures customarily accepted by the appraising profession as valid,  
1605 unless the department determines that a below-market disposition would be in the public interest  
1606 in order to support the continued occupancy of dwelling units in the new development by low-  
1607 income families;

1608 (4) determined that the availability of funds to the housing authority for such project is  
1609 conditioned upon the occurrence of the initial mortgage loan closing for the development of new  
1610 or rehabilitated housing on the land where the existing project is situated, and the housing  
1611 authority has selected, through a qualifications-based competitive procurement process approved

1612 by the department, a developer best qualified to develop, own and operate the new or  
1613 rehabilitated housing on the existing land, to provide for such development of the new housing  
1614 within a reasonable time in accordance with department-approved contracts, and to assure  
1615 continued occupancy of the required number of replacement units in the new development by  
1616 low-income families in accordance with this chapter.

1617 SECTION 107. Said subsection (k) of said section 26 of said chapter 121B, as so  
1618 amended, is hereby further amended by adding the following paragraph:-

1619 (7) approved a binding legal contract and land use restriction to be entered into by the  
1620 transferee of the property in favor of the local housing authority and the department that requires  
1621 compliance with this chapter and the department’s regulations to the extent this chapter and  
1622 regulations apply to tenancy at and application to public housing, as determined by the  
1623 department, with respect to the replacement units in the same manner and to the same effect as if  
1624 such entity were a housing authority, subject to such regulatory waivers given by the department  
1625 as may be necessary to secure financing. The contract shall require compliance in perpetuity  
1626 unless the department determines that the project financing requires the use of federal low-  
1627 income housing tax credits and that compliance in perpetuity would make it infeasible to comply  
1628 with Internal Revenue Service requirements with respect to the low-income housing tax credit  
1629 program.

1630 SECTION 108. Subsection (p) of said section 26 of said chapter 121B, as appearing in  
1631 the 2020 Official Edition, is hereby amended by striking out, in line 243, the words “this section  
1632 or section 34” and inserting in place thereof the following words:- any provision of this chapter.

1633 SECTION 109. Said subsection (p) of said section 26 of said chapter 121B, as so  
1634 appearing, is hereby further amended by inserting after the words “feasible to”, in line 248, the  
1635 following words:- maintain or to.

1636 SECTION 110. Said subsection (p) of said section 26 of said chapter 121B, as so  
1637 appearing, is hereby further amended by inserting after the word “demolition”, in line 252, the  
1638 following words:- or other disposition.

1639 SECTION 111. Said subsection (p) of said section 26 of said chapter 121B, as so  
1640 appearing, is hereby further amended by striking out, in line 254, the words “as of November 1,  
1641 2012”, and inserting in place thereof the following words:- for reasons the department has  
1642 determined not to be the fault of the housing authority for at least 2 years.

1643 SECTION 112. Said section 26 of said chapter 121B, as amended by section 72 of  
1644 chapter 39 of the acts of 2021, is hereby further amended by adding the following subsection:-

1645 (q) Notwithstanding any general or special law to the contrary, including, without  
1646 limitation, section 16 of chapter 30B, a housing authority may dispose of property pursuant to  
1647 this section or section 34 to a developer selected by competitive, qualifications-based  
1648 procurement without separately soliciting proposals for the property disposition; provided, that  
1649 the developer procurement declares the property available for disposition and that, in the case of  
1650 a disposition of property pursuant to subsection (k), the number of replacement units required  
1651 under paragraph (2) of said subsection (k) are provided. Without limiting the generality of the  
1652 foregoing:

1653 (1) A housing authority shall not be required to determine the value of the property prior  
1654 to soliciting proposals for selection of a developer best qualified to develop, own and operate the

1655 new or rehabilitated housing on the land. Prior to disposition of property by deed or other  
1656 instrument, the housing authority shall determine the value of the property through procedures  
1657 customarily accepted by the appraising profession as valid prior to the sale or other disposition of  
1658 the property and if, with the approval of the department, the housing authority decides to dispose  
1659 of the property at a price less than the value as so determined, the housing authority shall publish  
1660 notice of its decision in the central register, explaining the reasons for its decision and disclosing  
1661 the difference between such value and the price to be received; and

1662 (2) A housing authority shall not be required to specify all the restrictions that may be  
1663 placed on the subsequent use of property prior to selecting a developer through a qualifications-  
1664 based competitive procurement process; provided, that the developer procurement shall identify  
1665 the minimum number of dwelling units in the new development that shall be occupied by low-  
1666 income families. In the case of a disposition pursuant to subsection (k), such minimum number  
1667 shall conform to the requirements of paragraph (2) of said subsection (k).

1668 SECTION 113. Section 29 of said chapter 121B, as appearing in the 2020 Official  
1669 Edition, is hereby amended by adding the following paragraph:-

1670 Notwithstanding any provision in this chapter to the contrary, if a housing authority does  
1671 not own, lease or manage any housing project eligible to receive ongoing capital or operating  
1672 assistance under section 32 or 34, the department shall not investigate such housing authority's  
1673 budgets, finances, dealings, transactions and relationships or other affairs, nor shall the  
1674 department require periodic reporting by any such housing authority. Without limiting the  
1675 generality of the foregoing, a housing authority that does not own, lease or manage any housing  
1676 project eligible to receive ongoing capital or operating assistance under said section 32 or 34

1677 shall not be required to: (i) participate in a training program under section 5B; (ii) submit  
1678 contracts with its executive director to the department for review pursuant to section 7A; (iii)  
1679 participate in the performance-based monitoring program established pursuant to section 26B;  
1680 (iv) participate in the regional capital assistance team program established pursuant to section  
1681 26C; (v) prepare and submit an annual plan pursuant to section 28A and this section; or (vi)  
1682 prepare and submit, or make available, a written report and agreed upon procedures for review of  
1683 housing authority financial records pursuant to this section.

1684 SECTION 114. Section 34 of said chapter 121B, as so appearing, is hereby amended by  
1685 striking out the fifth paragraph and inserting in place thereof the following paragraph:-

1686 The proceeds of any sale or other disposition of such project in excess of the total of all  
1687 obligations of the housing authority with respect to such project shall, after the payment of all  
1688 bonds issued by the housing authority to finance the cost of such project and payment of the  
1689 costs of the sale or disposition, be retained by the housing authority for the preservation,  
1690 modernization and maintenance of its public housing assisted under this chapter as approved by  
1691 the department, or where the housing authority has no public housing assisted pursuant to this  
1692 chapter, such proceeds shall be paid to the department to fund capital improvements for the  
1693 preservation, modernization and maintenance of state-aided public housing.

