SENATE . . . . . No. 2850

Senate, June 27, 2024 -- Text of the Senate amendment to the House Bill relative to the Affordable Homes Act (House, No. 4726) (being the text of Senate, No. 2834, printed as amended)

The Commonwealth of Massachusetts

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

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

SECTION 2.

EXECUTIVE OFFICE OF EDUCATION

Department of Early Education and Care

3000-0411 For state financial assistance in the form of grants for the Early Education and Out of School Time Capital Fund for the development of eligible facilities for licensed early care and education and out of school time programs established in section 18 of chapter 15D of the General Laws; provided, that the department of early education and care may contract with quasi-public or nonprofit entities to administer the program including, but not limited to, the Community Economic Development Assistance Corporation established in chapter 40H of the General Laws; provided further, that the department may develop or finance eligible facilities and may enter into subcontracts with nonprofit organizations established pursuant to chapter 180 of the General Laws or organizations in which such nonprofit corporations have a controlling financial or managerial interest; provided further, that the department shall consider: (i) a balanced geographic plan for such eligible facilities when issuing the funding commitments; and (ii) funding large group and school age child care centers as defined by the department; provided further, that the services made available pursuant to such grants shall not be construed as a right or entitlement for any individual or class of persons to the benefits financing; provided further, that no expenditure shall be made from this item without the prior approval of the secretary of administration and finance; and provided further, that eligibility shall be established by regulations promulgated by the department pursuant to chapter 30A of the General Laws for the implementation, administration and enforcement of this item..... $50,000,000

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

7004-0069 For a program of loans or grants to assist homeowners or tenants with a household member with blindness or severe disabilities in making modifications to their primary residence for the purpose of improving accessibility or to allow such individuals to live independently in the community or for construction costs to allow for the building of an

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

the secretary of housing and livable communities shall submit quarterly reports to the house and senate committees on ways and means, the joint committee on bonding, capital expenditures and state assets and the joint committee on housing detailing the status of the program established in this item..... $60,000,000

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

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

(ii) of this item, that repayment to the commonwealth is not required; (iv) be issued for a term not to exceed 30 years, during which time repayment may be deferred by the loan issuing authority; provided further, that if on the date the loans become due and payable to the commonwealth, an outstanding balance exists and if, on such date, the executive office of housing and livable communities, in consultation with the executive office of health and human services, determines that there still exists a need for such housing and that there is continued funding available for the provision of services to such development, the executive office of housing and livable communities may, by agreement with the owner of the development, extend the loans for such periods not to exceed 10 years, as the executive office shall determine; provided further, that the project, whether at the original property, or at an alternative property pursuant to subclause (2) of clause (ii) of this item, shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the executive office; provided further, that in the event the terms of repayment detailed in this item would cause a project authorized by this item to become ineligible to receive federal financial assistance which would otherwise assist in the development of that project, the executive office may waive the terms of repayment which would cause the project to become ineligible; and (v) have interest rates fixed at a rate, to be determined by the executive office, in consultation with the state treasurer; provided further, that the loans shall be provided only for projects conforming to this item; provided further, that the loans shall be issued in accordance with a facilities consolidation plan prepared by the secretary of health and human services, reviewed and approved by the executive office of housing and livable communities and filed with the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on bonding, capital expenditures and state

assets and the joint committee on housing; provided further, that no expenditure shall be made from this item without the prior approval of the secretary of administration and finance; provided further, that the executive office of housing and livable communities, the department of mental health and the Community Economic Development Assistance Corporation may identify appropriate financing mechanisms and guidelines for grants or loans from this item to promote private development to produce housing, provide for independent integrated living opportunities, write down building and operating costs and serve households at or below 15 per cent of the area median income for the benefit of department of mental health clients; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that

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

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

of 1966; provided further, that the agencies may develop or finance community-based housing or supportive housing or may enter into subcontracts with nonprofit organizations established under chapter 180 of the General Laws or organizations in which such nonprofit corporations have a controlling financial or managerial interest or for-profit organizations; provided further, that preference for such subcontracts shall be given to nonprofit organizations; provided further, that the executive office shall consider a balanced geographic plan for such community-based housing or supportive housing when issuing the loans; provided further, that all housing developed with these funds shall be integrated housing as defined by the appropriate state housing and service agencies, including, but not limited to, the executive office of housing and livable communities, the executive office of health and human services and the Massachusetts rehabilitation commission, in consultation with relevant and interested clients, clients' families, advocates and other parties as necessary; provided further, that loans issued pursuant to this item shall: (i) not exceed 50 per cent of the financing of the total development costs; (ii) not be issued unless a contract or agreement for the use of the property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii) of this item; provided further, that such repayment shall: (1) be in an amount equal to the commonwealth's proportional contribution from community-based housing to the cost of the development through payments made by the state agency making the contract; and (2) not be required if the executive office of housing and livable communities, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, to: (A) acquire such alternative

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

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

efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that no expenditure shall be made from this item without the prior approval of the secretary of administration and finance; and provided further, that the executive office shall promulgate regulations pursuant to chapter 30A of the General Laws for the implementation, administration and enforcement of this item, consistent with the enhancing community-based services plan prepared by the secretary of health and human services after consultation with the secretary and the commissioner of capital asset management and maintenance.....$55,000,000

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

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

7004-0073 For state financial assistance in the form of grants or loans for the Housing Stabilization and Investment Trust Fund established in section 2 of chapter 121F of the General Laws and awarded only pursuant to the criteria established in said section 2 of said chapter 121F; provided, that not less than 25 per cent shall be used to fund projects that preserve and produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that if the executive office of housing and livable communities

has not spent the amount authorized under the bond cap for this program, at the end of each fiscal year following the effective date of this act, the executive office may award the remaining funds to projects that serve households earning more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that the executive office shall consider geographic equity in awarding funds from this item; provided further, that for new construction projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that not less than $10,000,000 shall be expended for the Small Properties State Acquisition Funding Pilot established in item 1599-6084 of section 2A of

chapter 268 of the acts of 2022; provided further, that the fund shall issue soft loans to supplement other acquisition soft loans administered by municipal or other affordable housing acquisition lenders on a rolling basis; provided further, that acquisitions pursuant to this pilot shall follow the affordability restrictions of the affordable housing acquisition lenders; and provided further, that loans under this program shall be used for the acquisition of: (i) buildings of 1 to 8 units, inclusive, of residential housing for rental or ownership; or (ii) mixed-use buildings for a term of not less than 30 years.....$435,000,000

7004-0074 For state financial assistance in the form of grants for projects undertaken pursuant to clause (j) of section 26 of chapter 121B of the General Laws; provided, that contracts entered into by the executive office of housing and livable communities for those projects may include, but shall not be limited to, projects providing for renovation, remodeling, reconstruction, redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws and for adaptations necessary for compliance with the Americans with Disabilities Act of 1990, the provision of day care facilities, learning centers and teen service centers and the adaptation of units for families and persons with disabilities; provided further, that priority shall be given to projects undertaken for the purpose of compliance with state codes and laws or for other purposes related to the health and safety of residents; provided further, that funds may be expended from this item to make such modifications to congregate housing units as may be necessary to increase the occupancy rate of such units; provided further, that the executive office shall continue to fund a program to provide predictable funds to be used flexibly by housing authorities for capital improvements to extend the useful life of state-assisted public housing; provided further, that not less than 25 per cent of the funds made available in this item shall be used to fund projects that preserve or produce housing for

families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that not less than $15,000,000 of the funds made available in this item shall be used to increase accessibility of state-aided public housing for persons with disabilities; provided further, that not more than $150,000,000 of the funds made available in this item may be used to fund projects that include sustainability initiatives to reduce greenhouse gas emissions and make progress towards decarbonization through energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; and provided further, that funds made available in this item shall, to the extent feasible, be used in accordance with the Massachusetts state hazard mitigation and climate adaptation plan….....$2,000,000,000

7004-0075 For state financial assistance in the form of grants for a demonstration program, administered by the executive office of housing and livable communities, to demonstrate cost effective revitalization methods for state-aided family and elderly-disabled public housing that seek to reduce the need for future state modernization funding; provided, that housing authorities with state-aided housing developments pursuant to chapter 200 of the acts of 1948, chapter 667 of the acts of 1954, chapter 705 of the acts of 1966, chapter 689 of the acts of 1974 or chapter 167 of the acts of 1987 shall be eligible to participate in the demonstration program; provided further, that the executive office may exempt a recipient of demonstration grants from the requirements of chapters 7C and 121B of the General Laws upon a showing by

the recipient that such exemptions are necessary to accomplish the effective revitalization of public housing and shall not adversely affect public housing residents or applicants of any income who are otherwise eligible; provided further, that the executive office may provide to recipients of demonstration grants such additional regulatory relief as may be required to further the objectives of the demonstration program; provided further, that funds may be made available for technical assistance provided by the Community Economic Development Assistance Corporation established under chapter 40H of the General Laws or the Massachusetts Housing Partnership Fund established under section 35 of chapter 405 of the acts of 1985 to recipients of demonstration grants and for evaluation of the demonstration; provided further, that the executive office's regulations for the implementation, administration and enforcement of this item shall: (i) require that selected housing authorities demonstrate innovative and replicable solutions to the management, marketing or capital needs of state-aided family and elderly-disabled public housing developments and contribute to the continued viability of the housing as a resource for public housing eligible residents; (ii) encourage proposals that demonstrate regional collaborations among housing authorities; and (iii) encourage proposals for new affordable housing units on municipally-owned land, underutilized public housing sites or other land owned by the housing authority; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that the executive office shall consider geographic equity in awarding funds from this item; provided further, that for new construction projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under

225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; and provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized

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7004-0076 For state financial assistance in the form of grants or loans for the Housing Innovations Trust Fund established in section 2 of chapter 121E of the General Laws; provided, that not less than 25 per cent of the funds made available in this item shall be used to fund projects that preserve and produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that the executive office shall consider geographic equity in awarding funds from this item; provided further, that for new construction

projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; and provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized….....$200,000,000

