

HOUSE No. 2928

The Commonwealth of Massachusetts

PRESENTED BY:

David Allen Robertson

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 spurring intelligent development on MBTA property.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>1/19/2023</i>

HOUSE No. 2928

By Representative Robertson of Tewksbury, a petition (accompanied by bill, House, No. 2928) of David Allen Robertson for legislation to establish tax credits for certain development on Massachusetts Bay Transit Authority property. Revenue.

The Commonwealth of Massachusetts

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

An Act spurring intelligent development on MBTA property.

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 63 of the General Laws is hereby amended by inserting after
2 section 31N the following section:-

3 Section 31O. (a) As used in this section the following terms shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Authority”, the Massachusetts Bay Transportation Authority established by section 2 of
6 chapter 161A.

7 “Qualified development”, a development of air rights under an agreement with the
8 authority pursuant to this section and section 53 of chapter 161A.

9 “Taxpayer”, a person subject to an excise imposed by this chapter, including, without
10 limitations, section 2, sections 20 to 23, inclusive, section 29A and section 39.

11 (b) In addition to any other tax credit allowed by law, a taxpayer may be allowed a tax
12 credit with respect to a qualified development of air rights over any parking space, lot or area on
13 any mass transportation facilities, as that term is defined in section 1 of chapter 161A, of the
14 authority.

15 (c) For the purposes of subsection (b), the authority may annually authorize the total sum
16 of \$50,000,000 to be allocated to among as many qualified developments as fiscally feasible.

17 The tax credit authorized to a taxpayer with respect to a qualified development shall be
18 taken against the taxes imposed pursuant to this chapter, claimed in a single year and subtracted
19 from the amount of state tax otherwise due for the taxable year and shall not be refundable.

20 Any amount of such tax credit that exceeds the tax due for a taxable year may be carried
21 forward to any of the 5 subsequent taxable years.

22 SECTION 2. Chapter 161A of the General Laws is hereby amended by adding the
23 following section:

24 Section 53. (a) Notwithstanding any general or special law to the contrary, the revenue
25 received from any lease, license, agreement or other revenue generated regarding air rights over
26 any parking space, lot or area on any mass transportation facilities of the authority shall be
27 deposited into the MBTA Capital Projects Fund established in subsection (b).

28 (b) There is hereby established and set upon the books of the commonwealth a separate
29 fund to be known as the MBTA Capital Projects Fund, which shall be administered by the
30 authority. The fund shall be credited with: (i) all revenues collected from subsection (a); (ii)
31 interest or investments earnings on any such monies; and (iii) all other amounts credited or

32 transferred to the fund from any other fund or source. Amounts credited to the fund may be
33 expended by the authority for capital projects of the authority. The unexpended balance in the
34 fund at the end of a fiscal year shall remain available for expenditure in subsequent fiscal years.
35 No expenditure made from the fund shall cause the fund to become deficient at any point;
36 provided, however, that the authority shall report annually, not later than January 15, to the
37 house and senate committees on ways and means relative to the source and amount of funds
38 deposited into the fund, the amounts distributed and the purpose of any expenditures from the
39 fund.