

HOUSE No. 228

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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

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

An Act to promote downtown vitality.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/20/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>1/26/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/26/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/30/2023</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/1/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/15/2023</i>
<i>Samantha Montañó</i>	<i>15th Suffolk</i>	<i>4/25/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>10/26/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>10/30/2023</i>

HOUSE No. 228

By Representative Cabral of New Bedford, a petition (accompanied by bill, House, No. 228) of Antonio F. D. Cabral and others for legislation to promote downtown vitality. Community Development and Small Businesses.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to promote downtown vitality.

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

1 SECTION 1. Chapter 10 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after section 35PPP, the following new section:

3 Section 35QQQ. (a) As used in this section, the following words shall, unless the context
4 requires otherwise, have the following meanings:-

5 “Agency”, the Executive Office of Housing and Economic Development.

6 “Commercial areas”, meaning central business districts, town centers, commercial
7 corridors (“Main Streets”), neighborhood-serving commercial districts, and other walkable,
8 mixed-use areas.

9 “District management entities”, which may include business improvement districts as
10 defined in section 1 of chapter 40o of the general laws, parking benefit districts as defined in

11 section 22A1/2 of chapter 40 of the general laws, cultural districts as defined in section 58A of
12 chapter 10 of the general laws, or other district management strategies approved by the agency.

13 “Secretary”, the Secretary of Housing and Economic Development.

14 "Fund", the Downtown Vitality Fund, established under subsection (b) of section 35QQQ
15 of chapter 10 of the general laws.

16 "Dedicated remote retailers sales tax revenue amount", all moneys received by the
17 commonwealth equal to 5 per cent of the receipts from sales from remote retailers, which include
18 both remote marketplace sellers and remote marketplace facilitators as defined by 830 CMR
19 64H.1.9.

20 (b) There is hereby established on the books of the commonwealth a separate fund to be
21 known as the Downtown Vitality Fund. There shall be credited to the fund the dedicated remote
22 retailers sales tax revenue amount. Annual receipts into the fund on account of any fiscal year
23 shall be considered to meet the full obligation of the commonwealth to the fund for said fiscal
24 year.

25 (c) Amounts in the fund shall be held by the Executive Office of Economic Development,
26 exclusively for the purposes of the fund, and the agency shall disburse amounts in the fund,
27 without further appropriation, upon the request from time to time of its Secretary. All amounts in
28 the fund, including investment earnings, shall be available for expenditure by the agency for any
29 lawful purpose.

30 (d) The agency shall report annually on grants dispersed by the fund to the clerks of the
31 house and senate and to the house and senate committees on ways and means.

32 (e) The agency shall make expenditures from the fund for the following purposes and
33 subject to the following guidelines:

34 (1) To provide grants to establish district management entities in commercial areas.

35 (2) To provide operating grants to help strengthen and sustain existing district
36 management entities approved by the agency. sustain.

37 (3) To provide technical assistance grants for local district management entities to
38 conduct studies or launch new programs, and which might be paid to a third-party entity.

39 (4) The agency will establish guidelines for awarding grants, which will incorporate the
40 following priorities: support small business districts in Gateway Cities and other low-income
41 areas; expand entrepreneurship opportunities among underrepresented communities; strengthen
42 cultural identity and prevent cultural displacement; provide multi-year operating funding where
43 appropriate; and encourage a local match set at a level commensurate with the strength of the
44 local market economy.

45 (f) Not later than September 1 of each year, the secretary shall file a report in writing with
46 the joint committee on community development and small businesses and the house and senate
47 committees on ways and means concerning the grants made in the fiscal year ending on the
48 preceding June 30.

49 (g) The secretary shall adopt regulations to carry out this section, including providing an
50 application and selection process.

51 (h) There shall be established a board to be known as the Downtown Vitality Advisory
52 Board. Said board shall consist of 15 members, who shall be citizens of the commonwealth, and

53 appointed by the secretary. The members of the board shall include at least one representative of
54 the Massachusetts Development Finance Agency (MassDevelopment); at least one representative
55 of the Massachusetts Cultural Council; at least two business improvement districts; at least two
56 cultural districts; at least one Gateway City mayor, manager, or economic development director;
57 at least one non-Gateway City municipal representative; and at least three members from small
58 businesses or groups serving underrepresented communities, including immigrants and people of
59 color. Of the members originally appointed, 3 shall serve a term of 1 year, 3 shall serve a term of
60 2 years, and 3 shall serve a term of 3 years in a manner determined by the director. Thereafter, as
61 the terms of said members expire, the director shall appoint members for terms of 2 years.
62 Vacancies shall be filled by appointment by the director for the remainder of the unexpired term.
63 All members shall serve until the qualification of their respective successors. Members shall
64 serve without compensation. The board shall advise the director on the activities and uses of the
65 fund including, but not limited to: reviewing and making recommendations on grant
66 requirements and selection criteria, and reviewing grant applications and making
67 recommendations relative to grant awards. The advisory board shall, from time to time, submit
68 recommendations to the legislature on any legislative changes it deems necessary for the
69 successful operation of the fund.

70 (i) The secretary may contract with a private organization to carry out some or all of the
71 agency's duties provided in this section.

72 SECTION 2. Section 22A of chapter 40, as so appearing, is hereby amended by inserting,
73 in paragraph 1, line 28, after the phrase "improvements to the public realm" the following words:
74 "including district management activities and operations"

75 SECTION 3. Section 22C of said chapter 40, as so appearing, is hereby amended by
76 inserting, in line 11, after the phrase, “public transportation station accessibility improvements”
77 the following words: “district management activities and operations,”