

# SENATE . . . . . No. 2834

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## The Commonwealth of Massachusetts

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

SENATE, June 24, 2024.

The committee on Senate Ways and Means to whom was referred the House Bill relative to the Affordable Homes Act (House, No. 4726); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2834. (General Obligation Bonds: \$5,196,000,000.00)

For the committee,  
Michael J. Rodrigues

**The Commonwealth of Massachusetts**

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

1           SECTION 1. To provide for a capital outlay program to rehabilitate, produce and  
2 modernize state-aided public housing developments; to preserve the affordability and the income  
3 mix of state-assisted multifamily developments; to support home ownership and rental housing  
4 opportunities for low and moderate income citizens; to stem urban blight through the  
5 implementation of housing stabilization programs; to support housing production for the elderly,  
6 disabled and homeless; to preserve housing for the elderly, the homeless and low and moderate  
7 income citizens and persons with disabilities; to develop facilities for licensed early care and  
8 education and out of school time programs; and to promote economic reinvestment through the  
9 funding of infrastructure improvements, the sums set forth in sections 2 to 2B, inclusive, for the  
10 several purposes and subject to the conditions specified in this act, are hereby made available  
11 subject to the laws regulating the disbursement of public funds.

12           SECTION 2.

13           EXECUTIVE OFFICE OF EDUCATION

14           Department of Early Education and Care

15           3000-0411   For the purpose of state financial assistance in the form of grants for the  
16 Early Education and Out of School Time Capital Fund for the development of eligible facilities

17 for licensed early care and education and out of school time programs established in section 18  
18 of chapter 15D of the General Laws; provided, that the department of early education and care  
19 may contract with quasi-public or non-profit entities to administer the program, including, but  
20 not limited to, the Community Economic Development Assistance Corporation established in  
21 chapter 40H of the General Laws; provided further, that the department may develop or finance  
22 eligible facilities and may enter into subcontracts with nonprofit organizations established  
23 pursuant to chapter 180 of the General Laws or organizations in which such nonprofit  
24 corporations have a controlling financial or managerial interest; provided further, that the  
25 department shall consider: (i) a balanced geographic plan for such eligible facilities when issuing  
26 the funding commitments; and (ii) funding large group and school age child care centers, as  
27 defined by the department; provided further, that the services made available pursuant to such  
28 grants shall not be construed as a right or entitlement for any individual or class of persons to the  
29 benefits financing; provided further, that no expenditure shall be made from this item without the  
30 prior approval of the secretary of administration and finance; and provided further, that eligibility  
31 shall be established by regulations promulgated by the department pursuant to chapter 30A of the  
32 General Laws for the implementation, administration and enforcement of this  
33 item..... \$50,000,000

34 EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

35 7004-0069 For a program of loans or grants to assist homeowners or tenants with a  
36 household member with blindness or severe disabilities in making modifications to their primary  
37 residence for the purpose of improving accessibility or to allow such individuals to live  
38 independently in the community or for construction costs to allow for the building of an  
39 accessory unit, which shall mean a unit constructed as an additional dwelling unit separate from

40 the primary dwelling unit, for a person with disabilities or an elder needing assistance with  
41 activities of daily living; provided, that not more than 10 per cent shall be used for grants to  
42 assist landlords seeking to make modifications for a current or prospective tenant with  
43 disabilities, who but for such a grant would be unable to maintain or secure permanent housing;  
44 provided further, that the secretary of housing and livable communities and the secretary of  
45 health and human services shall take all steps necessary to minimize the program's  
46 administrative costs; provided further, that the secretary of health and human services may  
47 contract with quasi-public or non-profit entities to administer the program, including, but not  
48 limited to, the Community Economic Development Assistance Corporation established in  
49 chapter 40H of the General Laws; provided further, that the program shall be available pursuant  
50 to income eligibility standards approved by the secretary of health and human services; provided  
51 further, that the repayment of the loans may be delayed until the sale of the principal residence  
52 by the homeowner; provided further, that persons residing in a development covered by section 4  
53 of chapter 151B of the General Laws shall not be eligible for the program unless the owner can  
54 show that the modification is an undue financial burden or that the landlord is participating in the  
55 grant program to maintain or secure housing for a tenant with disabilities; provided further, that  
56 the secretary of health and human services shall consult with the Massachusetts commission for  
57 the blind and the Massachusetts rehabilitation commission to develop rules, regulations and  
58 guidelines for the program; provided further, that nothing in this item shall give rise to  
59 enforceable legal rights in any party or an enforceable entitlement to services; provided further,  
60 that funds expended from this item shall, to the maximum extent feasible, be prioritized for  
61 projects that comply with decarbonization and sustainability standards; and provided further, that  
62 the secretary of housing and livable communities shall submit quarterly reports to the house and

63 senate committees on ways and means, the joint committee on bonding, capital expenditures and  
64 state assets and the joint committee on housing detailing the status of the program established in  
65 this item..... \$60,000,000

66           7004-0070   For state financial assistance in the form of loans for the development of  
67 community-based housing or supportive housing for individuals with mental illness and  
68 individuals with intellectual disabilities; provided, that the loan program shall be administered by  
69 the executive office of housing and livable communities through contracts with 1 or more of the  
70 following agencies: the Massachusetts Development Finance Agency established under chapter  
71 23G of the General Laws, the Community Economic Development Assistance Corporation  
72 established under chapter 40H of the General Laws, operating agencies established under chapter  
73 121B of the General Laws and the Massachusetts Housing Finance Agency established under  
74 chapter 708 of the acts of 1966; provided further, that those agencies may develop or finance  
75 community-based housing or supportive housing or may enter into subcontracts with nonprofit  
76 organizations, established under chapter 180 of the General Laws, or organizations in which such  
77 nonprofit corporations have a controlling financial or managerial interest or for-profit  
78 organizations; provided further, that preference for subcontracts shall be given to nonprofit  
79 organizations; provided further, that the executive office shall consider a balanced geographic  
80 plan for such community-based housing or supportive housing when issuing the loans; provided  
81 further, that the executive office shall consider development of a balanced range of housing  
82 models by prioritizing funds for integrated housing as defined by the appropriate housing and  
83 service agencies, including, but not limited to, the executive office of housing and livable  
84 communities, the department of mental health and the department of developmental services, in  
85 consultation with relevant and interested clients, clients’ families, advocates and other parties as

86 necessary; provided further, that loans issued pursuant to this item shall: (i) not exceed 50 per  
87 cent of the financing of the total development costs; (ii) not be issued unless a contract or  
88 agreement for the use of the property for such housing provides for repayment to the  
89 commonwealth at the time of disposition of the property if such property will no longer be  
90 subject to a recorded deed restriction pursuant to clause (iii) of this item; provided further, that  
91 such repayment shall: (1) be in an amount equal to the commonwealth's proportional  
92 contribution from the Facilities Consolidation Fund to the cost of the development through  
93 payments made by the state agency making the contract; and (2) not be required if the executive  
94 office of housing and livable communities, in consultation with the department of mental health  
95 and the department of developmental services, determines that relevant clients will be better  
96 served at an alternative property and the proceeds from the disposition of the property will be  
97 used, to the extent necessary for replacement of the housing at the property, to: (A) acquire such  
98 alternative property; or (B) rehabilitate such alternative property; (iii) not be issued unless the  
99 contract or agreement for the use of the property for the purposes of such housing provides for  
100 the recording of a deed restriction in the registry of deeds or the registry district of the land court  
101 of the county in which the real property is located, for the benefit of the executive office and the  
102 departments, running with the land, that the land shall be used to provide community-based  
103 housing or supportive housing for eligible individuals as determined by the department of mental  
104 health and the department of developmental services; provided further, that the property shall not  
105 be released from such restriction unless: (1) the balance of the principal and interest for the loan  
106 has been repaid in full; (2) a mortgage foreclosure deed has been recorded; or (3) the executive  
107 office of housing and livable communities has determined, pursuant to subclause (2) of clause  
108 (ii) of this item, that repayment to the commonwealth is not required; (iv) be issued for a term

109 not to exceed 30 years, during which time repayment may be deferred by the loan issuing  
110 authority; provided further, that if on the date the loans become due and payable to the  
111 commonwealth, an outstanding balance exists and if, on such date, the executive office of  
112 housing and livable communities, in consultation with the executive office of health and human  
113 services, determines that there still exists a need for such housing and that there is continued  
114 funding available for the provision of services to such development, the executive office of  
115 housing and livable communities may, by agreement with the owner of the development, extend  
116 the loans for such periods not to exceed 10 years, as the executive office shall determine;  
117 provided further, that the project, whether at the original property, or at an alternative property  
118 pursuant to subclause (2) of clause (ii) of this item, shall remain affordable housing for the  
119 duration of the loan term, including any extension thereof, as set forth in the contract or  
120 agreement entered into by the executive office; provided further, that in the event the terms of  
121 repayment detailed in this item would cause a project authorized by this item to become  
122 ineligible to receive federal financial assistance which would otherwise assist in the development  
123 of that project, the executive office may waive the terms of repayment which would cause the  
124 project to become ineligible; and (v) have interest rates fixed at a rate, to be determined by the  
125 executive office, in consultation with the state treasurer; provided further, that the loans shall be  
126 provided only for projects conforming to this item; provided further, that the loans shall be  
127 issued in accordance with a facilities consolidation plan prepared by the secretary of health and  
128 human services, reviewed and approved by the executive office of housing and livable  
129 communities and filed with the secretary of administration and finance, the house and senate  
130 committees on ways and means, the joint committee on bonding, capital expenditures and state  
131 assets and the joint committee on housing; provided further, that no expenditure shall be made

132 from this item without the prior approval of the secretary of administration and finance; provided  
133 further, that the executive office of housing and livable communities, the department of mental  
134 health and the Community Economic Development Assistance Corporation may identify  
135 appropriate financing mechanisms and guidelines for grants or loans from this item to promote  
136 private development to produce housing, provide for independent integrated living opportunities,  
137 write down building and operating costs and serve households at or below 15 per cent of the area  
138 median income for the benefit of department of mental health clients; provided further, that  
139 funds expended from this item shall, to the maximum extent feasible, be prioritized for projects  
140 that comply with decarbonization and sustainability standards; provided further, that  
141 prioritization shall be determined through objective scoring criteria in the Qualified Allocation  
142 Plan developed by the executive office of housing and livable communities; provided further,  
143 that for new construction projects, the standards set forth in the Municipal Opt-in Specialized  
144 Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities  
145 standards shall be the applicable standards for prioritization; provided further, that any project  
146 proposing less than full compliance with said standards shall provide detailed analysis  
147 demonstrating why full compliance would render the project infeasible notwithstanding  
148 utilization of all available federal and state incentives, including rebates and tax credits; provided  
149 further, that for retrofits of existing units, prioritization shall be given to projects that include  
150 energy efficiency and electrification decarbonization measures, including, but not limited to,  
151 electric or ground source heat pumps, net-zero developments, Passive House Institute  
152 certification or an equivalent energy efficiency certification, and all-electric buildings and  
153 projects that incorporate green, sustainable and climate-resilient elements; provided further, that  
154 projects that include lower embodied carbon construction materials and methods shall be further



155 prioritized; provided further, that not more than \$10,000,000 may be expended from this item for  
156 a pilot program of community-based housing or supportive housing loans to serve mentally ill  
157 homeless individuals in the current or former care of the department of mental health; provided  
158 further, that in implementing the pilot program, the executive office shall consider a balanced  
159 geographic plan when establishing community-based residences; provided further, that the  
160 housing services made available pursuant to such loans shall not be construed as a right or an  
161 entitlement for any individual or class of persons to the benefits of the pilot program; provided  
162 further, that eligibility for the pilot program shall be established by regulations promulgated by  
163 the executive office; and provided further, that the executive office shall promulgate regulations  
164 under chapter 30A of the General Laws to implement, administer and enforce this item,  
165 consistent with the facilities consolidation plan prepared by the secretary of health and human  
166 services and after consultation with the secretary and the commissioner of capital asset  
167 management and maintenance.....\$70,000,000

168           7004-0071     For state financial assistance in the form of loans for the development and  
169 redevelopment of community-based housing or supportive housing for persons with disabilities  
170 who are institutionalized or at risk of being institutionalized and who are not eligible for housing  
171 developed pursuant to item 7004-0070; provided, that the loan program shall be administered by  
172 the executive office of housing and livable communities, through contracts with the  
173 Massachusetts Development Finance Agency established under chapter 23G of the General  
174 Laws, the Community Economic Development Assistance Corporation established under chapter  
175 40H of the General Laws, operating agencies established under chapter 121B of the General  
176 Laws and the Massachusetts Housing Finance Agency established under chapter 708 of the acts  
177 of 1966; provided further, that the agencies may develop or finance community-based housing or

178 supportive housing or may enter into subcontracts with nonprofit organizations established under  
179 chapter 180 of the General Laws or organizations in which such nonprofit corporations have a  
180 controlling financial or managerial interest or for-profit organizations; provided further, that  
181 preference for such subcontracts shall be given to nonprofit organizations; provided further, that  
182 the executive office shall consider a balanced geographic plan for such community-based  
183 housing or supportive housing when issuing the loans; provided further, that all housing  
184 developed with these funds shall be integrated housing as defined by the appropriate state  
185 housing and service agencies, including, but not limited to, the executive office of housing and  
186 livable communities, the executive office of health and human services and the Massachusetts  
187 rehabilitation commission, in consultation with relevant and interested clients, clients' families,  
188 advocates and other parties as necessary; provided further, that loans issued pursuant to this item  
189 shall: (i) not exceed 50 per cent of the financing of the total development costs; (ii) not be issued  
190 unless a contract or agreement for the use of the property for the purposes of such housing  
191 provides for repayment to the commonwealth at the time of disposition of the property if such  
192 property will no longer be subject to a recorded deed restriction pursuant to clause (iii) of this  
193 item; provided further, that such repayment shall:(1) be in an amount equal to the  
194 commonwealth's proportional contribution from community-based housing to the cost of the  
195 development through payments made by the state agency making the contract; and (2) not be  
196 required if the executive office of housing and livable communities, in consultation with the  
197 Massachusetts rehabilitation commission, determines that relevant clients will be better served at  
198 an alternative property and the proceeds from the disposition of the property will be used, to the  
199 extent necessary for replacement of the housing at the property, to: (A) acquire such alternative  
200 property; or (B) rehabilitate such alternative property; (iii) not be issued unless a contract or

201 agreement for the use of the property for the purposes of such community-based housing or  
202 supportive housing provides for the recording of a deed restriction in the registry of deeds or the  
203 registry district of the land court of the county in which the real property is located, for the  
204 benefit of the executive office, running with the land, that the land shall be used to provide  
205 community-based housing or supportive housing for eligible individuals as determined by the  
206 Massachusetts rehabilitation commission or other agency of the executive office of health and  
207 human services; provided further, that the property shall not be released from such restrictions  
208 unless: (1) the balance of the principal and interest for the loan has been repaid in full; (2) a  
209 mortgage foreclosure deed has been recorded; or (3) the executive office of housing and livable  
210 communities has determined, pursuant to subclause (2) of clause (ii) of this item, that repayment  
211 to the commonwealth is not required; (iv) be issued for a term not to exceed 30 years during  
212 which time repayment may be deferred by the loan issuing authority; provided further, that if, on  
213 the date the loans become due and payable to the commonwealth, an outstanding balance exists  
214 and if, on that date, the executive office of housing and livable communities, in consultation with  
215 the executive office of health and human services, determines that there still exists a need for  
216 such housing, the executive office may, by agreement with the owner of the development, extend  
217 the loans for such periods not to exceed 10 years, as the executive office shall determine;  
218 provided further, that the project, whether at the original property or at an alternative property  
219 pursuant to clause subclause (2) of (ii) of this item, shall continue to remain affordable housing  
220 for the duration of the loan term, including any extensions thereof, as set forth in the contract or  
221 agreement entered into by the executive office; provided further, that in the event the terms of  
222 repayment detailed in this item would cause a project authorized by this item to become  
223 ineligible to receive federal financial assistance, which would otherwise assist in the

224 development of that project, the executive office may waive the terms of repayment which would  
225 cause the project to become ineligible; and (v) have interest rates fixed at a rate, to be determined  
226 by the executive office, in consultation with the state treasurer; provided further, the loans shall  
227 be provided only for projects conforming to this item; provided further, that the loans shall be  
228 issued in accordance with an enhancing community-based services plan prepared by the  
229 secretary of health and human services, in consultation with the executive office of housing and  
230 livable communities and filed with the secretary of administration and finance, the house and  
231 senate committees on ways and means, the joint committee on bonding, capital expenditures and  
232 state assets and the joint committee on housing; provided further, that funds expended from this  
233 item shall, to the maximum extent feasible, be prioritized for projects that comply with  
234 decarbonization and sustainability standards; provided further, that prioritization shall be  
235 determined through objective scoring criteria in the Qualified Allocation Plan developed by the  
236 executive office of housing and livable communities; provided further, that for new construction  
237 projects, the standards set forth in the Municipal Opt-in Stretch Specialized Energy Code under  
238 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the  
239 applicable standards for prioritization; provided further, that any project proposing less than full  
240 compliance with said standards shall provide detailed analysis demonstrating why full  
241 compliance would render the project infeasible notwithstanding utilization of all available  
242 federal and state incentives, including rebates and tax credits; provided further, that for retrofits  
243 of existing units, prioritization shall be given to projects that include energy efficiency and  
244 electrification decarbonization measures, including, but not limited to, electric or ground source  
245 heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy  
246 efficiency certification, and all-electric buildings and projects that incorporate green, sustainable

247 and climate-resilient elements; provided further, that projects that include lower embodied  
248 carbon construction materials and methods shall be further prioritized; provided further, that no  
249 expenditure shall be made from this item without the prior approval of the secretary of  
250 administration and finance; and provided further, that the executive office shall promulgate  
251 regulations pursuant to chapter 30A of the General Laws for the implementation, administration  
252 and enforcement of this item, consistent with the enhancing community-based services plan  
253 prepared by the secretary of health and human services after consultation with the secretary and  
254 the commissioner of capital asset management and  
255 maintenance.....\$55,000,000

256           7004-0072    For the capitalization of the Affordable Housing Trust Fund established in  
257 section 2 of chapter 121D of the General Laws; provided, that funds expended from this item  
258 shall, to the maximum extent feasible, be prioritized for projects that comply with  
259 decarbonization and sustainability standards; provided further, that prioritization shall be  
260 determined through objective scoring criteria in the Qualified Allocation Plan developed by the  
261 executive office of housing and livable communities; provided further, that the executive office  
262 shall consider geographic equity in awarding funds from this item; provided further, that for new  
263 construction projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy  
264 Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be  
265 the applicable standards for prioritization; provided further, that any project proposing less than  
266 full compliance with said standards shall provide detailed analysis demonstrating why full  
267 compliance would render the project infeasible notwithstanding utilization of all available  
268 federal and state incentives, including rebates and tax credits; provided further, that for retrofits  
269 of existing units, prioritization shall be given to projects that include energy efficiency and

270 electrification decarbonization measures, including, but not limited to, electric or ground source  
271 heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy  
272 efficiency certification, and all-electric buildings and projects that incorporate green, sustainable  
273 and climate-resilient elements; provided further, that projects that include lower embodied  
274 carbon construction materials and methods shall be further prioritized; provided further, that not  
275 more than \$50,000,000 of the funds made available in this item may be used to create and  
276 maintain opportunities for homeownership for first-time homebuyers; provided further, that  
277 funds shall be expended to create and enhance access to homeownership in order to foster long-  
278 term benefits for housing security, health and economic outcomes and to address a systemic  
279 homeownership gap in socially disadvantaged communities and among targeted populations;  
280 provided further, that funds may be expended for down payment assistance programs, mortgage  
281 insurance programs and mortgage interest subsidy programs administered by the Massachusetts  
282 Housing Finance Agency and the Massachusetts Housing Partnership; and provided further, that  
283 funds may be expended to first-time homebuyer counseling and financial literacy  
284 programs.....\$800,000,000

285           7004-0073     For state financial assistance in the form of grants or loans for the Housing  
286 Stabilization and Investment Trust Fund established in section 2 of chapter 121F of the General  
287 Laws and awarded only pursuant to the criteria established in said section 2 of said chapter 121F;  
288 provided, that not less than 25 per cent shall be used to fund projects that preserve and produce  
289 housing for families and individuals with incomes of not more than 30 per cent of the area  
290 median income, as defined by the United States Department of Housing and Urban  
291 Development; provided further, that if the executive office of housing and livable communities  
292 has not spent the amount authorized under the bond cap for this program, at the end of each

293 fiscal year following the effective date of this act, the executive office may award the remaining  
294 funds to projects that serve households earning more than 30 per cent of the area median income,  
295 as defined by the United States Department of Housing and Urban Development; provided  
296 further, that funds expended from this item shall, to the maximum extent feasible, be prioritized  
297 for projects that comply with decarbonization and sustainability standards; provided further, that  
298 prioritization shall be determined through objective scoring criteria in the Qualified Allocation  
299 Plan developed by the executive office of housing and livable communities; provided further,  
300 that the executive office shall consider geographic equity in awarding funds from this item;  
301 provided further, that for new construction projects, the standards set forth in the Municipal Opt-  
302 in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green  
303 Communities standards shall be the applicable standards for prioritization; provided further, that  
304 any project proposing less than full compliance with said standards shall provide detailed  
305 analysis demonstrating why full compliance would render the project infeasible notwithstanding  
306 utilization of all available federal and state incentives, including rebates and tax credits; provided  
307 further, that for retrofits of existing units, prioritization shall be given to projects that include  
308 energy efficiency and electrification decarbonization measures, including, but not limited to,  
309 electric or ground source heat pumps, net-zero developments, Passive House Institute  
310 certification or an equivalent energy efficiency certification, and all-electric buildings and  
311 projects that incorporate green, sustainable and climate-resilient elements; and provided further,  
312 that projects that include lower embodied carbon construction materials and methods shall be  
313 further prioritized.....\$425,000,000

314 7004-0074 For state financial assistance in the form of grants for projects undertaken  
315 pursuant to clause (j) of section 26 of chapter 121B of the General Laws; provided, that contracts

316 entered into by the executive office of housing and livable communities for those projects may  
317 include, but shall not be limited to, projects providing for renovation, remodeling, reconstruction,  
318 redevelopment and hazardous material abatement, including asbestos and lead paint, and for  
319 compliance with state codes and laws and for adaptations necessary for compliance with the  
320 Americans with Disabilities Act of 1990, the provision of day care facilities, learning centers and  
321 teen service centers and the adaptation of units for families and persons with disabilities;  
322 provided further, that priority shall be given to projects undertaken for the purpose of compliance  
323 with state codes and laws or for other purposes related to the health and safety of residents;  
324 provided further, that funds may be expended from this item to make such modifications to  
325 congregate housing units as may be necessary to increase the occupancy rate of such units;  
326 provided further, that the executive office shall continue to fund a program to provide predictable  
327 funds to be used flexibly by housing authorities for capital improvements to extend the useful  
328 life of state-assisted public housing; provided further, that not less than 25 per cent of the funds  
329 made available in this item shall be used to fund projects that preserve or produce housing for  
330 families and individuals with incomes of not more than 30 per cent of the area median income, as  
331 defined by the United States Department of Housing and Urban Development; provided further,  
332 that not less than \$15,000,000 of the funds made available in this item shall be used to increase  
333 accessibility of state-aided public housing for persons with disabilities; provided further, that not  
334 more than \$150,000,000 of the funds made available in this item may be used to fund projects  
335 that include sustainability initiatives to reduce greenhouse gas emissions and make progress  
336 towards decarbonization through energy efficiency and electrification decarbonization measures,  
337 including, but not limited to, electric or ground source heat pumps, net-zero developments,  
338 Passive House Institute certification or an equivalent energy efficiency certification, and all-



339 electric buildings and projects that incorporate green, sustainable and climate-resilient elements;  
340 provided further, that projects that include lower embodied carbon construction materials and  
341 methods shall be further prioritized; and provided further, that funds made available in this item  
342 shall, to the extent feasible, be used in accordance with the Massachusetts state hazard mitigation  
343 and climate adaptation plan.....\$2,000,000,000

344           7004-0075     For state financial assistance in the form of grants for a demonstration  
345 program, administered by the executive office of housing and livable communities, to  
346 demonstrate cost effective revitalization methods for state-aided family and elderly-disabled  
347 public housing that seek to reduce the need for future state modernization funding; provided, that  
348 housing authorities with state-aided housing developments pursuant to chapter 200 of the acts of  
349 1948, chapter 667 of the acts of 1954, chapter 705 of the acts of 1966, chapter 689 of the acts of  
350 1974 or chapter 167 of the acts of 1987 shall be eligible to participate in the demonstration  
351 program; provided further, that the executive office may exempt a recipient of demonstration  
352 grants from the requirements of chapters 7C and 121B of the General Laws upon a showing by  
353 the recipient that such exemptions are necessary to accomplish the effective revitalization of  
354 public housing and shall not adversely affect public housing residents or applicants of any  
355 income who are otherwise eligible; provided further, that the executive office may provide to  
356 recipients of demonstration grants such additional regulatory relief as may be required to further  
357 the objectives of the demonstration program; provided further, that funds may be made available  
358 for technical assistance provided by the Community Economic Development Assistance  
359 Corporation established under chapter 40H of the General Laws or the Massachusetts Housing  
360 Partnership Fund established under section 35 of chapter 405 of the acts of 1985 to recipients of  
361 demonstration grants and for evaluation of the demonstration; provided further, that the

362 executive office’s regulations for the implementation, administration and enforcement of this  
363 item shall: (i) require that selected housing authorities demonstrate innovative and replicable  
364 solutions to the management, marketing or capital needs of state-aided family and elderly-  
365 disabled public housing developments and contribute to the continued viability of the housing as  
366 a resource for public housing eligible residents; (ii) encourage proposals that demonstrate  
367 regional collaborations among housing authorities; and (iii) encourage proposals for new  
368 affordable housing units on municipally-owned land, underutilized public housing sites or other  
369 land owned by the housing authority; provided further, that funds expended from this item shall,  
370 to the maximum extent feasible, be prioritized for projects that comply with decarbonization and  
371 sustainability standards; provided further, that prioritization shall be determined through  
372 objective scoring criteria in the Qualified Allocation Plan developed by the executive office of  
373 housing and livable communities; provided further, that the executive office shall consider  
374 geographic equity in awarding funds from this item; provided further, that for new construction  
375 projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under  
376 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the  
377 applicable standards for prioritization; provided further, that any project proposing less than full  
378 compliance with said standards shall provide detailed analysis demonstrating why full  
379 compliance would render the project infeasible notwithstanding utilization of all available  
380 federal and state incentives, including rebates and tax credits; provided further, that for retrofits  
381 of existing units, prioritization shall be given to projects that include energy efficiency and  
382 electrification decarbonization measures, including, but not limited to, electric or ground source  
383 heat pumps, net-zero developments, Passive House Institute certification or equivalent energy  
384 efficiency certification, and all-electric buildings and projects that incorporate green, sustainable

