

# SENATE . . . . . No. 3118

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Senate, September 26, 2022 -- Text of the Senate amendment (Senator Spilka) to the House Bill establishing the Framingham economic development corporation in the city of Framingham (House, No. 4352)

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## The Commonwealth of Massachusetts

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

1 SECTION 1. Chapter 124 of the acts of 1995 is hereby amended by striking out sections  
2 1 to 13, inclusive, and inserting in place thereof the following 30 sections:-

3 Section 1. There is hereby established in the city of Framingham the Framingham  
4 Economic Development Corporation. The corporation shall promote the economic revitalization  
5 of the city by exercising the powers and privileges under this act and as provided by law. The  
6 corporation shall be a public instrumentality separate from the city and shall not be considered an  
7 authority, board or committee of the city. The corporation shall have authority to carry out the  
8 provisions of this act and the corporation's exercise of the powers conferred by this act shall be  
9 considered the performance of essential public and governmental functions. The corporation  
10 shall acquire all the funds and assets and shall assume the contractual obligations of the  
11 Framingham Economic Development and Industrial Corporation established in of chapter 124 of  
12 the acts of 1995.

13 Section 2. (a) It is hereby declared that:

14 (1) the city has unused, underused, substandard, undeveloped or underdeveloped

15 areas that could be redeveloped or repurposed to improve the health, safety and welfare  
16 of the residents of the city;

17 (2) due to the inappropriate, derelict or underperforming current uses, such areas  
18 constitute an economic liability that substantially impedes the sound growth of the city and the  
19 economic wellbeing of the commonwealth;

20 (3) such areas decrease the value of private investments and threaten sources of public  
21 revenue;

22 (4) the existence of such areas makes people hesitant, unwilling or unable to do business  
23 in the city and discourages private investment;

24 (5) the menace of these areas cannot be remedied solely by the regulatory process in the  
25 exercise of the police powers and are unlikely to be reversed by ordinary operations or private  
26 enterprise without the assistance provided in this act;

27 (6) redevelopment of such areas is necessary to retain existing enterprises, attract new  
28 nonresidential, residential, commercial and mixed-use development and promote the  
29 sound and orderly growth of the city;

30 (7) to prevent a recurrence of the conditions that exist in such areas, any of the following  
31 shall be valid public uses and purposes that justify the exercise of powers by the corporation, any  
32 assistance given by the city or any other public body in connection with the corporation's actions  
33 or the expenditure of public money, improving sites in these areas for nonresidential, residential,  
34 commercial or mixed-use development or for necessary public facilities and improvements or the  
35 disposition of property for redevelopment incidental to the improvements;

36 (8) the acquisition, planning, clearance, development, rehabilitation or rebuilding of such  
37 areas for nonresidential, residential, commercial or mixed-use development or public facility  
38 purposes are public benefits for which public funds may be expended for the welfare of the city,  
39 the region and the commonwealth.

40 (b) The general court also finds that:

41 (1) obsolete, inefficient or inadequate public facilities and infrastructure threaten the  
42 city's economy;

43 (2) the city cannot arrest the decline of, revitalize, stabilize or expand its economy or  
44 develop a sound, vibrant economic base without adequate public facilities and infrastructure to  
45 stimulate and support economic growth;

46 (3) the development, management and operation of public facilities in support of  
47 economic development is essential to the preservation and enhancement of the city's tax base and  
48 economy;

49 (4) a public corporation is necessary to address these and related public purposes;  
50 provided, however, that it is the corporation's purpose to aid the city, other public agencies,  
51 private enterprises and non-profit organizations in the orderly development or redevelopment of  
52 unused, obsolete, underused or underdeveloped areas and in the development, operation and  
53 management of facilities and infrastructure necessary to support the economic vitality of the city;

54 (5) the purposes of the corporation shall be to create a suitable living environment and  
55 strengthen partnerships between all levels of government and non-profit and for-profit  
56 organizations in order to promote and support the city's well-being and promote equitable

57 economic development in order to maximize social and economic opportunities available to the  
58 residents of the city; and

59 (6) the purposes of the corporation shall be to enhance the position, image and perception  
60 of the city as a desirable place to live, work, learn, play, visit and invest.

61 Section 3. As used in this act, the following terms shall have the following meanings:

62 "City", the city of Framingham.

63 "Council", the duly elected city council of the city of Framingham.

64 "Corporation", the Framingham Economic Development Corporation established  
65 pursuant to this act.