7004-0078 For state financial assistance in the form of no interest loans, grants, subsidies, credit enhancements and other financial assistance for innovative, sustainable and green housing initiatives; provided, that entities eligible to receive financial assistance under this item shall include qualified for-profit or nonprofit developers, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based nonprofit housing organizations, other nonprofit organizations and for-profit entities, and governmental bodies; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes not more than 110 per cent of the area median income, as defined by the United States Department of Housing and Urban Development with priority given to projects that provide higher and deeper levels of affordability; provided further, that not less than 25 per cent of the occupants of housing in projects assisted by this item

shall be persons whose income is not more than 60 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that financial assistance shall be awarded in a manner that promotes geographic, social, racial and economic equity; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that funds from this item shall not be expended in communities deemed by the secretary of housing and livable communities not in compliance with the multi-family zoning requirement established in section 3A of chapter 40A of the General Laws; provided further, that for new construction projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that financial assistance under this item shall be to

accelerate and support: (i) innovative strategies for the production of affordable and mixed-income housing developments and other market transformation activities, including but not limited to: (a) re-use of commercial space, office space, and underutilized state- or locally-controlled land or assets, including, but not limited to, brownfield or greyfield sites, or other property that the secretary of housing and livable communities has determined is suitable for sustainable residential or mixed-use development; (b) modular construction, manufactured housing, and other innovative housing models that offer development or operating cost savings, utilize advanced and applied technologies, provide efficiencies to help accelerate production and incorporate energy efficiency or energy conservation into their design, construction or rehabilitation; (c) accessory dwelling units and co-housing models; and (d) other market transformation efforts to be determined by the executive office of housing and livable communities, which may include, but shall not be limited to, any pilot program or demonstration program that is consistent with the purposes of this item; provided further, that such strategies may include a mixed income social housing pilot program in which a local or regional housing authority or other public or quasi-public entity maintains majority ownership or control of such housing; (ii) the creation of low-income and moderate-income residential housing units and mixed use developments that include both residential housing units and commercial or retail space in close proximity to transit nodes or within neighborhood commercial areas including, but not limited to, those areas designated as main street areas and rural villages; provided further, that the program shall be administered to: (a) maximize the amount of affordable residential and mixed-use space in close proximity to transit nodes or within neighborhood commercial areas, resulting in higher density, compact development and pedestrian-friendly, inclusive and connected neighborhoods; (b) increase mass transit ridership; (c) decrease traffic congestion and

reduce greenhouse gas emissions; and (d) increase economic opportunity for disadvantaged populations by making it easier for residents of affordable housing to access public transportation, including transportation supporting commutes to employment centers; provided further, that the program may be administered to include projects that have residential units above commercial space located in areas characterized by a predominance of commercial land uses, a high daytime or business population or a high concentration of daytime traffic and parking; provided further, that the financial subsidy for the commercial portion of a project shall not exceed 25 per cent of the total development cost of the commercial portion of the project or $1,000,000, whichever is lesser; provided further, that the executive office may provide financial support to nonprofit and for-profit developers that enter into binding agreements to set aside residential units in existing market-rate, transit-oriented housing, over and above any units required to be set aside under local zoning or approvals, for rent or sale to income-qualified households at affordable rents or sale prices, as applicable; and (iii) the creation and preservation of sustainable and climate resilient affordable multifamily housing; provided further, that such financial assistance shall be made to: (a) incorporate efficient, sustainable and climate resilient design practices in affordable residential development to support positive climate mitigation outcomes; (b) reduce greenhouse gas emissions and reliance on fossil fuels; (c) increase resiliency of existing housing developments to mitigate impacts of climate change, including flooding and extreme temperatures; and (d) enhance emergency preparedness, including sustainable means of power generation to allow for sheltering vulnerable populations in place; provided further, that financial assistance provided pursuant to clause (i) or clause (iii) may be administered by the executive office of housing and livable communities through contracts with the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts

of 1985, or the Massachusetts Housing Finance Agency, established in chapter 708 of the acts of 1966, or both, which may, as the case may be, directly offer financial assistance for the purposes set forth herein or may enter into subcontracts with nonprofit organizations, established pursuant to chapter 180 of the General Laws for those purposes; provided further, that financial assistance provided pursuant to clause (ii) may be administered by the executive office through contracts with said Massachusetts Housing Partnership Fund; provided further, that the executive office of housing and livable communities or an administering agency under contract with the executive office may establish additional program requirements through regulations or policy guidelines; and provided further, that funds may be made available under this item to fund, finance or refinance limited equity housing cooperatives pursuant to chapter 157B of the General Laws, including assisting first-time buyers to purchase shares of stock in such cooperatives ……...$275,000,000

7004-0080 For the Middle-Income Housing Fund administered by the Massachusetts Housing Finance Agency.....$100,000,000

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary

1100-2518 For costs associated with planning and studies, the preparation of plans and specifications, demolition, remediation, construction and relocation of utilities, construction and reconstruction of infrastructure, predevelopment, and site preparation; provided, that any funds received by a state agency in connection with projects funded from this item may be retained by the executive office for administration and finance and expended for the purposes of

the project, without further appropriation, in addition to the amounts appropriated in this item; provided further, that where appropriate, the commissioner of capital asset management and maintenance may transfer funds authorized herein in accordance with a delegation of project control and supervision process pursuant to section 5 of chapter 7C of the General Laws or for the capitalization of the Surplus Real Property Disposition Fund established in section 119; and provided further, that funds from this item shall be distributed in furtherance of affordable housing production goals and availability of sites suitable for construction or expansion of housing opportunities in the commonwealth in consultation with the secretary of housing and livable communities..... $30,000,000

1599-1953 For local housing initiatives; provided, that not less than $1,000,000 shall be expended to the Belmont Housing Authority for capital improvements to the Sherman Gardens public housing development in the town of Belmont; provided further, that not less than $500,000 shall be expended to the Watertown Housing Authority for construction of a group home at 103 Nichols avenue in the city of Watertown; provided further, that not less than $6,500,000 shall be allocated to the comprehensive modernization and redevelopment of the federally-assisted Patricia White apartments in the Brighton section of the city of Boston; provided further, that not less than $25,000 shall be expended to the town of Hubbardston for the redevelopment of the sand pit sites in the town of Hubbardston; provided further, that not less than $100,000 shall be expended for improvements to the Holden Housing Authority; provided further, that not less than $100,000 shall be expended for improvements to the Leicester Housing Authority; provided further, that not less than $500,000 shall be expended to the West Brookfield Housing Authority for building upgrades and general improvements; provided further, that not less than $1,000,000 shall be expended to the Spencer Housing Authority for facility upgrades;

provided further, that not less than $2,000,000 shall be expended to the Barre Housing Authority for building expansions; provided further, that not less than $5,000,000 shall be expended to the Fitchburg Redevelopment Authority for downtown housing development; provided further, that not less than $500,000 shall be expended to the Bellingham Housing Authority; provided further, that not less than $250,000 shall be expended to the Dover Housing Partnership Committee; provided further, that not less than $1,000,000 shall be expended to the Franklin Housing Authority; provided further, that not less than $500,000 shall be expended to the Medfield Housing Authority; provided further, that not less than $1,000,000 shall be expended to the Milford Housing Authority; provided further, than not less than $500,000 hall be expended to the Millis Housing Authority; provided further, that not less than $1,000,000 shall be expended to the Needham Housing Authority; provided further, than not less than $500,000 shall be expended to the Norfolk Housing Authority; provided further, than not less than $500,000 shall be expended to the Plainville Housing Authority; provided further, than not less than $250,000 shall be expended to the Sherborn Housing Trust; provided further, than not less than $500,000 shall be expended to the Wrentham Housing Authority; provided further, that not less than $2,500,000 shall be expended to the Boston Housing Authority for housing modernization, water and sewer improvements and retrofitting the Fairmount public housing projects in the Hyde Park section of the city of Boston; provided further, that not less than $8,000,000 shall be expended to the Lowell Housing Authority for the development of new affordable housing units and new veterans supportive housing units; provided further, that not less than $1,000,000 shall be expended to the Brockton Housing Authority for the planning, design, renovation, maintenance or construction of housing; provided further, that not less than $4,500,000 shall be expended to Westmass Area Development Corporation to support the predevelopment, demolition and

stabilization of properties and expenses associated with the preparation of affordable housing at the Ludlow Mills in the town of Ludlow; provided further, that not less than $15,000,000 shall be expended to the Disabled American Veterans Department of Massachusetts Service Fund, Inc. for the renovation, rehabilitation, construction and establishment of housing for veterans and their families; provided further, that not less than $1,000,0000 shall be expended to Double Edge Theatre Productions Incorporated in the town of Ashfield for the development of affordable housing and workforce housing with a community space on a currently underutilized property; provided further, that not less than $1,000,000 shall be expended to Berkshire Natural Resources Council, Inc. for the construction of new workforce housing and conservation of land and natural resources in the town of Egremont on the 225-acre former Egremont Golf Club property; provided further, that not less than $1,000,000 shall be expended to the Community Development Corporation of South Berkshire, Inc. for the redevelopment and remediation costs of new housing projects at the former Thornewood Inn and 100 Bridge street in the town of Great Barrington; provided further, that not less than $500,000 shall be expended to Central Berkshire Habitat for Humanity, Inc. for the creation of affordable housing projects in Berkshire county in collaboration with local communities; provided further, that not less than $1,000,000 shall be expended to Hilltown Community Development Corporation for the creation of new housing and redevelopment of vacant properties in the rural hill towns of Berkshire, Hampden and Hampshire counties; provided further, that not less than $500,000 shall be expended to the North Adams Housing Authority; provided further, that not less than $500,000 shall be expended to Westside Legends, Inc. in the city of Pittsfield for the construction of new affordable homeownership units in 5 multifamily residential buildings constructed on a currently vacant lot; provided further, that not less than $500,000 shall be expended to the Southwick Housing

Authority; provided further, that not less than $1,000,000 shall be expended to the Massachusetts Housing Finance Agency to be administered as grants to certified sober homes for sprinklers installed in accordance with the state building code; provided further, that not less than $1,000,000 shall be expended for the town of Harvard to purchase, rehabilitate and make improvements to the Bromfield House located at 39 Massachusetts avenue in the town of Harvard to provide public housing to immigrant families; provided further, that not less than $1,000,000 shall be expended for the Marlborough Housing Authority; provided further, that not less than $500,000 shall be expended for the Haverhill Housing Authority for construction of a 34-unit affordable rental multi-family development at 230 Hilldale avenue in the city of Haverhill; provided further, that not less than $500,000 shall be expended for the Hudson Housing Authority; provided further, that not less than $1,500,000 shall be expended to the Methuen Housing Authority for capital improvements; provided further, that not less than $1,500,000 shall be expended to Way Finders, Inc. for a multi-phase housing development on South High street in the city of Holyoke; provided further, that not less than $500,000 shall be expended for the Acton Housing Authority; provided further, that not less than $500,000 shall be expended to the Easthampton Housing Authority for capital improvement projects and upgrades; provided further, that not less than $500,000 shall be expended for the Ayer Housing Authority; provided further, that not less than $1,500,000 shall be expended to the Melrose Housing Authority for critical infrastructure repairs to the CJ McCarthy and Julian Steele elderly-disabled public housing facilities; provided further, that not less than $5,000,000 shall be expended for the Arlington Housing Authority for envelope repairs and improvements at Menotomy Manor in the town of Arlington; provided further, that not less than $1,200,000 shall be expended to the Holyoke Housing Authority for capital improvement projects and upgrades; provided further,

that not less than $1,550,000 shall be expended to the Chicopee Housing Authority for capital improvement projects and upgrades; provided further, that not less than $5,000,000 shall be expended to the Springfield Housing Authority for capital improvements; provided further, that not less than $2,250,000 shall be expended to New North Citizens Council, Inc. for pre-development and construction activities related to the redevelopment of the former Brightwood School at 471 Plainfield street in the city of Springfield; provided further, that not less than $275,000 shall be expended to Way Finders, Inc. for capital improvement projects and upgrades to the Southampton Meadows apartments; provided further, that not less than $1,000,000 shall be expended to the Wakefield Housing Authority for the development of the former Hurd school into affordable housing for individuals with disabilities; provided further, that not less than $500,000 shall be expended to the Westfield Housing Authority for capital improvement projects and upgrades; provided further, that not less than $1,000,000 shall be expended to the Agawam Housing Authority for capital improvement projects and upgrades; provided further, that not less than $500,000 shall be expended to the Valley Community Development Corporation for design and construction of solar energy systems and development at the Amherst Community Homes project in the city known as the town of Amherst; provided further, that not less than $1,000,000 shall be expended to the West Springfield Housing Authority for capital improvement projects and upgrades; provided further, that not less than $500,000 shall be expended for the Littleton Housing Authority; provided further, that not less than $2,000,000 shall be expended to Way Finders, Inc. for the East Street and the Belchertown Road affordable housing projects in the city known as the town of Amherst; provided further, that not less than $1,000,000 shall be expended to the Avon Housing Authority to make necessary capital and accessibility improvements to the resident community center; provided further, that not less than $1,000,000 shall be expended for