385 and climate-resilient elements; and provided further, that projects that include lower embodied  
386 carbon construction materials and methods shall be further prioritized

387 .....\$200,000,000

388           7004-0076   For state financial assistance in the form of grants or loans for the Housing  
389 Innovations Trust Fund established in section 2 of chapter 121E of the General Laws; provided,  
390 that not less than 25 per cent of the funds made available in this item shall be used to fund  
391 projects that preserve and produce housing for families and individuals with incomes of not more  
392 than 30 per cent of the area median income, as defined by the United States Department of  
393 Housing and Urban Development; provided further, that funds expended from this item shall, to  
394 the maximum extent feasible, be prioritized for projects that comply with decarbonization and  
395 sustainability standards; provided further, that prioritization shall be determined through  
396 objective scoring criteria in the Qualified Allocation Plan developed by the executive office of  
397 housing and livable communities; provided further, that the executive office shall consider  
398 geographic equity in awarding funds from this item; provided further, that for new construction  
399 projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under  
400 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the  
401 applicable standards for prioritization; provided further, that any project proposing less than full  
402 compliance with said standards shall provide detailed analysis demonstrating why full  
403 compliance would render the project infeasible notwithstanding utilization of all available  
404 federal and state incentives, including rebates and tax credits; provided further, that for retrofits  
405 of existing units, prioritization shall be given to projects that include energy efficiency and  
406 electrification decarbonization measures, including, but not limited to, electric or ground source  
407 heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy

408 efficiency certification, and all-electric buildings and projects that incorporate green, sustainable  
409 and climate-resilient elements; and provided further, that projects that include lower embodied  
410 carbon construction materials and methods shall be further prioritized.....\$200,000,000

411           7004-0078   For state financial assistance in the form of no interest loans, grants,  
412 subsidies, credit enhancements and other financial assistance for innovative, sustainable and  
413 green housing initiatives; provided, that entities eligible to receive financial assistance under this  
414 item shall include qualified for-profit or non-profit developers, community development  
415 corporations, local housing authorities, community action agencies, community-based or  
416 neighborhood-based non-profit housing organizations, other non-profit organizations and for-  
417 profit entities, and governmental bodies; provided further, that funds may be used to assist units  
418 occupied by and affordable to persons with incomes not more than 110 per cent of the area  
419 median income, as defined by the United States Department of Housing and Urban Development  
420 with priority given to projects that provide higher and deeper levels of affordability; provided  
421 further, that not less than 25 per cent of the occupants of housing in projects assisted by this item  
422 shall be persons whose income is not more than 60 per cent of the area median income, as  
423 defined by the United States Department of Housing and Urban Development; provided further,  
424 that financial assistance shall be awarded in a manner that promotes geographic, social, racial  
425 and economic equity; provided further, that funds expended from this item shall, to the  
426 maximum extent feasible, be prioritized for projects that comply with decarbonization and  
427 sustainability standards; provided further, that prioritization shall be determined through  
428 objective scoring criteria in the Qualified Allocation Plan developed by the executive office of  
429 housing and livable communities; provided further, that funds from this item shall not be  
430 expended in communities deemed by the secretary of housing and livable communities not in

431 compliance with the multi-family zoning requirement established in section 3A of chapter 40A  
432 of the General Laws; provided further, that for new construction projects, the standards set forth  
433 in the Municipal Opt-in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and  
434 the Enterprise Green Communities standards shall be the applicable standards for prioritization;  
435 provided further, that any project proposing less than full compliance with said standards shall  
436 provide detailed analysis demonstrating why full compliance would render the project infeasible  
437 notwithstanding utilization of all available federal and state incentives, including rebates and tax  
438 credits; provided further, that for retrofits of existing units, prioritization shall be given to  
439 projects that include energy efficiency and electrification decarbonization measures, including,  
440 but not limited to, electric or ground source heat pumps, net-zero developments, Passive House  
441 Institute certification or an equivalent energy efficiency certification, and all-electric buildings  
442 and projects that incorporate green, sustainable and climate-resilient elements; provided further,  
443 that projects that include lower embodied carbon construction materials and methods shall be  
444 further prioritized; provided further, that financial assistance under this item shall be to  
445 accelerate and support: (i) innovative strategies for the production of affordable and mixed-  
446 income housing developments and other market transformation activities, including but not  
447 limited to: (a) re-use of commercial space, office space, and underutilized state- or locally-  
448 controlled land or assets, including, but not limited to, brownfield or greyfield sites, or other  
449 property that the secretary of housing and livable communities has determined is suitable for  
450 sustainable residential or mixed-use development; (b) modular construction, manufactured  
451 housing, and other innovative housing models that offer development or operating cost savings,  
452 utilize advanced and applied technologies, provide efficiencies to help accelerate production and  
453 incorporate energy efficiency or energy conservation into their design, construction or

454 rehabilitation; (c) accessory dwelling units and co-housing models; and (d) other market  
455 transformation efforts to be determined by the executive office of housing and livable  
456 communities, which may include, but shall not be limited to, any pilot program or demonstration  
457 program that is consistent with the purposes of this item; provided further, that such strategies  
458 may include a mixed income social housing pilot program in which a local or regional housing  
459 authority or other public or quasi-public entity maintains majority ownership or control of such  
460 housing; (ii) the creation of low-income and moderate-income residential housing units and  
461 mixed use developments that include both residential housing units and commercial or retail  
462 space in close proximity to transit nodes or within neighborhood commercial areas including, but  
463 not limited to, those areas designated as main street areas and rural villages; provided further,  
464 that the program shall be administered to: (a) maximize the amount of affordable residential and  
465 mixed-use space in close proximity to transit nodes or within neighborhood commercial areas,  
466 resulting in higher density, compact development and pedestrian-friendly, inclusive and  
467 connected neighborhoods; (b) increase mass transit ridership; (c) decrease traffic congestion and  
468 reduce greenhouse gas emissions; and (d) increase economic opportunity for disadvantaged  
469 populations by making it easier for residents of affordable housing to access public  
470 transportation, including transportation supporting commutes to employment centers; provided  
471 further, that the program may be administered to include projects that have residential units  
472 above commercial space located in areas characterized by a predominance of commercial land  
473 uses, a high daytime or business population or a high concentration of daytime traffic and  
474 parking; provided further, that the financial subsidy for the commercial portion of a project shall  
475 not exceed 25 per cent of the total development cost of the commercial portion of the project or  
476 \$1,000,000, whichever is lesser; provided further, that the executive office may provide financial

477 support to non-profit and for-profit developers that enter into binding agreements to set aside  
478 residential units in existing market-rate, transit-oriented housing, over and above any units  
479 required to be set aside under local zoning or approvals, for rent or sale to income-qualified  
480 households at affordable rents or sale prices, as applicable; and (iii) the creation and preservation  
481 of sustainable and climate resilient affordable multifamily housing; provided further, that such  
482 financial assistance shall be made to: (a) incorporate efficient, sustainable and climate resilient  
483 design practices in affordable residential development to support positive climate mitigation  
484 outcomes; (b) reduce greenhouse gas emissions and reliance on fossil fuels; (c) increase  
485 resiliency of existing housing developments to mitigate impacts of climate change, including  
486 flooding and extreme temperatures; and (d) enhance emergency preparedness, including  
487 sustainable means of power generation to allow for sheltering vulnerable populations in place;  
488 provided further, that financial assistance provided pursuant to clause (i) or clause (iii) may be  
489 administered by the executive office of housing and livable communities through contracts with  
490 the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts  
491 of 1985, or the Massachusetts Housing Finance Agency, established in chapter 708 of the acts of  
492 1966, or both, which may, as the case may be, directly offer financial assistance for the purposes  
493 set forth herein or may enter into subcontracts with non-profit organizations, established  
494 pursuant to chapter 180 of the General Laws for those purposes; provided further, that financial  
495 assistance provided pursuant to clause (ii) may be administered by the executive office through  
496 contracts with said Massachusetts Housing Partnership Fund; and provided further, that the  
497 executive office of housing and livable communities or an administering agency under contract  
498 with the executive office may establish additional program requirements through regulations or

499 policy

500 guidelines.....\$275,000,000

501           7004-0080 For the Middle-Income Housing Fund administered by the Massachusetts

502 Housing Finance Agency.....\$100,000,000

503           SECTION 2A.

504           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

505           Office of the Secretary

506           1100-2518 For costs associated with planning and studies, the preparation of plans

507 and specifications, demolition, remediation, construction and relocation of utilities, construction

508 and reconstruction of infrastructure, predevelopment, and site preparation; provided, that any

509 funds received by a state agency in connection with projects funded from this item may be

510 retained by the executive office for administration and finance and expended for the purposes of

511 the project, without further appropriation, in addition to the amounts appropriated in this item;

512 provided further, that where appropriate, the commissioner of capital asset management and

513 maintenance may transfer funds authorized herein in accordance with a delegation of project

514 control and supervision process pursuant to section 5 of chapter 7C of the General Laws or for

515 the capitalization of the Surplus Real Property Disposition Fund established in section 119; and

516 provided further, that funds from this item shall be distributed in furtherance of affordable

517 housing production goals and availability of sites suitable for construction or expansion of

518 housing opportunities in the commonwealth in consultation with the secretary of housing and

519 livable communities..... \$30,000,000



520 1599-1953 For local housing initiatives.....\$1,000,000

521 EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

522 7004-0077 For a local capital projects grant program to support and encourage

523 implementation of the housing choice designation for communities that have demonstrated

524 housing production and adoption of housing best practices; provided, that not less than

525 \$25,000,000 shall be expended for a grant program to assist MBTA communities in complying

526 with the multi-family zoning requirement in section 3A of chapter 40A of the General

527 Laws.....\$60,000,000

528 7004-0079 For the Smart Growth Housing Trust Fund established in section 35AA of

529 chapter 10 of the General Laws.....\$20,000,000

530 7004-0081 For a reserve to support the production of for-sale, below market housing

531 to expand homeownership opportunities for first-time homebuyers and socially and economically

532 disadvantaged individuals; provided, that grants and loans to developers shall be used to

533 facilitate production of affordable homeownership units for households earning not more than

534 120 per cent of the area median income; provided further, that projects with units restricted to

535 households with incomes of not more than 80 per cent of the area median income shall receive

536 preference; provided further, that funds expended from this item shall, to the maximum extent

537 feasible, be prioritized for projects that comply with decarbonization and sustainability

538 standards; provided further, that prioritization shall be determined through objective scoring

539 criteria in the Qualified Allocation Plan developed by the executive office of housing and livable

540 communities; provided further, that for new construction projects, the standards set forth in the

541 Municipal Opt-in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and the

542 Enterprise Green Communities standards shall be the applicable standards for prioritization;  
543 provided further, that any project proposing less than full compliance with said standards shall  
544 provide detailed analysis demonstrating why full compliance would render the project infeasible  
545 notwithstanding utilization of all available federal and state incentives, including rebates and tax  
546 credits; provided further, that for retrofits of existing units, prioritization shall be given to  
547 projects that include energy efficiency and electrification decarbonization measures, including,  
548 but not limited to, electric or ground source heat pumps, net-zero developments, Passive House  
549 Institute certification or an equivalent energy efficiency certification, and all-electric buildings  
550 and projects that incorporate green, sustainable and climate-resilient elements; provided further,  
551 that projects that include lower embodied carbon construction materials and methods shall be  
552 further prioritized; provided further, that the minimum number of units for qualifying projects  
553 under the program shall be 10 units unless otherwise approved by the secretary of housing and  
554 livable communities; provided further, that funds in this item shall be distributed in a manner that  
555 promotes geographic equity; provided further, that grants may include a requirement for  
556 matching funds; provided further, that the executive office of housing and livable communities  
557 may enter into such contracts and agreements with the Massachusetts Housing Finance Agency,  
558 or such other public agencies and instrumentalities as it may determine, for the administration of  
559 such program; and provided further, that not more than 5 per cent of this item shall be used for  
560 the reasonable costs of administering the program.....\$200,000,000

561           7004-0082   For grants and technical assistance for municipalities and regional  
562 applicants to support planning and locally-driven initiatives related to community development,  
563 housing production, workforce training and economic opportunity, childcare and early education  
564 initiatives and climate resilience initiatives, including nature-based solutions projects, that

565 incorporate these elements, across the commonwealth within individual communities, regions or  
566 a defined subset of communities therein; provided, that funds may be expended for culturally  
567 competent and multi-lingual technical assistance and training to small businesses; provided  
568 further, that preference for such funds shall be given to businesses located in low- or moderate-  
569 income areas and owned by socially and economically disadvantaged individuals; provided  
570 further, that grants shall be awarded in a manner that promotes geographic equity; and provided  
571 further, that funds from this item shall not be expended in communities deemed by the executive  
572 office of housing and livable communities not in compliance with the multi-family zoning  
573 requirement established in section 3A of chapter 40A of the General Laws.....\$25,000,000

574           7004-0083     For the HousingWorks infrastructure program established by section 27½  
575 of chapter 23B of the General Laws; provided, that not less than \$100,000,000 shall be expended  
576 as grants to cities and towns for sewer, septic and water infrastructure upgrades that advance  
577 projects that support housing development, preservation or rehabilitation; provided further, that  
578 not less than \$50,000,000 shall be expended as grants to cities and towns that (i) are compliant  
579 with the multi-family zoning requirement under section 3A of chapter 40A of the General Laws;  
580 and (ii) have demonstrated continued effort to advance housing production beyond the minimum  
581 multi-family zoning requirement in said section 3A of said chapter 40A, as determined by the  
582 secretary of housing and livable communities; provided further, that not less than \$50,000,0000  
583 shall be expended as grants to cities and towns that have: (a) accepted sections 3 to 7, inclusive,  
584 of chapter 44B of the General Laws; and (b) expended an amount of not less than 10 per cent of  
585 revenues available to the city or town under said sections 3 to 7, inclusive, of said chapter 44B  
586 on community housing; and provided further, that the executive office of housing and livable  
587 communities shall prioritize the awarding of said grants to cities and towns with higher

588 percentages of total revenues available to the city or town under said sections 3 to 7, inclusive, of  
589 said chapter 44B expended on community housing  
590 .....\$375,000,000

591           7004-0085     For state financial assistance to cities and towns or agencies, boards,  
592 commissions, authorities, departments or instrumentalities thereof or community development  
593 corporations or non-profit organizations to assist in the revitalization of neighborhoods and  
594 communities with properties in blighted or substandard conditions by subsidizing the purchase  
595 price, borrowing costs or costs of demolition or renovation projects of not more than 50 units of  
596 residential rental housing or 1 to 4 units, inclusive, of home ownership residential housing that  
597 have been cited for building or sanitary code violations or that are subject to cancellation of  
598 commercial property insurance due to substandard property conditions or are otherwise blighted  
599 or substandard; provided, that contracts entered into by the executive office of housing and  
600 livable communities for those projects may include, but shall not be limited to, projects  
601 providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous  
602 material abatement, including asbestos and lead paint, and for compliance with state codes and  
603 laws and for adaptations necessary for compliance with the Americans with Disabilities Act of  
604 1990; provided further, that preference shall be given to community development corporations  
605 and local non-profit organizations, organizations sponsoring projects that secure private funds  
606 and projects with the greatest impact on community stabilization in weak markets, including, but  
607 not limited to, rural communities and communities that have been disproportionately affected by  
608 disinvestment, foreclosure and abandonment; provided further, that financial assistance shall be  
609 awarded in a manner that promotes geographic, social, racial, and economic equity; provided  
610 further, that funds from this item shall not be expended in communities deemed by the secretary

611 of housing and livable communities not in compliance with the multi-family zoning requirement  
612 established in section 3A of chapter 40A of the General Laws; provided further, that funds  
613 expended from this item shall, to the maximum extent feasible, be prioritized for projects that  
614 comply with decarbonization and sustainability standards; provided further, that prioritization  
615 shall be determined through objective scoring criteria in the Qualified Allocation Plan developed  
616 by the executive office of housing and livable communities; provided further, that for new  
617 construction projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy  
618 Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be  
619 the applicable standards for prioritization; provided further, that any project proposing less than  
620 full compliance with said standards shall provide detailed analysis demonstrating why full  
621 compliance would render the project infeasible notwithstanding utilization of all available  
622 federal and state incentives, including rebates and tax credits; provided further, that for retrofits  
623 of existing units, prioritization shall be given to projects that include energy efficiency and  
624 electrification decarbonization measures, including, but not limited to, electric or ground source  
625 heat pumps, net-zero developments, Passive House Institute compliance or an equivalent energy  
626 efficiency certification, and all-electric buildings and projects that incorporate green, sustainable  
627 and climate-resilient elements; provided further, that projects that include lower embodied  
628 carbon construction materials and methods shall be further prioritized; provided further, that  
629 such rehabilitated housing shall remain affordable for such period as shall be established by the  
630 executive office through guidance taking into account differences in market conditions and the  
631 type of restrictions best suited to promoting community stabilization in different markets; and  
632 provided further, that an amount not to exceed 2 per cent of the amount expended may be used

633 for administrative costs directly attributable to the purposes of this program, including costs of  
634 support personnel.....\$50,000,000

635           7004-0096     For a rural and small town housing program; provided, that funds shall be  
636 expended as state financial assistance in the form of no interest loans, grants, subsidies, credit  
637 enhancements and other financial assistance for the development and redevelopment of housing  
638 in rural areas; provided further, that entities eligible to receive financial assistance under this  
639 item shall include qualified for-profit or non-profit developers, community development  
640 corporations, local housing authorities, community action agencies, community-based or  
641 neighborhood-based non-profit housing organizations, other non-profit organizations and for-  
642 profit entities, cities and towns and other governmental entities; provided further, that state  
643 financial assistance shall be awarded for projects in cities and towns that have: (i) a total  
644 population of not more than 7,000 persons; or (ii) a population density of not more than 500  
645 persons per square mile; provided further, that preference shall be given to projects in  
646 communities designated a housing choice community by the executive office of housing and  
647 livable communities or with an approved smart growth plan under chapter 40R of the General  
648 Laws; provided further, that financial assistance to eligible entities shall be used for housing  
649 production, preservation or rehabilitation for households with income of not more than 110 per  
650 cent of the area median income; provided further, that projects with units restricted to households  
651 with income of not more than 60 per cent of the area median income shall receive preference;  
652 provided further, that projects awarded financial assistance under this item shall not be subject to  
653 a minimum unit threshold determined by the executive office of housing and livable  
654 communities; provided further, that funds may be expended to construct or repair non-publicly-  
655 owned septic systems within a housing development or redevelopment project that has been

656 awarded financial assistance under this item; provided further, that any septic system  
657 construction or repair completed under this item shall be compliant with 310 CMR 15.00; and  
658 provided further, that the executive office may contract with a public agency, quasi-public  
659 agency or non-profit entity for the administration of this  
660 program.....\$50,000,000

661           7004-0097     For a seasonal community housing innovation program; provided, that  
662 funds shall be expended as state financial assistance in the form of no interest loans, grants,  
663 subsidies, credit enhancements and other financial assistance for the development and  
664 redevelopment of housing in seasonal communities, as defined by the executive office of housing  
665 and livable communities and as informed by the recommendations of the advisory council  
666 established under section 32 of chapter 23B of the General Laws; provided further, that entities  
667 eligible to receive financial assistance under this item shall include qualified for-profit or non-  
668 profit developers, community development corporations, local housing authorities, community  
669 action agencies, community-based or neighborhood-based non-profit housing organizations,  
670 other non-profit organizations and for-profit entities, cities and towns and other governmental  
671 entities; provided further, that state financial assistance to eligible entities shall be used to  
672 facilitate production, preservation or rehabilitation of affordable housing in seasonal  
673 communities for year-round residents with incomes at or below a level to be set by the executive  
674 office; provided further, that projects with units restricted to households with income of not more  
675 than 60 per cent of the area median income shall receive preference; provided further, that  
676 projects that receive financial assistance under this item may include but shall not be limited to:  
677 (i) affordable housing restricted to individuals who maintain primary residence in a seasonal  
678 community for a period not less than 10 months during any 12-month period; (ii) housing for

679 individuals holding an office, position or employment for municipal or county government or  
680 agency within a municipality designated as a seasonal community, which shall include but not be  
681 limited to, teachers, public works employees, public safety employees, first responders, town  
682 administrators and other municipal employees; and (iii) housing for individuals who, by  
683 vocation, produce or support artistic and literary activities; provided further, that preference shall  
684 be given to projects in seasonal communities that have a zoning ordinance or by-law that  
685 provides for at least 1 district of reasonable size in which small scale, year-round housing is  
686 permitted as of right; provided further, that such multi-family housing shall be without age  
687 restrictions and shall be suitable for families with children; and provided further, that the  
688 executive office may contract with a public agency, quasi-public agency, or non-profit entity for  
689 the administration of this program.....\$50,000,000

690           7004-0098     For state financial assistance in the form of no interest loans, grants,  
691 subsidies, credit enhancements and other financial assistance for the development and  
692 redevelopment of housing in midsized and suburban communities; provided, that entities eligible  
693 to receive financial assistance under this item shall include qualified for-profit or non-profit  
694 developers, community development corporations, local housing authorities, community action  
695 agencies, community-based or neighborhood-based non-profit housing organizations, other non-  
696 profit organizations and for-profit entities, and governmental entities; provided further, that state  
697 financial assistance shall be awarded for projects in cities and town with a total population of not  
698 more than 35,000 persons; provided further, that projects eligible for financial assistance under  
699 item 7004-0096 shall not be eligible for financial assistance under this item; provided further,  
700 that financial assistance to eligible entities shall be used for housing production, preservation or  
701 rehabilitation for households with income of not more than 110 per cent of the area median



702 income; provided further, that projects with units restricted to households with income of not  
703 more than 60 per cent of the area median income shall receive preference; provided further, that  
704 funds from this item shall not be expended for projects in communities deemed by the secretary  
705 of housing and livable communities not in compliance with the multi-family zoning requirement  
706 established in section 3A of chapter 40A of the General Laws; and provided further, that the  
707 executive office may contract with a public agency, quasi-public agency, or non-profit entity for  
708 the administration of this program.....\$50,000,000

709 SECTION 2B.

710 EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

711 7004-4784 For the Massachusetts Housing Finance Agency, established in section 3  
712 of chapter 708 of the acts of 1966, to capitalize a permanent, revolving Residential Production  
713 Momentum Fund for the purpose of accelerating the development of mixed-income and  
714 workforce multifamily housing production projects by providing financial assistance in the form  
715 of innovative, low-cost, and flexible capital funding, which may be in the form of debt, equity, or  
716 other instruments, depending on individual underwriting needs of the project; provided, that not  
717 less than 20 per cent of the units in a project that receives financial assistance under this item  
718 shall be restricted to households with incomes between 60 per cent and 120 per cent, inclusive,  
719 of the area median income; provided further, that, notwithstanding paragraph (f) of section 5 of  
720 said chapter 708, the Agency may in its discretion set the term and prepayment options for any  
721 mortgage or other loan or instrument issued to any project receiving such financial assistance  
722 based on the individual underwriting needs of the project; provided further, that such financial  
723 assistance shall be awarded in a manner that promotes geographic equity; provided further, that

724 funds expended from this item shall, to the maximum extent feasible, be prioritized for projects  
725 that comply with decarbonization and sustainability standards; provided further, that  
726 prioritization shall be determined through objective scoring criteria in the Qualified Allocation  
727 Plan developed by the executive office of housing and livable communities; provided further,  
728 that for new construction projects, the standards set forth in the Municipal Opt-in Specialized  
729 Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities  
730 standards shall be the applicable standards for prioritization; provided further, that any project  
731 proposing less than full compliance with said standards shall provide detailed analysis  
732 demonstrating why full compliance would render the project infeasible notwithstanding  
733 utilization of all available federal and state incentives, including rebates and tax credits; provided  
734 further, that for retrofits of existing units, prioritization shall be given to projects that include  
735 energy efficiency and electrification decarbonization measures, including, but not limited to,  
736 electric or ground source heat pumps, net-zero developments, Passive House Institute  
737 certification or an equivalent energy efficiency certification, and all-electric buildings and  
738 projects that incorporate green, sustainable and climate-resilient elements; and provided further,  
739 that projects that include lower embodied carbon construction materials and methods shall be  
740 further prioritized.....\$50,000,000

741 SECTION 3. Section 20 of chapter 6C of the General Laws, as appearing in the 2022  
742 Official Edition, is hereby amended by inserting after the second paragraph the following  
743 paragraph:-

744 Any agreement related to any sale or lease of property may require that a developer  
745 construct, design, build, finance, operate or maintain, or any combination thereof, transportation  
746 facilities in the state highway system, including land and air rights or any related facility or

747 component thereof controlled by the department; provided, however, that the department shall  
748 state in its bid documentation that such transportation facilities or related facility will be accepted  
749 or required as a part of any such development agreement. There shall not be any further  
750 procurement or advertising requirements except for the requirements set forth in this section.

751 SECTION 4. Section 46 of said chapter 6C, as so appearing, is hereby amended by  
752 inserting after the first paragraph the following paragraph:-

753 An agreement related to any lease of property may require that a developer construct,  
754 design, build, finance, operate or maintain, or any combination thereof, transportation facilities  
755 in the state highway system, including land and air rights or any related facility or component  
756 thereof controlled by the department; provided, however, that the department shall state in its bid  
757 documentation that such transportation facilities or related facility will be accepted or required as  
758 a part of any such development agreement. There shall not be any further procurement or  
759 advertising requirements except for the requirements set forth in section 20.

760 SECTION 5. Subsection (b) of section 1 of chapter 23B of the General Laws, as amended  
761 by section 102 of chapter 7 of the acts of 2023, is hereby further amended by inserting after  
762 clause (xvii) the following clause:-

763 (xviii) Develop and implement, not less than once every 5 years, a written comprehensive  
764 housing plan for the commonwealth, which shall include, but shall not be limited to, housing  
765 supply and demand data, affordability and affordability gaps, identification of housing  
766 affordability challenges and needs by region, an analysis of local zoning and strategies to address  
767 such housing needs.