66 "Cost of a project", all costs, whether incurred before or after the issue of bonds or notes  
67 hereunder, of acquisition, site development, construction, improvement, enlargement,  
68 reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing  
69 buildings or structures, including the cost of acquiring any lands to which such buildings or  
70 structures may be moved, financing charges, interest prior to and during the carrying out of any  
71 project, interest for up to 2 years after completion or estimated completion date of any project,  
72 planning, engineering and legal service, administrative expense, the funding of notes issued for  
73 capital purposes, such reserve for debt service or other capital or current expenses as may be  
74 required by a trust agreement or resolution securing notes or bonds and all other expenses  
75 incidental to the determination of the feasibility of any development project or to carrying out a  
76 development project or to placing the project in operation.

77 "Development plan", a plan to redevelop or repurpose unused, underused, substandard,  
78 undeveloped or underdeveloped areas that could improve the health, safety and welfare of the  
79 residents of the city submitted annually by the corporation to the council and approved from time  
80 to time by the majority of the full council; provided, however, that the "development plan" shall  
81 guide the type, land use, general location, density and other requirements of a development  
82 project carried out by the corporation.

83 "Development project", a project contemplated by its approved development plan: (i) to  
84 be undertaken in furtherance of the purposes of this act for acquisition or leasing by the  
85 corporation of land and improvements thereon and the development of the property so acquired;  
86 (ii) to be undertaken in furtherance of the purposes of this act for the rehabilitation or  
87 conservation of property or for the demolition, removal, rehabilitation or addition of  
88 improvements whenever necessary to carry out the purposes of this act; (iii) entailing the  
89 construction, improvement or rehabilitation of infrastructure, public facilities or both, in  
90 furtherance of the purposes of this act; or (iv) involving a combination of the foregoing types of  
91 projects; provided, however, that a "development project" may include improvements necessary  
92 for carrying out the objectives of the project, including site improvements, as well as for making  
93 any land or improvements acquired in the area of the project available for redevelopment or  
94 rehabilitation by private enterprise, including the sale, initial leasing or retention by the  
95 corporation for industrial, commercial, business, manufacturing, residential or mixed uses  
96 contemplated by a development plan; provided further, that a "development project" may include  
97 the construction by the corporation of any of the buildings, structures or other facilities for  
98 industrial, commercial, business, manufacturing, residential or mixed uses contemplated by a

99 development plan and the repair, removal or rehabilitation by the corporation of any of the  
100 buildings, structures or other facilities that are to be repaired, moved or rehabilitated.

101 "Financial institution", a banking corporation or institution, trust company, savings bank,  
102 cooperative bank, savings or loan association, insurance company or related corporate  
103 partnership, foundation or other institution engaged primarily in lending or investing funds.

104 "Mayor", the duly elected mayor of the city of Framingham.

105 Section 4. The purposes of the corporation shall be to: (i) promote the objectives of  
106 section 2 and promote the common good and general welfare of the city; (ii) improve the living  
107 standards of the residents of the city by facilitating employment opportunities; (iii) support  
108 existing businesses and institutions located in the city by developing or facilitating the creation  
109 of infrastructure to benefit the circulation of employees, visitors and goods; and (iv) solicit,  
110 encourage and induce business and non-profit organizations and educational institutions to locate  
111 their organization in the city with an emphasis on securing and expanding the tax base or  
112 employment base of the city.

113 In furtherance of these purposes and in addition to the powers granted to the corporation  
114 by this act, except as may be restricted or limited by other provisions of this act, the corporation  
115 shall have the power to:

116 (i) sue and be sued in its own name, to plead and to be impleaded;

117 (ii) adopt by-laws and rules for the regulation of its affairs and the conduct of its business  
118 and to amend those by-laws and rules;

119 (iii) make and enter into any contracts and agreements necessary or incidental to the  
120 performance of its duties;

121 (iv) receive and accept from any federal agency, the commonwealth or any political  
122 subdivision thereof any grants, loans or advances for or in aid of a development project and to  
123 receive and accept contributions from any other source of money, property, labor or other things  
124 of value, to be held, used and applied for the purposes for which the grants, loans, advances and  
125 contributions may be made;

126 (v) invest any funds not required for immediate use or disbursement in certificates of  
127 deposit or in obligations of the government of the United States or in obligations guaranteed by  
128 the government of the United States and, subject to a specific vote of the corporation, to invest  
129 funds in any fashion in which municipal funds may be invested pursuant to chapter 44 of the  
130 General Laws;