1694 SECTION 115. Said section 34 of said chapter 121B, as so appearing, is hereby further  
1695 amended by striking out the tenth paragraph and inserting in place thereof the following  
1696 paragraph:-

1697 Whenever a housing authority shall determine that land acquired by it pursuant to clause  
1698 (d) of section 11 for the purpose of this section is in excess of or no longer required for such



1699 purposes it may, upon approval by the department, sell or otherwise dispose of such land by deed  
1700 or instrument approved as to form by the attorney general. If the housing authority is disposing  
1701 of such land for purposes of housing development, it may do so in accordance with section 26.  
1702 So long as any bonds issued by a housing authority to finance the cost of a project under this  
1703 section or section 35 and guaranteed by the commonwealth are outstanding, funds received from  
1704 a disposition of land as provided in this chapter shall be applied in accordance with the fourth  
1705 paragraph of this section. After the payment of all bonds issued by the housing authority to  
1706 finance the cost of such project, funds received shall be applied in accordance with the fifth  
1707 paragraph of this section.

1708 SECTION 116. Said section 34 of said chapter 121B, as so appearing, is hereby further  
1709 amended by adding the following paragraph:-

1710 Notwithstanding any general or special law to the contrary, construction and development  
1711 activity related to redevelopment of state-aided or federally-aided public housing projects where  
1712 the land, buildings or structures associated with the housing project have been conveyed or  
1713 transferred to an affiliated non-profit or private entity for purposes of completing the  
1714 redevelopment shall not be subject to any general or special law related to the procurement and  
1715 award of contracts for the planning, design, construction management, construction,  
1716 reconstruction, installation, demolition, maintenance or repair of buildings by a public agency;  
1717 provided, that the department shall review and approve the procurement processes used to  
1718 undertake this redevelopment in accordance with subsection (q) of section 26; and provided  
1719 further, that all construction, reconstruction, alteration, installation, demolition, maintenance or  
1720 repair shall be subject to sections 26 to 27F, inclusive, and section 29 of chapter 149. The  
1721 department shall request rates and updates from the division of labor standards for these projects.

1722 SECTION 117. Section 206 of chapter 175 of the General Laws, as so appearing, is  
1723 hereby amended by inserting after the definition of “Control”, the following 2 definitions:-

1724 “Division”, the division of insurance.

1725 “Enterprise risk”, any activity, circumstance, event or series of events involving 1 or  
1726 more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse  
1727 effect upon the financial condition or liquidity of the insurer or its insurance holding company  
1728 system as a whole, including, but not limited to, anything that would cause the insurer’s risk-  
1729 based capital to fall into company action level as set forth by the commissioner by regulation or  
1730 would cause the insurer to be in hazardous financial condition as set forth in section 3 of chapter  
1731 175J.

1732 SECTION 118. Said section 206 of said chapter 175, as so appearing, is hereby further  
1733 amended by inserting after the definition of “Group-wide supervisor”, the following definition:-

1734 “Group capital calculation instructions”, the group capital calculation instructions as  
1735 adopted by the National Association of Insurance Commissioners and as amended by the  
1736 National Association of Insurance Commissioners from time to time in accordance with the  
1737 procedures adopted by the National Association of Insurance Commissioners.

1738 SECTION 119. Said section 206 of said chapter 175, as so appearing, is hereby further  
1739 amended by inserting after the definition of “Internationally active insurance group”, the  
1740 following definition:-

1741 “National Association of Insurance Commissioners liquidity stress test framework” or  
1742 “Framework”, a publication from the National Association of Insurance Commissioners that

1743 includes a history of the National Association of Insurance Commissioners’ development of  
1744 regulatory liquidity stress testing, the scope criteria applicable for a specific data year and the  
1745 liquidity stress test instructions and reporting templates for a specific data year, such scope  
1746 criteria, instructions and reporting template as adopted by the National Association of Insurance  
1747 Commissioners and as amended by the National Association of Insurance Commissioners from  
1748 time to time in accordance with the procedures adopted by the National Association of Insurance  
1749 Commissioners.

1750 SECTION 120. Said section 206 of said chapter 175, as so appearing, is hereby further  
1751 amended by inserting after the definition of “Person”, the following definition:-

1752 “Scope criteria”, the designated exposure bases, along with minimum magnitudes thereof  
1753 for the specified data year, used to establish a preliminary list of insurers considered scoped into  
1754 the National Association of Insurance Commissioners liquidity stress test framework for that  
1755 data year, as detailed in the National Association of Insurance Commissioners liquidity stress test  
1756 framework.

1757 SECTION 121. Subsection (d) of section 206C of said chapter 175, as so appearing, is  
1758 hereby amended by adding the following sentence:-

1759 The definition of materiality in this subsection shall not apply for purposes of the group  
1760 capital calculation or the liquidity stress test framework.

1761 SECTION 122. Subsection (m) of said section 206C of said chapter 175, as so appearing,  
1762 is hereby amended by adding the following 3 paragraphs:-

1763           (6) if an insurer subject to the provisions of this section is deemed by the commissioner to  
1764 be in a hazardous financial condition as described in section 3 of chapter 175J or a condition that  
1765 would be grounds for supervision, conservation or a delinquency proceeding, the commissioner  
1766 may require the insurer to secure and maintain either a deposit held by the commissioner or a  
1767 bond, as determined by the insurer at the insurer's discretion, for the protection of the insurer for  
1768 the duration of the contract or agreement, or the existence of the condition for which the  
1769 commissioner required the deposit or the bond. In determining whether a deposit or a bond is  
1770 required, the commissioner shall consider whether concerns exist with respect to the affiliated  
1771 person's ability to fulfill the contract or agreement if the insurer were to be put into liquidation.  
1772 Once the insurer is deemed to be in a hazardous financial condition or a condition that would be  
1773 grounds for supervision, conservation or a delinquency proceeding and a deposit or bond is  
1774 deemed necessary by the commissioner, the commissioner may determine the amount of the  
1775 deposit or bond, not to exceed the value of the contract or agreement in any one year, and  
1776 whether such deposit or bond should be required for a single contract, multiple contracts or a  
1777 contract only with a specific person;

1778           (7) all records and data of the insurer held by an affiliate are and remain the property of  
1779 the insurer, are subject to control of the insurer, are identifiable and are segregated or readily  
1780 capable of segregation, at no additional cost to the insurer, from all other persons' records and  
1781 data. This shall include all records and data that are otherwise the property of the insurer, in  
1782 whatever form maintained, including, but not limited to, claims and claim files, policyholder  
1783 lists, application files, litigation files, premium records, rate books, underwriting manuals,  
1784 personnel records, financial records or similar records within the possession, custody or control  
1785 of the affiliate. At the request of the insurer, the affiliate shall provide that the receiver can obtain

1786 a complete set of all records of any type that pertain to the insurer's business; obtain access to the  
1787 operating systems on which the data is maintained; obtain the software that runs those systems  
1788 either through assumption of licensing agreements or otherwise; and restrict the use of the data  
1789 by the affiliate if it is not operating the insurer's business. The affiliate shall provide a waiver of  
1790 any landlord lien or other encumbrance to give the insurer access to all records and data in the  
1791 event of the affiliate's default under a lease or other agreement; and

1792 (8) premiums or other funds belonging to the insurer that are collected by or held by an  
1793 affiliate are the exclusive property of the insurer and are subject to the control of the insurer. Any  
1794 right of offset in the event an insurer is placed into receivership shall be subject to sections 180A  
1795 to 180L1/2, inclusive.