768 SECTION 6. Section 27½ of said chapter 23B, inserted by section 117 of said chapter 7,  
769 is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the  
770 following 2 subsections:-

771 (a) There shall be in the executive office of housing and livable communities a  
772 HousingWorks infrastructure program to: (i) issue infrastructure grants that support housing to  
773 municipalities and other public entities for design, construction, building, rehabilitation, repair  
774 and other improvements to infrastructure that support the objectives of the secretariat, including,  
775 but not limited to, sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment  
776 systems, telecommunications systems, transit improvements, public parks and spaces that  
777 support planned or proposed housing improvements and pedestrian and bicycle ways; and (ii)  
778 assist municipalities to advance projects that support housing development, preservation or  
779 rehabilitation. Preference for grants or assistance under this section shall be given to: (i)  
780 infrastructure serving locations within 0.5 miles of a transit station or transit route; (ii) other  
781 eligible locations as defined in section 1A of chapter 40A; (iii) multi-family zoning districts that  
782 comply with section 3A of said chapter 40A; provided, however, that no funds shall be awarded  
783 to a community deemed by the secretary as not in compliance with said section 3A of said  
784 chapter 40A; (iv) communities that: (a) have accepted sections 3 to 7, inclusive, of chapter 44B;  
785 and (b) have expended not be less than 10 per cent of revenues available to the city or town  
786 under said sections 3 to 7, inclusive, of said chapter 44B for community housing; and (v) projects  
787 that support regional equity.

788 (b) A project that uses grants to municipalities for public infrastructure provided by this  
789 section shall be procured by a municipality in accordance with chapter 7, section 39M of chapter  
790 30, chapter 30B and chapter 149.

791 SECTION 7. Said chapter 23B is hereby further amended by adding the following 3  
792 sections:-

793 Section 31. (a) There shall be within the executive office of housing and livable  
794 communities an office of fair housing. The secretary of housing and livable communities shall  
795 appoint a director of the office who shall serve at the pleasure of the secretary.

796 (b) The office shall:

797 (i) collaborate with state agencies on policies and strategies to: (a) advance the  
798 elimination of housing discrimination and increase access to fair housing; (b) overcome patterns  
799 of segregation; (c) foster inclusive communities without barriers that restrict access for  
800 individuals or groups protected from unlawful practices pursuant to chapter 151B; and (d)  
801 support enforcement of and compliance with all fair housing laws, including, but not limited to,  
802 said chapter 151B and the Fair Housing Act, 42 U.S.C. 3601 et seq.;

803 (ii) facilitate communication and partnership among state agencies and municipalities to  
804 identify the intersections between activities of state agencies, activities of municipalities and fair  
805 housing;

806 (iii) facilitate the development of interagency initiatives to examine and address the social  
807 and economic determinants of housing disparities, including, but not limited to: (a) equal access  
808 to quality housing; (b) housing affordability; (c) access and proximity to multimodal  
809 transportation options, including cost of such transportation; (d) air, water and land usage and  
810 quality, including, but not limited to, consideration of environmental justice principles as defined  
811 in section 62 of chapter 30; (e) employment and workforce development; (f) access to healthcare;  
812 (g) access to and quality of education; and (h) language access; and

813 (iv) administer the Fair Housing Trust Fund established under section 2EEEEEE of  
814 chapter 29.

815 (c)(1) Not less than every 3 years, the office shall prepare a report evaluating the progress  
816 of the commonwealth toward eliminating housing discrimination and increasing access to fair  
817 housing. The report shall comply with applicable federal requirements for analysis and reporting.  
818 Where possible, the report shall include quantifiable measures and comparative benchmarks and  
819 shall detail progress on a regional basis. The office shall hold public hearings in geographically  
820 diverse regions of the commonwealth to gather public information on the topics of the report.

821 (2) Annually, the office shall prepare a supplemental report describing the activities and  
822 outcomes of the Fair Housing Trust Fund established under section 2EEEEEE of chapter 29.

823 (3) Reports pursuant to this subsection shall be filed with the clerks of the house of  
824 representatives and senate and the joint committee on housing not later than July 1 in the year in  
825 which the report is due. Each report shall be posted publicly on the office's website.

826 Section 32. (a) There shall be within the executive office of housing and livable  
827 communities an office of livable communities and community services, which shall be under the  
828 charge of an undersecretary or director who shall be appointed and may be removed by the  
829 secretary and who shall be subject to the direction, control and supervision of the secretary or an  
830 undersecretary as determined by the secretary.

831 (b) The office shall: (i) seek to enrich housing opportunities across the commonwealth  
832 and carry out its duties in a regionally equitable manner; (ii) provide technical assistance  
833 regarding housing needs to cities and towns, including rural communities, as defined in section  
834 66 of chapter 23A and seasonal communities, as designated by the secretary pursuant to section

835 33, to address preservation and production of affordable and attainable year-round housing  
836 specific to the needs of the community or region; and (iii) ensure that all programs administered  
837 by the office comply with federal, state and fair housing laws.

838 (c) The office may: (i) administer grants and programs specifically designated for urban,  
839 suburban, rural or seasonal communities; and (ii) pilot innovative housing programs to address a  
840 communities' unique housing needs.

841 Section 33. (a) For the purposes of this section "year-round housing", shall mean housing  
842 for occupancy by persons or families who occupy either rental or other housing as their principal  
843 residence for not less than 10 months a year.

844 (b) The secretary may designate a municipality as a seasonal community; provided,  
845 however, that all municipalities in the county of Dukes County and Nantucket county, and all  
846 municipalities with over 40 per cent seasonal housing units in Barnstable county, as determined  
847 by the executive office in consultation with the Cape Cod commission established under chapter  
848 716 of the acts of 1989, shall receive such designation. The executive office may designate  
849 additional municipalities as seasonal communities based on consideration of the following  
850 factors: (i) a high rate of short-term rentals in relation to the overall housing inventory; (ii) a  
851 significant population increase in seasonal visitors; (iii) an excessive disparity between the area  
852 median income and the income required to purchase the municipality's median home price; (iv)  
853 the percentage of housing stock that is used for seasonal, occasional or recreational use or is  
854 otherwise not used as a primary residence by the property's owner; and (v) high variations in the  
855 average monthly variation of employment in the sector over the full year, in relation to the  
856 municipality's minimum employment threshold. A municipality designated by the executive

857 office as a seasonal community pursuant to this section shall accept or deny the designation by  
858 vote of its chief executive officers. The secretary shall consult with the advisory council  
859 established in subsection (c) to review additional municipalities under consideration to receive  
860 the seasonal community designation.

861 (c) The executive office shall convene an advisory council to offer expertise in issues  
862 pertaining to municipal government, the hospitality industry, the tourism industry, housing law  
863 and housing development and finance in seasonal communities. The council shall consist of: the  
864 secretary or a designee, who shall serve as chair; 1 member of the senate appointed by the senate  
865 president, who represents a district in which at least 1 municipality is designated as a seasonal  
866 community; 1 member of the house of representatives appointed by the speaker of the house of  
867 representatives, who represents a district in which at least 1 municipality is designated as a  
868 seasonal community; 1 person appointed by the Massachusetts Municipal Association, Inc.; and  
869 the following persons to be appointed by the secretary: 1 person who shall be a representative of  
870 the developer community and is a resident of a municipality designated as a seasonal  
871 community; 1 person who shall be a licensed real estate agent with the board of registration of  
872 real estate brokers and salespersons and is a resident of a municipality designated as a seasonal  
873 community; 1 person to represent each regional planning agency whose jurisdiction encompasses  
874 at least 1 municipality designated as a seasonal community; 1 licensed attorney who practices in  
875 the area of land use and who is a resident of a municipality designated as a seasonal community;  
876 and 1 person who shall be a representative of the lending and banking community and who is a  
877 resident of a municipality designated as a seasonal community. The secretary may appoint  
878 additional members with knowledge and with expertise in land use law, fair housing law,  
879 municipal law and operations or the housing needs of seasonal communities. The council shall



880 adopt by-laws to govern its affairs. The council shall provide advice and recommendations to the  
881 executive office regarding policies or programs necessary to serve the distinct needs of seasonal  
882 communities, including, but not limited to, accessing specialized or general application grant  
883 programs and best practices on incentivizing the production of attainable year-round housing in  
884 seasonal communities. Annually, not later than December 31, the council shall submit a report of  
885 any recommendations to the executive office, the clerks of the house of representatives and the  
886 senate and the joint committee on housing.

887           The executive office shall review, on an as-needed basis, the ongoing needs of  
888 municipalities designated as seasonal communities and may deny a municipality's continued  
889 seasonal community designation based on the municipality's ongoing needs and eligibility.

890           (d) A seasonal community may: (i) acquire year-round housing occupancy restrictions for  
891 rental or other housing; provided, however, that such a year-round housing occupancy restriction  
892 held by a city or town shall be construed as a restriction held by a governmental body with the  
893 benefit of section 26 of chapter 184; (ii) acquire and develop housing units specifically intended  
894 for housing seasonal community public employees that are necessary to the health and safety of  
895 maintaining a year-round community; and (iii) expend funds designated for the creation and  
896 preservation of year-round affordable and attainable housing for individuals who, by vocation,  
897 produce or support artistic and literary activities.

898           (e) For the purposes of this section, "tiny house" shall mean a detached structure  
899 containing a dwelling unit that 400 square feet or less in floor area excluding lofts. A seasonal  
900 community shall: (i) adopt by-laws or zoning ordinances to permit undersized lots to be used for  
901 the creation of attainable year-round housing; provided, however, that the lot, at the time of

902 recording or endorsement, shall be located in a zoning district that allows for single-family  
903 residential use; provided further, that any single-family residential structure constructed on said  
904 lot shall adhere to the municipality's floor area ratio by-laws and shall comply with all laws  
905 governing wastewater and sewer systems; and provided further, that any residential housing built  
906 upon undersized lots shall not be used as a seasonal home or short-term rental of less than 6  
907 months and shall be used as year-round housing; and (ii) adopt by-laws to permit the  
908 construction of tiny houses; provided, however, that said tiny houses are designated for use as  
909 year-round housing units and meet all requirements of the state building code and local building  
910 code; and provided further, that any movable tiny house shall be registered with the registry of  
911 motor vehicles, as applicable.

912 (f) A seasonal community may increase the exemption established in section 5C of  
913 chapter 59, at the option of the board of selectmen or mayor, with the approval of the city  
914 council, to 50 per cent of the average assessed value of all Class One, residential parcels within  
915 such city or town; provided, however, that the exemption shall be applied only to the principal  
916 residence of a taxpayer as used by the taxpayer for income tax purposes.

917 (g) A seasonal community designated pursuant to this section may apply to the executive  
918 office of housing and livable communities for a waiver from any of the requirements of this  
919 section. In deciding whether to grant the municipal's request for a waiver, the executive office  
920 may consider whether the requirements of this section can reasonably be carried out by existing  
921 town staff or a regional staff person performing equivalent duties.

922 (h) The executive office shall promulgate regulations or guidance to carry out this  
923 section.

924 SECTION 8. Chapter 29 of the General Laws is hereby amended by inserting after  
925 section 2DDDDDD the following section:-

926 Section 2EEEEEE. (a) There shall be a Fair Housing Trust Fund, which shall be credited  
927 with revenue from appropriations or other monies authorized by the general court and  
928 specifically designated for the fund and any gifts, grants, private contributions and investment  
929 income earned on the fund's assets and any other sources.

930 (b) The fund shall be administered by the office of fair housing established in section 31  
931 of chapter 23B and funds shall be expended from the fund for the purpose of eliminating housing  
932 discrimination and affirmatively furthering fair housing, overcoming patterns of segregation,  
933 fostering inclusive communities free from barriers that restrict access to opportunity for  
934 individuals or groups of individuals that are protected from unlawful practices pursuant to  
935 chapter 151B and supporting enforcement of and compliance with all fair housing laws,  
936 including, but not limited to, said chapter 151B and the Fair Housing Act, 42 U.S.C. 3601 et seq.  
937 Activities eligible for assistance from the trust fund shall include, but not be limited to, private  
938 enforcement initiatives, education and outreach initiatives, fair housing testing, lending  
939 discrimination, affirmatively furthering fair housing and special projects.

940 (c) Amounts credited to the fund shall be expended without further appropriation. Any  
941 balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent  
942 fiscal years and shall not be transferred to any other fund or revert to the General Fund; provided,  
943 however, that the comptroller shall report the amount remaining in the fund at the end of each  
944 fiscal year to the house and senate committees on ways and means.

945 (d) Grantees eligible for assistance shall include, but not be limited to, fair housing  
946 assistance programs and fair housing initiative programs, as defined by the United States  
947 Department of Housing and Urban Development, any private or non-profit agency or any state-  
948 funded public housing authority.

949 SECTION 9. Section 1A of chapter 40A of the General Laws, as appearing in the 2022  
950 Official Edition, is hereby amended by striking out the definition “Accessory dwelling unit” and  
951 inserting in place thereof the following definition:-

952 “Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking  
953 and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable  
954 dimensional and parking requirements, that: (i) maintains a separate entrance, either directly  
955 from the outside or through an entry hall or corridor shared with the principal dwelling sufficient  
956 to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor  
957 area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is  
958 smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality,  
959 including, but not limited to, additional size restrictions and restrictions or prohibitions on short-  
960 term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall  
961 unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term  
962 rental.

963 SECTION 10. Section 3 of said chapter 40A, as so appearing, is hereby amended by  
964 adding the following paragraph:-

965 No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special  
966 permit or other discretionary zoning approval for the use of land or structures for a single

967 accessory dwelling unit, or the rental thereof, in a single-family residential zoning district;  
968 provided, however, that the use of land or structures for such accessory dwelling unit under this  
969 paragraph may be subject to reasonable regulations, including, but not limited to, 310 CMR  
970 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and  
971 the bulk and height of structures and may be subject to restrictions and prohibitions on short-  
972 term rental, as defined in section 1 of chapter 64G. The use of land or structures for an accessory  
973 dwelling unit under this paragraph shall not require owner occupancy of either the accessory  
974 dwelling unit or the principal dwelling; provided, however, that not more than 1 additional  
975 parking space shall be required for an accessory dwelling unit; and provided further, that no  
976 additional parking space shall be required for an accessory dwelling located not more than 0.5  
977 miles from a commuter rail station, subway station, ferry terminal or bus station. For more than 1  
978 accessory dwelling unit, or rental thereof, in a single-family residential zoning district there shall  
979 be a special permit for the use of land or structures for an accessory dwelling unit. The executive  
980 office of housing and livable communities may issue guidelines or promulgate regulations to  
981 administer this paragraph.

982 SECTION 11. Section 3A of said chapter 40A is hereby amended by striking out the  
983 words “section 27”, as appearing in section 152 of chapter 7 of the acts of 2023, and inserting in  
984 place thereof the following words:- section 27½.

985 SECTION 12. The fifth paragraph of section 5 of said chapter 40A, as appearing in the  
986 2022 Official Edition, is hereby amended by adding the following clause:- (5) an inclusionary  
987 zoning ordinance or by-law that requires not more than 13 per cent of units be affordable;  
988 provided, however, that such zoning ordinance or by-law shall not unduly constrain the  
989 production of housing in the area impacted by the inclusionary zoning ordinance or by-law;

990 provided further, such ordinance or by-law shall require a density bonus; and provided further,  
991 that the executive office of housing and livable communities may issue guidelines or promulgate  
992 regulations consistent with the purposes of this clause.

993 SECTION 13. Section 6 of said chapter 40A, as so appearing, is hereby amended by  
994 inserting after the fourth paragraph, the following paragraph:–

995 Adjacent lots under common ownership shall not be treated as a single lot for local  
996 zoning purposes if, at the time of recording or endorsement, the lots: (i) conformed to then  
997 existing requirements of area, frontage, width, yard or depth, where each such lot has not less  
998 than 10,000 square feet of area and 75 feet of frontage; and (ii) are located in a zoning district  
999 that allows for single-family residential use. Any single-family residential structure constructed  
1000 on said lot shall not exceed 1,850 square feet of heated living area, shall contain not less than 3  
1001 bedrooms and shall not be used as a seasonal home or short-term rental.

1002 SECTION 14. The first paragraph of section 17 of said chapter 40A, as so appearing, is  
1003 hereby amended by inserting after the fourth sentence the following sentence:- If the complaint is  
1004 filed by someone other than the original applicant, appellant or petitioner, then each plaintiff,  
1005 whether or not previously constituting parties in interest for notice purposes, shall also  
1006 sufficiently allege and must plausibly demonstrate that measurable injury, which is special and  
1007 different to such plaintiff, to a private legal interest will likely flow from the decision through  
1008 credible evidence.

1009 SECTION 15. Said section 17 of said chapter 40A, as so appearing, is hereby further  
1010 amended by striking out the third paragraph and inserting in place thereof the following  
1011 paragraph:-

1012           The court, in its discretion, may require a plaintiff in an action under this section  
1013 appealing a decision to approve a special permit, variance or site plan to post a surety or cash  
1014 bond in an amount of not more than \$250,000 to secure the payment of and to indemnify and  
1015 reimburse damages and costs and expenses incurred in such an action if the court finds that the  
1016 harm to the defendant or to the public interest resulting from delays caused by the appeal  
1017 outweighs the financial burden of the surety or cash bond on the plaintiffs. The court shall  
1018 consider the relative merits of the appeal and the relative financial means of the plaintiff and the  
1019 defendant. Nothing in this section shall require bad faith or malice of a plaintiff for the court to  
1020 issue a bond under this section.

1021           SECTION 16. Said section 17 of said chapter 40A, as so appearing, is hereby further  
1022 amended by striking out the sixth paragraph and inserting in place thereof the following  
1023 paragraph:-

1024           Costs, including reasonable attorneys' fees, in an amount to be fixed by the court may be  
1025 allowed against the party appealing from the decision of the board or special permit granting  
1026 authority if the court finds that said appellant or appellants acted in bad faith or with malice in  
1027 making the appeal to court.

1028           SECTION 17. Section 9 of chapter 40H of the General Laws, as so appearing , is hereby  
1029 amended by striking out, in line 1, the words "section 16G" and inserting in place thereof the  
1030 following words:- section 16G½.

1031           SECTION 18. Said section 9 of said chapter 40H, as so appearing, is hereby further  
1032 amended by striking out, in line 2, the words "and section 56 of chapter 23A".

1033 SECTION 19. Section 6M of chapter 62 of the General Laws, as so appearing, is hereby  
1034 amended by striking out, in lines 226 and 227, the words “\$12,000,000 in each of taxable years  
1035 2023 to 2025, inclusive” and inserting in place thereof the following words:- \$15,000,000 in  
1036 taxable years beginning on or after January 1, 2025.

1037 SECTION 20. Said chapter 62 is hereby further amended by inserting after section 6M  
1038 the following section:-

1039 Section 6O. (a) For the purposes of this section, the following words shall have the  
1040 following meanings unless the context clearly requires otherwise:

1041 “Affordability period”, the 10-year period that commences on the date of the initial sale  
1042 of a single-family dwelling constructed as part of a qualified homeownership development  
1043 project.

1044 “Affordability restriction”, a restriction in a form and substance approved by the director  
1045 and the secretary, imposing resale restrictions on a single-family dwelling constructed as part of  
1046 a qualified homeownership development project during the affordability period.

1047 “Commissioner”, the commissioner of revenue.

1048 “Credit amount”, the amount computed by the director pursuant to subsection (d) before  
1049 issuing an eligibility certificate.

1050 “Credit award amount”, the amount determined by the director and stipulated in the  
1051 notice sent pursuant to paragraph (2) of subsection (c).

1052 “Director”, the executive director of the Massachusetts Housing Finance Agency,  
1053 established pursuant to chapter 708 of the acts of 1966.



1054 “Eligibility certificate”, a certificate issued to a sponsor pursuant to subsection (d).

1055 “Eligible location”, a geographic area in which a qualified homeownership development  
1056 project may be located, based on criteria established in the qualified homeownership allocation  
1057 plan.

1058 “Maximum credit amount”, an amount equal to 35 per cent of the lesser of: (i) the total  
1059 qualified project expenditures calculated on a per single-family dwelling basis; or (ii) 80 per cent  
1060 of the area median new single-family dwelling sales price, subject to such further limitations as  
1061 may be established under the qualified homeownership credit allocation plan.

1062 “Project development team”, the group of entities that develops, constructs, reports,  
1063 appraises, finances and services the associated properties of a qualified homeownership  
1064 development project in partnership with the project development owner.

1065 “Qualified buyer”, an individual that is a first-time homebuyer with an annual income not  
1066 exceeding 120 per cent of the area median income, as determined by the United States  
1067 Department of Housing and Urban Development, for the location in which the single-family  
1068 dwelling being purchased is located and who satisfies any additional qualifications established  
1069 by the director under the qualified homeownership credit allocation plan.

1070 “Qualified homeownership credit allocation plan”, a plan adopted by the director with the  
1071 approval of the secretary establishing: (i) criteria and metrics under which homeownership  
1072 development projects shall be assessed for qualification and the geographic areas in which  
1073 qualified homeownership development projects may be located; (ii) criteria for approving and  
1074 ranking applications for credits; (iii) a methodology to determine applicable median new single-  
1075 family dwelling sales prices for the area in which the project is located; (iv) mechanisms to

1076 maintain affordability of each single-family dwelling that is created as part of a qualified  
1077 homeownership development project and restricted for sale to qualified buyers, throughout the  
1078 affordability period; (v) criteria to be used in determining qualification as a qualified buyer; (vi)  
1079 criteria governing the purchase, ownership and sale of completed qualified homeownership  
1080 development project single-family dwellings; and (vii) the manner of determining qualified  
1081 project expenditures.

1082 “Qualified homeownership development project”, a project to develop for sale single-  
1083 family dwellings in the commonwealth that satisfies any qualifications established by the  
1084 director with the approval of the secretary in the qualified homeownership credit allocation plan;  
1085 provided, however, that the proposed project shall: (i) involve the new construction of not less  
1086 than 10 single-family dwellings; (ii) be located in an eligible location; and (iii) result in not less  
1087 than 20 per cent of the single-family dwellings being sold to qualified buyers, subject to an  
1088 affordability restriction in accordance with the qualified homeownership credit allocation plan.

1089 “Qualified project expenditure”, an expenditure directly related to the construction of a  
1090 qualified homeownership development project, including, but not limited to, the cost of  
1091 acquiring land, site assessment and remediation of hazardous materials and as further provided in  
1092 the qualified homeownership credit allocation plan; provided, however, that: (i) the director has  
1093 certified that the proposed project meets the definition of a qualified homeownership  
1094 development project; (ii) prior to construction, the director has certified that all or a portion of  
1095 the project costs are for new construction; and (iii) after the construction of the project has been  
1096 completed, the director has certified that the project has been completed in compliance with this  
1097 section and the requirements and conditions of any prior certifications.

1098 “Secretary”, the secretary of housing and livable communities.

1099 “Single-family dwelling”, (i) a residential property containing not more than 4 residential  
1100 units; provided, however, that all units shall comprise a single property to be sold to and owned  
1101 by a single homeowner; or (ii) a condominium unit in a professionally managed condominium  
1102 development.

1103 “Sponsor”, a sponsor, as defined in section 25 of chapter 23B, of a qualified  
1104 homeownership development project or owner of a qualified homeownership development  
1105 project.

1106 “Taxpayer”, a taxpayer subject to the income tax under this chapter.

1107 (b)(1) There shall be a Massachusetts homeownership tax credit. The director, in  
1108 consultation with the secretary, may authorize annually under this section and section 38PP of  
1109 chapter 63 a total sum not exceeding: (i) \$10,000,000; (ii) the amount, if any, not authorized in  
1110 the preceding taxable year; and (iii) any Massachusetts homeownership tax credits returned to  
1111 the director by a sponsor.

1112 (2) A taxpayer may be allowed a nonrefundable tax credit with respect to a qualified  
1113 homeownership development project under this section equal to the credit amount listed on the  
1114 eligibility certificate pursuant to subsection (d). If the credit allowable for any taxable year is  
1115 unused by the taxpayer or exceeds the taxpayer’s tax liability under this chapter for the taxable  
1116 year, the taxpayer may carry forward and apply in any subsequent taxable year, the portion, as  
1117 reduced from year to year, of the credit that exceeds the tax for the taxable year; provided,  
1118 however, that in no event shall the taxpayer apply the credit to the tax due for any taxable year  
1119 beginning after the affordability period.

1120 (3) To be eligible to receive a credit pursuant to this section, a sponsor shall submit an  
1121 application to the director on a form and in a manner prescribed by the director, in consultation  
1122 with the secretary; provided, however, that said application shall include, but shall not be limited  
1123 to: (i) the name and address of the sponsor; (ii) the names and addresses of all members of the  
1124 project development team; (iii) an estimate of the total qualified project expenditures; and (iv)  
1125 any other information as the director, in consultation with the secretary, may require pursuant to  
1126 the qualified homeownership credit allocation plan.

1127 (c)(1) The director, in consultation with the secretary, shall competitively evaluate and  
1128 approve applications and award tax credits under this section for a qualified homeownership  
1129 development project in accordance with the qualified homeownership credit allocation plan. The  
1130 director, in consultation with the secretary, shall determine the credit amount awarded for each  
1131 qualified homeownership development project, which shall not exceed the maximum credit  
1132 amount.

1133 (2) The director shall send written notice of the tax credit award to the sponsor of a  
1134 qualified homeownership development project. The notice shall stipulate that receipt of the tax  
1135 credit is contingent upon the sale of all single-family dwellings that are required to be sold to  
1136 qualified buyers and issuance of an eligibility certificate.

1137 (d)(1) Upon completion of a qualified homeownership development project for which a  
1138 tax credit was awarded under this section and the sale of all single-family dwellings that are  
1139 required to be sold to qualified buyers, the sponsor shall provide the director a final qualified  
1140 project expenditures certification for approval. Immediately after approving the final cost  
1141 certification, the director shall compute the credit amount and issue an eligibility certificate to

1142 the project development owner. The credit amount, which shall be stated on the certificate, shall  
1143 equal the credit award amount stated in the notice issued under paragraph (2) of subsection (c),  
1144 subject to any reduction or increase as the result of the approval of the final qualified project  
1145 expenditures certification; provided, however, that such amount shall not exceed the maximum  
1146 credit amount.

1147 (2) Each eligibility certificate shall state the credit amount, the years that comprise the  
1148 affordability period, the name, address and taxpayer identification number of the sponsor and all  
1149 members of the project development team, the date the certificate is issued, a unique identifying  
1150 number and any additional information the director, in consultation with the secretary and the  
1151 commissioner, may require. The director shall certify a copy of each eligibility certificate to the  
1152 secretary and the commissioner.

1153 (e)(1) The sponsor shall maintain ownership of a qualified homeownership development  
1154 project and all single-family dwellings that are required to be sold to qualified buyers until such  
1155 dwellings are sold to qualified buyers.