131 (vi) own and manage real property;

132 (vii) make relocation payments to individuals and businesses displaced as a result of  
133 carrying out a development project under the act, in accordance with chapter 79A of the General  
134 Laws;

135 (viii) prepare or commission plans, designs, drawings, specifications and estimates of  
136 cost for the construction, reconstruction, development, redevelopment, rehabilitation,  
137 remodeling, alteration or repair of development projects and, from time to time, modify the  
138 plans, designs, drawings, specifications and estimates;

139 (ix) designate property for development projects, except that when the property is owned  
140 by the city, the designation and use shall be approved by the mayor and the council;

141 (x) purchase insurance against any loss in connection with its property or other assets and  
142 operations;

143 (xi) arrange or contract with the city for planning or opening or closing streets, roads,  
144 alleys or other places or for the furnishing of facilities or for the acquisition by the city of  
145 property or property rights or for the furnishing of property or services in connection with a  
146 development project;

147 (xii) manage or lease any development project, whether owned or leased by the  
148 corporation, and to enter into agreements with the commonwealth or the city or any agency or  
149 instrumentality thereof or with any person, firm, partnership or corporation, either public or  
150 private, for the purposes of causing any development project to be managed;

151 (xiii) establish subsidiary or affiliate legal entities to advance the purposes of this act;

152 (xiv) establish and collect fees for the use of any properties owned or leased by the  
153 corporation or for the provision of infrastructure, facilities, services and amenities;

154 (xv) act with respect to 1 or more development projects as a corporation organized under  
155 chapter 121A of the General Laws;

156 (xvi) borrow money for the purposes of aiding in the construction of equipment required  
157 by the commonwealth or the United States to abate air or water pollution;

158 (xvii) borrow money for the purpose of aiding the construction of public facilities,  
159 infrastructure or utilities necessary for economic development;



160 (xviii) apply to the federal government or to the commonwealth for housing or economic  
161 development assistance grants to carry out approved economic development projects, to receive  
162 and administer these grants, to contract with the commonwealth for financial assistance and to  
163 apply for and receive advances for the estimated costs of surveys and plans and administrative  
164 expenses in preparation for economic development projects, all to the same extent and subject to  
165 the same terms and conditions as an urban renewal agency pursuant to sections 53 to 57,  
166 inclusive, of chapter 121B of the General Laws;

167 (xix) employ consulting engineers, superintendents, managers and other employees,  
168 agents and consultants as may be necessary in its judgment and to fix their compensation;

169 (xx) accept, acquire other than by eminent domain, receive and hold by bequest, devise,  
170 grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its  
171 objects and purposes, any property, both real and personal, from any source, including grants,  
172 loans or advances for or in aid of the corporation from any federal agency or the commonwealth  
173 or any political subdivision thereof;

174 (xxi) sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any  
175 property, both real and personal, that the objectives and purposes of the corporation may require,  
176 subject to any limitations as may be prescribed by law;

177 (xxii) borrow money and, from time to time, to make, accept, endorse, execute and issue  
178 bonds, debentures, promissory notes, bills of exchange and other obligations of the corporation  
179 for monies borrowed or in payment for property acquired or for any of the other purposes of the  
180 corporation and to secure the payment of these obligations by mortgage, pledge, deed, indenture,  
181 agreement or other instrument of trust or by lien upon, assignment of or agreement in regard to

182 all or any part of the corporation's property, rights or privileges, whether now owned or later  
183 acquired;

184 (xxiii) make loans to any person, firm, corporation, joint stock company, association or  
185 trust located or doing business in the city, for the purpose of promoting and developing business  
186 activities;

187 (xxiv) acquire improved and unimproved real estate for the purposes of developing,  
188 demolishing, constructing or reconstructing commercial, industrial, residential, institutional or  
189 other establishments thereon or for developing, redeveloping or constructing public facilities or  
190 for the purpose of disposing of real estate to others for the development, redevelopment,  
191 demolition, construction, operation or management of commercial, industrial, residential,  
192 institutional or other establishments or for public facilities, as the objects and purposes of the  
193 corporation may require; provided, however, that nothing in this act shall grant the corporation  
194 the power of eminent domain;

195 (xxv) acquire, demolish, construct, reconstruct, alter, maintain, sell, convey, transfer,  
196 mortgage, pledge or otherwise dispose of commercial, industrial, residential or business  
197 establishments or other property as the objects and purposes of the corporation may require;