the town of Leverett for housing development or redevelopment efforts in accordance with the town's comprehensive plan, existing town needs and coordination with neighboring municipalities on housing developments that impact both municipalities; provided further, that not less than $500,000 shall be expended for the Maynard Housing Authority; provided further, that not less than $50,000 shall be expended to the Dedham Housing Authority for maintenance and improvements; provided further, that not less than $50,000 shall be expended to the Norwood Housing Authority for maintenance and improvements; provided further, that not less than $50,000 shall be expended to the Walpole Housing Authority for maintenance and improvements; provided further, that not less than $50,000 shall be expended to the Westwood Housing Authority for maintenance and improvements; provided further, that not less than $2,000,000 shall be expended to the city of Worcester for a lead abatement program; provided further, that not less than $500,000 shall be expended to Worcester Common Ground Inc., to renovate 9 May street, a nonprofit affordable housing property; provided further, that not less than $2,000,000 shall be expended to the city of Worcester for an affordable housing preservation program; provided further, that not less than $2,500,000 shall be expended to the Main South Community Development Corporation for the development of 100 new affordable housing units; provided further, that not less than $500,000 shall be expended for the Southborough Housing Authority; provided further, that not less than $2,500,000 shall be expended to the Newton Housing Authority for window replacement, energy efficiency upgrades to deteriorating existing units and the addition of new affordable units; provided further, that not less than $1,000,000 shall be expended to the Wellesley Housing Authority for infrastructure updates, maintenance and accessibility projects; provided further, that not less than $500,000 shall be expended for the Sudbury Housing Authority; provided further, that not less than

$5,000,000 shall be expended for the development of affordable housing in the city of Lawrence for unhoused families, families impacted by domestic violence, veterans and victims of human trafficking; provided further, that not less than $500,000 shall be expended for the Wayland Housing Authority; provided further, that not less than $500,000 shall be expended to the Dalton Housing Authority; provided further, that not less than $1,000,000 shall be expended to the Quincy Housing Authority for purposes including, but not limited to, planning, design, engineering and construction of public housing units, site and building infrastructure repairs and property acquisition; provided further, that not less than $500,000 shall be expended to the Abington Housing Authority for purposes including, but not limited to, planning, design, engineering and construction of public housing units, site and building infrastructure repairs and property acquisition; provided further, that not less than $500,000 shall be expended to the Hanover Housing Authority for purposes including, but not limited to, planning, design, engineering and construction of public housing units, site and building infrastructure repairs and property acquisition; provided further, that not less than $500,000 shall be expended to the Holbrook Housing Authority for purposes including, but not limited to, planning, design, engineering and construction of public housing units, site and building infrastructure repairs and property acquisition; provided further, that not less than $500,000 shall be expended to the Rockland Housing Authority for purposes including, but not limited to, planning, design, engineering and construction of public housing units, site and building infrastructure repairs and property acquisition; provided further, that not less than $600,000 shall be expended for People Acting in Community Endeavors, Inc. in the city of New Bedford for the rehabilitation of residential units into affordable housing for renters and first-time homebuyers; provided further, that not less than $1,000,000 shall be expended for the demolition of the existing building and

construction of a parking deck at 1204 Purchase street in the city of New Bedford to enable local housing development; provided further, that not less than $5,000,000 shall be expended to the New Bedford Housing Authority for renovations, repairs and remodeling projects to preserve housing stock and improve tenant quality of living; provided further, that not less than $500,000 shall be expended for Partners in Housing, Inc. for affordable senior housing at the Mendes-Monteiro House in the town of Dartmouth; provided further, that not less than $2,000,000 shall be expended for the Brookline Housing Authority; provided further, that not less than $2,500,000 shall be expended to the city of Salem for the redevelopment of the former historic Salem superior court and county commissioner's building for mixed; provided further, that not less than $1,000,000 shall be expended to the Salem Housing Authority for purposes, including, but not limited to, housing-related infrastructure improvements, unit modernization and maintenance; provided further, that not less than $1,000,000 shall be expended to the Danvers Housing Authority for purposes, including, but not limited to, housing-related infrastructure improvements, unit modernization and maintenance; provided further, that not less than $1,000,000 shall be expended to the Peabody Housing Authority for purposes, including, but not limited to, housing-related infrastructure improvements, unit modernization and maintenance; provided further, that not less than $1,000,000 shall be expended to the Beverly Housing Authority for purposes, including, but not limited to, housing-related infrastructure improvements, unit modernization and maintenance; provided further, that not less than $4,500,000 shall be expended to the Malden Housing Authority for critical infrastructure repairs to public housing units for seniors and individuals with disabilities; provided further, that not less than $500,000 shall be expended to the Braintree Housing Authority; provided further, that not less than $500,000 shall be expended to the Bridgewater Housing Authority; provided further,

that not less than $500,000 shall be expended to the Easton Housing Authority; provided further, that not less than $500,000 shall be expended to the Milton Housing Authority; provided further, that not less than $500,000 shall be expended to the Randolph Housing Authority; provided further, that not less than $500,000 shall be expended to the Stoughton Housing Authority; provided further, that not less than $500,000 shall be expended to the West Bridgewater Housing Authority; provided further, that not less than $1,000,000 shall be expended to the Bridgewater Housing Authority to support a sewer line replacement project; provided further, that not less than $1,470,000 shall be expended to Valley Community Land Trust, Incorporated for land acquisition and construction and development of affordable housing in Franklin county; provided further, that not less than $1,000,000 shall be expended to the city of Gloucester for workforce development and affordable housing purposes; provided further, that not less than $250,000 shall be expended for public housing redevelopment at the Monson Developmental Center in the town of Monson; provided further, that not less than $1,000,000 shall be expended for the creation of affordable housing units in the Stevens Linen Mill public housing development project in the town of Dudley; provided further, that not less than $500,000 shall be expended to the town of Northbridge for housing redevelopment projects; provided further, that not less than $500,000 shall be expended to the town of Upton for housing infrastructure improvements; provided further, that not less than $1,000,000 shall be expended for sewer, septic, water, storm water management, roads, sidewalks, traffic controls and public safety infrastructure upgrades and expansions that advance projects that support housing development, preservation or rehabilitation in the town of Auburn; provided further, that not less than $1,000,000 shall be expended for sewer, septic, water, storm water management, roads, sidewalks, traffic controls and public safety infrastructure upgrades and expansions that advance projects that support

housing development, preservation or rehabilitation in the town of Grafton; provided further, that not less than $1,000,000 shall be expended for sewer, septic, water, storm water management, roads, sidewalks, traffic controls and public safety infrastructure upgrades and expansions that advance projects that support housing development, preservation or rehabilitation in the town of Millbury; provided further, that not less than $1,000,000 shall be expended for sewer, septic, water, storm water management, roads, sidewalks, traffic controls and public safety infrastructure upgrades and expansions that advance projects that support housing development, preservation or rehabilitation in the town of Shrewsbury; provided further, that not less than $1,000,000 shall be expended for sewer, septic, water, storm water management, roads, sidewalks, traffic controls and public safety infrastructure upgrades and expansions that advance projects that support housing development, preservation or rehabilitation in the town of Westborough; provided further, that not less than $2,000,000 shall be expended for sewer, septic, water, storm water management, roads, sidewalks, traffic controls and public safety infrastructure upgrades and expansions that advance projects that support housing development, preservation or rehabilitation in the city of Worcester; provided further, that not less than $500,000 shall be expended to the town of Middleton for infrastructure improvements to support housing and public safety; provided further, that not less than $2,000,000 shall be expended for infrastructure improvement to facilitate housing production along the United States highway route 1 corridor between the town of Topsfield and the town of Salisbury; provided further, that not less than $500,000 shall be expended to the city of Newburyport for the development of housing at the former Brown school located at 40 Milk street in the city of Newburyport; provided further, that not less than $250,000 shall be expended to the town of North Reading for infrastructure improvements to support housing production; provided further, that not less than

$250,000 shall be expended to the Rockport Affordable Housing Trust for the production of affordable housing; provided further, that not less than $500,000 shall be expended to Housing Support Inc. in the city of Newburyport for the creation of housing to support populations, which may include, but shall not be limited to, low-income individuals, homeless individuals, people with disabilities, veterans and individuals in recovery in the Merrimack valley; provided further, that not less than $1,000,000 shall be expended to the Greater Boston Community Land Trust for the acquisition, development and rehabilitation of property to be preserved for long-term affordable housing; provided further, that not less than $7,000,000 shall be expended to Children's Services of Roxbury, Inc. to develop affordable, supportive housing for transition-aged youth facing homelessness or aging out of systems and for homeless families coping with trauma and mental health needs; provided further, that not less than $500,000 shall be expended to the Winchester Housing Authority; provided further, that not less than $500,000 shall be expended to the Cape Cod Chamber of Commerce for the construction of new accessory dwelling units to increase affordable workforce housing through an employer housing partnership program; provided further, that not less than $1,000,000 shall be expended to the Housing Assistance Corporation for the construction and build-out of a regional housing resource center; provided further, that not less than $500,000 shall be expended to the Stoneham Housing Authority; provided further, that not less than $1,000,000 shall be expended to the Canton Housing Authority; provided further, that not less than $1,000,000 shall be expended to the Foxborough Housing Authority; provided further, that not less than $1,000,000 shall be expended to the Sharon Housing Authority; provided further, that not less than $1,000,000 shall be expended to the Norton Housing Authority; provided further, that not less than $1,000,000 shall be expended to the North Attleboro Housing Authority; provided further, that not less than

$3,000,000 shall be expended to Northern Bristol County Assistance Collaborative, Inc. for development costs for the Attleboro affordable senior housing project; provided further, that not less than $500,000 shall be expended to the Rehoboth Housing Authority for the design and construction of new senior housing units; provided further, that not less than $500,000 shall be expended to the Carver Housing Authority for housing improvements, including, but not limited to, modernization, energy efficiencies and sustainability; provided further, that not less than $500,000 shall be expended to the Dighton Housing Authority for housing improvements, including, but not limited to, modernization, energy efficiencies and sustainability; provided further, that not less than $1,000,000 shall be expended to the Middleborough Housing Authority for housing improvements, including, but not limited to, modernization, energy efficiencies and sustainability; provided further, that not less than $500,000 shall be expended to the Raynham Housing Authority for housing improvements, including, but not limited to, modernization, energy efficiencies and sustainability; provided further, that not less than $3,500,000 shall be expended to the Taunton Housing Authority for housing improvements, including, but not limited to, modernization, energy efficiencies and sustainability; provided further, that not less than $500,000 shall be expended to the Wareham Housing Authority for new senior housing construction and housing improvements, including, but not limited to, modernization, energy efficiencies and sustainability; provided further, that not less than $3,000,000 shall be expended for planning and design of water infrastructure interconnections between municipalities and other public water suppliers affected by the Ipswich river watershed to support current and future housing stock; provided further, that not less than $750,000 shall be expended for the Simonelli Innovation Center at the Hamilton Mills building for an affordable housing development project in the town of Southbridge; provided further, that not less than $1,000,000 shall be expended for

the modernization of elevators at the Ruth Lillian Barkley development in the South End section of the city of Boston; provided further, that not less than $1,000,000 shall be expended to the Boston Housing Authority for the modernization of the St. Botolph apartments in the city of Boston; provided further, that not less than $1,000,000 shall be expended to Codman Square Neighborhood Development Corporation for design, construction and maintenance of affordable housing; provided further, that not less than $1,000,000 shall be expended to South Boston Neighborhood Development Corporation for design, construction and maintenance of affordable housing; provided further, that not less than $1,000,000 shall be expended to Caribbean Integration Community Development, Inc. for design, construction and maintenance of affordable housing; provided further, that not less $1,000,000 shall be expended to St. Mary's Center for Women and Children, Inc. for renovation and construction of supportive housing units; provided further, that not less than $2,000,000 shall be expended to the Boston Housing Authority for the modernization and maintenance of the Monsignor Powers apartments, West Ninth Street apartments and Foley apartments in the South Boston section of the city of Boston; provided further, that not less than $15,000,000 shall be expended to the Boston Housing Authority for the creation of federally-assisted housing in the city of Boston pursuant to the United States Department of Housing and Urban Development's Rental Assistance Demonstration program or related federal housing programs; provided further, that not less that $5,000,000 shall be expended to the town of Truro to complete water main extension and road work improvements related to the construction of housing at the Walsh Property project; provided further, that not less than $1,000,000 shall be expended to the Somerset Housing Authority for critical infrastructure repairs, maintenance and capital improvement projects; provided further, that not less than $1,000,000 shall be expended to the Swansea Housing