1156 (2) The qualified buyer of a single-family dwelling constructed as part of a qualified  
1157 homeownership development project for which a tax credit was issued under this section shall  
1158 occupy such single-family dwelling as the qualified buyer's primary residence during the  
1159 affordability period; provided, however, that a qualified buyer of a single-family dwelling that  
1160 includes more than 1 residential unit need only occupy a single residential unit within the single-  
1161 family dwelling as the qualified buyer's primary residence during the affordability period and  
1162 may lease any additional units to third-party lessees.

1163 (3) If a single-family dwelling constructed as part of a qualified homeownership  
1164 development project is sold during the affordability period, the seller shall transfer to the director  
1165 an amount equal to 90 per cent of the gain from such resale, reduced by 10 per cent for each year  
1166 of the affordability period which ends before the date of such sale, subject to such additional  
1167 criteria as may be established under the qualified homeownership credit allocation plan. The  
1168 director shall use any amount received pursuant to a repayment under this paragraph to provide  
1169 financial assistance to first-time homebuyers and to offset the costs of administering this section.  
1170 The director may place a lien on each single-family dwelling constructed as part of a qualified  
1171 homeownership development project for an amount it deems necessary to ensure potential  
1172 repayment pursuant to this paragraph.

1173 (4) During the affordability period, a qualified buyer of a single-family dwelling that  
1174 includes more than 1 residential unit shall not separate the ownership of individual residential  
1175 units within the single-family dwelling.

1176 (f)(1) All or any portion of a tax credit issued in accordance with this section may be  
1177 transferred, sold or assigned to any individual or entity and the transferee shall be entitled to  
1178 claim the credit pursuant to paragraph (2) of subsection (b) with the same effect as if the  
1179 transferee had incurred the qualified project expenditures itself.

1180 (2) A sponsor or transferee desiring to make a transfer, sale or assignment as described in  
1181 paragraph (1) shall submit to the commissioner a statement that describes the amount of the tax  
1182 credit for which such transfer, sale or assignment of the tax credit is eligible. The sponsor shall  
1183 provide to the commissioner appropriate information for proper allocation of the tax credit.

1184 (3) If the recapture of a tax credit is required pursuant to subsection (g), any statement  
1185 submitted to the commissioner pursuant to paragraph (2) shall include the proportion of the tax  
1186 credit required to be recaptured, the identity of each transferee subject to recapture and the  
1187 amount of the tax credit previously transferred to such transferee.

1188 (g) The director, in consultation with the secretary, shall determine whether a sponsor or  
1189 qualified homeownership development project: (i) does not qualify for the credit; (ii) ceases to  
1190 qualify for the credit; or (iii) did not qualify for the credit at the time the credit was claimed. If  
1191 such a determination is made, notwithstanding the time limitations on assessments pursuant to  
1192 chapter 62C, the commissioner shall determine the taxpayer or taxpayers that claimed the credit,  
1193 the tax against which the credit was claimed and the amount to be recaptured and shall make an  
1194 assessment against the taxpayer or taxpayers for the amount to be recaptured under this section.

1195 (h) The director may assess application, processing and reporting fees to cover the cost of  
1196 administering this section.

1197 (i) The credit under this section shall be attributed on a pro rata basis to the owners,  
1198 partners or members of the legal entity entitled to the credit under this section and shall be  
1199 allowed as a credit against the tax due under this chapter from such owners, partners or members  
1200 in a manner determined by the commissioner.

1201 (j) The secretary, in consultation with the commissioner and director, shall adopt any  
1202 rules and promulgate any regulations necessary to administer this section.

1203 SECTION 21. Subsection (b) of section 60 of said chapter 62, inserted by section 20, is  
1204 hereby amended by striking out paragraph (1) and inserting in place thereof the following  
1205 paragraph:-

1206 (1) There shall be a Massachusetts homeownership tax credit. The director, in  
1207 consultation with the secretary, may authorize annually under this section and section 38OO of  
1208 chapter 63 a total sum not exceeding: (i) the amount, if any, not authorized in the preceding  
1209 taxable year; and (ii) any Massachusetts homeownership tax credits returned to the director by a  
1210 sponsor.

1211 SECTION 22. Section 38EE of said chapter 63, as so appearing, is hereby amended by  
1212 striking out, in lines 213 and 214, the words “\$12,000,000 in each of taxable years 2023 to 2025,  
1213 inclusive” and inserting in place thereof the following words:- \$15,000,000 in taxable years  
1214 beginning on or after January 1, 2025.

1215 SECTION 23. Said chapter 63 is hereby further amended by inserting after section 38NN  
1216 the following section:-

1217 Section 38OO. (a) For the purposes of this section, the following words shall have the  
1218 following meanings unless the context clearly requires otherwise:

1219 “Affordability period”, the 10-year period that commences on the date of the initial sale  
1220 of a single-family dwelling constructed as part of a qualified homeownership development  
1221 project.

1222 “Affordability restriction”, a restriction in form and substance approved by the director  
1223 and the secretary, imposing resale restrictions on a single-family dwelling constructed as part of  
1224 a qualified homeownership development project during the affordability period.

1225 “Commissioner”, the commissioner of revenue.



1226 “Credit amount”, the amount computed by the director pursuant to subsection (d) before  
1227 issuing an eligibility certificate.

1228 “Credit award amount”, the amount determined by the director and stipulated in the  
1229 notice sent pursuant to paragraph (2) of subsection (c).

1230 “Director”, the executive director of the Massachusetts Housing Finance Agency,  
1231 established pursuant to chapter 708 of the acts of 1966.

1232 “Eligibility certificate”, a certificate issued to a sponsor pursuant to subsection (d).

1233 “Eligible location”, a geographic area in which a qualified homeownership development  
1234 project may be located, based on criteria established in the qualified homeownership allocation  
1235 plan.

1236 “Maximum credit amount”, an amount equal to 35 per cent of the lesser of: (i) the total  
1237 qualified project expenditures calculated on a per single-family dwelling basis; or (ii) 80 per cent  
1238 of the area median new single-family dwelling sales price, subject to such further limitations as  
1239 may be established under the qualified homeownership credit allocation plan.

1240 “Project development team”, the group of entities that develops, constructs, reports,  
1241 appraises, finances and services the associated properties of a qualified homeownership  
1242 development project in partnership with the project development owner.

1243 “Qualified buyer”, an individual that is a first-time homebuyer with an annual income not  
1244 exceeding 120 per cent of the area median income, as determined by the United States  
1245 Department of Housing and Urban Development, for the location in which the single-family

1246 dwelling being purchased is located and who satisfies any additional qualifications established  
1247 by the director under the qualified homeownership credit allocation plan.

1248 “Qualified homeownership credit allocation plan”, a plan adopted by the director with the  
1249 approval of the secretary, establishing: (i) criteria and metrics under which homeownership  
1250 development projects shall be assessed for qualification and the geographic areas in which  
1251 qualified homeownership development projects may be located; (ii) criteria for approving and  
1252 ranking applications for credits; (iii) a methodology to determine applicable median new single-  
1253 family dwelling sales prices for the area in which the project is located; (iv) mechanisms to  
1254 maintain affordability of each single-family dwelling that is created as part of a qualified  
1255 homeownership development project and restricted for sale to qualified buyers, throughout the  
1256 affordability period; (v) criteria to be used in determining qualification as a qualified buyer; (vi)  
1257 criteria governing the purchase, ownership and sale of completed qualified homeownership  
1258 development project single-family dwellings; and (vii) the manner of determining qualified  
1259 project expenditures.

1260 “Qualified homeownership development project”, a project to develop for sale single-  
1261 family dwellings in the commonwealth that satisfies any qualifications established by the  
1262 director with the approval of the secretary in the qualified homeownership credit allocation plan;  
1263 provided, however, that the proposed project shall: (i) involve the new construction of not less  
1264 than 10 single-family dwellings; (ii) be located in an eligible location; and (iii) result in not less  
1265 than 20 per cent of the single-family dwellings being sold to qualified buyers, subject to an  
1266 affordability restriction in accordance with the qualified homeownership credit allocation plan.

1267 “Qualified project expenditure”, an expenditure directly related to the construction of a  
1268 qualified homeownership development project, including, but not limited to, the cost of  
1269 acquiring land, site assessment and remediation of hazardous materials and as further provided in  
1270 the qualified homeownership credit allocation plan; provided, however, that: (i) the director has  
1271 certified that the proposed project meets the definition of a qualified homeownership  
1272 development project; (ii) prior to construction, the director has certified that all or a portion of  
1273 the project costs are for new construction; and (iii) after the construction of the project has been  
1274 completed, the director has certified that the project has been completed in compliance with this  
1275 section and the requirements and conditions of any prior certifications.

1276 “Secretary”, the secretary of housing and livable communities.

1277 “Single-family dwelling”, (i) a residential property containing not more than 4 residential  
1278 units; provided, that all units shall comprise a single property, to be sold to and owned by a  
1279 single homeowner; or (ii) a condominium unit in a professionally managed condominium  
1280 development.

1281 “Sponsor”, a sponsor, as defined in section 25 of chapter 23B, of a qualified  
1282 homeownership development project or owner of a qualified homeownership development  
1283 project.

1284 “Taxpayer”, a taxpayer subject to the income tax under this chapter.

1285 (b)(1) There shall be a Massachusetts homeownership tax credit. The director, in  
1286 consultation with the secretary, may authorize annually under this section and section 6O of  
1287 chapter 62 a total sum not exceeding: (i) \$10,000,000; (ii) the amount, if any, not authorized in

1288 the preceding taxable year; and (iii) any Massachusetts homeownership tax credits returned to  
1289 the director by a sponsor.

1290 (2) A taxpayer may be allowed a nonrefundable tax credit with respect to a qualified  
1291 homeownership development project under this section equal to the credit amount listed on the  
1292 eligibility certificate pursuant to subsection (d). If the credit allowable for any taxable year is  
1293 unused by the taxpayer or exceeds the taxpayer's tax liability under this chapter for the taxable  
1294 year, the taxpayer may carry forward and apply in any subsequent taxable year, the portion, as  
1295 reduced from year to year, of the credit which exceeds the tax for the taxable year; provided,  
1296 however, that in no event shall the taxpayer apply the credit to the tax due for any taxable year  
1297 beginning after the affordability period.

1298 (3) To be eligible to receive a credit pursuant to this section, a sponsor shall submit an  
1299 application to the director on a form and in a manner prescribed by the director, in consultation  
1300 with the secretary; provided, that said application shall include, but shall not be limited to: (i) the  
1301 name and address of the sponsor; (ii) the names and addresses of all members of the project  
1302 development team; (iii) an estimate of the total qualified project expenditures; and (iv) any other  
1303 information as the director, in consultation with the secretary, may require pursuant to the  
1304 qualified homeownership credit allocation plan.

1305 (c)(1) The director, in consultation with the secretary, shall competitively evaluate and  
1306 approve applications and award tax credits under this section for a qualified homeownership  
1307 development project in accordance with the qualified homeownership credit allocation plan. The  
1308 director, in consultation with the secretary, shall determine the credit amount awarded for each

1309 qualified homeownership development project, which shall not exceed the maximum credit  
1310 amount.

1311 (2) The director shall send written notice of the tax credit award to the sponsor of a  
1312 qualified homeownership development project. The notice shall stipulate that receipt of the tax  
1313 credit is contingent upon the sale of all single-family dwellings that are required to be sold to  
1314 qualified buyers and issuance of an eligibility certificate.

1315 (d)(1) Upon completion of a qualified homeownership development project for which a  
1316 tax credit was awarded under this section and the sale of all single-family dwellings that are  
1317 required to be sold to qualified buyers, the sponsor shall provide the director a final qualified  
1318 project expenditures certification for approval. Immediately after approving the final cost  
1319 certification, the director shall compute the credit amount and issue an eligibility certificate to  
1320 the project development owner. The credit amount, which shall be stated on the certificate, shall  
1321 equal the credit award amount stated in the notice issued under paragraph (2) of subsection (c),  
1322 subject to any reduction or increase as the result of the approval of the final qualified project  
1323 expenditures certification; provided, that such amount shall not exceed the maximum credit  
1324 amount.

1325 (2) Each eligibility certificate shall state the credit amount, the years that comprise the  
1326 affordability period, the name, address and taxpayer identification number of the sponsor and all  
1327 members of the project development team, the date the certificate is issued, a unique identifying  
1328 number and any additional information the director, in consultation with the secretary and the  
1329 commissioner, may require. The director shall certify a copy of each eligibility certificate to the  
1330 secretary and the commissioner.

1331 (e)(1) The sponsor shall maintain ownership of a qualified homeownership development  
1332 project and associated single-family dwellings that are required to be sold to qualified buyers  
1333 until such dwellings are sold to qualified buyers.

1334 (2) The qualified buyer of a single-family dwelling constructed as part of a qualified  
1335 homeownership development project for which a tax credit was issued under this section shall  
1336 occupy such single-family dwelling as the qualified buyer's primary residence during the  
1337 affordability period. If a single-family dwelling constructed as part of a qualified homeownership  
1338 development project is sold during the affordability period, the seller shall transfer to the director  
1339 an amount equal to 90 per cent of the gain from such resale, reduced by 10 per cent for each year  
1340 of the affordability period that ends before the date of such sale, subject to such additional  
1341 criteria as may be established under the qualified homeownership credit allocation plan. The  
1342 director shall use any amount received pursuant to a repayment under this paragraph for the  
1343 purposes of providing financial assistance to first-time homebuyers and offsetting the costs of  
1344 administering this section; provided, however, that a qualified buyer of a single-family dwelling  
1345 that includes more than 1 residential unit need only occupy a single residential unit within the  
1346 single-family dwelling as the qualified buyer's primary residence during the affordability period  
1347 and may lease any additional units to third-party lessees.

1348 (3) The director may place a lien on each single-family dwelling constructed as part of a  
1349 qualified homeownership development project for an amount it deems necessary to ensure  
1350 potential repayment pursuant to this paragraph.

1351 (4) During the affordability period, a qualified buyer of a single-family dwelling that  
1352 includes more than 1 residential unit shall not separate the ownership of individual residential  
1353 units within the single-family dwelling.

1354 (f)(1) All or any portion of a tax credit issued in accordance with this section may be  
1355 transferred, sold or assigned to any individual or entity and the transferee shall be entitled to  
1356 claim the credit pursuant to paragraph (2) of subsection (b) with the same effect as if the  
1357 transferee had incurred the qualified project expenditures itself.

1358 (2) A sponsor or transferee desiring to make a transfer, sale or assignment as described in  
1359 paragraph (1) shall submit to the commissioner a statement that describes the amount of the tax  
1360 credit for which such transfer, sale or assignment of the tax credit is eligible. The sponsor shall  
1361 provide to the commissioner appropriate information for the proper allocation of the  
1362 homeownership tax credit.

1363 (3) In the event that recapture of a tax credit is required pursuant to subsection (g), any  
1364 statement submitted to the commissioner pursuant to paragraph (2) shall include the proportion  
1365 of the tax credit required to be recaptured, the identity of each transferee subject to recapture and  
1366 the amount of the tax credit previously transferred to such transferee.

1367 (g) The director, in consultation with the secretary, may request that the commissioner  
1368 disallow or recapture any portion of a tax credit if the director determines that: (i) a sponsor or  
1369 the qualified homeownership development project does not qualify for the credit ceases to  
1370 qualify for the credit; or (ii) the qualified project did not qualify for the credit at the time when  
1371 the credit was claimed. Notwithstanding the time limitations on assessments pursuant to chapter  
1372 62C, the commissioner shall determine the taxpayer or taxpayers that claimed the credit, the tax

1373 against which the credit was claimed and the amount to be recaptured and shall make an  
1374 assessment against the taxpayer or taxpayers for the amount to be recaptured under this section.

1375 (h) The director may assess application, processing and reporting fees to cover the cost of  
1376 administering this section.

1377 (i) The tax credit under this section shall be attributed on a pro rata basis to the owners,  
1378 partners or members of the legal entity entitled to the credit under this section and shall be  
1379 allowed as a credit against the tax due under this chapter from such owners, partners or members  
1380 in a manner determined by the commissioner.

1381 (j) The secretary, in consultation with the commissioner and director, shall adopt any  
1382 rules and promulgate any regulations necessary to administer this section.

1383 SECTION 24. Subsection (b) of section 3800 of said chapter 63, inserted by section 23,  
1384 is hereby amended by striking out paragraph (1) and inserting in place thereof the following  
1385 paragraph:-

1386 (1) There shall be a Massachusetts homeownership tax credit. The director, in  
1387 consultation with the secretary, may authorize annually under this section and section 60 of  
1388 chapter 62 a total sum not exceeding: (i) the amount, if any, not authorized in the preceding  
1389 taxable year; and (ii) any Massachusetts homeownership tax credits returned to the director by a  
1390 sponsor.

1391 SECTION 25. Subsection (c) of section 10 of chapter 70B of the General Laws, as  
1392 appearing in the 2022 Official Edition, is hereby amended by adding the following sentence:- At  
1393 least 1 incentive percentage point shall be provided for a project in a district that has adopted an



1394 overlay zoning district under chapter 40R; provided, however, that no incentive points shall be  
1395 awarded for a project in a district determined to be noncompliant by the executive office of  
1396 housing and livable communities under section 3A of chapter 40A.

1397 SECTION 26. Subsection (a) of section 52 of chapter 93 of the General Laws, as so  
1398 appearing, is hereby amended by adding the following clause:- (7) eviction records sealed  
1399 pursuant to section 16 of chapter 239.

1400 SECTION 27. Section 127I of chapter 111 of the General Laws, as so appearing, is  
1401 hereby amended by adding the following paragraph:-

1402 Notwithstanding the fourth paragraph, following the appointment of a receiver for a  
1403 vacant residential property, the court, upon motion by the receiver with notice to the owner,  
1404 mortgagee and all interested parties, may allow the sale of the property to a nonprofit entity for  
1405 fair market value in its then current condition. Any such sale shall be conditioned upon the court  
1406 finding that the nonprofit entity agrees to correct all outstanding state sanitary code violations  
1407 and rehabilitate the property for sale to a first-time homebuyer whose income is not more than  
1408 120 per cent of the area median income as determined by the United States Department of  
1409 Housing and Urban Development; provided, however, that a nonprofit entity shall demonstrate to  
1410 the court adequate expertise and resources necessary to rehabilitate the property and correct  
1411 outstanding state sanitary code violations. Any such motion filed by a receiver pursuant to this  
1412 paragraph shall be heard by the court not less than 30 days following the filing date, during  
1413 which period the owner, mortgagee and any other interested parties may join a motion for leave  
1414 to correct all outstanding state sanitary code violations at the property. Upon a finding by the  
1415 court that the owner, mortgagee or other interested party has the intention and ability to correct

1416 all outstanding state sanitary code violations, the court shall stay the hearing on the receiver's  
1417 motion for a reasonable period of time to allow the owner, mortgagee or other interested party to  
1418 correct such outstanding sanitary code violations.

1419 SECTION 28. Section 87DDD1/2 of chapter 112 of the General Laws, as so appearing, is  
1420 hereby amended by adding the following 2 sentences: - Such licensed broker or salesperson may  
1421 solely contract with a prospective tenant to find for rent residential or commercial real property  
1422 for a tenant and present an offer to lease to the landlord or landlord's agent and negotiate on  
1423 behalf of the tenant or may solely contract with a landlord or landlord's agent to find a tenant for  
1424 a property. Any fee shall only be paid by the party, lessor or tenant who originally engaged and  
1425 entered into a contract with the licensed broker or salesperson.

1426 SECTION 29. Chapter 121B of the General Laws is hereby amended by striking out  
1427 section 3A, as so appearing, and inserting in place thereof the following section:-

1428 Section 3A. (a) Any number of cities or towns may, with the approval of their respective  
1429 municipal officers and the department, create or disband by a contract subject to the approval of  
1430 the department a regional housing authority with all of the powers and obligations of the  
1431 constituent authorities to act in the place of the several housing authorities, if any, theretofore  
1432 existing. Such contract shall set forth the rights, powers and obligations of the regional housing  
1433 authority within the several cities or towns in which it is to operate. Any unresolved dispute that  
1434 may arise as to the rights, powers or obligations conferred by such contract shall be referred to  
1435 the department for resolution.

1436 (b) Notwithstanding the foregoing, or any general or special law to the contrary, not less  
1437 than 2 local housing authorities may, with the approval of their respective boards and the

1438 department, merge to create a regional housing authority with all the powers and obligations of  
1439 the constituent authorities theretofore existing. Such creation of a regional housing authority by  
1440 merger of not less than 2 local housing authorities shall not require the use of special legislation  
1441 pursuant to chapter 268A of the General Laws. The department shall issue guidelines for  
1442 approving mergers of not less than 2 local housing authorities pursuant to this subsection;  
1443 provided, however, that such guidelines shall include, but not be limited to, provisions for  
1444 approving board structures of regional housing authorities created pursuant to this subsection and  
1445 provisions for the creation and operation of a regional local preference to apply to residents of  
1446 the cities or towns in which a regional housing authority created pursuant to this subsection is to  
1447 operate.

1448 SECTION 30. Section 11 of said chapter 121B, as so appearing, is hereby amended by  
1449 striking out paragraphs (n) and (o) and inserting in place thereof the following 3 paragraphs:-

1450 (n) To join or cooperate at least 1 other operating agencies in the exercise, either jointly  
1451 or otherwise, of any of their powers for the purpose of financing, including the issuance of  
1452 bonds, notes or other obligations and the giving of security therefore, planning, undertaking,  
1453 owning, constructing, operating or contracting with respect to any project or projects authorized  
1454 by this chapter located within the area within which at least 1 of such authorities are authorized  
1455 to exercise their powers and for such purpose to prescribe and authorize, by resolution, any  
1456 operating agency so joining and cooperating with it to act in its behalf in the exercise of any of  
1457 such powers;

1458 (o) To lease energy saving systems that replace non-renewable fuels with renewable  
1459 energy such as solar powered systems; and

1460 (p) To secure, with the approval of the department, in consultation with the executive  
1461 office for administration and finance, indebtedness incurred for the preservation, modernization  
1462 and maintenance of at least 1 of its low rent housing developments assisted under section 32 or  
1463 34 by a pledge of a portion of capital funds awarded to it for improvements to be carried out  
1464 pursuant to a capital improvement plan, approved by the department and in accordance with  
1465 department regulations governing capital projects. The department, in consultation with the  
1466 executive office for administration and finance, shall promulgate regulations to establish  
1467 limitations on the percentage of awarded capital funds that may be pledged to secure  
1468 indebtedness, describe permitted terms for borrowing and repayment and establish criteria for  
1469 operating agencies permitted to incur indebtedness secured by a pledge of capital funds. Any  
1470 pledge of future year capital funds pursuant to this section shall be subject to the availability of  
1471 funds under the department's capital spending plan. All financing documents related to future  
1472 year capital fund amounts shall include a statement that the credit of the commonwealth is not  
1473 pledged and that the pledging of funds shall be subject to the availability of funds under the  
1474 department's capital spending plan.

1475 SECTION 31. Section 26C of said chapter 121B is hereby amended by striking out, in  
1476 lines 20 and 21, as so appearing, the words "the housing authority without requiring payment for  
1477 the services by the housing authority" and inserting in place thereof the following words:- a  
1478 housing authority with not more than 500 state-aided units without requiring payment for  
1479 services by the housing authority; and provided further, that the capital assistance team may  
1480 require payment for services provided to a housing authority with more than 500 state-aided  
1481 units and for additional services not covered by this section and approved by the department.

1482 SECTION 32. Said section 26C of said chapter 121B is hereby further amended by  
1483 striking out subsection (e), as so appearing, and inserting in place thereof the following  
1484 subsection:-

1485 (e) There shall be a capital assistance advisory board consisting of 2 members appointed  
1486 by each of the 3 capital assistance teams and 1 member appointed by the department, who shall  
1487 have not less than 5 years of experience as the manager of not less than 200 units of privately-  
1488 owned housing. Only members of participating housing authorities in the region shall be eligible  
1489 for appointment to the advisory board. The advisory board shall meet on an annual basis with the  
1490 capital assistance team directors, host housing authority directors and the secretary of housing  
1491 and livable communities, or a designee, and shall discuss issues of program performance and  
1492 coordination.

1493 SECTION 33. The first paragraph of section 29 of said chapter 121B, as so appearing , is  
1494 hereby amended by striking out the first sentence and inserting in place thereof the following  
1495 sentence:- The members of a housing authority shall biennially, or more frequently as required  
1496 by the department, and at a time to be determined by the department, file with the department a  
1497 written report for its preceding fiscal years since its last previously filed written report.

1498 SECTION 34. Said first paragraph of said section 29 of said chapter 121B, as so  
1499 appearing, is hereby further amended by adding the following sentence:-Notwithstanding the  
1500 foregoing, nothing in this section shall exempt a housing authority from submitting an annual  
1501 plan pursuant to section 28A and this section.

1502 SECTION 35. Section 34 of said chapter 121B, as so appearing, is hereby amended by  
1503 adding the following paragraph:-

1504 Notwithstanding any general or special law to the contrary, the tenants of a state-aided or  
1505 federally-aided public housing project transferred or conveyed pursuant to the fourteenth  
1506 paragraph shall maintain all rights pursuant to federal, state and local subsidy programs  
1507 originally applicable to the project, including tenant contribution, lease terms, eviction, right to  
1508 return, grievance, resident participation, preference in hiring and privacy rights, except as may be  
1509 required to secure financing necessary for the feasibility of the project or to meet associated  
1510 programmatic eligibility requirements after notice to affected tenants with an opportunity to  
1511 comment. The redevelopment of such public housing project shall not be the basis for the: (i)  
1512 termination of assistance or eviction of any tenant; (ii) reduction of assistance or eviction of any  
1513 tenant; or (iii) re-screening any existing tenant; provided, however, that no existing tenant shall  
1514 be considered a new admission for any purpose, including, but not limited to, compliance with  
1515 any income targeting requirements. Any such project shall have at least the same number of low  
1516 rent housing units as the number of low rent housing units in the existing project. The  
1517 requirements of this paragraph shall be implemented through contracts, use agreements,  
1518 regulations or other means, as determined by the department; provided, however, that such  
1519 contracts, use agreements, regulations or other means shall be in compliance with all local, state  
1520 and federal subsidy programs applicable and shall delineate: (i) the roles of the housing authority  
1521 and other agencies in monitoring and enforcing compliance, including tracking temporary and  
1522 permanent displacement; (ii) how the housing authority shall rehouse tenants so there shall be no  
1523 displacement from affordable housing programs operated by the housing authority; and (iii) how  
1524 tenants shall be provided with technical assistance to facilitate meaningful input related to the  
1525 redevelopment of the proposed project. The benefits of such contracts, use agreements,  
1526 regulations or other means shall inure to any tenant who occupied a unit within the project at the

1527 time of the transfer or conveyance of the project. Protections relating to tenant contribution, lease  
1528 terms, eviction, grievance, resident participation, preference in hiring and privacy rights, except  
1529 as may be required to secure financing necessary for the feasibility of the project or to meet  
1530 associated programmatic eligibility requirements, shall inure to both present or future tenants or  
1531 applicants of the project, who shall have the right to enforce the same as third-party  
1532 beneficiaries. Nothing in this section shall create a separate or new administrative process of  
1533 appeal or review for any grievance governed by the lease of any tenant. Tenants shall have an  
1534 opportunity for comment on a project proposed under the fourteenth paragraph and an  
1535 opportunity for public comment to be organized by the owners, controlled entities, designated  
1536 private entities or public housing authorities responsible for such projects with adequate notice.