198 (xxvi) acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or  
199 otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in  
200 or indebtedness of any person, firm, corporation, joint stock company, association or trust and,  
201 while the owner or holder thereof, exercise all the rights, powers and privileges of ownership;

202 (xxvii) cooperate with and avail itself of the facilities and programs of various federal or  
203 state governmental agencies; provided, however, that the corporation shall not apply for

204 governmental funds in competition with any department, agency or instrumentality of the city  
205 without the express written consent of the mayor;

206 (xxviii) receive stocks, bonds, donations and gifts and to otherwise raise money for the  
207 above purposes;

208 (xxix) undertake economic development project planning or provide advisory services  
209 and technical assistance to carry out the corporation's purposes;

210 (xxx) assist the city in conducting marketing and promotions for the purpose of attracting  
211 and retaining employers; and

212 (xxxi) undertake all acts and things necessary or convenient to carry out the powers  
213 expressly granted in this act.

214 Section 5. There is hereby created a public body politic and corporate to be known as the  
215 Framingham Economic Development Corporation, which shall be a public instrumentality,  
216 consisting of 7 members appointed by the mayor and approved by the council pursuant to the  
217 city's charter, at least 1 of whom shall be experienced in financial matters, 1 of whom shall be  
218 experienced in real estate, 1 of whom shall be experienced in municipal government, 2 of whom  
219 shall be experienced in industrial development and 2 of whom shall be appointed from the  
220 community at large. Unless otherwise appointed by the mayor and approved by the city council,  
221 all members of the corporation shall reside or be employed in the city. Each of the 7 members  
222 shall be sworn to the faithful performance of their official duties as a member of the corporation.  
223 A simple majority of the 7 members shall constitute a quorum for the transaction of any and all  
224 business of the corporation.

225           Of the members of the corporation first appointed, from the first day of July in the year of  
226 their appointment: (i) 2 shall be appointed to serve for 1 year; (ii) 2 shall be appointed to serve  
227 for 2 years; and (iii) 3 shall be appointed to serve for 3 years. Upon the expiration of such terms  
228 of office, the member's successor, and any subsequent successor, shall be appointed for a term of  
229 3 years. A member shall continue in office after the expiration of their term and until a successor  
230 is appointed and qualified. Any member of the corporation may be removed by the mayor for  
231 malfeasance, misfeasance or willful neglect of duty but only after reasonable notice and public  
232 hearing, unless that same person, in writing, expressly waives the right to be so heard.

233           Section 6. The corporation shall adopt a corporate seal for the corporation and designate  
234 the custodian thereof. The corporation shall cause at all times accurate accounts to be kept of all  
235 receipts and expenditures of the funds of the corporation and shall make a report annually to the  
236 city council, containing an abstract of such accounts and detailed information of all receipts and  
237 expenditures, including prices paid for property acquisition, contracts for construction of  
238 facilities and for the leasing thereof and such other detailed information as may be helpful. The  
239 corporation shall cause an audit of its books and accounts to be made biannually by certified  
240 public accountants and the cost thereof shall be treated as a current expense.

241           Except as otherwise provided in this act, the corporation shall have the full power to  
242 exercise care of its Property and the management of its business and affairs. The treasurer of the  
243 corporation shall give bond for the faithful performance of their duties with a surety company  
244 authorized to do business in the commonwealth as a surety in such sum as the corporation may  
245 determine, the premium of which shall be paid by the corporation.

246 Section 7. In addition to those powers set forth in section 4, the corporation shall have, in  
247 furtherance of its development plan, the power to:

248 (i) determine what areas within its jurisdiction constitute underutilized, underperforming,  
249 substandard or open blighted areas;

250 (ii) prepare and execute plans for the clearance, conservation and rehabilitation of  
251 congested, substandard or blighted open areas, including plans for carrying out voluntary repair  
252 and rehabilitation of buildings and improvements, plans for the enforcement of law, codes and  
253 regulations relating to the use of land and the use occupancy of buildings and improvements and  
254 plans for the demolition and removal of buildings;

255 (iii) clear and improve property acquired by it or the city;

256 (iv) prepare or cause to be prepared urban renewal plans, master or general plans,  
257 workable programs for development of the community, general neighborhood renewal plans,  
258 community renewal programs and any plans or studies required or assisted under state or federal  
259 law;

260 (v) engage in urban renewal or community development projects and enforce restrictions  
261 and controls contained in any approved urban renewal or community economic development  
262 plan or any covenant or agreement contained in any contract, deed or lease by the corporation;  
263 provided, however, that the Corporation shall not have title to or interest in the property to which  
264 such restrictions and controls may apply or to any neighboring property; provided further, that  
265 these powers are to be exercised only after chapter 121B of the General Laws have been  
266 complied with;