Authority for critical infrastructure repairs, maintenance and capital improvement projects; provided further, that not less than $1,000,000 shall be expended to the Westport Housing Authority for critical infrastructure repairs, maintenance and capital improvement projects; provided further, that not less than $5,000,000 shall be expended to the Fall River Housing Authority for facility renovations and security improvements; provided further, that not less than $5,000,000 shall be expended to the city of Boston to automate the ground water monitoring system; provided further, that not less than $2,000,000 shall be expended to the city known as the town of Winthrop for infrastructure and demolition of the former middle school located at 141 Pauline street; and provided further, that not less than $1,000,000 shall be expended to the city of Revere for senior housing upgrades and improvements to Revere Housing Authority properties……$228,770,000

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

7004-0077 For a local capital projects grant program to support and encourage implementation of the housing choice designation for communities that have demonstrated housing production and adoption of housing best practices; provided, that not less than $25,000,000 shall be expended for a grant program to assist MBTA communities in complying with the multi-family zoning requirement in section 3A of chapter 40A of the General Laws.....$60,000,000

7004-0079 For the Smart Growth Housing Trust Fund established in section 35AA of chapter 10 of the General Laws……..$20,000,000

7004-0081 For a reserve to support the production of for-sale, below market housing to expand homeownership opportunities for first-time homebuyers and socially and economically

disadvantaged individuals; provided, that grants and loans to developers shall be used to facilitate production of affordable homeownership units for households earning not more than 120 per cent of the area median income; provided further, that projects with units restricted to households with incomes of not more than 80 per cent of the area median income shall receive preference; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that the minimum number of units for qualifying projects under the program shall be 10 units unless otherwise approved by the secretary of housing and livable communities; provided further, that funds in this item shall be distributed in a manner that

promotes geographic equity; provided further, that grants may include a requirement for matching funds; provided further, that the executive office of housing and livable communities may enter into such contracts and agreements with the Massachusetts Housing Finance Agency, or such other public agencies and instrumentalities as it may determine, for the administration of such program; and provided further, that not more than 5 per cent of this item shall be used for the reasonable costs of administering the program.....$200,000,000

7004-0082 For grants and technical assistance for municipalities and regional applicants to support planning and locally-driven initiatives related to community development, housing production, workforce training and economic opportunity, childcare and early education initiatives and climate resilience initiatives, including nature-based solutions projects, that incorporate these elements, across the commonwealth within individual communities, regions or a defined subset of communities therein; provided, that funds may be expended for culturally competent and multi-lingual technical assistance and training to small businesses; provided further, that preference for such funds shall be given to businesses located in low- or moderate-income areas and owned by socially and economically disadvantaged individuals; provided further, that grants shall be awarded in a manner that promotes geographic equity; and provided further, that funds from this item shall not be expended in communities deemed by the executive office of housing and livable communities not in compliance with the multi-family zoning requirement established in section 3A of chapter 40A of the General Laws.....$25,000,000

7004-0083 For the HousingWorks infrastructure program established in section 27½ of chapter 23B of the General Laws; provided, that not less than $100,000,000 shall be expended as grants to cities and towns for sewer, septic and water infrastructure upgrades that advance projects that support housing development, preservation or rehabilitation; provided further, that

the executive office shall consider geographic equity in awarding funds from this item; provided further, that not less than $50,000,000 shall be expended as grants to cities and towns that (i) are compliant with the multi-family zoning requirement under section 3A of chapter 40A of the General Laws; and (ii) have demonstrated continued effort to advance housing production beyond the minimum multi-family zoning requirement in said section 3A of said chapter 40A, as determined by the secretary of housing and livable communities; provided further, that not less than $50,000,0000 shall be expended as grants to cities and towns that have: (a) accepted sections 3 to 7, inclusive, of chapter 44B of the General Laws; and (b) expended an amount of not less than 10 per cent of revenues available to the city or town under said sections 3 to 7, inclusive, of said chapter 44B on community housing; and provided further, that the executive office of housing and livable communities shall prioritize the awarding of grants to cities and towns with higher percentages of total revenues available to the city or town under said sections 3 to 7, inclusive, of said chapter 44B expended on community housing

……..$375,000,000

7004-0085 For state financial assistance to cities and towns or agencies, boards, commissions, authorities, departments or instrumentalities thereof or community development corporations or nonprofit organizations to assist in the revitalization of neighborhoods and communities with properties in blighted or substandard conditions by subsidizing the purchase price, borrowing costs or costs of demolition or renovation projects of not more than 50 units of residential rental housing or 1 to 4 units, inclusive, of home ownership residential housing that have been cited for building or sanitary code violations or that are subject to cancellation of commercial property insurance due to substandard property conditions or are otherwise blighted or substandard; provided, that contracts entered into by the executive office of housing and

livable communities for those projects may include, but shall not be limited to, projects providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws and for adaptations necessary for compliance with the Americans with Disabilities Act of 1990; provided further, that preference shall be given to community development corporations and local non-profit organizations, organizations sponsoring projects that secure private funds and projects with the greatest impact on community stabilization in weak markets, including, but not limited to, rural communities and communities that have been disproportionately affected by disinvestment, foreclosure and abandonment; provided further, that financial assistance shall be awarded in a manner that promotes geographic, social, racial, and economic equity; provided further, that funds from this item shall not be expended in communities deemed by the secretary of housing and livable communities not in compliance with the multi-family zoning requirement established in section 3A of chapter 40A of the General Laws; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the standards set forth in the Municipal Opt-in Specialized Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits

of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute compliance or an equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that such rehabilitated housing shall remain affordable for such period as shall be established by the executive office through guidance taking into account differences in market conditions and the type of restrictions best suited to promoting community stabilization in different markets; and provided further, that an amount not to exceed 2 per cent of the amount expended may be used for administrative costs directly attributable to the purposes of this program, including costs of support personnel.....$50,000,000

7004-0096 For a rural and small town housing program; provided, that funds shall be expended as state financial assistance in the form of no interest loans, grants, subsidies, credit enhancements and other financial assistance for the development and redevelopment of rental and homeownership housing in rural areas; provided further, that entities eligible to receive financial assistance under this item shall include qualified for-profit or nonprofit developers, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based nonprofit housing organizations, other nonprofit organizations and for-profit entities, cities and towns and other governmental entities; provided further, that state financial assistance shall be awarded for projects in municipalities m that have: (i) a total population of not more than 7,000 persons; or (ii) a population density of not more than 500 persons per square mile; provided further, that preference shall be given to projects in

communities designated as a housing choice community by the executive office of housing and livable communities or that have otherwise demonstrated housing best practices; provided further, that funds shall be expended in a manner that promotes geographic equity and meets the needs of all types of rural communities as identified in the 2019 rural policy plan; provided further, that funds from this item shall not be expended in communities deemed by the secretary of housing and livable communities to not be in compliance with the multi-family zoning requirement established in section 3A of chapter 40A of the General Laws; provided further, that financial assistance to eligible entities shall be used for housing production, preservation or rehabilitation for households with income of not more than 110 per cent of the area median income; provided further, that projects with units restricted to households with income of not more than 60 per cent of the area median income shall receive preference; provided further, that projects awarded financial assistance under this item shall not be subject to a minimum unit threshold determined by the executive office of housing and livable communities; provided further, that funds may be expended to construct or repair non-publicly-owned septic systems within a housing development or redevelopment project that has been awarded financial assistance under this item; and provided further, that any septic system and drinking water wells construction or repair completed under this item shall be compliant with 310 CMR 15.00; and provided further, that the executive office may contract with a public agency, quasi-public agency or nonprofit entity for the administration of this program……..$50,000,000

7004-0097 For a seasonal community housing innovation program; provided, that funds shall be expended as state financial assistance in the form of no interest loans, grants, subsidies, credit enhancements and other financial assistance for the development and

redevelopment of housing in seasonal communities, as defined by the executive office of housing and livable communities and as informed by the recommendations of the advisory council established under section 32 of chapter 23B of the General Laws; provided further, that entities eligible to receive financial assistance under this item shall include qualified for-profit or nonprofit developers, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based nonprofit housing organizations, other nonprofit organizations and for-profit entities, cities and towns and other governmental entities; provided further, that state financial assistance to eligible entities shall be used to facilitate production, preservation or rehabilitation of affordable and attainable housing in seasonal communities for year-round residents with incomes at or below a level to be set by the executive office; provided further, that projects with units restricted to households with income of not more than 60 per cent of the area median income shall receive preference; provided further, that projects that receive financial assistance under this item may include but shall not be limited to: (i) affordable housing restricted to individuals who maintain primary residence in a seasonal community for a period not less than 10 months during any 12-month period; (ii) housing for individuals holding an office, position or employment for municipal or county government or agency within a municipality designated as a seasonal community, which shall include but not be limited to, teachers, public works employees, public safety employees, first responders, town administrators and other municipal employees; and (iii) housing for individuals who, by vocation, produce or support artistic and literary activities; provided further, that preference shall be given to projects in seasonal communities that have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which small scale, year-round housing is permitted as of right; provided further, that such multi-family housing shall be without

age restrictions and shall be suitable for families with children; and provided further, that the executive office may contract with a public agency, quasi-public agency, or nonprofit entity for the administration of this program……..$50,000,000

7004-0098 For state financial assistance in the form of no interest loans, grants, subsidies, credit enhancements and other financial assistance for the development and redevelopment of housing in midsized and suburban communities; provided, that entities eligible to receive financial assistance under this item shall include qualified for-profit or nonprofit developers, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based nonprofit housing organizations, other nonprofit organizations and for-profit entities, and governmental entities; provided further, that state financial assistance shall be awarded for projects in cities and town with a total population of not more than 40,000 persons; provided further, that projects eligible for financial assistance under item 7004-0096 shall not be eligible for financial assistance under this item; provided further, that financial assistance to eligible entities shall be used for housing production, preservation or rehabilitation for households with income of not more than 110 per cent of the area median income; provided further, that projects with units restricted to households with income of not more than 60 per cent of the area median income shall receive preference; provided further, that the executive office shall consider geographic equity in awarding funds from this item; provided further, that funds from this item shall not be expended for projects in communities deemed by the secretary of housing and livable communities not in compliance with the multi-family zoning requirement established in section 3A of chapter 40A of the General Laws; and provided further, that the executive office may contract with a public agency,

quasi-public agency, or nonprofit entity for the administration of this program……..$50,000,000

SECTION 2B.