1537 SECTION 36. The third sentence of subsection (b) of section 3 of chapter 121E of the  
1538 General Laws, as so appearing, is hereby amended by striking out clause (3) and inserting in  
1539 place thereof the following clause:-

1540 (3) issued only if a contract or agreement for the use of the property for housing purposes  
1541 provides for the recording of a restriction in the registry of deeds or the registry district of the  
1542 land court in the county in which the affected real property is located, for the benefit of the  
1543 department, running with the land, that the land be used for providing alternative forms of rental  
1544 and ownership housing; provided, however, that the property shall not be released from the  
1545 restriction until: (i) the balance of the principal and interest for the loan has been repaid in full;  
1546 (ii) a mortgage foreclosure deed has been recorded; or (iii) there has been a disposition of the  
1547 property; provided further, that the department may release the property from the restriction if  
1548 the department determines that relevant clients will be better served at an alternative property  
1549 and the proceeds from the disposition of the property will be used, to the extent necessary, for

1550 the replacement of the housing at the property to: (A) acquire such alternative property; or (B)  
1551 rehabilitate such alternative property;.

1552 SECTION 37. Said section 3 of said chapter 121E, as so appearing, is hereby further  
1553 amended by striking out, in lines 41 to 44, inclusive, the words “, provided that the project  
1554 continues to remain affordable housing as set forth in the contract or agreement entered into for  
1555 the duration of the project by the department” and inserting in place thereof the following  
1556 words:- ; provided further, that the project, whether at the original property or at an alternative  
1557 property pursuant to clause (3), continues to remain affordable housing as set forth in the  
1558 contract or agreement entered into for the duration of the project by the department.

1559 SECTION 38. Section 2 of chapter 121F of the General Laws, as so appearing, is hereby  
1560 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

1561 (a) There shall be within the department a separate fund to be known as the Housing  
1562 Stabilization and Investment Trust Fund. The department shall administer the fund and shall  
1563 ensure that funds are distributed among urban, suburban and rural areas with a particular  
1564 emphasis on the development of alternative forms of housing and local and regional needs. Such  
1565 funds shall be used for the purpose of undertaking projects to develop and support affordable  
1566 housing developments and homeownership affordability through the acquisition, preservation,  
1567 new construction and rehabilitation of affordable housing, including, but not limited to, the  
1568 preservation and improvement of existing privately-owned and state or federally-assisted  
1569 housing. The fund may be used to provide assistance for: (i) projects to stabilize and promote  
1570 reinvestment in cities and towns, including, but not limited to, preserving and improving existing  
1571 privately-owned and state or federally-assisted housing and any other techniques necessary to



1572 achieve reinvestment; provided, however, that funds may be expended for energy audits and  
1573 housing modifications to achieve energy efficiency and conservation; and (ii) housing where the  
1574 expiration of federal or state low-income housing tax credits or other federal or state subsidies  
1575 would lead or has led to the termination of a use agreement for low-income housing or in which  
1576 a project-based rental assistance contract is expiring or has expired. The fund shall be an  
1577 expendable trust fund and shall not be subject to appropriation.

1578 SECTION 39. Said section 2 of said chapter 121F, as so appearing, is hereby further  
1579 amended by striking out, in line 28, the words “nonprofit or for-profit organizations” and  
1580 inserting in place thereof the following words:- eligible entities pursuant to subsection (a) of  
1581 section 3.

1582 SECTION 40. Said section 2 of said chapter 121F, as so appearing, is hereby further  
1583 amended by striking out, in lines 35 to 38, inclusive, the words “or the Community Economic  
1584 Development Assistance Corporation established in chapter 40H to provide assistance from the  
1585 fund for projects owned or sponsored by nonprofit organizations” and inserting in place thereof  
1586 the following words:- to provide assistance from the fund.

1587 SECTION 41. Section 3 of said chapter 121F, as so appearing, is hereby amended by  
1588 striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

1589 (a) The fund shall finance low and no-interest loans, grants, subsidies, credit  
1590 enhancements and other financial assistance for rental and ownership housing; provided,  
1591 however, that any assistance provided shall be the minimum amount necessary to make a project  
1592 feasible; provided further, that loans, grants, subsidies, credit enhancements and other financial  
1593 assistance pursuant to this chapter may be provided to qualified for-profit or non-profit

1594 developers, community development corporations, local housing authorities, community action  
1595 agencies, community-based or neighborhood-based non-profit housing organizations, other  
1596 nonprofit organizations and for-profit entities and governmental entities; provided further, that  
1597 recipients may enter into subcontracts to administer the contracts with other for-profit or  
1598 nonprofit organizations; provided further, that loans, grants, subsidies, credit enhancements and  
1599 other financial assistance pursuant to this chapter may be provided for the acquisition of property  
1600 to provide or preserve affordable housing; provided further, that the loan program may be  
1601 administered by the department through contracts with the Massachusetts Housing Partnership  
1602 Fund established in section 35 of chapter 405 of the acts of 1985; provided further, that the  
1603 program may include acquisition, financing and other holding costs, interim management costs  
1604 and operating costs and may be used by the Massachusetts Housing Partnership Fund to secure,  
1605 collateralize or reserve against other financing obtained by the Massachusetts Housing  
1606 Partnership Fund to support such costs; and provided further, that not less than 75 per cent of the  
1607 beneficiaries of the housing shall be persons whose income is not more than 60 per cent of the  
1608 area median income as determined by the United States Department of Housing and Urban  
1609 Development and not less than 13 per cent of the beneficiaries of the housing shall be persons  
1610 whose income is not more than 30 per cent of the area median income as determined by the  
1611 United States Department of Housing and Urban Development.

1612 (b)(1) Activities eligible for assistance from the fund shall include, but not be limited to:

1613 (i) projects to develop and support affordable housing developments and homeownership  
1614 affordability through the acquisition, preservation, new construction and rehabilitation of  
1615 affordable housing; and (ii) the preservation of affordable housing developments that: (A) are  
1616 currently, or were previously, subject to prepayment or payment of a state or federally-assisted

1617 mortgage; (B) are receiving project-based rental assistance under section 8 of the United States  
1618 Housing Act of 1937, 42 U.S.C. 1437f, and the rental assistance is expiring; or (C) have received  
1619 other project-based federal or state subsidies that are terminating or have terminated.

1620 (2) Property eligible for assistance shall include, but not be limited to, housing where the  
1621 prepayment or payment of a state or federally-assisted mortgage or the expiration of federal low  
1622 income housing tax credits or other federal or state subsidies would lead or has led to the  
1623 termination of a use agreement for low income housing or in which a project-based rental  
1624 assistance contract is expiring or has expired; provided, however,, that a property eligible for  
1625 assistance that has been acquired for the purpose of preserving or improving the property shall  
1626 not lose eligibility due to actions by the purchaser to renew or extend state or federal contracts or  
1627 subsidies.

1628 (3) The department, in consultation with nonprofit organizations, the Community  
1629 Economic Development Assistance Corporation, the Massachusetts Housing Finance Agency  
1630 and the Massachusetts Housing Partnership Fund, shall identify projects at the greatest risk of  
1631 prepayment, payment, termination of subsidies and use restrictions or nonrenewal of rental  
1632 assistance. Funding priority shall be based on at-risk criteria to be determined by the department  
1633 and set forth in regulations promulgated by the department.

1634 SECTION 42. Said section 3 of said chapter 121F, as so appearing, is hereby further  
1635 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

1636 (d) Prior to providing assistance pursuant to this section, the department shall determine  
1637 that the: (i) housing would not, by private enterprise alone and without government assistance, be  
1638 available to lower income families and individuals; and (ii) amount of assistance is the minimum

1639 amount necessary to make the housing development feasible. The department shall require, as a  
1640 condition of receiving assistance, that: (i) the housing remain affordable for its useful life as  
1641 determined by the department; and (ii) with respect to rental housing, the operations of the owner  
1642 and its articles of organization and by-laws, and any changes thereto, shall be subject to  
1643 regulation by the department.

1644 SECTION 43. Section 5 of said chapter 121F, as so appearing, is hereby amended by  
1645 striking out, in lines 2 to 5, inclusive, the words “including, but not limited to, regulations  
1646 relative to grants to cities and towns for the demolition of certain vacant and abandoned  
1647 buildings and procedures for neighborhood revitalization plans”.

1648 SECTION 44. The General Laws are hereby amended by inserting after chapter 121G the  
1649 following chapter:-

1650 CHAPTER 121H

1651 SUPPORTIVE HOUSING POOL TRUST FUND

1652 Section 1. As used in this chapter, the following words shall have the following meanings  
1653 unless the context clearly requires otherwise:

1654 “Chronically homeless”, a person who has been homeless for at least 1 year or has been  
1655 repeatedly homeless.

1656 “Executive office”, the executive office of housing and livable communities.

1657 “Fund”, the Supportive Housing Pool Trust Fund established in section 2.

1658 “Permanent supportive housing”, rental housing that includes supportive services for  
1659 individuals and families who may be homeless or chronically homeless, individuals and families  
1660 with behavioral health needs or substance addiction needs, survivors of domestic violence,  
1661 survivors of human trafficking, survivors of sexual violence, individuals and families at risk of  
1662 entering or transitioning out of the foster care system, youth and young adults, seniors and  
1663 veterans or other individuals with similar needs, as determined by the executive office.

1664 Section 2. (a) There shall be a Supportive Housing Pool Trust Fund to support the  
1665 production of permanent supportive housing. The fund shall be administered by the executive  
1666 office, directly or through contracts with at least 1 of the following administering agencies: (i)  
1667 the Community Economic Development Assistance Corporation, established under chapter 40H;  
1668 (ii) the Massachusetts Housing Partnership Fund, established under section 35 of chapter 405 of  
1669 the acts of 1985; or (iii) the Massachusetts Housing Finance Agency, established under section 3  
1670 of chapter 708 of the acts of 1966; provided, however, that an administering agency may directly  
1671 offer financial assistance for the purposes pursuant to this section or may enter into subcontracts  
1672 with nonprofit organizations established under chapter 180 for those purposes; and provided  
1673 further, that the administering agency may establish additional program requirements through  
1674 regulations or policy guidelines.

1675 (b) There shall be credited to the fund: (i) revenue from appropriations or other money  
1676 authorized by the general court and specifically designated for the fund; (ii) any gifts, grants,  
1677 private contributions, repayment of loans, fees and charges imposed relative to the making of  
1678 loans, grants, subsidies, credit enhancements and other financial assistance; (iii) any investment  
1679 income earned on the fund’s assets; and (iv) any other sources. Money remaining in the fund at  
1680 the end of a fiscal year shall not revert to the General Fund.

1681           Section 3. Funds expended pursuant to this chapter shall be in the form of grants, loans or  
1682 other financial assistance to projects and organizations that shall provide stable housing options  
1683 and supportive services to residents of permanent supportive housing, which may include, but  
1684 shall not be limited to, staffing, case management, service coordination or other tenancy-related  
1685 services provided by a project sponsor or through a third party, or other services or activities that  
1686 the executive office has determined are essential to the day-to-day operation of permanent  
1687 supportive housing.

1688           Section 4. The executive office may promulgate regulations for the implementation,  
1689 administration and enforcement of this chapter and may, in consultation with the executive office  
1690 of health and human services, the executive office of elder affairs, the department of children and  
1691 families and the Massachusetts office of victim assistance, issue guidelines for the fund.

1692           SECTION 45. Chapter 183A of the General Laws is hereby amended by striking out  
1693 section 16, as appearing in the 2022 Official Edition, and inserting in place thereof the following  
1694 section:-

1695           Section 16. The owners of any land may submit the land under this chapter by the  
1696 recording in the registry of deeds of a master deed or, if the title to the land is registered under  
1697 chapter 185, by filing the master deed under said chapter 185.

1698           SECTION 46. Chapter 185 of the General Laws is hereby amended by striking out  
1699 section 52, as so appearing, and inserting in place thereof the following section:-

1700           Section 52. (a) As used in this section, “notice of voluntary withdrawal” shall mean an  
1701 instrument in writing, signed and acknowledged by all owners of the land to be voluntarily  
1702 withdrawn, that contains the following information: (i) names and addresses of all owners; (ii)

1703 the certificate of title number with the registration book and page number; (iii) a description of  
1704 the land in the form contained in the certificate of title or a description, incorporating by  
1705 reference the lot numbers, if numbered, and the land court plan, together with a reference to the  
1706 certificate with which the plan is filed; and (iv) the street address of the land, if any. The notice  
1707 of voluntary withdrawal shall include a notification to all interest holders entitled to notice that  
1708 any objection to the requested withdrawal shall be filed with the court not later than 30 days  
1709 following the service of the notice or the right to file an objection shall be waived.

1710 (b) A judgment of registration and the entry of a certificate of title shall be  
1711 regarded as an agreement running with the land and binding upon the plaintiff and the  
1712 plaintiff's successors in title that the land shall be and forever remain registered land and subject  
1713 to this  
1714 chapter unless withdrawn under this section and except as provided in section 26.

1715 (c) If all of a parcel of land, the title to which is registered under this chapter, is acquired  
1716 by the commonwealth, any agency, department, board, commission or authority of the  
1717 commonwealth, any political subdivision of the commonwealth or any agency, department,  
1718 board, commission or authority of any political subdivision of the commonwealth, the  
1719 acquisition shall be a sufficient ground for withdrawal of the registered land from this chapter.  
1720 Such land shall be withdrawn upon the filing with the land court of a complaint for voluntary  
1721 withdrawal by the public entity and the endorsement by a justice of the land court of such notice  
1722 of withdrawal, which shall be filed in the registry district where the land is located.

1723 (d) The owners of the fee simple estate in a parcel of land, the title to which has been  
1724 registered under this chapter, may voluntarily withdraw the registered land from this chapter by

1725 filing with the land court a complaint for voluntary withdrawal naming themselves as all of the  
1726 owners of the fee simple estate in the entire parcel of land and identifying any mortgagees,  
1727 lessees or option holders of record having an interest in the registered land, together with a notice  
1728 of voluntary withdrawal. The plaintiff shall file with the complaint sufficient documentation to  
1729 establish conclusively their ownership of the fee simple estate in the entire parcel of land that is  
1730 the subject of the complaint including, but not limited to, a last-prepared certificate of title,  
1731 deeds, conveyance records and any other documents or instruments that demonstrate their  
1732 ownership interest. The plaintiff may also file with the court written and signed assents from any  
1733 interest holders entitled to notice who have agreed to the withdrawal. Upon the request of the  
1734 plaintiff or upon the court's determination of reasonable need, the court may appoint an  
1735 examiner of title, whose fees shall be paid by the plaintiffs, to prepare a report sufficient to  
1736 identify the current owners and all current mortgagees, lessees and option holders with interests  
1737 in the land who are entitled to notice. The court's order of appointment shall be made not later  
1738 than 30 days after receipt of the complaint or upon request for appointment, if such request is  
1739 later made, unless the court, for good cause, determines that appointment at a later time is  
1740 indicated, and shall direct such report to be prepared and filed with the court not later than 14  
1741 days after the appointment is made, unless the court, for good cause, then or thereafter allows  
1742 further time. All interest holders entitled to notice who have not assented to the voluntary  
1743 withdrawal shall be served by certified mail with a file-stamped copy of the complaint and notice  
1744 of voluntary withdrawal. The court may order further notice to be given, including by additional  
1745 means, if the court determines it to be necessary or desirable to accomplish effective service. The  
1746 plaintiff shall file with the court an affidavit certifying that such notice by certified mail or other



1747 means ordered by the court has been given, together with proof of service. If the plaintiffs are  
1748 represented by counsel, the affidavit shall be executed by counsel.

1749 (e) If no objection has been filed by any interest holder entitled to notice not later than 30  
1750 days following service, a justice of the court shall approve and endorse the notice of voluntary  
1751 withdrawal not later than 30 days following receipt of all required information and  
1752 documentation unless the court, for good cause, determines that further time is indicated.  
1753 Notwithstanding the filing of an objection not later than 30 days, the notice of voluntary  
1754 withdrawal shall be endorsed by a justice of the land court unless the court determines that there  
1755 is good cause for the objection. Upon endorsement by a justice of the land court, the notice of  
1756 voluntary withdrawal shall be filed for registration and noted on the memorandum of  
1757 encumbrances for the certificate of title and may be recorded with the registry of deeds for the  
1758 district within which the land lies, whereupon the land shall be withdrawn from this chapter and  
1759 shall become unregistered land. The owners shall hold title to the land free of all liens and  
1760 encumbrances, including adverse possession and prescriptive rights, existing as of the date the  
1761 judicially-endorsed notice of voluntary withdrawal is noted on the memorandum of  
1762 encumbrances, as though a judgment of confirmation without registration had been recorded  
1763 under section 56A; provided, however, that the owners shall not hold title free of the  
1764 encumbrances set forth or referred to in section 46 and those noted on the certificate of title or  
1765 filed for registration before the date the endorsed notice of voluntary withdrawal is noted on the  
1766 memorandum of encumbrances.

1767 (f) The chief justice of the land court or a designee may promulgate rules or establish  
1768 practices, guidelines, forms or procedures, including an appropriate filing fee for the complaint  
1769 and notice of voluntary withdrawal, as necessary to implement this section.

1770 SECTION 47. Said chapter 185 is hereby further amended by striking out section 114, as  
1771 so appearing, and inserting in place thereof the following section:-

1772 Section 114. (a) No erasure, alteration or amendment shall be made upon the registration  
1773 book after the entry of a certificate of title or of a memorandum thereon and the attestation of the  
1774 same by the recorder or an assistant recorder without court order, except when an assistant  
1775 recorder, upon approval of the chief title examiner of the land court or the chief title examiner's  
1776 designee, determines that a clerical error or omission has been made in the entry of the certificate  
1777 of title or memorandum thereon.

1778 (b) A registered owner or other person in interest may apply by complaint to the court  
1779 upon the grounds that: (i) registered interests of any description, whether vested, contingent,  
1780 expectant or inchoate, have terminated and ceased; (ii) new interests not appearing upon the  
1781 certificate have arisen or been created; (iii) an error or omission was made in entering a  
1782 certificate or any memorandum thereon; (iv) the name of any person on the certificate has been  
1783 changed; (v) the registered owner has married or, if registered as married, the marriage has been  
1784 dissolved; (vi) a corporation which owned registered land and has been dissolved has not  
1785 conveyed the same within 3 years after its dissolution; or (vii) upon any other reasonable ground  
1786 and the court may hear and determine the complaint after notice to all parties in interest. The  
1787 court may order the entry of a new certificate, the entry or cancellation of a memorandum upon a  
1788 certificate or grant any other relief upon such terms as it deems proper, including requiring  
1789 security if necessary. Nothing in this section shall authorize the court to open the original  
1790 judgment of registration and nothing shall be done by the assistant recorder or ordered by the  
1791 court that shall impair the title or other interest of a purchaser holding a certificate for value and  
1792 in good faith, or their heirs or assigns, without their written consent.

1793 SECTION 48. Chapter 239 of the General Laws is hereby amended by adding the  
1794 following section:-

1795 Section 16. (a) For the purposes of this section, the following words shall have the  
1796 following meanings unless the context clearly requires otherwise:-

1797 “Consumer report”, a written, oral or other communication of any information by a  
1798 consumer reporting agency bearing on a person’s credit worthiness, credit standing or credit  
1799 capacity that is used or expected to be used or collected, in whole or in part, for the purpose of  
1800 serving as a factor in establishing the person’s eligibility for rental housing or other purposes  
1801 authorized under section 51 of chapter 93.

1802 “Consumer reporting agency”, an individual, partnership, corporation, trust, estate,  
1803 cooperative, association, government or governmental subdivision or agency or other entity that,  
1804 for monetary fees, dues or on a cooperative nonprofit basis, regularly engages, in whole or in  
1805 part, in the practice of assembling or evaluating consumer credit information or other  
1806 information on consumers for the purpose of furnishing consumer reports to third parties.

1807 “Court”, the trial court of the commonwealth established pursuant to section 1 of chapter  
1808 211B and any departments or offices established within the trial court.

1809 “Court record”, any paper or electronic records or data in any communicable form  
1810 compiled by, on file with or in the care custody or control of, the court that concern a person and  
1811 relate to the nature or disposition of an eviction action or a lessor action.

1812 “Eviction action”, a summary process action under this chapter to recover possession of  
1813 residential premises.

1814 “Lessor action”, any civil action brought against the owner, manager or lessor of  
1815 residential premises by the tenant or occupant of such premises relating to or arising out of such  
1816 property, rental, tenancy or occupancy for breach of warranty, breach of any material provision  
1817 of the rental agreement or violation of any other law.

1818 “No-fault eviction”, any eviction action in which the notice to quit, notice of termination  
1819 or complaint does not include an allegation of nonpayment of rent or violation of any material  
1820 term of the tenancy by the tenant or occupant; provided, however, that a “no-fault eviction” shall  
1821 include an action brought after termination of a tenancy for economic, business or other reasons  
1822 not constituting a violation of the terms of the tenancy.

1823 (b) Any person having a court record of a no-fault eviction on file in a court may petition  
1824 the court to seal the court record at any time after the conclusion of the action, including  
1825 exhaustion of all rights of appeal. The petition shall be on a form furnished by the trial court of  
1826 the commonwealth, signed under the penalties of perjury and filed in the same court as the action  
1827 sought to be sealed. If an action was active in more than 1 court during its pendency, a petition  
1828 may be filed in each such court. Notice shall be given to parties to the original action. The court  
1829 shall comply with the petitioner’s request to seal the court record pursuant to this subsection;  
1830 provided, however, that the record only pertains to a no-fault eviction and the action to which the  
1831 record relates has concluded with all rights of appeal exhausted. If no objection is filed by a party  
1832 within 7 days of filing the petition, such court may, in its discretion, process such petitions  
1833 administratively without a hearing.

1834 (c) Any person having a court record in an eviction action for nonpayment of rent on file  
1835 in a court may, on a form furnished by the trial court and signed under the penalties of perjury,

1836 petition the court to seal the court record. The petition shall be filed in the same court as the  
1837 action sought to be sealed. If an action was active in more than 1 court during its pendency, a  
1838 petition may be filed in each such court. Notice shall be given to parties to the original action.  
1839 The court shall comply with the petitioner's request to seal the court record pursuant to this  
1840 subsection; provided, however, that the action to which the record relates concluded, including  
1841 exhaustion of all rights of appeal, not less than 4 years before the request and no eviction action  
1842 for nonpayment or lessor action has been brought against the petitioner within the  
1843 commonwealth in the 4 years preceding the request; provided further, that the petitioner certifies  
1844 on the petition that the nonpayment of rent was due to an economic hardship and such economic  
1845 hardship has rendered them unable to satisfy the judgment. If no objection is filed by a party, the  
1846 court may, in its discretion, process such petitions administratively without a hearing. If an  
1847 objection is filed by a party, within 7 days of filing the petition, the court shall conduct a hearing  
1848 to determine the petitioner's compliance with the foregoing conditions and may require the  
1849 petitioner to complete a financial statement on a form furnished by the trial court.

1850 (d) Any person having a court record of a fault eviction on file in a court may, on a form  
1851 furnished by the trial court and signed under the penalties of perjury, petition the court to seal the  
1852 court record. The petition shall be filed in the same court as the action sought to be sealed. If an  
1853 action was active in more than 1 court during its pendency, a petition may be filed in each such  
1854 court. Notice shall be given to parties to the original action. The court shall comply with the  
1855 petitioner's request to seal the court record pursuant to this subsection; provided, however, that  
1856 the action to which the record relates concluded, including exhaustion of all rights of appeal, not  
1857 less than 7 years before the request and no eviction action for fault or lessor action has been  
1858 brought against the petitioner within the commonwealth in the 7 years preceding the request. If

1859 no objection is filed by a party, within 7 days of filing the petition, the court may, in its  
1860 discretion, process such petitions administratively without a hearing.

1861 (e) Any person having a court judgment against them in a civil action commenced  
1862 pursuant to section 19 of chapter 139 on file in a court may, on a form furnished by the trial court  
1863 and signed under the penalties of perjury, petition the court to seal the court record. The petition  
1864 shall be filed in the same court as the action sought to be sealed. If an action was active in more  
1865 than 1 court during its pendency, a petition may be filed in each such court. Notice shall be given  
1866 to parties to the original action. The court shall schedule a hearing to determine whether: (i) the  
1867 action to which the record relates concluded, including exhaustion of all rights of appeal, not less  
1868 than 7 years before the request and no eviction action for fault, or action pursuant to said section  
1869 19 of said chapter 139, has been brought against the petitioner within the commonwealth in the 7  
1870 years preceding the request, and such petitioner has not been convicted of any criminal offense  
1871 referenced in said section 19 of said chapter 139 during such 7-year period; and (b) the sealing of  
1872 such record is in the interest of justice and public safety. Notwithstanding any provision to the  
1873 contrary, where the plaintiff did not obtain a judgment in its favor, the defendant may petition to  
1874 seal the court record at any time after the conclusion of the action, including exhaustion of all  
1875 rights of appeal.

1876 (f) Upon motion and for good cause shown, or as otherwise authorized by this section,  
1877 court records sealed under this section may, at the discretion of the court and upon a balancing of  
1878 the interests of the litigants and the public in nondisclosure of the information with the interests  
1879 of the requesting party, be made available for public safety, scholarly, educational, journalistic or  
1880 governmental purposes only; provided, however, that the personal identifying information of the  
1881 parties involved in the action shall remain sealed unless the court determines that release of such

1882 information is appropriate under this subsection and necessary to fulfill the purpose of the  
1883 request. Nothing in this subsection shall permit the release of personal identifying information  
1884 for commercial purposes.

1885 (g) Nothing in this section shall prohibit the dissemination of information contained in a  
1886 record sealed pursuant to this section as the court deems necessary or appropriate: (i) for the  
1887 collection of a money judgment; (ii) to pursue a criminal investigation; (iii) to pursue a criminal  
1888 prosecution; or (iv) where information in the sealed record was entered into evidence in a  
1889 criminal prosecution that resulted in a criminal charge.