267 (vi) act as agent of the city or cooperate under the authority and direction of the city with  
268 the federal government in any clearance, industrial, relocation, urban renewal, rehabilitation,  
269 community development or other project that it is authorized to undertake by and within the city;

270 (vii) recommend to the city the acquiring of land through eminent domain subject to  
271 approval by the mayor and city council; provided, however, that such public taking shall only  
272 occur after a public hearing and shall be exercised in accordance with the provisions of chapter  
273 79 or 80A of the General Laws if, after due deliberation, it is determined that the taking of such  
274 property is necessary for carrying out a redevelopment plan, as provided for under said chapter  
275 121B or chapter 121C of the General Laws, or purchase, lease or acquire by gift, bequest or  
276 grant, any property, real or personal, or any interest therein, found by the corporation to be  
277 necessary or reasonably required for the purposes of the corporation and hold, sell, exchange,  
278 transfer, lease or assign such property to the corporation, the city or other person;

279 (viii) utilize the advantages available to the corporation to finance community  
280 development projects, including, but not limited to, functioning as a conduit or broker for private  
281 capital to finance various projects by taking advantage of tax exempt or other favorable status  
282 available to a public agency in administering private funds from any corporation, partnership or  
283 individual;

284 (ix) undertake and provide relocation projects as provided in chapter 121B of the General  
285 Laws;

286 (x) conduct investigations and disseminate information relative to housing and living  
287 conditions and other material issues deemed appropriate in connection with redevelopment  
288 activities;

289 (xi) undertake economic development project planning, provide advisory services and  
290 provide technical assistance as may be desirable to carry out the purposes of the corporation; and

291 (xii) provide, by resolution, for the issuance of revenue bonds of the corporation for the  
292 purposes of paying all or any part of the cost of a development project or projects; provided,  
293 however, that the principal and interest on the bonds shall be payable solely from the funds  
294 herein provided for the payment; provided further, that the bonds of each issue shall be dated,  
295 bear interest at the rates and mature at a time not exceeding 20 years from their date, as  
296 determined by the corporation, and may be redeemable before maturity, at the option of the  
297 corporation, at the price and under the terms and conditions fixed by the corporation before the  
298 issuance of the bonds; provided further, that the corporation shall determine the form of the  
299 bonds, including any interest coupons to be attached thereto, and the manner of execution of the  
300 bonds and shall fix the denomination of the bonds and the place of payment of principal and  
301 interest, which may be at any bank or trust company within the commonwealth; provided further,  
302 that in case any officer whose signature, or a facsimile thereof, shall appear on any bonds or  
303 coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile  
304 shall be valid and sufficient for all purposes as if that officer had remained in office until the  
305 delivery; provided further, that the bonds may be issued in coupon or registered form or both, as  
306 the corporation may determine, and provision may be made for the registration of any coupon  
307 bonds as to principal alone and as to both principal and interest; and provided further, that the  
308 corporation may sell the bonds in a manner and for a price, either at public or private sale, as it  
309 may determine to be for the best interests of the corporation.

310           The proceeds of the bonds shall be used solely for the payment of the cost of a  
311 development project and shall be disbursed in a manner and under such restrictions, if any, as the  
312 corporation may provide.

313           Before the preparation of definitive bonds, the corporation may, under like restrictions,  
314 issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive  
315 bonds when the bonds have been executed and are available for delivery. The corporation may  
316 also provide for the replacement of any bonds that become mutilated or are destroyed or lost.  
317 Revenue bonds may be issued under this act subject only to those proceedings, conditions or  
318 things which are specifically required by this act. The corporation may provide, by resolution,  
319 for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any  
320 revenue bonds then outstanding and issued under this act, including the payment of any  
321 redemption premium thereon on any interest accrued or to accrue to the date of redemption of the  
322 bonds and, if deemed advisable by the corporation, for the additional purpose of construction or  
323 reconstruction and extensions or improvements of the development project. The issue of the  
324 bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of  
325 the corporation relative thereto shall be governed by this act as applicable.