1796 SECTION 123. Said section 206C of said chapter 175, as so appearing, is hereby further  
1797 amended by inserting after subsection (q) the following subsection:-

1798 (q ½)(1) Any affiliate that is party to an agreement or contract with a domestic insurer  
1799 that is subject to paragraph (4) of subsection (n) shall be subject to the jurisdiction of any  
1800 supervision, seizure, conservatorship or receivership proceedings against the insurer and to the  
1801 authority of any supervisor, conservator, rehabilitator or liquidator for the insurer appointed  
1802 pursuant to sections 180A to 180L1/2, inclusive, for the purpose of interpreting, enforcing and  
1803 overseeing the affiliate's obligations under the agreement or contract to perform services for the  
1804 insurer that:

1805 (i) are an integral part of the insurer's operations, including, but not limited to  
1806 management, administrative, accounting, data processing, marketing, underwriting, claims  
1807 handling, investment or any other similar functions; or

1808 (ii) are essential to the insurer's ability to fulfill its obligations under insurance policies.

1809 (2) The commissioner may require that an agreement or contract that is subject to  
1810 paragraph (4) of subsection (n) for the provision of services described in clauses (i) and (ii) of  
1811 paragraph (1) of this subsection specify that the affiliate consents to the jurisdiction as set forth  
1812 in this subsection.

1813 SECTION 124. Subsection (v) of said section 206C of said chapter 175, as so appearing,  
1814 is hereby amended by striking out paragraph (1) and inserting in place thereof the following  
1815 paragraph:-

1816 (1) Documents, materials or other information in the possession or control of the division  
1817 that are obtained by or disclosed to the commissioner or any other person in the course of an  
1818 examination or investigation made pursuant to subsection (u) and all information reported or  
1819 provided to the division pursuant to this section shall be recognized as being proprietary and  
1820 containing trade secrets, shall be confidential by law and privileged, shall not be a public record  
1821 under clause Twenty-sixth of section 7 of chapter 4 or under chapter 66, shall not be subject to  
1822 subpoena and shall not be subject to discovery or admissible in evidence in any private civil  
1823 action; provided, however, that the commissioner may use the documents, materials or other  
1824 information in the furtherance of any regulatory or legal action brought as a part of the  
1825 commissioner's official duties. The commissioner shall not otherwise make the documents,  
1826 materials or other information public without the prior written consent of the insurer to which it  
1827 pertains unless the commissioner, after giving the insurer and its affiliates who would be affected  
1828 thereby notice and opportunity to be heard, determines that the interest of policyholders,

1829 shareholders or the public shall be served by the publication thereof, in which event the  
1830 commissioner may publish all or any part in such manner as may be considered appropriate.

1831 (i) For purposes of the information reported and provided to the division pursuant to  
1832 paragraph (2) of subsection (z), the commissioner shall maintain the confidentiality of the group  
1833 capital calculation and group capital ratio produced within the calculation and any group capital  
1834 information received from an insurance holding company supervised by the Federal Reserve  
1835 Board or any U.S. group-wide supervisor.

1836 (ii) For purposes of the information reported and provided to the division pursuant to  
1837 paragraph (3) of subsection (z), the commissioner shall maintain the confidentiality of the  
1838 liquidity stress test results and supporting disclosures and any liquidity stress test information  
1839 received from an insurance holding company supervised by the Federal Reserve Board and non-  
1840 U.S. group-wide supervisors.

1841 SECTION 125. Said subsection (v) of said section 206C of said chapter 175, as so  
1842 appearing, is hereby further amended by striking out paragraph (3) and inserting in place thereof  
1843 the following paragraph:-

1844 (3) In order to assist in the performance of the commissioner's duties, the commissioner:

1845 (i) may share documents, materials or other information, including the confidential and  
1846 privileged documents, materials or information subject to paragraph (1) of this subsection,  
1847 including proprietary and trade secret documents with other state, federal and international  
1848 regulatory agencies, the National Association of Insurance Commissioners and its affiliates and  
1849 subsidiaries, the International Association of Insurance Supervisors, the Bank for International  
1850 Settlements, the Federal Insurance Office and state, federal and international law enforcement

1851 authorities, including members of any supervisory college described in subsection (x); provided,  
1852 that the recipient agrees in writing to maintain the confidentiality and privileged status of the  
1853 document, material or other information and has verified in writing the legal authority to  
1854 maintain confidentiality;

1855 (ii) may receive documents, materials or information, including otherwise confidential  
1856 and privileged documents, materials or information, including proprietary and trade-secret  
1857 information from the National Association of Insurance Commissioners and its affiliates and  
1858 subsidiaries, the International Association of Insurance Supervisors, the Bank for International  
1859 Settlements, the Federal Insurance Office and from regulatory and law enforcement officials of  
1860 other foreign or domestic jurisdictions and shall maintain as confidential and privileged any  
1861 document, material or information received with notice or the understanding that it is  
1862 confidential or privileged under the laws of the jurisdiction that is the source of the document,  
1863 material or information; and

1864 (iii) shall enter into written agreements with the National Association of Insurance  
1865 Commissioners and any third-party consultant designated by the commissioner governing  
1866 sharing and the use of information provided pursuant to this subsection that shall:

1867 (A) specify procedures and protocols regarding the confidentiality and security of  
1868 information shared with the National Association of Insurance Commissioners and any third-  
1869 party consultant designated by the commissioner pursuant to this section, including procedures  
1870 and protocols for sharing by the National Association of Insurance Commissioners with other  
1871 state, federal or international regulators;



1872 (B) provide within the agreement that the recipient agrees in writing to maintain the  
1873 confidentiality and privileged status of the documents, materials or other information and has  
1874 verified in writing the legal authority to maintain such confidentiality;

1875 (C) specify that ownership of information shared with the National Association of  
1876 Insurance Commissioners or a third-party consultant designated by the commissioner pursuant to  
1877 this section remains with the commissioner and the National Association of Insurance  
1878 Commissioners or the third-party consultant, and that use of the information is subject to the  
1879 direction of the commissioner;