1890 (h) Nothing in this section shall prohibit a person or their representative from petitioning  
1891 the court to obtain access to sealed eviction records in which the person is a party.

1892 (i) A consumer reporting agency shall not disclose the existence of, or information  
1893 regarding, an eviction record sealed under this section or use information contained in a sealed  
1894 court record as a factor to determine any score or recommendation to be included in a consumer  
1895 report unless the court record was available for inspection with the court not more than 30 days  
1896 of the report date. A consumer reporting agency may include in a consumer report information  
1897 found in publicly available court records; provided, however, that the consumer report shall  
1898 include a person's full name, whether an eviction action was a fault eviction, a no-fault eviction  
1899 or a lessor action and the outcome of any eviction action if such information is contained in the  
1900 publicly-available court record. Information contained in a court record sealed under this section  
1901 shall be removed from the consumer report or from the calculation of any score or  
1902 recommendation to be included in a consumer report not more than 30 days of the sealing of the  
1903 court record from which it is derived. Any consumer reporting agency that violates this

1904 subsection shall be liable to the person who is the subject of the consumer report in an amount  
1905 equal to the sum of any actual damages sustained by the consumer as a result of the violation and  
1906 the costs of the action, including reasonable attorney’s fees. The attorney general shall enforce  
1907 this subsection, and the remedies provided hereunder shall not be exclusive. Nothing in this  
1908 subsection shall waive the rights or remedies of any person under any other law or regulation.

1909 (j) An application used to screen applicants for housing or credit that seeks information  
1910 concerning prior eviction actions of the applicant shall include the following statement: “An  
1911 applicant for housing or credit with a sealed record on file with the court pursuant to section 16  
1912 of chapter 239 of the General Laws may answer ‘no record’ to an inquiry relative to that sealed  
1913 court record.” No party shall be liable for any violation of the foregoing provision unless such  
1914 party has first been issued a written warning from the attorney general and has failed to address  
1915 the violation within 90 days of such notice.

1916 The petition provided by the court for the sealing of records as provided under this  
1917 section and any order granting such petition shall contain the following notice: “An applicant for  
1918 housing or credit with a sealed record on file with the court pursuant to section 16 of chapter 239  
1919 of the General Laws may answer ‘no record’ to an inquiry relative to that sealed court record.”

1920 (k) A party who obtains a judgment or enters into an agreement in an eviction action  
1921 solely for nonpayment of rent shall, not more than 14 days after satisfaction of the judgment or  
1922 agreement, file with the court in which the judgment or agreement was entered a notice of  
1923 satisfaction of the judgment or agreement. A party that has satisfied such judgment or agreement  
1924 may, upon noncompliance with this subsection by the other party, file a petition for the judgment  
1925 or agreement to be deemed satisfied, with notice to the parties to such action. The court shall



1926 comply with the petitioner’s request; provided, however, that the record only pertains to an  
1927 action for nonpayment of rent and the judgment or agreement has been satisfied. If no objection  
1928 is filed by a party within 7 days of filing the petition, the court may, in its discretion, process  
1929 such petition administratively without a hearing. Upon the filing of a notice of satisfaction of  
1930 judgment or an agreement, or court judgment deeming the judgment or agreement satisfied, a  
1931 party may petition the court to seal the court record pertaining to that action. The petition shall be  
1932 on a form furnished by the trial court, signed under the penalties of perjury and filed in the same  
1933 court as the action sought to be sealed. If an action was active in more than 1 court during its  
1934 pendency, a petition may be filed in each such court. Notice shall be given to the parties to the  
1935 original action. The court shall comply with the petitioner’s request and seal the court record if  
1936 the judgment or agreement has been satisfied and the action has concluded, with all rights of  
1937 appeal exhausted and with no objection filed by a party within 7 days of filing the petition. The  
1938 court may process such petitions administratively without a hearing.”

1939 SECTION 49. The first sentence of the first paragraph of section 3 of chapter 708 of the  
1940 acts of 1966 is hereby amended by striking out the words “department of housing and  
1941 community development”, as appearing in section 43 of chapter 204 of the acts of 1996, and  
1942 inserting in place thereof the following words:- executive office of housing and livable  
1943 communities.

1944 SECTION 50. Said first paragraph of said section 3 of said chapter 708, as amended by  
1945 said section 43 of said chapter 204, is hereby further amended by striking out the third sentence  
1946 and inserting in place thereof the following sentence:- Notwithstanding any general or special  
1947 law to the contrary, the MHFA shall not be subject to chapter 30A of the General Laws, sections

1948 24 to 28, inclusive, of chapter 93 of the General Laws and chapters 255E and 255F of the  
1949 General Laws.

1950 SECTION 51. The first sentence of the second paragraph of said section 3 of said chapter  
1951 708 is hereby amended by striking out the words “director of housing and community  
1952 development”, inserted by section 44 of said chapter 204, and inserting in place thereof the  
1953 following words:- secretary of housing and livable communities.

1954 SECTION 52. Paragraph (b) of section 8 of said chapter 708, is hereby amended by  
1955 striking out the sixth sentence, as appearing in section 1 of chapter 34 of the acts of 2003, and  
1956 inserting in place thereof the following sentence:- The aggregate principal amount of notes and  
1957 bonds of the MHFA issued to make mortgage loans pursuant to section 5 and to make or  
1958 purchase loans pursuant to section 5A, outstanding at any 1 time, shall not exceed  
1959 \$10,800,000,000.

1960 SECTION 53. Clause (iii) of the definition of “housing accommodation” in section 3 of  
1961 chapter 527 of the acts of 1983, as appearing in section 4 of chapter 709 of the acts of 1989, is  
1962 hereby amended by striking out the word “buildings” and inserting in place thereof the following  
1963 words:- “owner-occupied buildings”.

1964 SECTION 54. The third sentence of the second paragraph of paragraph (a) of section 35  
1965 of chapter 405 of the acts of 1985, as appearing in section 47 of chapter 204 of the acts of 1996,  
1966 is hereby amended by striking out the words “department of housing and community  
1967 development” and inserting in place thereof the following words:- executive office of housing  
1968 and livable communities.

1969 SECTION 55. Said paragraph (a) of said section 35 of said chapter 405 is hereby further  
1970 amended by striking out the words “communities and development”, as appearing in section 36  
1971 of chapter 102 of the acts of 1990, and inserting in place thereof the following words:- housing  
1972 and livable communities.

1973 SECTION 56. Section 2 of chapter 52 of the acts of 1993 is hereby amended by striking  
1974 out item 4000-8200, as most recently amended by sections 18 of chapter 244 of the acts of 2002,  
1975 and inserting in place thereof the following item:-

1976 4000-8200 For state financial assistance to implement the recommendations of the  
1977 special commission in the form of loans for the development of community-based housing for  
1978 individuals with mental health, intellectual or developmental disabilities; provided, that such  
1979 loan program shall be administered by the executive office of housing and livable communities  
1980 through contracts with housing authorities and redevelopment authorities duly organized and  
1981 existing under chapter 121B of the General Laws, community development corporations duly  
1982 organized and existing under chapter 40F of the General Laws, the Massachusetts Housing  
1983 Finance Agency, a body politic and corporate entity, established under section 3 of chapter 708  
1984 of the acts of 1966, the Community Economic Development Assistance Corporation or CEDAC,  
1985 a body politic and corporate, established under section 3 of chapter 40H of the General Laws and  
1986 the government land bank, a body politic and corporate established under section 2 of chapter  
1987 212 of the acts of 1975; provided further, that the loan issuing authorities may develop or finance  
1988 community-based housing or may enter into subcontracts therefor with nonprofit organizations  
1989 established pursuant to chapter 180 of the General Laws or organizations in which such nonprofit  
1990 corporations have a controlling financial or managerial interest; provided further, that the  
1991 department shall take due consideration of a balanced geographic plan for such community-

1992 based housing when issuing such loans; provided further, that loans issued pursuant to this item  
1993 shall: (i) be limited to not more than 50 per cent of the financing of the total development costs;  
1994 (ii) be issued for a community-based housing project contingent on the title to the real property  
1995 reverting to the commonwealth when the loan becomes due and payable, except as provided by  
1996 clause (iii); (iii) only be issued when any contract or agreement for the use of the property for  
1997 community-based housing provides for the recording of a restriction in the registry of deeds or  
1998 the registry district of the land court of the county in which the affected real property is located,  
1999 for the benefit of the departments, running with the land, that the land shall be used for the  
2000 community-based housing for eligible individuals as determined by the department of mental  
2001 health; provided further, that the property shall not be released from such restrictions unless: (a)  
2002 the balance of the principal and interest for the loan has been repaid in full; (b) a mortgage  
2003 foreclosure deed has been recorded; or (c) there has been a disposition of the property; provided  
2004 further, that the executive office of housing and livable communities may release the property  
2005 from such restriction if the executive office, in consultation with the department of mental health  
2006 and the department of developmental services, determines that relevant clients will be better  
2007 served at an alternative property and the proceeds from the disposition of the property shall be  
2008 used, to the extent necessary for replacement of the housing at the property to: (1) acquire such  
2009 alternative property; and (2) rehabilitate such alternative property; (iv) be issued for a term of not  
2010 more than 30 years during which time repayment may be deferred by the loan issuing authority  
2011 unless, at the end of any fiscal year, cash collections from all sources in connection with a  
2012 community-based housing project, except for contributions, donations or grant monies, exceed  
2013 105 per cent of cash expenditures on behalf of the project, including debt service, operating  
2014 expenses and capital reserves, in which event such excess cash shall be paid to the

2015 commonwealth within 45 days of the end of the fiscal year, payable first to interest due  
2016 thereunder and thereafter to principal advanced pursuant to the loan; provided further, that if, on  
2017 the date a loan become due and payable to the commonwealth, an outstanding balance exists and  
2018 if, on such date, the executive office of housing and livable communities, in consultation with the  
2019 executive office of health and human services, determines that there still exists a need for such  
2020 housing and that there is continued funding available for the provision of services to such  
2021 development, the executive office may, by agreement with the owner of the development, extend  
2022 the loans for such periods not to exceed 10 years, as the executive office determines; provided  
2023 further, that the project, whether at the original property or at an alternative property pursuant to  
2024 clause (iii), shall remain affordable housing for the duration of the loan term, including any  
2025 extensions, as set forth in the contract or agreement entered into by the executive office;  
2026 provided further, that if the terms of repayment detailed in this item would cause a project  
2027 authorized by this item to become ineligible to receive federal funds which would otherwise  
2028 assist in the development of that project, the secretary may waive the terms of repayment which  
2029 would cause the project to become ineligible; (v) have interest rates that shall be fixed at a rate,  
2030 to be determined by the secretary of housing and livable communities, in consultation with the  
2031 state treasurer, that shall be equal to the rate anticipated to be that paid by the commonwealth for  
2032 bonds issued pursuant to section 8, which financing shall not exceed terms of 30 years; (vi) be  
2033 provided only for projects conforming to this act; and (vii) be issued in accordance with a  
2034 facilities consolidation plan prepared by the secretary of health and human services, reviewed  
2035 and approved by the secretary of housing and livable communities and filed with the secretary of  
2036 administration and finance and the house and senate committees on ways and means; provided  
2037 further, that no expenditures shall be made pursuant to this item without the prior approval of the

2038 secretary of administration and finance; provided further, that not more than \$10,000,000 shall  
2039 be expended from this item for a pilot program of community-based housing loans to serve  
2040 mentally-ill homeless individuals in the current or former care of the department of mental  
2041 health; provided further, that in implementing the pilot program, the executive office shall take  
2042 due consideration of a balanced geographic plan when establishing community-based residences;  
2043 provided further, that housing services made available pursuant to such loans shall not be  
2044 construed as a right or an entitlement for any individual or class of persons to the benefits of the  
2045 pilot program; provided further, that eligibility for the pilot program shall be established by  
2046 regulations promulgated by the executive office; provided further, that the executive office shall  
2047 promulgate emergency regulations pursuant to section 2 of chapter 30A of the General Laws for  
2048 the implementation of the community-based housing loan program and the mentally ill homeless  
2049 pilot loan program authorized by this item, consistent with the facilities consolidation plan  
2050 prepared by the secretary of health and human services and after consultation with said secretary  
2051 and the commissioner of capital asset management and maintenance.....\$50,000,000.

2052 SECTION 57. Clause (2) of item 3722-8899 of section 2 of chapter 494 of the acts of  
2053 1993 is hereby amended by striking out the words “unless and until the balance of the principal  
2054 and interest for said loan is repaid in full or unless and until a mortgage foreclosure deed is  
2055 recorded” and inserting in place thereof the following words:- until: (i) the balance of the  
2056 principal and interest for the loan has been repaid in full; (ii) a mortgage foreclosure deed has  
2057 been recorded; or (iii) there has been a disposition of the property; provided further, that the  
2058 executive office of housing and livable communities may release the property from such  
2059 restriction if the executive office shall have determined that relevant clients will be better served  
2060 at an alternative property and the proceeds from the disposition of the property shall be used, to

2061 the extent necessary for replacement of the housing at the property to: (A) acquire such  
2062 alternative property; or (B) rehabilitate such alternative property.

2063 SECTION 58. Clause (4) of said item 3722-8899 of said section 2 of said chapter 494 is  
2064 hereby amended by striking out the words “provided, that the project continues to remain  
2065 affordable housing as set forth in the contract or agreement entered into for the duration of the  
2066 project by the department” and inserting in place thereof the following words:- provided, that the  
2067 project, whether at the original property or at an alternative property pursuant to clause (2),  
2068 continues to remain affordable housing as set forth in the contract or agreement entered into for  
2069 the duration of the project by the executive office.

2070 SECTION 59. Said item 3722-8899 of said section 2 of said chapter 494 is hereby further  
2071 amended by striking out clauses (6) to (8), inclusive, and inserting in place thereof the following  
2072 clause:- and (6) the executive office shall take due consideration of a balanced geographic plan  
2073 for such alternative forms of housing when issuing such loans;.

2074 SECTION 60. The first paragraph of section 16 of chapter 179 of the acts of 1995 is  
2075 hereby amended by striking out, in line 3, the word “mobile” and inserting in place thereof the  
2076 following words:- either mobile vouchers or project-based.

2077 SECTION 61. The second paragraph of section 12 of chapter 257 of the acts of 1998, as  
2078 amended by section 52 of chapter 235 of the acts of 2000, is hereby further amended by striking  
2079 out clause (2) and inserting in place thereof the following clause:-

2080 (2) such loans shall only be issued when a contract or agreement for the use of the  
2081 property for such housing provides for the recording of a restriction in the registry of deeds or  
2082 the registry district of the land court in the county in which the affected real property is located,

2083 for the benefit of the executive office of housing and livable communities, running with the land,  
2084 that the land shall be used for the purpose of providing alternative forms of rental and ownership  
2085 housing; provided, however, that such property shall not be released from such restriction until:  
2086 (i) the balance of the principal and interest for any such loan has been repaid in full; (ii) a  
2087 mortgage foreclosure deed has been recorded; or (iii) there has been a disposition of the  
2088 property; provided further, that the executive office may release the property from such  
2089 restriction if the executive office shall have determined that relevant clients will be better served  
2090 at an alternative property and the proceeds from the disposition of the property shall be used, to  
2091 the extent necessary, for replacement of the housing at the property to: (a) acquire such  
2092 alternative property; or (b) rehabilitate such alternative property.

2093 SECTION 62. Clause (3) of said second paragraph of said section 12 of said chapter 257,  
2094 as so amended, is hereby further amended by striking out the words “, provided that the project  
2095 continues to remain affordable housing as set forth in the contract or agreement entered into for  
2096 the duration of the project by the department” and inserting in place thereof the following  
2097 words:- ; provided, however, that the project, whether at the original property or at an alternative  
2098 property pursuant to clause (2), continues to remain affordable housing as set forth in the  
2099 contract or agreement entered into for the duration of the project by the executive office.

2100 SECTION 63. Said section 12 of said chapter 257, as so amended, is hereby further  
2101 amended by striking out clauses (5) to (7), inclusive, and inserting in place thereof the following  
2102 clause:-

2103 (5) the executive office shall take due consideration of a balanced geographic plan for  
2104 such alternative forms of housing when issuing such loans.



2105 SECTION 64. The second paragraph of section 5 of chapter 244 of the acts of 2002 is  
2106 hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

2107 (2) such loans shall only be issued when a contract or agreement for the use of the  
2108 property for such housing provides for the recording of a restriction in the registry of deeds or  
2109 the registry district of the land court in the county in which the affected real property is located,  
2110 for the benefit of the executive office of housing and livable communities, running with the land,  
2111 that the land shall be used for the purpose of providing alternative forms of rental and ownership  
2112 housing; provided, however, that such property shall not be released from such restriction until:  
2113 (i) the balance of the principal and interest for any such loan has been repaid in full; (ii) a  
2114 mortgage foreclosure deed has been recorded; or (iii) there has been a disposition of the  
2115 property; and provided further, that the executive office may release the property from such  
2116 restriction if the executive office shall have determined that relevant clients will be better served  
2117 at an alternative property and the proceeds from the disposition of the property shall be used, to  
2118 the extent necessary, for replacement of the housing at the property to: (a) acquire such  
2119 alternative property; or (b) rehabilitate such alternative property;.

2120 SECTION 65. Clause (3) of said second paragraph of said section 5 of said chapter 244 is  
2121 hereby amended by striking out the words “provided that the project continues to remain  
2122 affordable housing as set forth in the contract or agreement entered into for the duration of the  
2123 project by the department” and inserting in place thereof the following words:- ; provided,  
2124 however, that the project, whether at the original property or at an alternative property pursuant  
2125 to clause (2), continues to remain affordable housing as set forth in the contract or agreement  
2126 entered into for the duration of the project by the executive office.

2127 SECTION 66. Said second paragraph of said section 5 of said chapter 244 is hereby  
2128 further amended by striking out clauses (5) to (7), inclusive, and inserting in place thereof the  
2129 following clause:-

2130 (5) the executive office shall take due consideration of a balanced geographic plan for  
2131 such alternative forms of housing when issuing such loans.

2132 SECTION 67. Item 4000-8202 of section 2E of chapter 290 of the acts of 2004, as  
2133 amended by section 20 of chapter 6 of the acts of 2005, is hereby further amended by striking out  
2134 clause (2) and inserting in place thereof the following clause:- (2) such loans shall be issued  
2135 only when any contract or agreement for the use of the property for such housing provides for  
2136 repayment to the commonwealth at the time of disposition of the property if such property will  
2137 no longer be subject to a recorded deed restriction pursuant to clause (3); provided, however, that  
2138 such repayment shall be an amount equal to the commonwealth's proportional contribution from  
2139 the Facilities Consolidation Fund to the cost of the development through payments made by the  
2140 state agency making the contract; provided further, that such repayment shall not be required if  
2141 the executive office of housing and livable communities, in consultation with the department of  
2142 mental health and the department of developmental services, determines that relevant clients will  
2143 be better served at an alternative property and the proceeds from the disposition of the property  
2144 shall be used, to the extent necessary for replacement of the housing at the property to: (i)  
2145 acquire such alternative property; or (ii) rehabilitate such alternative property;.

2146 SECTION 68. Clause (3) of said item 4000-8202 of said section 2E of said chapter 290,  
2147 as so amended, is hereby amended by striking out the words "provided, that the property shall  
2148 not be released from such restrictions until the balance of the principal and interest for the loan is

2149 repaid in full or until a mortgage foreclosure deed is recorded” and inserting in place thereof the  
2150 following words:- provided, that the property shall not be released from such restrictions unless:  
2151 (i) the balance of the principal and interest for the loan has been repaid in full; (ii) a mortgage  
2152 foreclosure deed has been recorded; or (iii) the executive office of housing and livable  
2153 communities has determined pursuant to clause (2) that repayment to the commonwealth is not  
2154 required.

2155 SECTION 69. Clause (4) of said item 4000-8202 of said section 2E of said chapter 290,  
2156 as so amended, is hereby amended by striking out the words “provided, however, that the project  
2157 shall continue to remain affordable housing for the duration of the loan term, as extended, as set  
2158 forth in the contract or agreement entered into by the department” and inserting in place thereof  
2159 the following words:- provided, however, that the project, whether at the original property or at  
2160 an alternative property pursuant to clause (3), shall continue to remain affordable housing for the  
2161 duration of the loan term, as extended, as set forth in the contract or agreement entered into by  
2162 the executive office.

2163 SECTION 70. Said item 4000-8202 of said section 2E of said chapter 290, as so  
2164 amended, is hereby further amended by striking out clauses (6) and (7).

2165 SECTION 71. Said item 4000-8202 of said section 2E of said chapter 290, as so  
2166 amended, is hereby further amended by striking out the figure “(8)” and inserting in place thereof  
2167 the following figure:- (6).

2168 SECTION 72. Said item 4000-8200 of said section 2E of said chapter 290, as so  
2169 amended, is hereby further amended by striking out the figure “(9)” and inserting in place thereof  
2170 the following figure:- (7).

2171 SECTION 73. Said item 4000-8202 of said section 2E of said chapter 290, as so  
2172 amended, is hereby further amended by striking out the figure “(10)” and inserting in place  
2173 thereof the following figure:- (8).

2174 SECTION 74. Item 4000-8201 of said section 2E of said chapter 290 is hereby amended  
2175 by striking out clause (2) and inserting in place thereof the following clause:- (2) such loans shall  
2176 be issued only when any contract or agreement for the use of the property for such housing  
2177 provides for repayment to the commonwealth at the time of disposition of the property if such  
2178 property will no longer be subject to a recorded deed restriction pursuant to clause (3); provided,  
2179 however, that such repayment shall be an amount equal to the commonwealth’s proportional  
2180 contribution from this item to the cost of the development through payments made by the state  
2181 agency making the contract; provided further, that such repayment shall not be required if the  
2182 executive office of housing and livable communities, in consultation with the Massachusetts  
2183 rehabilitation commission, determines that relevant clients will be better served at an alternative  
2184 property and the proceeds from the disposition of the property shall be used, to the extent  
2185 necessary, for replacement of the housing at the property to: (i) acquire such alternative property;  
2186 or (ii) rehabilitate such alternative property.

2187 SECTION 75. Clause (3) of said item 4000-8201 of said section 2E of said chapter 290 is  
2188 hereby amended by striking out the words “provided further, that the property shall not be  
2189 released from such restrictions until the balance of the principal and interest for the loan is repaid  
2190 in full or until a mortgage foreclosure deed is recorded” and inserting in place thereof the  
2191 following words:- provided further, that the property shall not be released from such restrictions  
2192 unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a  
2193 mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable

2194 communities has determined pursuant to clause (2) that repayment to the commonwealth is not  
2195 required.

2196 SECTION 76. Clause (4) of said item 4000-8201 of said section 2E of said chapter 290 is  
2197 hereby amended by striking out the words “provided, however, that the project shall continue to  
2198 remain affordable housing for the duration of the loan term, as extended, as set forth in the  
2199 contract or agreement entered into by the department” and inserting in place thereof the  
2200 following words:- provided, however, that the project, whether at the original property or at an  
2201 alternative property pursuant to clause (2), shall continue to remain affordable housing for the  
2202 duration of the loan term, as extended, as set forth in the contract or agreement entered into by  
2203 the executive office.

2204 SECTION 77. Said item 4000-8201 of said section 2E of said chapter 290 is hereby  
2205 further amended by striking out clauses (6) and (7).

2206 SECTION 78. Said item 4000-8201 of said section 2E of said chapter 290 is hereby  
2207 further amended by striking out the figure “(8)” and inserting in place thereof the following  
2208 figure:- (6).

2209 SECTION 79. Said item 4000-8201 of said section 2E of said chapter 290 is hereby  
2210 further amended by striking out the figure “(9)” and inserting in place thereof the following  
2211 figure:- (7).

2212 SECTION 80. Said item 4000-8201 of said section 2E of said chapter 290 is hereby  
2213 further amended by striking out the figure “(10)” and inserting in place thereof the following  
2214 figure:- (8).

2215 SECTION 81. Item 7004-7018 of said section 2E of said chapter 290, as amended by  
2216 section 21 of chapter 6 of the acts of 2005, is hereby further amended by inserting after the figure  
2217 “2002” the following words:- , as amended.

2218 SECTION 82. Section 5 of chapter 293 of the acts of 2006 is hereby amended by  
2219 inserting after the definition of “Economic development project” the following definition:-

2220 “Eligible housing increment”, a new residential unit that may either be a single-family  
2221 house or 1 dwelling unit in a building or development containing 2 or more dwelling units,  
2222 which dwelling units may be rental units or units in a condominium or cooperative or a  
2223 combination thereof that is created as part of an economic development project and pursuant to  
2224 an infrastructure development assistance agreement approved by the secretary under this act.

2225 SECTION 83. Said section 5 of said chapter 293 is hereby further amended by striking  
2226 out the definition of “New revenue” and inserting in place thereof the following definition:-

2227 “New revenue”, revenue derived from a commercial or residential component of an  
2228 economic development project by the creation of any eligible new jobs or eligible housing  
2229 increments or by new economic activity that would otherwise not have taken place on the  
2230 commercial component or on or as a result of the residential component, as each may be more  
2231 fully defined by any rules, regulations or guidelines promulgated by the secretary or the  
2232 commissioner.

2233 SECTION 84. The definition of “New state tax revenues” in said section 5 of said chapter  
2234 293 is hereby amended by inserting after the word “components”, in line 2, the following  
2235 words:- or on account of the residential components.

2236 SECTION 85. Said section 5 of said chapter 293, is hereby further amended by inserting  
2237 after the definition of “Public infrastructure improvements” the following definition:-

2238 “Residential component”, any component of an economic development project  
2239 comprising 1 or more eligible housing increments, as more fully described in, or determined in  
2240 accordance with, a certified economic development project.

2241 SECTION 86. Subsection (a) of section 7 of said chapter 293 is hereby amended by  
2242 inserting after the word “commercial”, in line 9, the following words:- or residential.

2243 SECTION 87. Said subsection (a) of said section 7 of said chapter 293 is hereby further  
2244 amended by inserting after the words “commercial”, in line 11, the following words:- and  
2245 residential.

2246 SECTION 88. Subsection (c) of said section 7 of said chapter 293 is hereby amended by  
2247 inserting after the word “commercial”, in line 16, the following words:- and residential.

2248 SECTION 89. Subsection (e) of said section 7 of said chapter 293, added by section 7 of  
2249 chapter 129 of the acts of 2008, is hereby amended by inserting after the word “met”, in line 11,  
2250 the following words:- and, with respect to projects which include a residential component, shall  
2251 give priority to projects within an MBTA community as defined in section 1A of chapter 40A of  
2252 the General Laws; provided, however, that such MBTA community shall be in compliance with  
2253 section 3A of said chapter 40A.