326           Section 8. Revenue and revenue refunding bonds issued under this act, unless otherwise  
327 authorized by law, shall not constitute a debt of the commonwealth or the city or a pledge of the  
328 full faith and credit of the commonwealth or the city, but the bonds shall be payable solely from  
329 the funds herein provided from revenues generated by the corporation. If the corporation or the  
330 city or commonwealth is not obliged to pay the revenue or revenue refunding bonds, all the  
331 revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect  
332 that neither the corporation nor the commonwealth nor the city shall be obliged to pay the same



333 or the interest thereon except from revenues and that neither the full faith and credit nor taxing  
334 power of the commonwealth or the city is pledged to the payment on the bonds. All revenue and  
335 revenue refunding bonds issued under this act shall have all the qualities and incidents of  
336 negotiable instruments as defined in section 3-104 of article 3 of chapter 106 of the General  
337 Laws.

338           Section 9. In the discretion of the corporation, revenue bonds or revenue refunding bonds  
339 may be secured by a trust agreement by and between the corporation and a corporate trustee,  
340 which may be any trust company or bank having the powers of a trust company within the  
341 commonwealth. The trust agreement may pledge or assign the revenues to be received but shall  
342 not convey or mortgage any development project or part thereof. Either the resolution providing  
343 for the issuance of bonds or the trust agreement may contain provisions for protecting and  
344 enforcing the rights and remedies of the bondholders, including, but not limited to, provisions  
345 defining defaults and providing for remedies in the event thereof, which may include the  
346 acceleration of maturities, and covenants setting forth the duties of and limitations on the  
347 corporation in relation to the acquisition, construction, improvement, enlargement, alteration,  
348 equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the  
349 custody, safeguarding, investment and application of moneys, the use of any surplus bond or  
350 note proceeds and the establishment of reserves. The resolution or trust agreement may also  
351 contain covenants by the corporation related to the:

352           (i) establishment, revision and collection of rents and charges for services of facilities  
353 furnished or supplied by the corporation that provide revenues sufficient with other revenues of  
354 the development project, if any, to pay: (A) the cost of maintaining, repairing and operating the  
355 development project and of making renewals and replacements in connection therewith; (B) the

356 principal of and interest on the revenue bonds as they become due and payable; (C) payments in  
357 lieu of taxes, betterments and special assessments; and (D) reserves for such purposes;

358 (ii) purpose for which the proceeds of the sale of the bonds will be applied and the use  
359 and disposition thereof;

360 (iii) use and disposition of the gross revenues of the corporation from the development  
361 project, any additions thereto and extensions and improvements thereof, including the creation  
362 and maintenance of funds for working capital and for renewals and replacements to the  
363 development project;

364 (iv) amount, if any, of additional revenue bonds payable from the revenues of the  
365 development project and the limitations, terms and conditions on which the additional revenue  
366 bonds may be issued; and

367 (v) operation, maintenance, management, accounting and auditing of the development  
368 project and of the income and revenues of the corporation.

369 Section 10. Any bank or trust company incorporated under the laws of the  
370 commonwealth may act as depository of the proceeds of the bonds or of revenues and furnish  
371 indemnifying bonds or pledge securities as required by the corporation. The trust agreement may  
372 set forth the rights and remedies of the bondholders and of the trustees and may restrict the  
373 individual right of action by bondholders as is customary in trust agreements or trust indentures  
374 securing bonds and debentures of corporations. The trust agreement may contain other  
375 provisions as the corporation considers reasonable and proper for the security of the bondholders.  
376 All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of  
377 the operation of the development project. The pledge by any trust agreement or resolution shall

378 be valid and binding from the time when the pledge is made. Revenue or other money so pledged  
379 and held or later received by the corporation shall immediately be subject to the lien of the  
380 pledge without any physical delivery thereof or further act. The lien of the pledge shall be valid  
381 and binding as against all parties having claims of any kind in tort, contract or otherwise against  
382 the corporation, irrespective of whether the parties have notice thereof.

383           Neither the resolution nor any trust agreement by which pledge it is created need be filed  
384 or recorded except in the records of the corporation and no filing need be made under chapter  
385 106 of the General Laws.

386           Section 11. Revenue bonds and revenue refunding bonds issued under this act are hereby  
387 made securities in which all public officers and public bodies of the commonwealth and its  
388 political subdivisions, all insurance companies, trust companies in their commercial departments  
389 and within the limits set by section 6 of chapter 167E of the General Laws, banking associations,  
390 investment companies, executors, trustees and other fiduciaries and all other persons who are  
391 now or may hereafter be authorized to invest in bonds or other obligations of a similar nature  
392 may properly and legally invest funds, including capital in their control and belonging to them  
393 and the bonds are hereby made obligations, which may properly and legally be made eligible for  
394 the investment of savings deposits and income thereof in the manner provided by section 2 of  
395 chapter 167F of the General Laws. The bonds are hereby made securities, which may properly  
396 and legally be deposited with and received by any state or municipal officer or any agency or  
397 political subdivision of the commonwealth for any purpose for which the deposit of bonds or  
398 other obligations of the commonwealth is now or may hereafter be authorized by law.