1880 (D) excluding documents, materials or information reported pursuant to paragraph (3) of  
1881 subsection (z), prohibit the National Association of Insurance Commissioners or a third-party  
1882 consultant designated by the commissioner pursuant to this section from storing the information  
1883 shared pursuant to this section in a permanent database after the underlying analysis is  
1884 completed;

1885 (E) require prompt notice to be given to an insurer whose confidential information is in  
1886 the possession of the National Association of Insurance Commissioners or a third-party  
1887 consultant designated by the commissioner pursuant to this section and is subject to a request or  
1888 subpoena to the National Association of Insurance Commissioners or a third-party consultant  
1889 designated by the commissioner for disclosure or production;

1890 (F) require the National Association of Insurance Commissioners or a third-party  
1891 consultant designated by the commissioner pursuant to this section to consent to intervention by  
1892 an insurer in any judicial or administrative action in which the National Association of Insurance  
1893 Commissioners or the third-party consultant may be required to disclose confidential information

1894 about the insurer shared with the National Association of Insurance Commissioners or the third-  
1895 party consultant; and

1896 (G) for documents, material or information reporting pursuant to paragraph (3) of  
1897 subsection (z), in the case of an agreement involving a third-party consultant designated by the  
1898 commissioner pursuant to this section, provide for notification of the identity of the consultant to  
1899 the applicable insurers.

1900 SECTION 126. Said subsection (v) of said section 206C of said chapter 175, as so  
1901 appearing, is hereby further amended by adding the following paragraph:-

1902 (7) The group capital calculation and resulting group capital ratio required pursuant to  
1903 paragraph (2) of subsection (z) and the liquidity stress test along with its results and supporting  
1904 disclosures required pursuant to paragraph (3) of said subsection (z) shall be regulatory tools for  
1905 assessing group risks and capital adequacy and group liquidity risks, respectively, and are not  
1906 intended as a means to rank insurers or insurance holding company systems generally. Except as  
1907 otherwise may be required pursuant to this section, the making, publishing, disseminating,  
1908 circulating or placing before the public in a newspaper, magazine or other publication, or in the  
1909 form of a notice, circular, pamphlet, letter or poster, or over any radio or television station or any  
1910 electronic means of communication available to the public, or in any other way as an  
1911 advertisement, announcement or statement containing a representation or statement with regard  
1912 to the group capital calculation, group capital ratio, the liquidity stress test results or supporting  
1913 disclosures for the liquidity stress test of any insurer or any insurer group, or of any component  
1914 derived in the calculation by any insurer, broker, or other person engaged in any manner in the  
1915 insurance business shall be deemed misleading and shall be prohibited; provided, however, that

1916 if any materially false statement with respect to the group capital calculation, resulting group  
1917 capital ratio, an inappropriate comparison of any amount to an insurer's or insurance group's  
1918 capital calculation or resulting group capital ratio, liquidity stress test result, supporting  
1919 disclosures for the liquidity stress test or an inappropriate comparison of any amount to an  
1920 insurer's or insurance group's liquidity stress test result or supporting disclosures is published in  
1921 any written publication and the insurer is able to demonstrate to the commissioner with  
1922 substantial proof the falsity of such statement or the inappropriateness, the insurer may publish  
1923 announcements in a written publication if the sole purpose of the announcement is to rebut the  
1924 materially false statement.

1925 SECTION 127. Said section 206C of said chapter 175, as so appearing, is hereby further  
1926 amended by adding the following subsection:-

1927 (z)(1) The ultimate controlling person of every insurer subject to registration shall also  
1928 file an annual enterprise risk report. The report shall, to the best of the ultimate controlling  
1929 person's knowledge and belief, identify the material risks within the insurance holding company  
1930 system that could pose enterprise risk to the insurer. The report shall be filed with the lead state  
1931 commissioner of the insurance holding company system as determined by the procedures within  
1932 the financial analysis handbook adopted by the National Association of Insurance  
1933 Commissioners.

1934 (2) Except as otherwise provided by this paragraph, the ultimate controlling person of  
1935 every insurer subject to registration pursuant to this section shall concurrently file with the  
1936 registration statement an annual group capital calculation as directed by the lead state  
1937 commissioner. The report shall be completed in accordance with the National Association of

1938 Insurance Commissioner's group capital calculation instructions, which may permit the lead state  
1939 commissioner to allow a controlling person that is not the ultimate controlling person to file the  
1940 group capital calculation. The report shall be filed with the lead state commissioner of the  
1941 insurance holding company system as determined by the commissioner in accordance with the  
1942 procedures within the financial analysis handbook adopted by the National Association of  
1943 Insurance Commissioners. Insurance holding company systems described below are exempt  
1944 from filing the group capital calculation:

1945 (i) An insurance holding company system that has only 1 insurer within its holding  
1946 company structure, that only writes business and is only licensed in its domestic state and  
1947 assumes no business from any other insurer;

1948 (ii) An insurance holding company system that is required to perform a group capital  
1949 calculation specified by the United States Federal Reserve Board. The lead state commissioner  
1950 shall request the calculation from the Federal Reserve Board under the terms of information  
1951 sharing agreements in effect. If the Federal Reserve Board cannot share the calculation with the  
1952 lead state commissioner, the insurance holding company system is not exempt from the group  
1953 capital calculation filing;

1954 (iii) An insurance holding company system whose non-United States group-wide  
1955 supervisor is located within a reciprocal jurisdiction as described in section 20A that recognizes  
1956 the United States regulatory approach to group supervision and group capital; and

1957 (iv) An insurance holding company system:

1958 (A) That provides information to the lead state that meets the requirements for  
1959 accreditation under the National Association of Insurance Commissioners financial standards and

1960 accreditation program, either directly or indirectly through the group-wide supervisor, who has  
1961 determined such information is satisfactory to allow the lead state to comply with the National  
1962 Association of Insurance Commissioners group supervision approach, as detailed in the National  
1963 Association of Insurance Commissioners financial analysis handbook; and

1964 (B) Whose non-United States group-wide supervisor that is not in a reciprocal  
1965 jurisdiction recognizes and accepts, as specified by the commissioner in regulation, the group  
1966 capital calculation as the world-wide group capital assessment for United States insurance groups  
1967 who operate in that jurisdiction.

1968 (3)(i) Notwithstanding the provisions of clauses (iii) and (iv) of paragraph (2) of this  
1969 subsection, a lead state commissioner shall require the group capital calculation for United States  
1970 operations of any non-United States based insurance holding company system where, after any  
1971 necessary consultation with other supervisors or officials, it is deemed appropriate by the lead  
1972 state commissioner for prudential oversight and solvency monitoring purposes or for ensuring  
1973 the competitiveness of the insurance marketplace.

