

**HOUSE . . . . . No. 892**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jeffrey N. Roy*

*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 assist municipal and district ratepayers.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/4/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/6/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/6/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/22/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>3/21/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>3/21/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>10/17/2023</i>

**HOUSE . . . . . No. 892**

---

---

By Representative Roy of Franklin, a petition (accompanied by bill, House, No. 892) of Jeffrey N. Roy and others relative to the imposition of additional costs to cities or towns by the Executive Office of Energy and Environmental Affairs. Environment and Natural Resources.

---

---

**The Commonwealth of Massachusetts**

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

An Act to assist municipal and district ratepayers.

*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. Whereas, water, wastewater and stormwater systems are in need of major  
2 improvements in order to continue to protect public health, safety and the environment; and

3           Whereas, the costs for these improvements are significant and increasing each year; and

4           Whereas, local ratepayers and taxpayers bear the majority of costs associated with  
5 making these improvements as the Federal and State governments have reduced their level of  
6 funding assistance to cities, towns and districts; and

7           Whereas, many of the costs associated with water, wastewater, and stormwater  
8 improvements are due to regulatory demands by Federal and State agencies; and

9           Whereas, these regulatory demands on cities, towns and districts currently do not  
10 consider compliance costs or assess the value of the benefits derived; and

11           Whereas, it is in the public interest to spend ratepayer and taxpayer funds wisely, and to  
12 ensure the maximum benefits are derived for each dollar expended.

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

15           Notwithstanding the provisions of section 27C of chapter 29 of the General Laws, or any  
16 other general or special law to the contrary, any proposal initiated by the Executive Office of  
17 Energy and Environmental Affairs and its subordinate agencies, commissions, or boards  
18 (collectively EOEEA) in the form of a rule, regulation or so-called guidance document or policy  
19 resulting in the imposition of additional cost to a city or town shall be termed a “local mandate”.  
20 Local mandates shall include but not be limited to any EOEEA initiated rule, regulation or so-  
21 called guidance document or policy that: (1.) requires any city or town to undertake any service  
22 or direct or indirect cost obligation, or to establish, expand or modify any existing activity in  
23 such a way that results in the expenditure of funds or resources, or results in the diversion of  
24 funds or resources from any existing activity. For the purposes of this section, the term “existing  
25 activity” shall include any program or service lawfully undertaken by any city or town under the  
26 authority of any law, special law, administrative rule or regulation or city or town charter, or; (2.)  
27 relieves the state or a county from providing a service or program so that any city or town instead  
28 incurs the direct or indirect cost of such service or program.

29           SECTION 2. No proposal initiated by the EOEEA in the form of a rule or regulation, or  
30 so-called guidance document or policy, which pertains to water, wastewater, and/or stormwater,  
31 shall become effective until a regulatory impact statement has been completed, made public  
32 during the hearing process described in chapter 30A of the General Laws and filed with the

33 secretary of state. The regulatory impact statement shall: (a) identify the problem, issue or  
34 deficiency addressed by the proposal; (b) identify the methodology or approach, including  
35 identification of expert information and analysis used to address the problem, issue or deficiency;  
36 (c) identify stakeholders who will be affected and to what extent by the proposal; (d) identify  
37 when such proposal will become effective, when such proposal will be changed, if known, and  
38 how and when the proposal will be reviewed in the future, if at all; (e) identify and describe the  
39 immediate and long term financial impacts of the proposal on all stakeholders, including the  
40 entity issuing the proposal, any affected private party or entity, the state, the cities and towns,  
41 and the general public. Such financial impact statement shall consider administrative costs,  
42 permitting costs, enforcement costs, capital costs, internal compliance costs, and indirect costs, if  
43 any; (f) identify the fiscal effect on the public and private sectors for the first and second year of  
44 the proposal's existence, and provide a projection of fiscal impact over the first five years of the  
45 proposal's existence or, in the case of proposals affecting permits issued by the EOEEA, the term  
46 of the permit; and (g) identify and describe, specifically, the benefits of the proposal including,  
47 where possible, the financial value of these benefits. The secretary of administration and finance  
48 shall adopt regulations to further define and implement the use of regulatory impact statements  
49 by the EOEEA.

50 SECTION 3. The EOEEA shall maintain a list of stakeholders who have requested  
51 preliminary notification of proposals made by said executive office and subordinate agencies;  
52 such request may be renewed annually by persons or groups in December. No later than thirty  
53 days prior to the notice of hearing described above, the EOEEA shall send a preliminary  
54 notification of the proposal to each stakeholder on the list and to the Joint Legislative Committee  
55 on Natural Resources, the Joint Legislative Committee on Local Affairs, the House and Senate

56 Committees on Ways & Means, the Office of the State Auditor and the Massachusetts Municipal  
57 Association. The preliminary notification of the proposal shall (a) identify the proposal to be  
58 noticed for hearing and the scope of the proposal, (b) provide the statutory authority for such  
59 proposal, and (c) identify the person within the EOEEA responsible for the proposal and who can  
60 be contacted for more information.

61 SECTION 4. No proposal initiated by the EOEEA in the form of a rule, regulation, or so  
62 called guidance document or policy, which pertains to water, wastewater, and/or stormwater,  
63 shall become effective until the EOEEA has complied with the provisions of Massachusetts  
64 Administrative Procedures Act established under the provisions of Chapter 30A of the General  
65 Laws. Any entity claiming to be aggrieved by lack of compliance with said chapter shall be  
66 permitted to file a petition for relief with the superior court.