399           Section 12. To provide funds for the general purposes of the corporation, including  
400 working capital, the corporation may, from time to time, issue debentures, which, unless  
401 otherwise authorized by law, shall not constitute a debt of the commonwealth or the city or a  
402 pledge of the full faith and credit of the commonwealth or the city and shall be subordinated to  
403 all other obligations of the corporation and shall be payable at the time and in installments, if  
404 any, as the corporation shall determine but solely out of the net assets of the corporation and the  
405 holders thereof shall be entitled to interest thereon but only out of the net earnings of the  
406 corporation and in no event at a rate higher than the rate specified therein. The debentures may  
407 be secured by a trust agreement by and between the corporation and a corporate trustee, which  
408 shall be a trust company or bank located within the commonwealth having the powers of a trust  
409 company. The trust agreement shall contain provisions for protecting and enforcing the rights  
410 and remedies of the debenture holder. Any bank or trust company incorporated under the laws of  
411 the commonwealth that may act as a depository under the trust agreement may furnish  
412 indemnifying bonds or pledge securities as required by the corporation. The trust agreement shall  
413 set forth the rights and remedies of the debenture holders and of the trustee and may restrict  
414 individual right of action by debenture holders. The trust agreement may contain such other  
415 provisions as the corporation may consider reasonable and proper for the security of the  
416 debenture holders. All expenses incurred in carrying out the trust agreement may be treated as an  
417 item of current expense.

418           Debentures may be issued under this act without obtaining the consent of any department,  
419 division, office, commission, board, bureau or agency of the commonwealth or the city and  
420 without any other proceedings or any other condition or thing other than those proceedings or  
421 conditions that are required under this act.

422           Section 13. Any holder of bonds or debentures issued under this act, or of any coupons  
423 appertaining thereto, and the trustee, except to the extent the rights herein given may be  
424 restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or  
425 other proceeding, protect and enforce all rights under the laws of the commonwealth or granted  
426 hereunder or under the trust agreement and may enforce and compel the performance of all  
427 duties required by this actor by the trust agreement to be performed by the corporation or by any  
428 officer thereof.

429           Section 14. The corporation shall not deposit any of its funds in a banking institution  
430 unless such institution has been designated as a depository by a vote of a majority of the  
431 members present at an authorized meeting of the corporation exclusive of any member who is an  
432 officer or director of the depository so designated. The corporation shall not receive money on  
433 deposit.

434           Section 15. While any bonds issued by the corporation remain outstanding, the powers,  
435 duties and existence of the corporation shall not be diminished or impaired in any way that will  
436 adversely affect the interests and rights of the holders of the bonds.

437           Section 16. The corporation shall be liable in contract and in tort in the same manner as a  
438 municipal corporation. The members, employees, officers and agents of the corporation shall be  
439 liable in contracts and tort in the same manner as municipal employees under the General Laws.  
440 The corporation shall indemnify the members, officers, employees and agents of the corporation  
441 under sections 9 and 13 of chapter 258 of the General Laws as public employees. The property or  
442 funds of the corporation shall not be subject to attachment or to levy and sale on execution but if

443 the corporation refuses to pay a judgment entered against it in any court of competent  
444 jurisdiction, the superior court may direct the treasurer of the corporation to pay the judgment.

445 Section 17. Real estate owned by the corporation shall not be subject to liens under  
446 chapter 254 of the General Laws but sections 28 and 29 of chapter 149 of the General Laws shall  
447 be applicable to any construction work by the corporation.

448 Section 18. For the purposes of any contract to sell, lease or acquire real property, the  
449 corporation shall be a public or quasi-public economic development agency and such real  
450 property transactions shall not be subject to section 16 of chapter 30B of the General Laws.

451 Section 19. The corporation shall file annual reports with the state secretary and the city  
452 council. These annual reports shall also be published in a newspaper of general circulation in the  
453 city within 60 days after the close of the corporation's fiscal year. The state secretary shall make  
454 copies of such reports available to the commissioner of insurance and the commissioner of banks  
455 and the corporation shall also furnish such other information as may, from time to time, be  
456 required by the state secretary.