1974 (ii) Notwithstanding the exemptions from filing the group capital calculation stated in  
1975 clauses (i) to (iv), inclusive, of paragraph (2), the lead state commissioner shall have the  
1976 discretion to exempt the ultimate controlling person from filing the annual group capital  
1977 calculation or to accept a limited group capital filing or report in accordance with criteria as  
1978 specified by the commissioner in regulation.

1979 (iii) If the lead state commissioner determines that an insurance holding company system  
1980 no longer meets 1 or more of the requirements for an exemption from filing the group capital  
1981 calculation under this subsection, the insurance holding company system shall file the group

1982 capital calculation at the next annual filing date unless given an extension by the lead state  
1983 commissioner based on reasonable grounds shown.

1984 (4) The ultimate controlling person of every insurer subject to registration pursuant to this  
1985 section and scoped into the National Association of Insurance Commissioners liquidity stress test  
1986 Framework shall file the results of a specific year's liquidity stress test. The filing shall be made  
1987 to the lead state insurance commissioner of the insurance holding company system as determined  
1988 by the procedures within the financial analysis handbook adopted by the National Association of  
1989 Insurance Commissioners.

1990 (i) The National Association of Insurance Commissioners liquidity stress test Framework  
1991 includes scope criteria applicable to a specific data year. The scope criteria are reviewed at least  
1992 annually by the financial stability task force or its successor. Any change to the National  
1993 Association of Insurance Commissioners liquidity stress test framework or to the data year for  
1994 which the scope criteria are to be measured shall be effective on January 1 of the year following  
1995 the calendar year when such changes are adopted. Insurers meeting at least 1 threshold of the  
1996 scope criteria are considered scoped into the National Association of Insurance Commissioners  
1997 liquidity stress test framework for the specified data year unless the lead state insurance  
1998 commissioner, in consultation with the National Association of Insurance Commissioners  
1999 financial stability task force or its successor, determines the insurer should not be scoped into the  
2000 framework for that data year. Similarly, insurers that do not trigger at least 1 threshold of the  
2001 scope criteria are considered scoped out of the National Association of Insurance Commissioners  
2002 liquidity stress test framework for the specified data year, unless the lead state insurance  
2003 commissioner, in consultation with the National Association of Insurance Commissioners

2004 financial stability task force or its successor, determines the insurer should be scoped into the  
2005 framework for that data year.

2006 (A) The lead state insurance commissioner, in consultation with the financial stability  
2007 task force or its successor, shall take into consideration how best to avoid having insurers scoped  
2008 in and out of the National Association of Insurance Commissioners liquidity stress test  
2009 framework on a frequent basis as part of the determination for an insurer.

2010 (ii) The performance of, and filing of the results from, a specific year’s liquidity stress  
2011 test shall comply with the National Association of Insurance Commissioners liquidity stress test  
2012 framework’s instructions and reporting templates for that year and any lead state insurance  
2013 commissioner determinations, in consultation with the financial stability task force or its  
2014 successor, provided within the framework.

2015 SECTION 128. Subsection (a) of section 60 of chapter 46 of the acts of 2013 is hereby  
2016 amended by inserting after the words “in fiscal year 2018” the following words:- and each fiscal  
2017 year thereafter.

2018 SECTION 129. Sections 46, 48, 61, 63 and 124A of chapter 287 of the acts of 2014, as  
2019 most recently amended by section 26 of chapter 99 of the acts of 2018, are hereby repealed.

2020 SECTION 130. Section 2 of chapter 42 of the acts of 2022 is hereby amended by striking  
2021 out item 4003-0100 and inserting in place thereof the following item:-

2022 4003-0122.....\$10,000,000

2023 SECTION 131. Notwithstanding any general or special law to the contrary, the  
2024 commissioner of conservation and recreation is authorized to amend and extend for a 30-year  
2025 period the existing lease authorized under chapter 287 of the acts of 1977.

2026 SECTION 132. (a) The Massachusetts Convention Center Authority, established in  
2027 section 33 of chapter 190 of the acts of 1982, shall update and supplement the report entitled  
2028 “BCEC Expansion 2019 Project Report”, dated January 2020, to account for changes in the  
2029 convention, venue management and hospitality industry that have developed since January 2020,  
2030 including, but not limited to, changes resulting from the outbreak of the 2019 novel coronavirus,  
2031 also known as COVID-19, and subsequent variants, and shall file the same with the clerks of the  
2032 house of representatives and senate, the house and senate committees on ways and means, the  
2033 joint committee on economic development and emerging technologies and the joint committee  
2034 on state administration and regulatory oversight; provided, that the update and supplement shall  
2035 include, but not be limited to, an analysis of the following: (i) the competitiveness of the city of  
2036 Boston and the commonwealth nationally and globally as a destination for conventions,  
2037 gatherings and similar public meetings; (ii) the needs of the Boston Convention and Exhibition  
2038 Center to accommodate conventions, gatherings and public meetings; (iii) how conventions,  
2039 gatherings and public meetings will take place going forward, including safety and public health  
2040 considerations for COVID-19 and possible future public health crises; and (iv) technology, air  
2041 filtration and any other physical plant enhancements.

2042 (b) The filing by the Massachusetts Convention Center Authority of the update and  
2043 supplement described in subsection (a) shall constitute authorization by the general court and full  
2044 compliance with section 38N of chapter 190 of the acts of 1982, as amended, with respect to any  
2045 capital facility project undertaken by the authority in connection with this study.



2046 SECTION 133. (a) The state treasurer, the state auditor and the mayor of Boston shall  
2047 jointly study and report on the feasibility of the sale, lease, transfer or other disposition of the  
2048 land and improvements comprising the Hynes convention center or any interest therein, to  
2049 determine whether it would be in the best interest of the commonwealth to retain the Hynes  
2050 convention center, and shall make recommendations on attracting more business and events to  
2051 the Hynes convention center. The study shall include, but not be limited to: (i) the economic  
2052 effects on the property of a sale, lease, transfer or other disposition; (ii) the economic effects on  
2053 the businesses of the Back Bay neighborhood of the city of Boston of a sale, lease, transfer or  
2054 other disposition; (iii) the economic effects on the city of Boston of a sale, lease, transfer or other  
2055 disposition; (iv) the number of jobs that might be lost as a result of a sale, lease, transfer or other  
2056 disposition; (v) plans to mitigate the effects of jobs lost as a result of a sale, lease, transfer or  
2057 other disposition; and (vi) the economic effects the current operation of the Hynes convention  
2058 center has to the Back Bay neighborhood, the city of Boston and the commonwealth.

2059 (b) The report shall be filed with the clerks of the house of representatives and the senate,  
2060 the house and senate committees on ways and means and the joint committee on economic  
2061 development and emerging technologies not later than December 31, 2022.