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

7004-4784 For the Massachusetts Housing Finance Agency established in section 3 of chapter 708 of the acts of 1966, to capitalize a permanent, revolving Residential Production Momentum Fund for the purpose of accelerating the development of mixed-income and workforce multifamily housing production projects by providing financial assistance in the form of innovative, low-cost, and flexible capital funding, which may be in the form of debt, equity, or other instruments, depending on individual underwriting needs of the project; provided, that not less than 20 per cent of the units in a project that receives financial assistance under this item shall be restricted to households with incomes between 60 per cent and 120 per cent, inclusive, of the area median income; provided further, that, notwithstanding paragraph (f) of section 5 of said chapter 708, the Agency may in its discretion set the term and prepayment options for any mortgage or other loan or instrument issued to any project receiving such financial assistance based on the individual underwriting needs of the project; provided further, that such financial assistance shall be awarded in a manner that promotes geographic equity; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the standards set forth in the Municipal Opt-in Specialized

Stretch Energy Code under 225 CMR 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; and provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized.....$50,000,000

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

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

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

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

SECTION 5. The first paragraph of subsection (b) of section 1 of chapter 23B of the General Laws, as appearing in section 102 of chapter 7 of the acts of 2023, is hereby amended by adding the following clause:-

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

SECTION 6. Section 5A of said chapter 23B, as appearing in section 104 of said chapter 7, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be within the executive office a housing appeals committee consisting of: 5 members to be appointed by the secretary, 1 of whom shall be an officer or employee of the

executive office or any agency or division within the executive office or a designee; and 2 members to be appointed by the governor, 1 of whom shall be a sitting or former member of a select board and 1 of whom shall be a sitting or former member of a city council or other governing body of a city. Each member shall serve a term of 2 years and the secretary shall designate the chair. A member of the committee shall not receive compensation for such service but shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of the member's official duties. The committee shall hear all petitions for review filed under section 22 of chapter 40B and shall conduct such hearings in accordance with rules and regulations established by the secretary; provided, however, that the committee may hear multiple petitions concurrently if the petitions are heard by not less than 3 members as assigned by the chair, of which 2 of whom shall have been appointed by the secretary and 1 of whom shall have been appointed by the governor.

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

(a) There shall be in the executive office of housing and livable communities a HousingWorks infrastructure program to: (i) issue infrastructure grants that support housing to municipalities and other public entities for design, construction, building, rehabilitation, repair and other improvements to infrastructure that support the objectives of the secretariat including, but not limited to, sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment systems, telecommunications systems, transit improvements, public parks and spaces that support planned or proposed housing improvements and pedestrian and bicycle ways; and (ii) assist municipalities to advance projects that support housing development, preservation or

rehabilitation. Preference for grants or assistance under this section shall be given to: (i) infrastructure serving locations within 0.5 miles of a transit station or transit route; (ii) other eligible locations as defined in section 1A of chapter 40A; (iii) multi-family zoning districts that comply with section 3A of said chapter 40A; provided, however, that no funds shall be awarded to a community deemed by the secretary to be not in compliance with said section 3A of said chapter 40A; (iv) communities that: (1) have accepted sections 3 to 7, inclusive, of chapter 44B; and (2) have expended not be less than 10 per cent of revenues available to the city or town under said sections 3 to 7, inclusive, of said chapter 44B for community housing; and (v) projects that support regional equity.

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

SECTION 8. Said chapter 23B is hereby further amended by adding the following 3 sections:-

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

(b) The office shall:

(i) collaborate with state agencies on policies and strategies to: (a) advance the elimination of housing discrimination and increase access to fair housing; (b) overcome patterns of segregation; (c) foster inclusive communities without barriers that restrict access for individuals or groups protected from unlawful practices pursuant to chapter 151B; and (d)

support enforcement of and compliance with all fair housing laws, including, but not limited to, said chapter 151B and the Fair Housing Act, 42 U.S.C. 3601 et seq.;

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

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

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

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

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

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

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

(b) The office shall: (i) seek to enrich housing opportunities across the commonwealth and carry out its duties in a regionally equitable manner; (ii) provide technical assistance regarding housing needs to cities and towns, including rural communities, as defined in section 66 of chapter 23A and seasonal communities, as designated by the secretary pursuant to section 33, to address preservation and production of affordable and attainable year-round housing specific to the needs of the community or region; and (iii) ensure that all programs administered by the office comply with federal, state and fair housing laws.

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

(d) The office shall prepare an annual report on geographic equity in the commonwealth's housing assistance programs. The report shall include, but not be limited to: (i) the number of housing units created with assistance from the commonwealth organized by municipality and county; and (ii) data on the types of housing units produced, including affordability, housing type, total state assistance amount and the total cost per unit. The report

shall be posted publicly on the office's website and shall be filed with the clerks of the house of representatives and senate and the joint committee on housing not later than July 1 in the year in which the report is due.

Section 33. (a) For the purposes of this section "year-round housing", shall mean housing for occupancy by persons or families who occupy either rental or other housing as their principal residence for not less than 10 months a year and "attainable housing" shall mean housing that is affordable for year-round residents with incomes under a level set by the undersecretary in consultation with the seasonal communities advisory council.

(b) The secretary may designate a municipality as a seasonal community; provided, however, that all municipalities in the counties of Dukes County and Nantucket and all municipalities with over 35 per cent seasonal housing units in the county of Barnstable, as determined by the executive office in consultation with the Cape Cod commission established in chapter 716 of the acts of 1989 and all municipalities with more than 40 per cent seasonal housing units in the county of Berkshire, as determined by the executive office in consultation with the Berkshire regional planning commission, shall receive such designation. The executive office may designate additional municipalities as seasonal communities based on consideration of the following factors: (i) a high rate of short-term rentals in relation to the overall housing inventory; (ii) a significant population increase in seasonal visitors; (iii) an excessive disparity between the area median income and the income required to purchase the municipality's median home price; (iv) the percentage of housing stock that is used for seasonal, occasional or recreational use or is otherwise not used as a primary residence by the property's owner; and (v) high variations in the average monthly variation of employment in the sector over the full year, in relation to the municipality's minimum employment threshold. A municipality designated by

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

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

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

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

(d) A seasonal community may: (i) acquire year-round housing occupancy restrictions for rental or other housing; provided, however, that any such year-round housing occupancy restriction held by a city or town shall be construed as a restriction held by a governmental body with the benefit of section 26 of chapter 184; (ii) acquire and develop housing units with preference for for housing seasonal community public employees that are necessary to the health and safety of maintaining a year-round community, including teachers, public works employees, public safety employees, first responders, town administrators and other employees essential for municipal operations as described under section 42(g)(9)(B) of the Internal Revenue Code; (iii) expend funds to develop, on a biannual basis, a comprehensive housing needs assessment; (iv) establish a Year-Round Housing Trust Fund, individually or with other seasonal communities, to provide for the creation and preservation of affordable and attainable housing in seasonal communities for the benefit of year-round residents; provided, however, that the executive office of housing and livable communities, in consultation with the seasonal communities advisory

council established in subsection (c), shall promulgate regulations pertaining to the membership, powers and duties of the trust; and (v) expend funds designated for the creation and preservation of year-round affordable and attainable housing for individuals who, by vocation, produce or support artistic and literary activities.

(e) For the purposes of this section, "tiny house" shall mean a detached structure containing a dwelling unit containing 400 square feet or less in floor area, excluding lofts. A seasonal community shall: (i) adopt by-laws or zoning ordinances to permit undersized lots to be used for the creation of attainable year-round housing; provided, however, that the lot, at the time of recording or endorsement, shall be located in a zoning district that allows for single-family residential use; provided further, that any single-family residential structure constructed on said lot shall adhere to the municipality's floor area ratio by-laws and shall comply with all laws governing wastewater and sewer systems; and provided further, that any residential housing built upon undersized lots shall not be used as a seasonal home or short-term rental of less than 6 months and shall be used as year-round housing; and (ii) adopt by-laws to permit the construction of tiny houses provided that such tiny houses are designated for use as year-round housing units and meet all requirements of the state building code and local building code. A movable tiny house shall be registered with the registry of motor vehicles, as applicable.

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

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

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

SECTION 9. Chapter 29 of the General Laws is hereby amended by inserting after section 2DDDDDD the following 2 sections:-

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

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

enforcement initiatives, education and outreach initiatives, fair housing testing, lending discrimination, affirmatively furthering fair housing and special projects.

(c) Amounts credited to the fund shall be expended without further appropriation. Any balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not be transferred to any other fund or revert to the General Fund; provided, however, that the comptroller shall report the amount remaining in the fund at the end of each fiscal year to the house and senate committees on ways and means. Annually, not later than July 1, the office of fair housing shall report on the activities of the fund as required in section 31 of chapter 23B.

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

Section 2FFFFFF. (a) There shall be a Crumbling Concrete Assistance Fund which shall be administered by the secretary of housing and livable communities. The fund shall be expended, without further appropriation, to: (i) provide financial assistance to owners of residential real property for the repair or replacement of concrete foundations of such residential real property that have deteriorated due to the presence of pyrite or pyrrhotite; (ii) minimize negative fiscal impacts on municipalities in which such property is located; and (iii) reimburse the owner of a residential real property that presents satisfactory evidence, as determined by the secretary, that the owner has paid for and replaced their concrete foundation that deteriorated due to the presence of pyrite or pyrrhotite prior to the establishment of the fund; provided, however,

that the reimbursement shall not exceed the funding the owner would have received had they applied for financial assistance through the fund. The secretary shall seek to maximize available federal reimbursements for money spent from the fund.

The fund shall be credited with: (i) appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (ii) funds from public and private sources including, but not limited to, gifts, grants, donations and settlements received by the commonwealth that are specifically designated to be credited to the fund; (iii) federal funds received under subsection (b); and (iv) interest earned on the assets of the fund. Any balance in the fund at the close of a fiscal year shall remain in the fund and be available for expenditure in subsequent fiscal years.

(b) The secretary of housing and livable communities may apply for, receive and deposit any federal funds, including, but not limited to, funds made available by the United States Department of Housing and Urban Development Section 108 Loan Guarantee program, into the fund.

(c) Amounts issued from the fund to impacted homeowners for the repair or replacement of concrete foundations that have deteriorated due to the presence of pyrrhotite shall be exempt from taxation under chapter 62.

(d) Annually, not later than June 1, the secretary of housing and livable communities shall report on the activities of the fund from the previous calendar year to the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on environment and natural resources and the joint committee on housing.

(e) The secretary of housing and livable communities shall promulgate regulations or issue guidance to set rules for the expenditure of the funds under this section.

SECTION 10. Section 1A of chapter 40A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the definition “Accessory dwelling unit” and inserting in place thereof the following definition:-

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

SECTION 11. Section 3 of said chapter 40A, as so appearing, is hereby amended by adding the following paragraph:-

No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, however, that the use of land or structures for such accessory dwelling unit under this

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

SECTION 12. Clause (iii) of section 3A of said chapter 40A, as appearing in section 152 of chapter 7 of the acts of 2023, is hereby amended by striking out the figure “27” and inserting in place thereof the following words:- 27½.