457 Section 20. The corporation shall not participate or intervene in any political campaign on  
458 behalf of any candidate for public office or publish or distribute any statements with respect  
459 thereto.

460 Section 21. The corporation shall not be subject to chapter 63 of the General Laws nor  
461 shall the corporation be liable for any taxes based upon or measured by income. The securities  
462 and evidence of indebtedness issued by the Corporation shall be free from taxation by the  
463 commonwealth.

464           Section 22. The corporation is hereby designated as a community-based development  
465 organization for the purposes of carrying out community or economic development projects with  
466 federal financial assistance.

467           Section 23. The corporation shall carry out programs and projects in conformance with  
468 the zoning ordinances and all other local ordinances and regulations of the city.

469           Section 24. The city may take actions in aid of the corporation in connection with a  
470 development project under the provisions of section 23 of chapter 121B of the General Laws.

471           Section 25. Notwithstanding any general or special law to the contrary, the city, acting by  
472 vote of the city council and upon terms and conditions as determined by the mayor or a board or  
473 officer to whom such authority is delegated by the city council or the city's charter, may convey,  
474 by sale or gift, real property owned or controlled by city, or any interest in such property, to the  
475 corporation in aid of the public purposes of the corporation. The city may lease for a term not to  
476 exceed 40 years any land or land with improvements owned or controlled by the city upon terms  
477 and conditions as the mayor shall determine for public purposes consistent with this act. All  
478 leases shall provide that the corporation shall not encumber property owned by the city, or the  
479 corporation's leasehold interest therein, without approval of the city council.

480           Notwithstanding any general or special law to the contrary, the corporation shall establish  
481 a maintenance reserve fund from any lease revenues obtained from development projects carried  
482 out on publicly owned property sufficient to meet the expenses of maintaining the projects in a  
483 fully operational state, including, but not limited to, routine and non-routine maintenance and the  
484 maintenance of any and all improvements. All leases shall also provide that the lease shall

485 terminate in the event that the corporation ceases to use the land for public purposes consistent  
486 with this act.

487         Section 26. In order to carry out the purposes of this act and exercise the powers of the  
488 corporation, the city may raise and appropriate or borrow in aid of the corporation such sums as  
489 may be necessary to make a loan or grant to the corporation. The city shall not incur any  
490 financial obligation as a result of any action by the corporation without a two-thirds vote of the  
491 city council.

492         Section 27. The city may raise and appropriate or borrow funds for the purpose of  
493 granting or loaning funds to the corporation to aid the corporation in carrying out any of its  
494 public purposes, including, but not limited to, defraying all or part of the development,  
495 acquisition and operating costs of any development project and for the purpose of acquiring land  
496 to convey or lease to the corporation for any development project. Indebtedness of the city  
497 authorized and issued under this section shall be payable within 40 years from its original date of  
498 issue and shall be exempt from the limit of indebtedness prescribed in section 10 of chapter 44 of  
499 the General Laws; provided, however, that the total amount of indebtedness of the city  
500 outstanding at any one time under this section and under clauses (1), (2) and (4) of section 20 of  
501 chapter 121B of the General Laws shall not exceed 5 per cent of the city's equalized valuation as  
502 defined in section 1 of said chapter 44, notwithstanding section 21 of said chapter 121B.

503         Section 28. Notwithstanding the provisions of section 17 of chapter 44 of the General  
504 Laws to the contrary, the city may issue temporary notes for a period not to exceed 10 years in  
505 anticipation of money to be derived from the sale of serial bonds or notes authorized by the city  
506 under this section and the city may refund notes from time to time by issuing other temporary



507 notes. The period from the date of issue of the original notes to the date of maturity of the  
508 refunding notes shall not exceed 10 years and the city shall not be required to use revenue funds  
509 of the city to pay any portion of the principal amount of any such notes or refunding notes that  
510 are refunded. Except as otherwise provided in this section, indebtedness authorized and incurred  
511 by the city under this section shall be subject to said chapter 44.

512           Section 29. The corporation may, upon the affirmative vote of 5 out of 7 of its members,  
513 petition for its dissolution by order of the supreme judicial court or superior court in the manner  
514 provided in section 11A of chapter 180 of the General Laws.

515           Section 30. If the corporation shall fail to commence operations within 5 years after the  
516 effective date of this act, the provisions of this act shall cease to be effective.

517           SECTION 2. This act shall take effect upon its passage.