2062 SECTION 134. (a) There is hereby established a CTE Funding Commission to study  
2063 funding options for career technical education, or CTE, programs. The commission shall consist  
2064 of: (i) 4 representatives from the department of elementary and secondary education, to be  
2065 appointed by the deputy commissioner of the office of career technical education established in  
2066 section 37 of chapter 69 of the General Laws, as inserted by section 97; provided, that 1  
2067 appointee shall be the secretary of education or a designee, who shall serve as chair; and (ii) 3  
2068 representatives of the executive office of labor and workforce development, to be appointed by

2069 the secretary of labor and workforce development. The commission shall identify funding  
2070 options for changing market needs. This commission shall make recommendations, which shall  
2071 include, but not be limited to, the following:

2072 (1) whether the Massachusetts School Building Authority may make expenditures on  
2073 equipment, or whether it is limited to funding for education structures;

2074 (2) whether the Massachusetts School Building Authority should add incentives for the  
2075 approved educational spaces created pursuant to chapter 74 of the General Laws in programs that  
2076 align to labor market demand;

2077 (3) methods to simplify state law, including, but not limited to, section 16 of chapter 71  
2078 of the General Laws, in order for all regional school districts to be able to secure bonding for  
2079 critical capital projects through the district-wide referendum process outlined in subsection (n) of  
2080 said section 16 of said chapter 71;

2081 (4) language changes in subsection (d) of said section 16 of said chapter 71 to allow all  
2082 regional school districts the option to secure project bonding approval upon a 2/3 vote of  
2083 approval of each legislative body of a municipality comprising the district; and

2084 (5) any other recommendations relative to CTE funding at the commission's discretion.

2085 (b) The commission shall submit a report, including the findings of the study and any  
2086 recommendations, and including proposed legislation, not later than July 31, 2023.

2087 SECTION 135. (a) For the purposes of this section, the following words shall, unless the  
2088 context clearly requires otherwise, have the following meanings:

2089 “Net patient service revenue”, the sum of inpatient and outpatient net patient service  
2090 revenue for fiscal year 2020 as published by the center for health information and analysis in  
2091 April 2022 in its databook titled Massachusetts Hospital Profiles.

2092 “Net patient service revenue adjustment”, an amount equal to a hospital’s net patient  
2093 service revenue: (i) multiplied by 1, in the case of a tier 1 hospital; (ii) multiplied by 2 in the case  
2094 of a tier 2 hospital; (iii) multiplied by 3 in the case of a tier 3 hospital; and (iv) multiplied by 4 in  
2095 the case of a tier 4 hospital.

2096 “Public payer mix”, the public payer mix for fiscal year 2020 calculated using data  
2097 published by the center for health information and analysis in April 2022 in its databook titled  
2098 Massachusetts Hospital Profiles.

2099 “Statewide median relative price”, the statewide median cross-payer relative price for  
2100 calendar year 2019 as determined by the center for health information and analysis.

2101 “Statewide relative price”, the statewide cross-payer relative price for calendar year 2019  
2102 as published in March 2022 by the center for health information and analysis in its databook  
2103 titled Relative Price and Provider Price Variation in the Massachusetts Commercial Market.

2104 “Tier 1 hospital”, an acute care hospital licensed under section 51 of chapter 111 of the  
2105 General Laws that has: (i) a statewide relative price less than 145 per cent of the statewide  
2106 median relative price; and (ii) a public payer mix that is greater than 50 per cent.

2107 “Tier 2 hospital”, an acute care hospital licensed under said section 51 of said chapter 111  
2108 that has: (i) a statewide relative price less than 125 per cent of the statewide median relative  
2109 price; and (ii) a public payer mix that is greater than 60 per cent.

2110 “Tier 3 hospital”, an acute care hospital licensed under said section 51 of said chapter 111  
2111 that has: (i) a statewide relative price less than 110 per cent of the statewide median relative  
2112 price; and (ii) a public payer mix that is greater than 65 per cent.

2113 “Tier 4 hospital”, an acute care hospital licensed under said section 51 of said chapter 111  
2114 that has: (i) a statewide relative price less than 90 per cent of the statewide median relative price;  
2115 and (ii) a public payer mix that is greater than 70 per cent.

2116 “Total acute hospital distribution amount”, an amount equal to \$300,000,000.

2117 “Total adjustment amount”, an amount equal to the sum of all tier 1, tier 2, tier 3 and tier  
2118 4 hospitals’ net patient service revenue adjustments.

2119 (b) The secretary of health and human services shall direct funds to acute care hospitals  
2120 licensed under section 51 of chapter 111 of the General Laws according to the following  
2121 formula:

2122 (i) A tier 1 hospital shall receive a pro rata share of the total acute hospital distribution  
2123 amount, which shall be calculated by dividing the hospital’s net patient service revenue  
2124 adjustment by the total adjustment amount, multiplied by the total acute hospital distribution  
2125 amount;

2126 (ii) A tier 2 hospital shall receive a pro rata share of the total acute hospital distribution  
2127 amount, which shall be calculated by dividing the hospital’s net patient service revenue  
2128 adjustment by the total adjustment amount, multiplied by the total acute hospital distribution  
2129 amount;

2130 (iii) A tier 3 hospital shall receive a pro rata share of the total acute hospital distribution  
2131 amount, which shall be calculated by dividing the hospital's net patient service revenue  
2132 adjustment by the total adjustment amount, multiplied by the total acute hospital distribution  
2133 amount; and

2134 (iv) A tier 4 hospital shall receive a pro rata share of the total acute hospital distribution  
2135 amount, which shall be calculated by dividing the hospital's net patient service revenue  
2136 adjustment by the total adjustment amount, multiplied by the total acute hospital distribution  
2137 amount.

2138 (c) No hospital shall receive an award amount greater than \$30,000,000. A hospital that  
2139 has a relative price that is equal to or greater than 145 per cent of the statewide median relative  
2140 price or that has a public payer mix that is equal to or less than 50 per cent shall not be eligible to  
2141 receive funds under this section.

2142 SECTION 136. (a) There shall be established and set up on the books of the  
2143 commonwealth a separate fund to be known as the Offshore Wind Ports Fund. The executive  
2144 director of the Massachusetts clean energy technology center, established in section 2 of chapter  
2145 23J of the General Laws, shall administer the fund. The executive director shall expend  
2146 \$45,000,000 for the port of Salem and all remaining money in the fund shall be subject to  
2147 appropriation and shall be expended to invest in offshore wind ports in the commonwealth.

2148 (b) The fund shall consist of: (i) revenue from appropriations or other money authorized  
2149 by the general court and specifically designated to be credited to the fund; (ii) funds from public  
2150 and private sources, including, but not limited to, gifts, grants and donations; and (iii) interest  
2151 earned on such money. Amounts credited to the fund that are unexpended at the end of a fiscal

2152 year shall not revert to the General Fund. The executive director shall not make any expenditures  
2153 from the fund that cause the fund to be in deficiency at the close of the fiscal year.