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

further, that the executive office of housing and livable communities may issue guidelines or promulgate regulations consistent with this clause.

SECTION 14. Section 6 of said chapter 40A, as so appearing, is hereby amended by inserting after the fourth paragraph the following paragraph:–

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

SECTION 15. Section 9 of said chapter 40A, as so appearing, is hereby amended by striking out the eleventh paragraph.

SECTION 16. The first paragraph of section 17 of said chapter 40A, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:- If the complaint is filed by someone other than the original applicant, appellant or petitioner, then each plaintiff, whether or not previously constituting parties in interest for notice purposes, shall also sufficiently allege and must plausibly demonstrate that measurable injury, which is special and different to such plaintiff, to a private legal interest will likely flow from the decision through credible evidence.

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

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

SECTION 18. Said section 17 of said chapter 40A, as so appearing, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

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

SECTION 19. Section 22 of chapter 40B of the General Laws is hereby amended by inserting after the word " applicant", in line 20, as so appearing, the following words:- ; provided, however, that the committee shall provide notice to the secretary of any such extension

or other failure to perform action by the deadlines set forth in this section and the reason for such delay; provided further, that the secretary shall annually, not later than November 1, submit to the governor and the joint committee on housing a summary of such delays including, but not limited to: (i) any deadlines missed pursuant to this section for each applicable appeal; (ii) the reason for any such delay; (iii) the total number of days, from the date of the committee's receipt of the applicant's statement of the prior proceedings, in which the committee ultimately issued a written decision or, if such appeal is in progress at the time the report is submitted, the projected number of days beyond the deadlines listed herein as my be necessary for the committee to issue a decision; and (iv) the board that issued the denial or conditions and requirements being appealed by the applicant.

SECTION 20. Chapter 40H of the General Laws is hereby amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. CEDAC shall be subject to section 16G½ of chapter 6A.

SECTION 21. Section 9 of chapter 40R of the General Laws, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) The commonwealth shall pay from the trust fund or other funds from appropriations or other money authorized by the general court a zoning incentive payment, according to the following schedule:

Projected Units of New Construction Payment

Up to 20 $20,000

21 to 100	$150,000
101 to 200	$400,000
201 to 500	$740,000
501 or more	$1,200,000

Subject to any conditions imposed by the department as a condition of approving a smart growth zoning district or starter home zoning district, the zoning incentive payment shall be payable upon confirmation of approval of the district by the department. The projected number of units shall be based upon the zoning adopted in the smart growth zoning district or starter home zoning district.

(b) The commonwealth shall pay from the trust fund or other funds from appropriations or other money authorized by the general court a 1-time density bonus payment to each city or town with an approved smart growth zoning district and a 1-time production bonus payment to each city or town with an approved starter home zoning district. Such payment shall be $6,000 for each housing unit of new construction created in the smart growth zoning district and $6,000 for each housing unit of new construction created in the starter home zoning district. The amount due shall be paid on a unit-by-unit basis in accordance with department regulations, upon submission by a city or town of proof of issuance of a building permit for any such particular housing unit within the district.

SECTION 22. Section 1 of chapter 40S of the General Laws is hereby amended by striking out the definitions of “New smart growth development” and “Smart growth zoning

district”, as amended by section 186 of chapter 7 of the acts of 2023, and inserting in place thereof the following 2 definitions:-

"New smart growth development", any new residential or commercial development, including the substantial redevelopment of existing buildings subject to the payment of local property taxes that: (i) occurs in a smart growth or starter home zoning district after the adoption of such zoning by the community; and (ii) is permitted under the smart growth or starter home zoning district; provided, however, that a redevelopment shall be considered substantial if its cost exceeds 50 per cent of the building's pre-renovation assessed value or if it constitutes a change in use from nonresidential to residential.

"Smart growth zoning district", a zoning district adopted by a community and approved by the executive office of housing and livable communities which is eligible, and which remains eligible, for density bonus payments under chapter 40R including, but not limited to, smart growth zoning districts as defined in section 1 of said chapter 40R and starter home zoning districts as defined in section 1 of chapter 40Y.

SECTION 23. Section 81A of chapter 41 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Zoning ordinances or by-laws may provide for associate members of a planning board. One associate member may be authorized when the planning board consists of not more than 5 members and 2 associate members may be authorized when the planning board consists of more than 5 members. A city or town that establishes the position of associate member shall determine the procedure for filling such position. If provision for filling the position of associate member

has been made, in the case of absence, inability to act or conflict of interest on the part of any member of the planning board or in the case of a vacancy on the board, the chair of the planning board may designate an associate member to sit on the board for the purposes of acting on any matter under its jurisdiction including, but not limited to, matters under this chapter or chapter 40A or under its home rule powers.

SECTION 24. Chapter 62 of the General Laws is hereby amended by inserting after section 5D the following 2 sections:-

Section 5E. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Account holder", an individual who establishes, individually or jointly with any other individual, a rental savings account.

"Allowable costs", fees paid for renting a unit as a permanent residence which shall be limited to, the amount of: (i) first and last month's rent; (ii) a security deposit equal to 1 month's rent; and (iii) the purchase and installation costs of a lock and key.

"Eligible costs", fees paid for renting a unit as a permanent residence which shall be limited to the amount of: (i) first and last month's rent; (ii) a security deposit equal to 1 month's rent; and (iii) the purchase and installation costs of a lock and key.

"Financial institution", any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, benefit association, insurance company, safe deposit company, money market mutual fund or similar entity authorized to do business in the commonwealth.

"Qualified beneficiary", an individual seeking to rent a unit as a permanent residence.

(b) An individual may open an account with a financial institution and designate the account as a rental savings account to pay or reimburse a qualified beneficiary's eligible costs.

(c) An account holder shall designate, not later than April 15 of the year following the tax year during which the account is established, a resident as the qualified beneficiary of the rental savings account. The account holder may designate themselves as the qualified beneficiary and may change the designated qualified beneficiary at any time; provided, however, that there shall not be more than 1 qualified beneficiary at any 1 time.

(d) An account holder may jointly own a rental savings account with another individual if the joint account holders file a joint income tax return; provided, however, that this requirement shall not apply if any of the joint account holders would not otherwise be required to make a return because such account holder's Massachusetts gross income did not exceed $8,000.

(e) An individual may be the account holder of more than 1 rental savings account; provided, however, that the account holder shall not have multiple accounts that designate the same qualified beneficiary.

(f) An individual may be designated as the qualified beneficiary on more than 1 rental savings account.

(g) Only cash and marketable securities shall comprise a rental savings account. Subject to the limitations of this section, persons other than the account holder may contribute funds to a rental savings account. There shall be no limitation on the amount of contributions that may be made to or retained in a rental savings account.

(h) The funds held in a rental savings account shall not be used to pay expenses of administering the account; provided, however, that a service fee may be deducted from the account by the financial institution.

(i) The account holder shall submit to the department of revenue: (i) detailed information regarding the rental savings account, including a list of transactions for the account during the tax year and the Form 1099 under the Internal Revenue Service requirements issued by the financial institution for such account with the account holder's Massachusetts income tax return on forms prepared by the department of revenue; and (ii) a detailed account of the eligible costs toward which the account funds were applied, if there was a withdrawal from the account, and a statement of the amount of funds remaining in the account, if any.

(j) A financial institution shall not be required to: (i) designate an account as a rental savings account or designate the qualified beneficiaries of an account in the financial institution's account contracts or systems; (ii) track the use of funds withdrawn from a rental savings account; (iii) allocate funds in a rental savings account among joint account holders or multiple qualified beneficiaries; or (iv) report any information to the department of revenue or other government agency that is not otherwise required by law.

(k) A financial institution shall not be liable for: (i) determining or ensuring that an account satisfies the requirements to be a rental savings account; (ii) determining or ensuring that funds in a rental savings account are used for eligible costs; or (iii) reporting or remitting taxes or penalties related to the use of a rental savings account.

(l) Except as otherwise provided in this section and subject to the limitations in this subsection, there shall be deducted from the taxable income of an account holder, for

Massachusetts income tax purposes, the amount: (i) contributed to a rental savings account during each tax year, not to exceed $15,000 for an account holder who files an individual tax return or $30,000 for joint account holders; and (ii) of earnings, including interest and other income on the principal, from the rental savings account during the tax year.

(m) An account holder may claim the deduction and exclusion under subsection (l): (i) for a period not to exceed 15 years; (ii) for an aggregate total amount of principal and earnings not to exceed $50,000 during said 15-year period; and (iii) only if the principal and earnings of the account remain in the account until a withdrawal is made for eligible costs related to the securing a rental intended as a permanent residence.

(n) Any funds in a rental savings account not expended on eligible costs by December 31 of the last year of the 15-year period shall thereafter be included in the account holder's taxable income.

(o) A person other than the account holder who deposits funds in a rental savings account shall not be entitled to the deduction and exclusion provided for under this section.

(p) The deduction and exclusion from taxable income under subsection (l) shall apply to any alternative bases for calculating taxable income for Massachusetts income tax purposes.

(q) Except as otherwise authorized in this section, if the account holder withdraws any funds from a rental savings account for a purpose other than eligible costs for securing a rental property to be used as a permanent residence: (i) such funds shall be included in the account holder's taxable income; and (ii) the account holder shall pay a penalty to the department of revenue equal to the tax that would have been collected had the withdrawn funds been subject to income tax. Such penalty shall not apply to funds withdrawn from an account that were: (i)

withdrawn by reason of the account holder's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. § 101, et seq.; or (iii) a transfer of the funds from a rental savings account to a new rental savings account held by the same or a different financial institution.

(r) The department of revenue shall prepare forms for: (i) the designation of an account with a financial institution to serve as a first-time home buyer savings account; (ii) the designation of a qualified beneficiary of a rental savings account; and (iii) an account holder to annually submit to the department of revenue detailed information regarding the rental savings account including, but not limited to, a list of transactions for the account during the tax year and identifying any supporting documentation that is required to be maintained by the account holder.

Section 5F. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Account holder", an individual who establishes, individually or jointly with any other individual, a first-time homebuyer savings account.

"Allowable closing costs", a disbursement listed on a settlement statement for the purchase of a single-family residence by a qualified beneficiary.

"Eligible costs", the down payment and allowable closing costs for the purchase of a single-family residence by a qualified beneficiary.

"Financial institution", any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, benefit association, insurance company,

safe deposit company, money market mutual fund or similar entity authorized to do business in the commonwealth.

"First-time homebuyer", an individual who resides in the commonwealth and has not owned or purchased, either individually or jointly, a single-family residence.

"First-time home buyer savings account", an account with a financial institution that an account holder designates as a first-time home buyer savings account on the account holder's Massachusetts income tax return for pursuant to this section for the purpose of paying or reimbursing eligible costs for the purchase of a single-family residence in the commonwealth by a qualified beneficiary.

"Qualified beneficiary", a first-time home buyer who is designated as the qualified beneficiary of an account designated by the account holder as a first-time home buyer savings account.

"Settlement statement", the statement of receipts and disbursements for a transaction related to real estate, including a statement prescribed under the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601, et seq., as amended, and regulations thereunder.

"Single-family residence", a single-family residence owned and occupied by a qualified beneficiary as the qualified beneficiary's principal residence, which may include a manufactured home, trailer, mobile home, condominium unit or cooperative.

(b) An individual may open an account with a financial institution and designate the account as a first-time home buyer savings account to pay or reimburse a qualified beneficiary's eligible costs for the purchase of a single-family residence in the commonwealth.