2254 SECTION 90. Subsection (a) of section 10 of said chapter 293, as amended by section 10  
2255 of said chapter 129, is hereby further amended by inserting after the word “commercial” the  
2256 following words:- or residential.

2257 SECTION 91. Said subsection (a) of said section 10 of said chapter 293, as so amended,  
2258 is hereby further amended by inserting after the words “each commercial”, each time they  
2259 appear, the following words:- or residential.

2260 SECTION 92. Subsection (b) of said section 10 of said chapter 293, as appearing in  
2261 section 11 of said chapter 129, is hereby amended by inserting after the word “commercial”,  
2262 each time it appears, the following words:- or residential.

2263 SECTION 93. Subsection (c) of said section 10 of said chapter 293 is hereby amended by  
2264 inserting after the word “commercial ”, in lines 3 and 5, each time it appears, the following  
2265 words:- or residential.

2266 SECTION 94. Item 7004-0029 of section 2 of chapter 119 of the acts of 2008 is hereby  
2267 amended by striking out clause (2) and inserting in place thereof the following clause:- (2) be  
2268 issued only when a contract or agreement for the use of the property for such housing provides  
2269 for repayment to the commonwealth at the time of disposition of the property if such property  
2270 will no longer be subject to a recorded deed restriction pursuant to clause (3); provided, however,  
2271 that such repayment shall be in an amount equal to the commonwealth’s proportional  
2272 contribution from the Facilities Consolidation Fund to the cost of the development through  
2273 payments made by the state agency making the contract; provided further, that such repayment  
2274 shall not be required if the executive office of housing and livable communities, in consultation  
2275 with the department of mental health and the department of developmental services, determines  
2276 that relevant clients will be better served at an alternative property and the proceeds from the  
2277 disposition of the property shall be used, to the extent necessary for replacement of the housing



2278 at the property to: (i) acquire such alternative property; or (ii) rehabilitate such alternative  
2279 property.

2280 SECTION 95. Clause (3) of said item 7004-0029 of said section 2 of said chapter 119 is  
2281 hereby amended by striking out the words “provided, that the property shall not be released from  
2282 such restriction until the balance of the principal and interest for the loan has been repaid in full  
2283 or until a mortgage foreclosure deed has been recorded” and inserting in place thereof the  
2284 following words:- provided, that the property shall not be released from such restriction unless:  
2285 (i) the balance of the principal and interest for the loan has been repaid in full; (ii) a mortgage  
2286 foreclosure deed has been recorded; or (iii) the executive office of housing and livable  
2287 communities has determined pursuant to clause (2) that repayment to the commonwealth is not  
2288 required.

2289 SECTION 96. Clause (4) of said item 7004-0029 of said section 2 of said chapter 119 is  
2290 hereby amended by striking out the words “provided, however, that the project shall remain  
2291 affordable housing for the duration of the loan term, including any extension thereof, as set forth  
2292 in the contract or agreement entered into by the department” and inserting in place thereof the  
2293 following words:- provided, however, that the project, whether at the original property or at an  
2294 alternative property pursuant to clause (2), shall remain affordable housing for the duration of the  
2295 loan term, including any extensions thereof, as set forth in the contract or agreement entered into  
2296 by the executive office.

2297 SECTION 97. Clause (5) of said item 7004-0029 of said section 2 of said chapter 119 is  
2298 hereby amended by striking out the words “; provided further, that expenditures from this item  
2299 shall not be made for the purpose of refinancing outstanding mortgage loans for community-

2300 based housing in existence prior to the effective date of this act; provided further, that  
2301 community-based housing projects developed pursuant to this item shall not be refinanced during  
2302 the term of any loan issued pursuant to this item unless the balance of the principal and interest  
2303 for such loan has been repaid in full at the time of such refinancing; provided further, that the  
2304 community-based housing projects may be refinanced if the refinancing would result in a  
2305 reduction of costs paid by the commonwealth; provided further, that a refinanced loan shall be  
2306 due and payable on a date not later than the date on which the original loan was due and payable,  
2307 except in accordance with clause (4) when necessary to effect extraordinary repairs or  
2308 maintenance which shall be approved by the commissioner of mental retardation or the  
2309 commissioner of mental health, as the case may be, and the department”.

2310 SECTION 98. Item 7004-0030 of said section 2 of said chapter 119 is hereby amended  
2311 by striking out clause (2) and inserting in place thereof the following clause:-

2312 (2) be issued only when a contract or agreement for the use of the property for such  
2313 housing provides for repayment to the commonwealth at the time of disposition of the property if  
2314 such property will no longer be subject to a recorded deed restriction pursuant to clause (3);  
2315 provided, however, that such repayment shall be in an amount equal to the commonwealth’s  
2316 proportional contribution from community-based housing to the cost of the development through  
2317 payments made by the state agency making the contract; provide further, that such repayment  
2318 shall not be required if the executive office of housing and livable communities, in consultation  
2319 with the Massachusetts rehabilitation commission, determines that relevant clients will be better  
2320 served at an alternative property and the proceeds from the disposition of the property shall be  
2321 used, to the extent necessary for replacement of the housing at the property to: (i) acquire such  
2322 alternative property; or (ii) rehabilitate such alternative property.

2323 SECTION 99. Clause (3) of said item 7004-0030 of said section 2 of said chapter 119 is  
2324 hereby amended by striking out the words “provided further, that the property shall not be  
2325 released from such restrictions until the balance of the principal and interest for the loan has been  
2326 repaid in full or until a mortgage foreclosure deed has been recorded” and inserting in place  
2327 thereof the following words:- provided further, that the property shall not be released from such  
2328 restrictions unless: (A) the balance of the principal and interest for the loan has been repaid in  
2329 full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing  
2330 and livable communities has determined pursuant to clause (2) that repayment to the  
2331 commonwealth is not required.

2332 SECTION 100. Clause (4) of said item 7004-0030 of said section 2 of said chapter 119 is  
2333 hereby amended by striking out the words “provided, however, that the project shall continue to  
2334 remain affordable housing for the duration of the loan term, including any extensions thereof, as  
2335 set forth in the contract or agreement entered into by the department” and inserting place thereof  
2336 the following words:- provided, however, that the project, whether at the original property or at  
2337 an alternative property pursuant to clause (2), shall continue to remain affordable housing for the  
2338 duration of the loan term, including any extensions thereof, as set forth in the contract or  
2339 agreement entered into by the executive office.

2340 SECTION 101. Said item 7004-0030 of said section 2 of said chapter 119 is hereby  
2341 further amended by striking out clause (5) and inserting in place thereof the following clause:-  
2342 (5) have interest rates fixed at a rate, to be determined by the executive office, in consultation  
2343 with the state treasurer; provided, however, that the loans shall be issued in accordance with an  
2344 enhancing community-based services plan prepared by the secretary of health and human  
2345 services, in consultation with the executive office ,and filed with the secretary for administration

2346 and finance and the house and senate committees on ways and means and the joint committee on  
2347 housing; provided further, that no expenditure shall be made from this item without the prior  
2348 approval of the secretary for administration and finance; provided further, that the executive  
2349 office shall promulgate regulations pursuant to chapter 30A of the General Laws for the  
2350 implementation, administration and enforcement of this item and such regulations shall be  
2351 consistent with the enhancing community-based services plan prepared by the secretary of health  
2352 and human services, after consultation with the secretary and the commissioner of capital asset  
2353 management and maintenance.

2354 SECTION 102. Sections 30, 36 and 98 of chapter 238 of the acts of 2012 are hereby  
2355 repealed.

2356 SECTION 103. Item 7004-0040 of section 2 of chapter 129 of the acts of 2013 is hereby  
2357 amended by striking out clause (ii) and inserting in place thereof the following clause:-

2358 (ii) be issued only when a contract or agreement for the use of the property for such  
2359 housing provides for repayment to the commonwealth at the time of disposition of the property if  
2360 such property will no longer be subject to a recorded deed restriction pursuant to clause (iii);  
2361 provided, however, that such repayment shall be in an amount equal to the commonwealth's  
2362 proportional contribution from the Facilities Consolidation Fund to the cost of the development  
2363 through payments made by the state agency making the contract; provided further, that such  
2364 repayment shall not be required if the executive office of housing and livable communities, in  
2365 consultation with the department of mental health and the department of developmental services,  
2366 determines that relevant clients will be better served at an alternative property and the proceeds  
2367 from the disposition of the property shall be used, to the extent necessary for replacement of the

2368 housing at the property, to: (A) acquire such alternative property; or (B) rehabilitate such  
2369 alternative property.

2370 SECTION 104. Clause (iii) of said item 7004-0040 of said section 2 of said chapter 129  
2371 is hereby amended by striking out the words “provided, however, that the property shall not be  
2372 released from such restriction until the balance of the principal and interest for the loan has been  
2373 repaid in full or until a mortgage foreclosure deed has been recorded” and inserting in place  
2374 thereof the following words:- provided, however, that the property shall not be released from  
2375 such restriction unless: (A) the balance of the principal and interest for the loan has been repaid  
2376 in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing  
2377 and livable communities has determined pursuant to clause (ii) that repayment to the  
2378 commonwealth is not required.

2379 SECTION 105. Clause (iv) of said item 7004-0040 of said section 2 of said chapter 129  
2380 is hereby amended by striking out the words “provided further, that the project shall remain  
2381 affordable housing for the duration of the loan term, including any extension thereof, as set forth  
2382 in the contract or agreement entered into by the department” and inserting in place thereof the  
2383 following words:- provided further, that the project, whether at the original property or an  
2384 alternative property pursuant to clause (ii), shall remain affordable housing for the duration of  
2385 the loan term, including any extensions thereof, as set forth in the contract or agreement entered  
2386 into by the executive office.

2387 SECTION 106. Item 7004-0041 of said section 2 of said chapter 129 is hereby amended  
2388 by striking out clause (ii) and inserting in place thereof the following clause:-

2389 (ii) be issued only when a contract or agreement for the use of the property for the  
2390 purposes of such housing provides for repayment to the commonwealth at the time of disposition  
2391 of the property if such property will no longer be subject to a recorded deed restriction pursuant  
2392 to clause (iii); provided, however, that such repayment shall be in an amount equal to the  
2393 commonwealth's proportional contribution from community-based housing to the cost of the  
2394 development through payments made by the state agency making the contract; provided further,  
2395 however, that such repayment shall not be required if the executive office of housing and livable  
2396 communities, in consultation with the Massachusetts rehabilitation commission, determines that  
2397 relevant clients will be better served at an alternative property and the proceeds from the  
2398 disposition of the property will be used, to the extent necessary for replacement of the housing at  
2399 the property, to: (A) to acquire such alternative property; or (B) to rehabilitate such alternative  
2400 property;.

2401 SECTION 107. Clause (iii) of said item 7004-0041 of said section 2 of said chapter 129  
2402 is hereby amended by striking out the words "provided, however, that the property shall not be  
2403 released from such restrictions until the balance of the principal and interest for the loan has been  
2404 repaid in full or until a mortgage foreclosure deed has been recorded" and inserting in place  
2405 thereof the following words:- provided, however, that the property shall not be released from  
2406 such restrictions unless: (A) the balance of the principal and interest for the loan has been repaid  
2407 in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing  
2408 and livable communities has determined pursuant to clause (ii) that repayment to the  
2409 commonwealth is not required.

2410 SECTION 108. Clause (iv) of said item 7004-0041 of said section 2 of said chapter 129  
2411 is hereby amended by striking out the words "provided, however, that the project shall continue

2412 to remain affordable housing for the duration of the loan term, including any extensions thereof,  
2413 as set forth in the contract or agreement entered into by the department” and inserting place  
2414 thereof the following words:- provided, however, that the project, whether at the original  
2415 property or an alternative property pursuant to clause (ii), shall continue to remain affordable  
2416 housing for the duration of the loan term, including any extensions thereof, as set forth in the  
2417 contract or agreement entered into by the executive office.

2418 SECTION 109. Item 7004-0050 of section 2 of chapter 99 of the acts of 2018 is hereby  
2419 amended by striking out clause (ii) and inserting in place thereof the following clause:-

2420 (ii) not be issued unless a contract or agreement for the use of the property for such  
2421 housing provides for repayment to the commonwealth at the time of disposition of the property if  
2422 such property will no longer be subject to a recorded deed restriction pursuant to clause (iii);  
2423 provided, however, that such repayment shall be in an amount equal to the commonwealth’s  
2424 proportional contribution from the Facilities Consolidation Fund to the cost of the development  
2425 through payments made by the state agency making the contract; provided further, however, that  
2426 such repayment shall not be required if the executive office of housing and livable communities,  
2427 in consultation with the department of mental health and the department of developmental  
2428 services, determines that relevant clients will be better served at an alternative property and the  
2429 proceeds from the disposition of the property will be used, to the extent necessary for  
2430 replacement of the housing at the property, to: (A) acquire such alternative property; or (B)  
2431 rehabilitate such alternative property.

2432 SECTION 110. Said item 7004-0050 of said section 2 of said chapter 99 is hereby further  
2433 amended by striking out the words “until the balance of the principal and interest for the loan has

2434 been repaid in full or until a mortgage foreclosure deed has been recorded” and inserting in place  
2435 thereof the following words:- unless: (A) the balance of the principal and interest for the loan has  
2436 been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive  
2437 office of housing and livable communities has determined pursuant to clause (ii) that repayment  
2438 to the commonwealth is not required.

2439 SECTION 111. Said item 7004-0050 of said section 2 of said chapter 99 is hereby further  
2440 amended by striking out the words “shall remain affordable housing for the duration of the loan  
2441 term, including any extension thereof, as set forth in the contract or agreement entered into by  
2442 the department” and inserting in place thereof the following words:-, whether at the original  
2443 property or an alternative property pursuant to clause (ii), shall remain affordable housing for the  
2444 duration of the loan term, including any extensions thereof, as set forth in the contract or  
2445 agreement entered into by the executive office.

2446 SECTION 112. Item 7004-0051 of said section 2 of said chapter 99 is hereby amended  
2447 by striking out clause (ii) and inserting in place thereof the following clause:-

2448 (ii) not be issued unless a contract or agreement for the use of the property for the  
2449 purposes of such housing provides for repayment to the commonwealth at the time of disposition  
2450 of the property if such property will no longer be subject to a recorded deed restriction pursuant  
2451 to clause (iii); provided, however, that such repayment shall be in an amount equal to the  
2452 commonwealth’s proportional contribution from community-based housing to the cost of the  
2453 development through payments made by the state agency making the contract; provided further,  
2454 however, that such repayment shall not be required if the executive office of housing and livable  
2455 communities, in consultation with the Massachusetts rehabilitation commission, determines that



2456 relevant clients will be better served at an alternative property and the proceeds from the  
2457 disposition of the property will be used, to the extent necessary for replacement of the housing at  
2458 the property, to: (A) acquire such alternative property; or (B) rehabilitate such alternative  
2459 property;.

2460 SECTION 113. Said item 7004-0051 of said section 2 of said chapter 99 is hereby further  
2461 amended by striking out the words “until the balance of the principal and interest for the loan has  
2462 been repaid in full or until a mortgage foreclosure deed has been recorded” and inserting in place  
2463 thereof the following words:- unless: (A) the balance of the principal and interest for the loan has  
2464 been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive  
2465 office of housing and livable communities has determined pursuant to clause (ii) that repayment  
2466 to the commonwealth is not required.

2467 SECTION 114. Said item 7004-0051 of said section 2 of said chapter 99 is hereby further  
2468 amended by striking out the words “shall continue to remain affordable housing for the duration  
2469 of the loan term, including any extensions thereof, as set forth in the contract or agreement  
2470 entered into by the department” and inserting in place thereof the following words:-, whether at the  
2471 original property or an alternative property pursuant to clause (ii), shall continue to remain  
2472 affordable housing for the duration of the loan term, including any extensions thereof, as set  
2473 forth in the contract or agreement entered into by the executive office.

2474 SECTION 115. Notwithstanding any general or special law, rule or regulation to the  
2475 contrary, the architectural access board, established pursuant to section 13A of chapter 22 of the  
2476 General Laws, shall determine the value of any multiple dwelling, as defined in 521 CMR 5.00,  
2477 that is owned, constructed or renovated by a housing authority, as defined in section 1 of chapter

2478 121B of the General Laws, by setting a replacement cost that is determined by and reflected in  
2479 the executive office of housing and livable communities' Capital Planning System survey and  
2480 database for state-funded public housing. For such dwellings that are not included in the survey  
2481 and database, the replacement cost shall be calculated by the executive office based on the  
2482 replacement cost for comparable dwellings that are included in the survey and database. The  
2483 executive office shall supplement the survey and database on file with the architectural access  
2484 board for any such dwelling by preparing and filing documentation identifying the replacement  
2485 cost for the dwelling and the method by which it was calculated.

2486 SECTION 116. (a) Notwithstanding any general or special law to the contrary, there shall  
2487 be a special commission to study and make recommendations on creating affordable and healthy  
2488 senior housing in the commonwealth. The commission's recommendations shall include, but not  
2489 be limited to, strategies to better align housing, homecare and healthcare policy and programs to  
2490 increase access and opportunity for residents of the commonwealth to age in their community.

2491 (b) The commission shall consist of the secretary of housing and livable communities or a  
2492 designee, who shall serve as chair; the secretary of elder affairs or a designee; the chairs of the  
2493 joint committee on elder affairs or their designees; the chairs of the joint committee on housing  
2494 or their designees; 1 member who shall be appointed by the minority leader of the house of  
2495 representatives; 1 member who shall be appointed by the minority leader of the senate; 1  
2496 member who shall be a representative of Citizens Housing and Planning Association, Inc.; 6  
2497 members chosen by the governor, 4 who shall be representatives of statewide organizations  
2498 focusing on aging concerns and 2 members who shall be representatives of nonprofit housing  
2499 developers with experience developing affordable senior rental housing.

2500 (c) The study shall include, but not be limited to: (i) mapping out the economic profile of  
2501 older adults; (ii) determining gaps in services to older adults; (iii) identifying best practices for  
2502 creating supportive senior housing with sustainable funding; (iv) determining strategies for  
2503 connecting and streamlining services supporting older adults in their community, including  
2504 identifying federal waivers or other actions to support integration of such services; (v)  
2505 identifying partners to create opportunities for supportive housing development that incorporates  
2506 health care infrastructure and service; (vi) estimating the costs and potential impact of programs  
2507 and recommending comprehensive strategies; (vii) recommendations for creating academic  
2508 partnerships to document and evaluate program innovations; (viii) an analysis of the projected  
2509 demand for senior housing in the 5 years following the first meeting of the commission; (ix)  
2510 recommendations to ensure senior housing is physically accessible and compliant with the  
2511 Americans with Disabilities Act; (x) a review of barriers to necessary housing modifications and  
2512 potential funding sources; (xi) recommendations to encourage development of senior housing in  
2513 areas within reasonable walking distance of amenities and public transportation; (xii) an  
2514 evaluation of age-restricted housing and intergenerational housing with respect to costs, tenant  
2515 preferences, accessibility and safety; and (xiii) recommendations for design and infrastructure  
2516 features, such as increased ventilation and functional outdoor space, for the purpose of  
2517 preventing the spread of contagious diseases.

2518 (d) Not later than June 30, 2025, the commission shall file a report of their study with the  
2519 clerks of the senate and house of representatives, the joint committee on elder affairs and the  
2520 joint committee on housing.

2521 SECTION 117. (a) As used in this section and sections 118 and 119, the following words  
2522 shall have the following meanings unless the context clearly requires otherwise:

2523 “Affordable housing purposes”, development of multi-family housing, of which either: (i)  
2524 not less than 25 per cent shall be affordable to households with incomes at or below 80 per cent  
2525 of the area median income, adjusted for household size; or (ii) not less than 20 per cent shall be  
2526 affordable to households with incomes at or below 50 per cent of the area median income,  
2527 adjusted for household size; provided, that affordable housing purposes may include subsequent  
2528 conveyance by a public agency, other than a state agency, with a restriction for affordable  
2529 housing purposes.

2530 “Commissioner”, the commissioner of capital asset management and maintenance.

2531 “Housing purposes”, development of housing for use as the primary residence of the  
2532 occupant including, but not limited to, market rate housing, affordable housing and public  
2533 housing; provided, however, that housing purposes may include subsequent conveyance by a  
2534 public agency, other than a state agency, with a restriction for housing purposes; provided  
2535 further, that housing purposes shall include affordable housing purposes.

2536 “Public agency”, as defined in section 1 of chapter 7C of the General Laws; provided,  
2537 however, that “public agency” shall include the Massachusetts Department of Transportation, the  
2538 Massachusetts Bay Transportation Authority and the University of Massachusetts Building  
2539 Authority; provided further, that public agency shall not include cities, towns or counties or any  
2540 boards, committees, commissions or other instrumentalities thereof; and provided further, that  
2541 public agency shall not include any agency that is a state agency as defined in said section 1 of  
2542 said chapter 7C.

2543 “Public institution of higher education”, as set forth in section 5 of chapter 15A of the  
2544 General Laws.

2545 “Real property”, as defined in said section 1 of chapter 7C of the General Laws.

2546 “Real property of the commonwealth”, real property of a state agency consistent with  
2547 chapter 7C of the General Laws.

2548 “Real property of a public agency”, as defined in section 32 of chapter 7C of the General  
2549 Laws.

2550 “Secretary”, the secretary of administration and finance.

2551 “State agency”, as defined in said section 1 of said chapter 7C; provided, however, that  
2552 state agency shall not include counties.

2553 “Surplus real property”, (i) real property of the commonwealth that has been determined  
2554 by the commissioner to be surplus: (A) to the current and foreseeable needs of the  
2555 commonwealth pursuant to clause (i) of paragraph (2) of subsection (b); or (B) to the current  
2556 and foreseeable needs of any state agency pursuant to section 33 or 34 of chapter 7C of the  
2557 General Laws; or (ii) real property of a public agency determined by the commissioner to be  
2558 surplus to the current and foreseeable needs of the public agency, as determined by the public  
2559 agency; provided, however, that surplus real property shall not include property subject to  
2560 Article XCVII of the Amendments to the Constitution.

2561 (b)(1) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws,  
2562 or any other general or special law to the contrary, the commissioner may sell, lease for a term  
2563 not to exceed 99 years, transfer or otherwise dispose of surplus real property of the  
2564 commonwealth or surplus real property of a public agency for housing purposes.

2565           (2)(i) The commissioner may, in consultation with the secretary and the secretary of  
2566 housing and livable communities, determine that real property of the commonwealth is surplus  
2567 real property and shall be disposed of for housing purposes; provided, however, that prior to  
2568 determining that the real property is surplus real property, the commissioner shall provide a  
2569 suitable written notice and inquiry to the state agency with care and control of the real property  
2570 with a date certain required for any response. If no written response is timely received from the  
2571 state agency specifying a current or foreseeable need for the real property, the commissioner  
2572 shall declare such real property as surplus real property and dispose of such surplus real property  
2573 for housing purposes. If a written response is timely received from the state agency specifying a  
2574 current or foreseeable need for the real property, the commissioner shall, in consultation with the  
2575 secretary, the secretary of housing and livable communities and such state agency, determine  
2576 whether the real property shall be declared surplus real property and disposed of for housing  
2577 purposes.

2578           (ii) Notwithstanding sections 32 to 37, inclusive, of said chapter 7C or any other general  
2579 or special law to the contrary, if any real property of the commonwealth is determined to be  
2580 surplus to the current needs, but not to the foreseeable needs, of any state agency, the  
2581 commissioner shall take such necessary action to ensure that any disposition of the real property  
2582 is temporary and maintains the commissioner's ability to make such real property available to a  
2583 state agency as needed.

2584           (iii) Notwithstanding sections 32 to 37, inclusive, of said chapter 7C or any other general  
2585 or special law to the contrary, the commissioner may, in consultation with the secretary and the  
2586 secretary of housing and livable communities, make real property of the commonwealth that has  
2587 been determined to be surplus to the current needs, but not the foreseeable needs, of any state

2588 agency available for a period of time not to exceed the foreseeable need of any state agency for  
2589 housing and related purposes to municipalities, public agencies and non-profit organizations for  
2590 nominal consideration.

2591 (3) The president of any public institution of higher education may, with the approval of  
2592 the commissioner of higher education, determine that property of any public institution of higher  
2593 education is surplus to the current and foreseeable needs of such institution and the  
2594 commissioner may dispose of such property for housing purposes, provided, however, that the  
2595 institution's board of trustees does not disapprove of such determination within 60 days of the  
2596 president's determination.

2597 (4)(i) The governor may identify parcels of land owned or controlled by a public agency  
2598 and any buildings or improvements thereon as potential surplus real property by submitting a  
2599 written notice to the public agency. Not later than 30 days of receipt of the notice, the public  
2600 agency shall determine whether such real property is surplus to its current and foreseeable needs.  
2601 If the public agency determines that the real property is not surplus to its current and foreseeable  
2602 needs, such public agency shall respond in writing not later than 30 days after receipt of a request  
2603 by the governor, specifying the reason for its determination.

2604 (ii) The commissioner may, in consultation with the secretary and the secretary of  
2605 housing and livable communities, enter into agreements with a public agency to dispose of  
2606 surplus real property of the public agency for housing purposes; provided, however, that the  
2607 commissioner shall not be required to determine if the real property of the public agency is  
2608 surplus to the current and foreseeable needs of the commonwealth and shall not be required to  
2609 provide written notice and inquiry to any public agency.

2610 (c) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, or  
2611 any other general or special law to the contrary, the commissioner may amend a use restriction  
2612 held by the commonwealth for general municipal purposes or any other purpose, except those  
2613 purposes subject to Article XCVII of the Amendments to the Constitution, to include housing  
2614 purposes.