2154 SECTION 137. There shall be established a fund known as the Taxpayer Energy and  
2155 Economic Relief Fund to be administered by the executive office for administration and finance.  
2156 The purpose of the fund shall be to issue 1-time direct financial support to taxpayers for energy  
2157 costs and increased prices due to inflation. There shall be credited to the fund all amounts that  
2158 are transferred or authorized to be transferred thereto or directed to be deposited therein, and all  
2159 amounts received as gifts, grants or contributions for the purposes of the fund. Amounts credited  
2160 to the fund shall not be subject to appropriation and any money remaining in the fund shall not  
2161 revert to the General Fund.

2162 SECTION 138. (a) Notwithstanding any general or special law to the contrary, in order to  
2163 address rising energy costs and inflation, the executive office for administration and finance, in  
2164 consultation with the department of revenue, shall administer a Taxpayer Energy and Economic  
2165 Relief Rebate program to provide 1-time direct financial support to eligible taxpayers, in an  
2166 amount of: (i) \$250 for a taxpayer who earns not less than \$38,000 and not more than \$100,000  
2167 and files an individual return, as: (A) single; (B) head of household; or (C) married filing  
2168 separately; or (ii) \$500 for married taxpayers who file joint returns, who earn not less than  
2169 \$38,000 and not more than \$150,000 combined; provided, that legislators in the commonwealth  
2170 shall not be considered eligible taxpayers. The executive office for administration and finance, in  
2171 consultation with the department of revenue, shall confirm eligibility based on the adjusted gross  
2172 income in each taxpayer's tax filing for taxable year 2021. For the purposes of this section, the  
2173 term "eligible taxpayer" shall mean a taxpayer who filed an income tax return for the taxable  
2174 year beginning on January 1, 2021 and is a resident of the commonwealth.

2175 (b) Rebates to eligible taxpayers shall be issued not later than September 30, 2022, in the  
2176 manner in which the taxpayer elected to receive their tax refund for taxable year 2021, if  
2177 applicable, or by check.

2178 SECTION 139. Notwithstanding any general or special law to the contrary, for any  
2179 taxable year beginning on or after January 1, 2022, any amount received from the Taxpayer  
2180 Energy and Economic Relief Rebate program administered by the executive office for  
2181 administration and finance, in consultation with the department of revenue, to address rising  
2182 energy costs and inflation shall be deducted from federal gross income for the purpose of  
2183 determining Massachusetts gross income under section 2 of chapter 62 of the General Laws and  
2184 from federal gross income for purposes of determining Massachusetts gross income under  
2185 section 30 of chapter 63 of the General Laws.

2186 SECTION 140. (a) Notwithstanding any general or special law to the contrary, there is  
2187 hereby established a pilot program for a live theater tax credit for which a live theater company  
2188 doing business with a Massachusetts-based theater venue, theater company, theater presenter or  
2189 producer may be eligible. The credit shall be established to support the expansion of pre-  
2190 Broadway productions, pre-off Broadway productions and national tour launches, as those terms  
2191 are defined in paragraph (1) of subsection (aa) of section 6 of chapter 62 of the General Laws,  
2192 and shall assist in the development of long run show development and growth.

2193 (b)(1) An applicant for a live theater tax credit shall properly prepare, sign and submit to  
2194 the office of travel and tourism an application for initial certification of the theater production.  
2195 The initial application shall include information and data the office deems necessary for the  
2196 evaluation and administration of the application, including, but not limited to, any information

2197 about the theater production company or its related partners or presenters and a specific  
2198 Massachusetts live theater or musical production.

2199 (2) The office of travel and tourism shall review the completed application and determine  
2200 whether it meets the requisite criteria and qualifications for the initial certification for the  
2201 production. If the initial certification is granted, the office shall issue a notice of initial  
2202 certification of the eligible theater production or presentation to the theater production company,  
2203 co-producer or presenter and to the commissioner of revenue. The notice shall state that, after  
2204 appropriate review, the initial application meets the appropriate criteria for eligibility. The notice  
2205 of initial certification shall provide a unique identification number for the production and shall be  
2206 a statement of conditional eligibility for the production and shall not grant or convey any  
2207 Massachusetts tax credits or other benefits.

2208 (c)(1) Upon completion of an eligible theater production, the applicant shall properly  
2209 prepare, sign and submit to the office of travel and tourism an application for final certification  
2210 of the eligible theater production. The final application shall contain a cost report and an  
2211 accountant's certification; provided, that an eligible theater production, as defined in paragraph  
2212 (1) subsection (aa) of section 6 of chapter 62 of the General Laws, shall not use state funds, state  
2213 loans or state guaranteed loans to qualify for the live theater tax credit. The office of travel and  
2214 tourism and commissioner of revenue may rely, without independent investigation, upon an  
2215 accountant's certification, in the form of an opinion, confirming the accuracy of the information  
2216 included in the cost report.

2217 (2) Upon review of a duly completed and filed application and not later than 30 days after  
2218 submission, the office of travel and tourism, in consultation with the commissioner of revenue,



2219 shall make a determination pertaining to the final certification of the eligible theater production  
2220 and the tax credits pursuant to said subsection (aa) of said section 6 of said chapter 62 and  
2221 section 38KK of chapter 63 of the General Laws. Upon final determination of eligibility the  
2222 office shall issue a final certificate.

2223 (d)(1) If the office of travel and tourism or the department of revenue receives  
2224 information that is materially inconsistent with representations made in an application, the office  
2225 may deny the requested certification.

2226 (2) If a tax credit or a portion of a tax credit is subject to recapture for ineligible costs and  
2227 such tax credit has been transferred, assigned or allocated, the commonwealth shall pursue its  
2228 recapture remedies and rights against the recipient of the theater production tax credit. No  
2229 redress shall be sought against assignees, sellers, transferees or allocates of such credit.

2230 (e) All documents that are issued by the office of travel and tourism pursuant to this  
2231 section shall reference the identification number issued to the production as part of its initial  
2232 certification.

2233 (f) The office of travel and tourism, in consultation with the commissioner of revenue,  
2234 shall promulgate rules and regulations to carry out this section.