(c) An account holder shall designate, not later than April 15 of the year following the tax year during which the account is established, a first-time home buyer as the qualified beneficiary of the first-time home buyer savings account. The account holder may designate themselves as the qualified beneficiary and may change the designated qualified beneficiary at any time; provided, however, that there shall not be more than 1 qualified beneficiary at any 1 time.

(d) An account holder may jointly own a first-time home buyer savings account with another individual if the joint account holders file a joint income tax return; provided, however, that this requirement shall not apply if ay of the joint account holders would not otherwise be required to make a return because such account holder's Massachusetts gross income did not exceed $8,000.

(e) An individual may be the account holder of more than 1 first-time home buyer savings account; provided, however, that the account holder shall not have multiple accounts that designate the same qualified beneficiary.

(f) An individual may be designated as the qualified beneficiary on more than 1 first-time home buyer savings account.

(g) Only cash and marketable securities shall comprise a first-time home buyer savings account. Subject to the limitations of this section, persons other than the account holder may contribute funds to a first-time home buyer savings account. There shall be no limitation on the amount of contributions that may be made to or retained in a first-time home buyer savings account.

(h) The funds held in a first-time home buyer savings account shall not be used to pay expenses of administering the account; provided, however, that a service fee may be deducted from the account by the financial institution.

(i) The account holder shall submit to the department of revenue: (i) detailed information regarding the first-time home buyer savings account, including a list of transactions for the account during the tax year and the Form 1099 under the Internal Revenue Service requirements issued by the financial institution for such account with the account holder's Massachusetts income tax return on forms prepared by the department of revenue; and (ii) a detailed account of the eligible costs toward which the account funds were applied, if there was a withdrawal from the account, and a statement of the amount of funds remaining in the account, if any.

(j) A financial institution shall not be required to: (i) designate an account as a first-time home buyer savings account or designate the qualified beneficiaries of an account in the financial institution's account contracts or systems; (ii) track the use of funds withdrawn from a first-time home buyer savings account; (iii) allocate funds in a first-time home buyer savings account among joint account holders or multiple qualified beneficiaries; or (iv) report any information to the department of revenue or other government agency that is not otherwise required by law.

(k) A financial institution shall not be liable for: (i) determining or ensuring that an account satisfies the requirements to be a first-time home buyer savings account; (ii) determining or ensuring that funds in a first-time home buyer savings account are used for eligible costs; or (iii) reporting or remitting taxes or penalties related to the use of a first-time home buyer savings account.

(l) Except as otherwise provided in this section and subject to the limitations in this subsection, there shall be deducted from the taxable income of an account holder, for Massachusetts income tax purposes the amount: (i) contributed to a first-time home buyer savings account during each tax year, not to exceed $25,000 for an account holder who files an individual tax return or $50,000 for joint account holders; and (ii) of earnings, including interest and other income on the principal, from the first-time home buyer savings account during the tax year.

(m) An account holder may claim the deduction and exclusion under subsection (l): (i) for a period not to exceed 15 years; (ii) for an aggregate total amount of principal and earnings, not to exceed $250,000 during said 15-year period; and (iii) only if the principal and earnings of the account remain in the account until a withdrawal is made for eligible costs related to the purchase of a single-family residence by a qualified beneficiary, except as otherwise provided in this section.

(n) Any funds in a first-time home buyer savings account not expended on eligible costs by December 31 of the last year of the 15-year period shall thereafter be included in the account holder’s taxable income.

(o) A person other than the account holder who deposits funds in a first-time home buyer savings account shall not be entitled to the deduction and exclusion provided for under this section.

(p) The deduction and exclusion from taxable income under subsection (l) shall apply to any alternative bases for calculating taxable income for Massachusetts income tax purposes.

(q) Except as otherwise authorized in this section, if the account holder withdraws any funds from a first-time home buyer savings account for a purpose other than eligible costs for the purchase of a single-family residence: (i) such funds shall be included in the account holder's taxable income; and (ii) the account holder shall pay a penalty to the department of revenue equal to the tax that would have been collected had the withdrawn funds been subject to income tax. Such penalty shall not apply to funds withdrawn from an account that were: (i) withdrawn by reason of the account holder's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. § 101, et seq.; or (iii) a transfer of the funds from a first-time home buyer savings account to a new first-time home buyer savings account held by the same or a different financial institution.

(r) The department of revenue shall prepare forms for: (i) the designation of an account with a financial institution to serve as a first-time home buyer savings account; (ii) the designation of a qualified beneficiary of a first-time home buyer savings account; and (iii) an account holder to annually submit to the department of revenue detailed information regarding the first-time home buyer savings account including, but not limited to, a list of transactions for the account during the tax year, and identifying any supporting documentation that is required to be maintained by the account holder.

SECTION 25. Section 6M of said chapter 62, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 226 and 227, the words "$12,000,000 in each of taxable years 2023 to 2025, inclusive" and inserting in place thereof the following words:- $15,000,000 in taxable years beginning on or after January 1, 2025.

SECTION 26. Said chapter 62 is hereby further amended by inserting after section 6M the following section:-

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

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

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

"Commissioner", the commissioner of revenue.

"Credit amount", the amount computed by the director pursuant to subsection (d) before issuing an eligibility certificate.

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

"Director", the executive director of the Massachusetts Housing Finance Agency established in chapter 708 of the acts of 1966.

"Eligibility certificate", a certificate issued to a sponsor pursuant to subsection (d).

"Eligible location", a geographic area in which a qualified homeownership development project may be located, based on criteria established in the qualified homeownership allocation plan.

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

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

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

"Qualified homeownership credit allocation plan", a plan adopted by the director, with the approval of the secretary, establishing: (i) criteria and metrics under which homeownership development projects shall be assessed for qualification and the geographic areas in which qualified homeownership development projects may be located; (ii) criteria for approving and ranking applications for credits; (iii) a methodology to determine applicable median new single-family dwelling sales prices for the area in which the project is located; (iv) mechanisms to maintain affordability of each single-family dwelling that is created as part of a qualified

homeownership development project and restricted for sale to qualified buyers throughout the affordability period; (v) criteria to be used in determining qualification as a qualified buyer; (vi) criteria governing the purchase, ownership and sale of completed qualified homeownership development project single-family dwellings; and (vii) the manner of determining qualified project expenditures.

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

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

"Secretary", the secretary of housing and livable communities.

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

"Sponsor", a sponsor as defined in section 25 of chapter 23B of a qualified homeownership development project or owner of a qualified homeownership development project.

"Taxpayer", a taxpayer subject to the income tax under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 27. Subsection (b) of section 6O of said chapter 62, inserted by section 26, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

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

SECTION 28. Section 38EE of said chapter 63, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 213 and 214, the words "$12,000,000 in each of taxable years 2023 to 2025, inclusive" and inserting in place thereof the following words:- $15,000,000 in taxable years beginning on or after January 1, 2025.

SECTION 29. Said chapter 63 is hereby further amended by inserting after section 38NN the following section:-

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

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

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

"Commissioner", the commissioner of revenue.

"Credit amount", the amount computed by the director pursuant to subsection (d) before issuing an eligibility certificate.

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

"Director", the executive director of the Massachusetts Housing Finance Agency established pursuant to chapter 708 of the acts of 1966.

"Eligibility certificate", a certificate issued to a sponsor pursuant to subsection (d).

"Eligible location", a geographic area in which a qualified homeownership development project may be located, based on criteria established in the qualified homeownership allocation plan.

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

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

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

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

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

"Qualified project expenditure", an expenditure directly related to the construction of a qualified homeownership development project including, but not limited to, the cost of acquiring land, site assessment and remediation of hazardous materials and as further provided in the qualified homeownership credit allocation plan; provided, however, that: (i) the director shall

have certified that the proposed project meets the definition of a qualified homeownership development project; (ii) prior to construction, the director certified that all or a portion of the project costs are for new construction; and (iii) after the construction of the project has been completed, the director shall have certified that the project has been completed in compliance with this section and the requirements and conditions of any prior certifications.

"Secretary", the secretary of housing and livable communities.

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

"Sponsor", a sponsor, as defined in section 25 of chapter 23B, of a qualified homeownership development project or owner of a qualified homeownership development project.

"Taxpayer", a taxpayer subject to the income tax under this chapter.

(b)(1) There shall be a homeownership tax credit. The director, in consultation with the secretary, may authorize annually under this section and section 6O of chapter 62 a total sum not exceeding: (i) $10,000,000; (ii) the amount, if any, not authorized in the preceding taxable year; and (iii) any homeownership tax credits returned to the director by a sponsor.

(2) A taxpayer may be allowed a nonrefundable tax credit with respect to a qualified homeownership development project under this section equal to the credit amount listed on the eligibility certificate pursuant to subsection (d). If the credit allowable for any taxable year is

unused by the taxpayer or exceeds the taxpayer's tax liability under this chapter for the taxable year, the taxpayer may carry forward and apply in any subsequent taxable year, the portion, as reduced from year to year, of the credit which exceeds the tax for the taxable year; provided, however, that in no event shall the taxpayer apply the credit to the tax due for any taxable year beginning after the affordability period.

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

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

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

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

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

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

(2) The qualified buyer of a single-family dwelling constructed as part of a qualified homeownership development project for which a tax credit was issued under this section shall occupy such single-family dwelling as the qualified buyer's primary residence during the

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

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

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

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

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

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

(g) The director, in consultation with the secretary, may request that the commissioner disallow or recapture any portion of a tax credit if the director determines that: (i) a sponsor or the qualified homeownership development project does not qualify for the creditor ceases to qualify for the credit; or (ii) the qualified project did not qualify for the credit at the time when the credit was claimed. Notwithstanding the time limitations on assessments pursuant to chapter 62C, the commissioner shall determine any taxpayers that claimed the credit, the tax against which the credit was claimed and the amount to be recaptured and shall make an assessment against any such taxpayer taxpayers for the amount to be recaptured under this section.

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

(i) The tax credit under this section shall be attributed on a pro rata basis to the owners, partners or members of the legal entity entitled to the credit under this section and shall be

allowed as a credit against the tax due under this chapter from such owners, partners or members in a manner determined by the commissioner.

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

SECTION 30. Subsection (b) of section 38OO of said chapter 63, as appearing in section 29, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) There shall be a homeownership tax credit. The director, in consultation with the secretary, may authorize annually under this section and section 6O of chapter 62 a total sum not exceeding: (i) the amount, if any, not authorized in the preceding taxable year; and (ii) any homeownership tax credits returned to the director by a sponsor.

SECTION 31. Said section 38OO of said chapter 63 is hereby repealed.

SECTION 32. Subsection (c) of section 10 of chapter 70B of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following sentence:- At least 1 incentive percentage point shall be provided for a project in a district that has adopted an overlay zoning district under chapter 40R; provided, however, that no incentive points shall be awarded for a project in a district determined to be noncompliant by the executive office of housing and livable communities under section 3A of chapter 40A.

SECTION 33. Subsection (a) of section 52 of chapter 93 of the General Laws, as so appearing, is hereby amended by adding the following clause:- (7) eviction records sealed pursuant to section 16 of chapter 239.

SECTION 34. Section 127I of chapter 111 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

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

SECTION 35. The second paragraph of section 87SS of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Every individual applicant for a license as a salesman who is required to take an examination shall, as a prerequisite to taking such examination, submit proof

satisfactory to the board that the applicant has completed courses in real estate subjects approved by the board; provided, however, that such courses shall total 40 classroom hours of instruction, not less than 4 hours of which shall be on state and federal fair housing laws; provided further, that applicants having successfully completed a course in real property while enrolled in an accredited law school in the commonwealth may also take such examination.