2615 (d)(1) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws,  
2616 or any other general or special law to the contrary, if the commissioner, in consultation with the  
2617 secretary and the secretary of housing and livable communities, determines that real property is  
2618 surplus real property pursuant to clause (i) of paragraph (2) of subsection (b) or the  
2619 commissioner enters into an agreement with a public agency pursuant to clause (ii) of paragraph  
2620 (4) of subsection (b), the commissioner shall: (i) provide written notice, for each city or town in  
2621 which the property is located, to the city manager in the case of a city under Plan E form of  
2622 government, the mayor and city council in the case of all other cities, the chair of the board of  
2623 selectmen or the select board in the case of a town, the county commissioners, the chair of the  
2624 zoning board of appeals, the chair of the planning board, the regional planning agency and the  
2625 members of the general court representing the city or town in which the property is located;  
2626 provided, that such notice shall include a statement that the proposed reuse of the property is for  
2627 housing purposes, with a date certain for any response that shall be not less than 30 days from  
2628 the date of such notice; (ii) following the date certain set forth in such notice, declare said real  
2629 property available for disposition and identify all reuse restrictions including, but not limited to,  
2630 a restriction for housing purposes; and (iii) ensure that any deed, lease or other disposition  
2631 agreement shall: (A) set forth all reuse restrictions including, but not limited to, a restriction for  
2632 housing purposes; (B) provide for effective remedies on behalf of the commonwealth; and (C)



2633 provide, in the event of a failure to comply with the reuse restrictions by the grantee, lessee or  
2634 other recipient, that title or such lesser interest as may have been conveyed may revert to the  
2635 commonwealth. The commissioner shall, in identifying reuse restrictions for such property,  
2636 consider in good faith any comments presented by local officials and members of the general  
2637 court representing each city or town in which the property is located.

2638 (2) The commissioner shall, in consultation with the secretary of housing and livable  
2639 communities, dispose of surplus real property: (i) by utilizing appropriate competitive processes  
2640 and procedures; or (ii) through a sales-partnership agreement with the municipality wherein said  
2641 real property is located; provided, however, that the sales-partnership agreement shall require the  
2642 municipality to utilize appropriate competitive processes and procedures; provided further, that  
2643 the sales-partnership agreement may require the municipality to utilize said competitive  
2644 processes and select a developer prior to disposition of the real property; provided further, that  
2645 the commissioner may transfer the real property directly to the selected developer pursuant to the  
2646 sale-partnership agreement; and provided further, that the sales-partnership agreement may  
2647 provide for payment to the municipality in an amount not to exceed 50 per cent of the net sales  
2648 price paid to the commonwealth, as determined by the commissioner. A competitive process  
2649 pursuant to clause (i) may include, but shall not be limited to, absolute auction, sealed bids and  
2650 requests for price and development proposals. The commissioner may accept any consideration  
2651 for surplus real property disposed of pursuant to this section deemed appropriate by the  
2652 commissioner and the secretary of housing and livable communities. The commissioner shall  
2653 prioritize disposition of surplus real property for affordable housing purposes.

2654 (3) Not less than 30 days before the date of an auction or the date on which bids or  
2655 proposals or other offers to purchase or lease surplus real property are due, the commissioner

2656 shall place a notice in the central register published by the state secretary pursuant to section 20A  
2657 of chapter 9 of the General Laws stating the availability of such property, the nature of the  
2658 competitive process and other information deemed relevant, including the time and location of  
2659 the auction, the submission of bids or proposals and the opening thereof. The commissioner shall  
2660 not be required to place said notice if the property is conveyed: (i) to a municipality or developer  
2661 selected by a municipality in accordance with paragraph (2); or (ii) for nominal consideration in  
2662 accordance with clause (ii) of paragraph (2) of subsection (e).

2663 (4) All surplus real property shall be conveyed with a restriction for housing purposes.  
2664 The deed or other instrument conveying the surplus real property shall provide that said real  
2665 property shall be used solely for housing purposes.

2666 (5) The commissioner shall place a notice in the central register identifying the  
2667 municipality, public agency, individual or firm selected as party to such real property transaction,  
2668 along with the amount of such transaction. If the commissioner accepts an amount below the  
2669 value calculated pursuant to paragraph (1) of subsection (e), the commissioner shall include the  
2670 justification therefore, specifying the difference between the calculated value and the price  
2671 received.

2672 (e)(1) The commissioner shall establish the value of surplus real property using  
2673 customarily accepted appraisal methodologies. The value shall be calculated for: (i) the highest  
2674 and best use of the property as may be encumbered; and (ii) subject to uses, restrictions and  
2675 encumbrances defined by the commissioner. In no instance in which the commonwealth retains  
2676 responsibility for maintaining the property shall the terms provide for payment of less than the  
2677 annual maintenance costs.

2678           (2)(i) Notwithstanding paragraph (1), the commissioner may, in consultation with the  
2679 secretary and the secretary of housing and livable communities, dispose of surplus real property  
2680 for nominal consideration; provided, however, that the surplus real property shall be conveyed  
2681 with a restriction for affordable housing purposes. The deed or other instrument conveying the  
2682 surplus real property shall provide that said property shall be used solely for affordable housing  
2683 purposes and may include a reversionary clause that stipulates that if the parcel ceases at any  
2684 time to be used for affordable housing purposes, title and the parcel shall, at the election of the  
2685 commonwealth, revert to the commonwealth.

2686           (ii) Notwithstanding any time limit established pursuant to section 7 of chapter 184A of  
2687 the General Laws or any general or special law to the contrary, the reversionary clause may be  
2688 enforceable.

2689           (iii) The commissioner may, in consultation with the secretary and the secretary of  
2690 housing and livable communities, amend a use restriction held by the commonwealth to include  
2691 housing purposes.

2692           (f) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or  
2693 any other general or special law to the contrary, the commissioner may, in consultation with the  
2694 secretary, the secretary of housing and livable communities and the state agency with care and  
2695 control of the real property, transfer care and control of real property between state agencies for  
2696 housing purposes.

2697           (g)(1) No agreement for the sale, lease, transfer or other disposition of surplus real  
2698 property and no deed executed by or on behalf of the commonwealth shall be valid unless such  
2699 agreement or deed contains the following certification, signed by the commissioner:

2700           “The undersigned certifies under penalties of perjury that I have fully complied with  
2701 requirements of law related to any real property described herein.”

2702           (2) No agreement for the sale, lease, transfer or other disposition of surplus real property  
2703 shall be valid unless the purchaser or lessee has executed and filed with the commissioner the  
2704 statement required by section 38 of chapter 7C of the General Laws.

2705           (h) The grantee or lessee of any surplus real property shall be responsible for all costs  
2706 relating to the conveyance, including, but not limited to, appraisals, surveys, plans, recordings  
2707 and any other expenses, as shall be deemed necessary by the commissioner.

2708           (i) The commissioner shall deposit the proceeds from any disposition of real property  
2709 pursuant to this section into the surplus real property disposition fund established in section 119.

2710           (j) The commissioner may, in consultation with the secretary of housing and livable  
2711 communities, promulgate regulations to implement this section.

2712           SECTION 118. (a) Notwithstanding chapter 40A of the General Laws or any other  
2713 general or special law or any local zoning or municipal ordinance or by-law to the contrary, a  
2714 city or town shall permit the residential use of real property conveyed by the commissioner  
2715 pursuant to section 117 for housing purposes as of right, as defined in section 1A of said chapter  
2716 40A, notwithstanding any use limitations otherwise applicable in the zoning district in which the  
2717 real property is located, including, but not limited to, commercial, mixed-use development or  
2718 industrial uses; provided, however, that the city or town may impose reasonable regulations  
2719 concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open  
2720 space and building coverage requirements; provided further, that the city or town may require

2721 site plan review; provided further, that the city or town shall permit no fewer than 4 units of  
2722 housing per acre.

2723 (b) Real property conveyed by the commissioner pursuant to section 117 shall include,  
2724 but not be limited to, the amendment of use restrictions held by the commonwealth to allow for  
2725 the use of such real property for housing purposes.

2726 (c) The secretary of housing and livable communities may promulgate regulations to  
2727 implement this section.

2728 SECTION 119. (a) There is hereby established a Surplus Real Property Disposition Trust  
2729 Fund to be administered by the secretary of administration and finance.

2730 (b) The fund shall be credited with: (i) the proceeds realized from the disposition of  
2731 surplus real property and the amendment of use restrictions pursuant to section 117; (ii) any  
2732 appropriation, grant, gift or other contribution made to the fund; and (iii) any interest earned on  
2733 money in the fund. Amounts credited to the fund shall not be subject to further appropriation and  
2734 any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund  
2735 and shall be available for expenditure in the subsequent fiscal year.

2736 (c) Amounts credited to the fund may be: (i) transferred by the secretary to the state  
2737 agency that had care and control of the land conveyed pursuant to section 117 if the real property  
2738 was conveyed for fair market value consideration in an amount equal to the net proceeds of the  
2739 disposition; (ii) transferred by the secretary to the state agency that had care and control of the  
2740 real property conveyed pursuant to section 117 if the real property was conveyed for  
2741 consideration less than fair market value in an amount equal to \$10,000 per unit of housing  
2742 permitted by the city or town in which the real property is located or the net proceeds of the

2743 disposition, whichever is greater; (iii) transferred by the secretary to a municipality in accordance  
2744 with a sales partnership agreement pursuant to section 117; or (iv) expended for costs associated  
2745 with the disposition of real property pursuant to section 117, including, but not limited to,  
2746 demolition, site preparation and environmental remediation; provided, that all money transferred  
2747 to a state agency pursuant to clauses (i) and (ii) shall be expended by the agency for capital  
2748 facility projects as defined in section 1 of chapter 7C of the General Laws; provided further, that  
2749 all net proceeds from the disposition of surplus real property of a public agency other than a state  
2750 agency, as determined by the commissioner of capital asset management and maintenance, shall  
2751 be transferred to such public agency.

2752           SECTION 120. (a) Notwithstanding any general or special law to the contrary, not more  
2753 than 120 days after the expiration of affordability restrictions on housing units assisted under  
2754 items 7004-0070 and 7004-0071 of section 2, the executive office of housing and livable  
2755 communities or its assignee, who shall be a qualified developer selected pursuant to the terms of  
2756 said items 7004-0700 and 7004-0071 under the guidelines of the executive office, shall have an  
2757 option to purchase any such housing units at their current appraised value, reduced by any  
2758 remaining obligation of the owner, upon the expiration of the affordability restrictions. The  
2759 executive office or its assignee shall only purchase or acquire such housing units to preserve or  
2760 provide affordable housing. The executive office or its assignee shall hold such purchase option  
2761 for 120 days after the expiration of the affordability restrictions. Failure to exercise the purchase  
2762 option within 120 days after the expiration of the affordability restriction shall constitute a  
2763 waiver of the purchase option by the executive office or its assignee.

2764           (b) Not later than 30 days after the expiration of an affordability restriction pursuant to  
2765 subsection (a), the owner and the executive office shall each designate a professional in the field

2766 of multi-unit residential housing. Each professional shall select an impartial appraiser. Not later  
2767 than 60 days after the expiration of the affordability restriction, the 2 impartial appraisers shall  
2768 determine the current appraised value in accordance with recognized professional standards. If  
2769 there is a difference in the valuations, the valuations shall be added together and divided by 2 to  
2770 determine the current appraised value of the units.

2771 (c) No sale, transfer or other disposition of the property shall be completed until either the  
2772 purchase option period has expired or the owner has been notified, in writing, by the executive  
2773 office or its assignee that the option will not be exercised. The option shall be exercised only by  
2774 written notice signed by a designated representative of the executive office or its assignee, sent to  
2775 the owner by certified mail at the address specified in the notice of intention and recorded with  
2776 the registry of deeds or the registry district of the land court of the county in which the affected  
2777 real property is located, within the option period. If the purchase option has been assigned to a  
2778 qualified developer selected pursuant to said items 7004-0070 and 7004-7071 of said section 2,  
2779 the written notice shall state the name and address of the developer and the terms and conditions  
2780 of the assignment.

2781 (d) Before any sale, transfer or other disposition of property for which the executive  
2782 office has not previously exercised an option to purchase, an owner shall offer the executive  
2783 office or its assignee, who shall be a qualified developer selected pursuant to said items 7004-  
2784 0070 and 7004-0071 of said section 2, a first refusal option to meet a bona fide offer to purchase  
2785 the units. The owner shall provide to the executive office or its assignee written notice by regular  
2786 and certified mail, return receipt requested, of the owner's intention to sell, transfer or otherwise  
2787 dispose of the property. The executive office or its assignee shall hold the first refusal option for  
2788 120 days after receipt of the owner's written notice of intent to transfer the property. Failure to

2789 respond to the written notice of intent to sell, transfer or otherwise dispose of the property within  
2790 the 120-day period shall constitute a waiver of the right of first refusal by the executive office.  
2791 No sale, transfer or other disposition of the property shall be completed until either the first  
2792 refusal option period has expired or the owner has been notified in writing by the executive  
2793 office or its assignee that the option will not be exercised. The option shall be exercised only by  
2794 written notice signed by a designated representative of the executive office or its assignee, sent to  
2795 the owner by certified mail at the address specified in the notice of intention and recorded with  
2796 the registry of deeds or the registry district of the land court of the county in which the affected  
2797 real property is located, within the option period. If the first refusal option has been assigned to a  
2798 qualified developer selected pursuant to said items 7004-0070 and 7004-0071 of said section 2,  
2799 the written notice shall state the name and address of the developer and the terms and conditions  
2800 of the assignment.

2801 (e) An affidavit before a notary public that the notice of intent was mailed on behalf of an  
2802 owner shall conclusively establish the manner and time of the giving of notice to sell, transfer or  
2803 otherwise dispose of the property. The affidavit and notice that the option shall not be exercised  
2804 shall be recorded with the registry of deeds or the registry district of the land court in the county  
2805 in which the affected real property is located. Each notice of intention, notice of exercise of the  
2806 purchase option or first refusal option and notice that the purchase option or first refusal option  
2807 shall not be exercised shall contain the name of the recorded owner of the property and a  
2808 reasonable description of the property to be sold or converted. Each affidavit signed before a  
2809 notary public shall have attached to it a copy of the notice of intention to which it relates. The  
2810 notices of intention shall be mailed to the relevant parties in the care of the keeper of the records  
2811 for the party in question. Upon notifying the owner in writing of its intention to exercise its



2812 purchase option or first refusal option during the 120-day period, the executive office or its  
2813 assignee shall have an additional 120 days, beginning on the date the purchase option period or  
2814 first refusal option period expires, to purchase the units. The time periods may be extended by  
2815 mutual agreement between the executive office or its assignee and the owner of the property.  
2816 Any extension agreed upon shall be recorded in the registry of deeds or the registry district of the  
2817 land court of the county in which the affected real property is located. Within a reasonable time  
2818 after requesting an extension, the owner shall make available to the executive office or its  
2819 assignee any information that is reasonably necessary for the executive office to exercise its  
2820 option.

2821           SECTION 121. Notwithstanding any general or special law to the contrary, a private  
2822 entity engaged in a construction, development, renovation, remodeling, reconstruction,  
2823 rehabilitation or redevelopment project receiving funds pursuant to this act shall properly classify  
2824 individuals employed on the project and shall comply with all laws concerning workers'  
2825 compensation insurance coverage, unemployment insurance, social security taxes and income  
2826 taxes with respect to all such employees. All construction contractors engaged by a private entity  
2827 on any such project shall furnish documentation to the appointing authority showing that all  
2828 employees employed on the project have hospitalization and medical benefits that meet the  
2829 minimum requirements of the commonwealth health insurance connector established in chapter  
2830 176Q of the General Laws.

2831           SECTION 122. (a) There shall be a special commission to study and make  
2832 recommendations on expanding the supply of housing available and affordable to tenants with a  
2833 household income of not more than 30 per cent of the area median income, adjusted for  
2834 household size, as periodically determined by the United States Department of Housing and

2835 Urban Development. The commission shall review and evaluate federal, state and local subsidies  
2836 that support the creation of housing for such tenants and make recommendations to increase the  
2837 supply of housing that is available and affordable to households earning not more than 30 per  
2838 cent of the area median income.

2839 (b) The commission shall review and consider the following: (i) the number of deeply  
2840 subsidized rental units targeted at families with incomes at or below 30 per cent of the area  
2841 median income and the percentage of those units that are accessible to persons with disabilities;  
2842 (ii) the number of families with such incomes per deeply subsidized rental unit; (iii) the gap  
2843 between median rents and rents affordable to families with such incomes and an analysis of  
2844 whether existing housing subsidies are sufficient to bridge such gap; (iv) the ratio of households  
2845 with such incomes to unsubsidized units available at rents up to 50 per cent of such income; (v)  
2846 housing market factors such as vacancy rates, rate of rent increases and conversion of rental  
2847 housing to homeownership units; (vi) the impact of non-housing subsidies including, but not  
2848 limited to, the earned income tax credit on cost burdens for working families; (vii) barriers to  
2849 accessing available housing, including racial and ethnic disparities in housing access; and (viii)  
2850 any other factors that the commission deems relevant.

2851 (c) The commission shall consist of the secretary of housing and livable communities or a  
2852 designee, who shall serve as chair; the chairs of the joint committee on housing or their  
2853 designees; the minority leader of the house of representatives or a designee; the minority leader  
2854 of the senate or a designee; the secretary of administration and finance or a designee; the  
2855 secretary of health and human services or a designee; a representative of the Citizens Housing  
2856 and Planning Association, Inc.; a representative of the Massachusetts Housing Partnership; a  
2857 representative of the Massachusetts Housing Finance Agency; a representative of the

2858 Community Economic Development Assistance Corporation; a representative of Massachusetts  
2859 Law Reform Institute, Inc.; a representative of Massachusetts Association of Community  
2860 Development Corporations; a representative of Regional Housing Network of Massachusetts,  
2861 Inc.; and 5 members appointed by the governor, 1 of whom shall be a representative of a local  
2862 housing authority, 1 of whom shall be a representative of an advocacy organization representing  
2863 tenants, 1 of whom shall have expertise in affordable housing finance, 1 of whom shall have  
2864 expertise in nonprofit affordable housing development and 1 of whom shall have expertise in  
2865 development of permanent supportive housing.

2866 (d) Not later than June 30, 2025, the commission shall file its recommendations with the  
2867 clerks of the house of representatives and the senate and the joint committee on housing.

2868 SECTION 123. (a) The executive office of housing and livable communities, in  
2869 consultation with the executive office for administration and finance and the department of  
2870 revenue, shall conduct a study on the feasibility and impact of allowing cities and towns, by local  
2871 option, to exempt new affordable housing developments from the limitations set forth in  
2872 paragraphs (b) and (f) of section 21C of chapter 59 of the General Laws. The study shall include,  
2873 but not be limited to: (i) the potential revenue benefits of such exemption; (ii) the potential  
2874 number of affordable housing units constructed as a result of such exemption; (iii) the impact of  
2875 allowing cities or towns, by local option, to exempt the value of new affordable housing  
2876 developments at a multiplier of 5 and 10 times the amount of said value from said limitations;  
2877 (iv) the impact of applying such exemption to entire housing developments with different  
2878 percentages of affordable units; (v) the impact of requiring certain thresholds of affordability for  
2879 new affordable housing developments in order to qualify for such exemption; and (vi) a  
2880 comparison of potential impacts of such exemption to different cities and towns across the state.

2881 (b) The executive office of housing and livable communities shall submit a report of its  
2882 findings to the clerks of the senate and house of representatives, the joint committee on housing,  
2883 the joint committee on revenue and the senate and house committees on ways and means not  
2884 later than March 1, 2025.

2885 SECTION 124. (a) There shall be a special commission to analyze, report and  
2886 recommend a policy or pilot programs to meaningfully address housing shortages in the  
2887 commonwealth. The commission shall focus on finding sustainable and equitable housing  
2888 solutions to: (i) improve housing production; (ii) address racial wealth disparities in housing; (iii)  
2889 ensure regional equity in housing; and (iv) prevent chronic homelessness.

2890 (b) The commission shall consist of: the secretary of housing and livable communities or  
2891 a designee, who shall serve as chair; the secretary of administration and finance or a designee;  
2892 the director of rural affairs or a designee; the attorney general or a designee; the chairs of the  
2893 joint committee on housing or their designees; 3 members to be appointed by the speaker of the  
2894 house of representatives, 1 representing a gateway city, 1 representing a seasonal community and  
2895 1 representing a rural community; 3 members to be appointed by the senate president, 1  
2896 representing a gateway city, 1 representing a seasonal community and 1 representing a rural  
2897 community; 1 member who shall be appointed by the minority leader of the house of  
2898 representatives; 1 member who shall be appointed by the minority leader of the senate; 1 person  
2899 who shall be a representative of the Citizens' Housing and Planning Association, Inc.; 1 person  
2900 who shall be a representative of the Massachusetts Municipal Association, Inc.; 1 person who  
2901 shall be a member of the Greater Boston Real Estate Board; 1 person from the Massachusetts  
2902 Association of Community Development Corporations; 1 person who shall be a representative  
2903 from Western Massachusetts Housing Coalition; 1 person appointed by the president of the AFL-

2904 CIO; 1 of whom shall be a representative of the Massachusetts Taxpayers Foundation, Inc.; 1 of  
2905 whom shall be a representative of the Center for State Policy Analysis at Tufts University; 1  
2906 person who shall be a representative of the Tiny Home Industry Association; 1 person from  
2907 Greater Boston Community Land Trust; 1 person from the Massachusetts Association of  
2908 Housing Cooperatives, Inc.; 1 person who shall be a representative of the Center for Economic  
2909 Democracy, Inc.; 1 person who shall be a representative of the Greater Boston Chamber of  
2910 Commerce, Inc.; and the following members to be appointed by the governor, 1 of whom shall  
2911 represent the public housing authorities, 1 of whom shall be a representative of a regional  
2912 planning agency, 1 of whom shall be a housing developer committed to affordable housing  
2913 development in rural communities and 1 of whom shall be from a tenant advocacy organization.

2914 (c) The commission shall examine and make recommendations on: (i) a local option  
2915 transfer fee to be applied on transactions involving the transfer of real property interests,  
2916 including, but not limited to, its impact on both residential and commercial property, the property  
2917 value threshold amount, the impact on the housing economy both statewide and regionally,  
2918 spending requirements and potential exemptions; (ii) the potential impact of a local option  
2919 vacancy tax to be applied to unoccupied residential properties; (iii) the potential impact of a  
2920 high-end blight tax to be applied to unused distressed commercial property; (iv) scaling of mixed  
2921 income neighborhood trusts or community land trusts to preserve affordable housing; (v)  
2922 increasing the existing deed excise tax to support local and statewide affordable housing trusts;  
2923 (vi) additional types of residential housing cooperatives and land trusts; (vii) changes to the  
2924 community preservation program established under chapter 44B of the General laws to  
2925 encourage additional production of new housing units; and (viii) any other topic areas the  
2926 commission deems relevant to its mandate.

2927 (d) The commission shall file its recommendations with the clerks of the senate and  
2928 house of representatives, the senate and house committees on ways and means and the joint  
2929 committee on housing not later than September 15, 2025.

2930 SECTION 125. Notwithstanding any general or special law to the contrary, the  
2931 unexpended and unencumbered balances of the bond-funded authorizations in the following  
2932 accounts shall cease to be available for expenditure 180 days after the effective date of this act:  
2933 3000-0410, 7002-8032, 7004-0049, 7004-0050, 7004-0051, 7004-0052, 7004-0053, 7004-0055,  
2934 7004-0056, 7004-0057, 7004-0058, 7004-0059, 7004-0060, 7004-0061, 7004-0062, 7004-0064,  
2935 7004-0065, 7004-0066, 7004-0067, 7004-8016, 7004-8026.

2936 SECTION 126. To meet the expenditures necessary in carrying out sections 2 and 2A the  
2937 state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in  
2938 an amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
2939 \$5,146,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their  
2940 face, The Affordable Homes Act of 2024, and shall be issued for a maximum term of years, not  
2941 exceeding 30 years, as the governor may recommend to the general court under section 3 of  
2942 Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later  
2943 than June 30, 2059, pursuant to said section 3 of said Article LXII of the Amendments to the  
2944 Constitution. All interest and payments on account of principal on these obligations shall be  
2945 payable from the General Fund. Bonds and interest thereon issued under the authority of this  
2946 section shall, notwithstanding any other provision of this act, be general obligations of the  
2947 commonwealth. An amount not to exceed 2 per cent of the authorizations may be expended by  
2948 the executive office of housing and livable communities for administrative costs directly  
2949 attributable to the purposes of this act, including costs of clerical and support personnel. The

2950 secretary of housing and livable communities shall file an annual spending plan detailing, by  
2951 subsidiary, all personnel costs and any administrative costs charged to expenditures made  
2952 pursuant to this act with the fiscal affairs division within the executive office for administration  
2953 and finance, the house and senate committees on ways and means, the joint committee on  
2954 bonding, capital expenditures and state assets and the joint committee on housing.

2955 SECTION 127. To meet the expenditures necessary in carrying out section 2B, the state  
2956 treasurer shall, upon request of the governor, issue and sell bonds in an amount to be specified by  
2957 the governor from time to time but not exceeding, in the aggregate, \$50,000,000. All bonds  
2958 issued by the commonwealth as aforesaid shall be designated on their face, The Affordable  
2959 Homes Act of 2024, and shall be issued for a maximum term of years, not exceeding 30 years, as  
2960 the governor may recommend to the general court pursuant to section 3 of Article LXII of the  
2961 Amendments to the Constitution; provided, however, that all such bonds shall be payable not  
2962 later than June 30, 2059. All interest and payments on account of principal on such obligations  
2963 shall be payable from the General Fund. Bonds and interest thereon issued under the authority of  
2964 this section shall, notwithstanding any other provision of this act, be general obligations of the  
2965 commonwealth. An amount not to exceed 2 per cent of the authorizations may be expended by  
2966 the executive office of housing and livable communities for administrative costs directly  
2967 attributable to the purposes of this act, including costs of clerical and support personnel. The  
2968 secretary of housing and livable communities shall file an annual spending plan with the fiscal  
2969 affairs division within the executive office for administration and finance, the house and senate  
2970 committees on ways and means, the house and senate committees on bonding, capital  
2971 expenditures and states assets and the joint committee on housing which details, by subsidiary,

2972 all personnel costs and any administrative costs charged to expenditures made pursuant to this  
2973 act.

2974 SECTION 128. Not later than December 15, 2024, the executive office of housing and  
2975 livable communities shall promulgate guidance or regulations pursuant to subsection (h) of  
2976 section 33 of chapter 23B of the General Laws.

2977 SECTION 129. Sections 19, 20 and 22 and section 3800 of chapter 63 of the General  
2978 Laws shall take effect for tax years beginning on or after January 1, 2025.

2979 SECTION 130. Section 3800 of chapter 63 of the General Laws is hereby repealed.

2980 SECTION 131. Sections 117 to 119, inclusive, are hereby repealed.

2981 SECTION 132. Sections 10, 28, 45, 46 and 47 shall take effect 180 days after the  
2982 effective date of this act.

2983 SECTION 133. Sections 21, 24 and 130 shall take effect on January 1, 2030.

2984 SECTION 134. Section 131 shall take effect on June 30, 2030; provided, however, that  
2985 the commissioner of capital asset management and maintenance may complete any transaction  
2986 for which agreements have been signed and delivered on or before June 30, 2030.