2235 (g) The secretary of housing and economic development, in conjunction with the  
2236 commissioner of revenue, shall report on the impact of the live theater tax credit pursuant to  
2237 subsection (aa) of section 6 of chapter 62 and section 38KK of chapter 63 of the General Laws  
2238 and shall submit the report to the clerks of the house of representatives and the senate, the house  
2239 and senate committees on ways and means and the joint committee on economic development  
2240 and emerging technologies not later than December 31, 2027. The secretary and commissioner

2241 shall collaborate with the live theater industry to collect the relevant data for the report. Said  
2242 report shall include, but not be limited to, the following information regarding live theater in the  
2243 commonwealth during the pilot program:

2244 (i) the number of shows that have been presented in the commonwealth since enactment  
2245 of this section;

2246 (ii) the number of live show days since enactment of this section;

2247 (iii) an analysis of the number of shows and live show days after enactment of this  
2248 section as compared to before enactment of this section;

2249 (iv) the total spending by live theater productions on local businesses and vendors,  
2250 including supplies, hotels, car rental, food and beverage, and items related to the live theater  
2251 production;

2252 (v) the total expenditure on local labor to set up, support and take down each production,  
2253 including total labor hours;

2254 (vi) the number of ticket orders from outside the commonwealth;

2255 (vii) the number of ticket orders from outside the United States; and

2256 (viii) the impact on local businesses in proximity to live theaters, including hotels and  
2257 restaurants.

2258 (h) No tax credit pursuant to subsection (aa) of section 6 of chapter 62 or section 38KK  
2259 of chapter 63 of the General Laws shall be issued on or after January 1, 2028 unless the  
2260 production has received initial certification under this section prior to January 1, 2028.

2261 SECTION 141. Notwithstanding any general or special law to the contrary, not later than  
2262 14 days after the effective date of this act, the secretary of administration and finance shall direct  
2263 the comptroller to transfer \$510,000,000 from the General Fund to the Taxpayer Energy and  
2264 Economic Relief Fund established in section 137.

2265 SECTION 142. Notwithstanding any general or special law to the contrary, not later than  
2266 14 days after the effective date of this act, the comptroller shall transfer \$100,000,000 from the  
2267 General Fund to the Offshore Wind Ports Fund established in section 136.

2268 SECTION 143. Notwithstanding any general or special law to the contrary, not later than  
2269 14 days after the effective date of this act the comptroller shall transfer up to \$300,000,000 of the  
2270 undesignated fund balance in the General Fund to the Unemployment Compensation Fund  
2271 established in section 48 of chapter 151A.

2272 SECTION 144. Notwithstanding any general or special law to the contrary, items funded  
2273 in this act, including appropriations in sections 2 and 2A and all other authorized uses, shall be  
2274 supported through the following resources: (i) up to \$1,275,000,000 from the federal COVID-19  
2275 response fund established in section 2JJJJ of chapter 29 of the General Laws; and (ii) up to  
2276 \$1,275,000,000 from the General Fund; provided, however, that the secretary of administration  
2277 and finance shall ensure that the coronavirus state fiscal recovery fund monies received under the  
2278 American Rescue Plan Act of 2021, 42 U.S.C. 802, comply with applicable federal law,  
2279 including statutes, regulations and sub-regulatory guidance; provided further, that the  
2280 appropriations in the items funded in said sections 2 and 2A shall not be used to supplant  
2281 existing appropriations. The secretary shall continue quarterly reporting consistent with the

2282 quarterly reports required in section 81 of chapter 102 of the acts of 2021 that detail the source of  
2283 revenue matched to each item in this act for all expenditures made during that quarter.

2284 SECTION 145. The salary adjustments and other economic benefits authorized by the  
2285 following collective bargaining agreements shall be effective for the purposes of section 7 of  
2286 chapter 150E of the General Laws:

2287 (1) between the University of Massachusetts and the Massachusetts Society of Professors,  
2288 Amherst Campus, Unit A50;

2289 (2) between the University of Massachusetts and the New England Police Benevolent  
2290 Association (NEPBA) Local 190, Amherst Campus, Unit A07; and

2291 (3) between the Commonwealth of Massachusetts, Essex North and South Registries of  
2292 Deeds and the American Federation of State, County and Municipal Employees (AFSCME)  
2293 Local 653, Council 93, Administrative Unit.

2294 SECTION 146. Notwithstanding any general or special law to the contrary, to meet the  
2295 expenditures necessary in carrying out section 3A, the state treasurer shall, upon receipt of a  
2296 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2297 by the governor from time to time but not exceeding, in the aggregate, \$883,000,000. All bonds  
2298 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2299 Economic Development Act of 2022”, and shall be issued for a maximum term of years, not  
2300 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of  
2301 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall  
2302 be payable not later than June 30, 2057. All interest and payments on account of principal on  
2303 such obligations shall be payable from the General Fund. Bonds and interest thereon issued

2304 under the authority of this section shall, notwithstanding any other provision of this act, be  
2305 general obligations of the commonwealth.

2306 SECTION 147. Notwithstanding any general or special law to the contrary, to meet the  
2307 expenditures necessary in carrying out section 3B, the state treasurer shall, upon receipt of a  
2308 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2309 by the governor from time to time but not exceeding, in the aggregate, \$268,800,000. All bonds  
2310 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2311 Economic Development Act of 2022”, and shall be issued for a maximum term of years, not  
2312 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of  
2313 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall  
2314 be payable not later than June 30, 2057. All interest and payments on account of principal on  
2315 such obligations shall be payable from the General Fund. Bonds and interest thereon issued  
2316 under the authority of this section shall, notwithstanding any other provision of this act, be  
2317 general obligations of the commonwealth.

2318 SECTION 148. Notwithstanding any general or special law to the contrary, to meet the  
2319 expenditures necessary in carrying out section 3C, the state treasurer shall, upon receipt of a  
2320 request by the governor, issue and sell bonds of the commonwealth in an amount to be specified  
2321 by the governor from time to time but not exceeding, in the aggregate, \$104,000,000. All bonds  
2322 issued by the commonwealth, as aforesaid, shall be designated on their face “Commonwealth  
2323 Economic Development Act of 2022”, and shall be issued for a maximum term of years, not  
2324 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of  
2325 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall  
2326 be payable not later than June 30, 2057. All interest and payments on account of principal on

2327 such obligations shall be payable from the General Fund. Bonds and interest thereon issued  
2328 under the authority of this section shall, notwithstanding any other provision of this act, be  
2329 general obligations of the commonwealth.

2330 SECTION 149. To provide for the continued availability of a bond-funded spending  
2331 authorization that otherwise would expire, the balance of item 7002-0016 of section 2 of chapter  
2332 112 of the acts of 2018, as amended by section 46 of chapter 102 of the acts of 2021 and any  
2333 allocations thereof shall be extended to June 30, 2025 for the purposes of and subject to the  
2334 conditions stated for the item in the original authorization, and any amendments to such  
2335 authorization.

2336 SECTION 150. Sections 73, 74, 78 to 82, inclusive, 84, 85, 89 to 91, inclusive, 93 to 96,  
2337 inclusive, and 140 shall apply to tax years beginning on or after January 1, 2023.

2338 SECTION 151. Section 130 shall take effect as of April 1, 2022.