SECTION 36. Section 87XX1/2 of said chapter 112, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any person holding a license as a real estate broker or salesman shall, within the renewal period, satisfactorily complete courses or programs of instruction approved by the board; provided, however, that such courses or programs of instruction shall total not less than 10 hours and not more than 16 hours as determined by the board. The course or program curriculum shall contain not less than 6 hours of instruction relative to compliance with: (i) equal employment opportunities; (ii) accessibility for individuals with disabilities; (iii) agency law; (iv) environmental issues in real estate; (v) zoning and building codes; (vi) real estate appraisal and financing; (vii) property tax assessments and valuation; and (viii) real estate board regulations. Additionally, the curriculum shall include not less than 3 hours of instruction on alternative dispute resolution methods and not less than 4 hours on state and federal fair housing law. The board shall certify in advance the curriculum forming the basis of such courses or programs which satisfy the provisions of this section.

SECTION 37. Section 87DDD1/2 of said chapter 112, as so appearing, is hereby amended by adding the following 2 sentences: - Such licensed broker or salesperson may solely contract with a prospective tenant to find for rent residential or commercial real property for a

tenant and present an offer to lease to the landlord or landlord's agent and negotiate on behalf of the tenant or may solely contract with a landlord or landlord’s agent to find a tenant for a property. Any fee shall only be paid by the party, lessor or tenant who originally engaged and entered into a contract with the licensed broker or salesperson.

SECTION 38. Chapter 121B of the General Laws is hereby amended by striking out section 3A, as so appearing, and inserting in place thereof the following section:-

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

(b) Notwithstanding the foregoing and notwithstanding any other general or special law to the contrary, not less than 2 local housing authorities may, with the approval of their respective boards and the department, merge to create a regional housing authority with all the powers and obligations of the constituent authorities theretofore existing. Such creation of a regional housing authority by merger of not less than 2 local housing authorities shall not require special legislation pursuant to chapter 268A. The department shall issue guidelines for approving mergers of not less than 2 local housing authorities pursuant to this subsection; provided, however, that such guidelines shall include, but not be limited to, provisions for approving board

structures of regional housing authorities created pursuant to this subsection and provisions for the creation and operation of a regional local preference to apply to residents of the cities or towns in which a regional housing authority created pursuant to this subsection is to operate.

SECTION 39. Section 11 of said chapter 121B, as so appearing, is hereby amended by striking out clauses (n) and (o) and inserting in place thereof the following 3 clauses:-

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

(o) to lease energy saving systems that replace nonrenewable fuels with renewable energy, including solar powered systems; and

(p) to secure, with the approval of the department, in consultation with the executive office for administration and finance, indebtedness incurred for the preservation, modernization and maintenance of any of its low rent housing developments assisted under section 32 or 34 by a pledge of a portion of capital funds awarded to it for improvements to be carried out pursuant to a capital improvement plan, approved by the department and in accordance with department regulations governing capital projects. The department, in consultation with the executive office for administration and finance, shall promulgate regulations to establish limitations on the percentage of awarded capital funds that may be pledged to secure indebtedness, describe

permitted terms for borrowing and repayment and establish criteria for operating agencies permitted to incur indebtedness secured by a pledge of capital funds. Any pledge of future year capital funds pursuant to this section shall be subject to the availability of funds under the department's capital spending plan. All financing documents related to future year capital fund amounts shall include a statement that the credit of the commonwealth is not pledged and that the pledging of funds shall be subject to the availability of funds under the department's capital spending plan.

SECTION 40. Section 26C of said chapter 121B is hereby amended by striking out, in lines 20 and 21, as so appearing, the words "the housing authority without requiring payment for the services by the housing authority" and inserting in place thereof the following words:- a housing authority with not more than 500 state-aided units without requiring payment for services by the housing authority; and provided further, that the capital assistance team may require payment for services provided to a housing authority with more than 500 state-aided units and for additional services not covered by this section that are approved by the department.

SECTION 41. Said section 26C of said chapter 121B is hereby further amended by striking out subsection (e), as amended by section 256 of chapter 7 of the acts of 2023, and inserting in place thereof the following subsection:-

(e) There shall be a capital assistance advisory board consisting of 2 members appointed by each of the 3 capital assistance teams and 1 member appointed by the department, who shall have not less than 5 years of experience as the manager of not less than 200 units of privately-owned housing. Only members of participating housing authorities in the region shall be eligible for appointment to the advisory board. The advisory board shall meet on an annual basis with the

capital assistance team directors, host housing authority directors and the secretary of housing and livable communities, or a designee, and shall discuss issues of program performance and coordination.

SECTION 42. The first paragraph of section 29 of said chapter 121B, as appearing in the 2022 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The members of a housing authority shall biennially, or more frequently as required by the department and at a time to be determined by the department, file with the department a written report for its preceding fiscal years since its last previously filed written report.

SECTION 43. Said first paragraph of said section 29 of said chapter 121B, as so appearing, is hereby further amended by adding the following sentence:-Notwithstanding the foregoing, nothing in this section shall exempt a housing authority from submitting an annual plan pursuant to this section and section 28A.

SECTION 44. Section 34 of said chapter 121B, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, the tenants of a state-aided or federally-aided public housing project transferred or conveyed pursuant to the preceding paragraph shall maintain all rights pursuant to federal, state and local subsidy programs originally applicable to the project, including tenant contribution, lease terms, eviction, right to return, grievance, resident participation, preference in hiring and privacy rights, except as may be required to secure financing necessary for the feasibility of the project or to meet associated programmatic eligibility requirements after notice to affected tenants with an opportunity to

comment. The redevelopment of such public housing project shall not be the basis for the: (i) termination of assistance or eviction of any tenant; (ii) reduction of assistance or eviction of any tenant; or (iii) re-screening any existing tenant; provided, however, that no existing tenant shall be considered a new admission for any purpose, including, but not limited to, compliance with any income targeting requirements. Any such project shall have at least the same number of low rent housing units as the number of low rent housing units in the existing project. The requirements of this paragraph shall be implemented through contracts, use agreements, regulations or other means, as determined by the department; provided, however, that such contracts, use agreements, regulations or other means shall be in compliance with all local, state and federal subsidy programs applicable and shall delineate: (i) the roles of the housing authority and other agencies in monitoring and enforcing compliance, including tracking temporary and permanent displacement; (ii) how the housing authority shall rehouse tenants so there shall be no displacement from affordable housing programs operated by the housing authority; and (iii) how tenants shall be provided with technical assistance to facilitate meaningful input related to the redevelopment of the proposed project. The benefits of such contracts, use agreements, regulations or other means shall inure to any tenant who occupied a unit within the project at the time of the transfer or conveyance of the project. Protections relating to tenant contribution, lease terms, eviction, grievance, resident participation, preference in hiring and privacy rights, except as may be required to secure financing necessary for the feasibility of the project or to meet associated programmatic eligibility requirements, shall inure to both present or future tenants or applicants of the project, who shall have the right to enforce the same as third-party beneficiaries. Nothing in this section shall create a separate or new administrative process of appeal or review for any grievance governed by the lease of any tenant. Tenants shall have an

opportunity for comment on a project proposed under the fourteenth paragraph and an opportunity for public comment to be organized by the owners, controlled entities, designated private entities or public housing authorities responsible for such projects with adequate notice.

SECTION 45. The third sentence of subsection (b) of section 3 of chapter 121E of the General Laws, as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:- (3) issued only if a contract or agreement for the use of the property for housing purposes provides for the recording of a restriction in the registry of deeds or in the registry district of the land court in the county in which the affected real property is located, for the benefit of the department, running with the land, that the land be used for providing alternative forms of rental and ownership housing; provided, however, that the property shall not be released from the restriction until: (i) the balance of the principal and interest for the loan has been repaid in full; (ii) a mortgage foreclosure deed has been recorded; or (iii) there has been a disposition of the property and the department determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary, for the replacement of the housing at the property to: (A) acquire such alternative property; or (B) rehabilitate such alternative property.

SECTION 46. Said section 3 of said chapter 121E, as so appearing, is hereby further amended by striking out, in line 42, the words “project continues” and inserting in place thereof the following words:- project, whether at the original property or at an alternative property pursuant to clause (3), continues.

SECTION 47. Section 2 of chapter 121F of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) There shall be within the executive office of housing and livable communities a Housing Stabilization and Investment Trust Fund. The executive office shall administer the fund and shall ensure that funds are distributed among urban, suburban and rural areas with a particular emphasis on the development of alternative forms of housing and local and regional needs. Such funds shall be used for the purpose of undertaking projects to develop and support affordable housing developments and homeownership affordability through the acquisition, preservation, new construction and rehabilitation of affordable housing including, but not limited to, the preservation and improvement of existing privately-owned and state or federally-assisted housing. The fund may be used to provide assistance for: (i) projects to stabilize and promote reinvestment in cities and towns including, but not limited to, preserving and improving existing privately-owned and state or federally-assisted housing and any other techniques necessary to achieve reinvestment; provided, however, that funds may be expended for energy audits and housing modifications to achieve energy efficiency and conservation; and (ii) housing where the expiration of federal or state low-income housing tax credits or other federal or state subsidies would lead or has led to the termination of a use agreement for low-income housing or in which a project-based rental assistance contract is expiring or has expired. The fund shall be an expendable trust fund and shall not be subject to appropriation.

SECTION 48. Said section 2 of said chapter 121F, as so appearing, is hereby further amended by striking out, in line 28, the words “nonprofit or for-profit organizations” and inserting in place thereof the following words:- eligible entities pursuant to subsection (a) of section 3.

SECTION 49. Said section 2 of said chapter 121F, as so appearing, is hereby further amended by striking out, in lines 35 to 38, inclusive, the words “or the Community Economic

Development Assistance Corporation established in chapter 40H to provide assistance from the fund for projects owned or sponsored by nonprofit organizations" and inserting in place thereof the following words:- to provide assistance from the fund.

SECTION 50. Section 3 of said chapter 121F, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) The fund shall finance low and no-interest loans, grants, subsidies, credit enhancements and other financial assistance for rental and ownership housing; provided, however, that any assistance provided shall be the minimum amount necessary to make a project feasible; provided further, that loans, grants, subsidies, credit enhancements and other financial assistance pursuant to this chapter may be provided to qualified for-profit or nonprofit developers, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based nonprofit housing organizations, other nonprofit organizations and for-profit entities and governmental entities; provided further, that recipients may enter into subcontracts to administer the contracts with other for-profit or nonprofit organizations; provided further, that loans, grants, subsidies, credit enhancements and other financial assistance pursuant to this chapter may be provided for the acquisition of property to provide or preserve affordable housing; provided further, that the loan program may be administered by the department through contracts with the Massachusetts Housing Partnership Fund established in section 35 of chapter 405 of the acts of 1985; provided further, that the program may include acquisition, financing and other holding costs, interim management costs and operating costs and may be used by the Massachusetts Housing Partnership Fund to secure, collateralize or reserve against other financing obtained by the Massachusetts Housing Partnership Fund to support such costs; and provided further, that not less than 75 per cent of the

beneficiaries of the housing shall be persons whose income is not more than 60 per cent of the area median income as determined by the United States Department of Housing and Urban Development and not less than 13 per cent of the beneficiaries of the housing shall be persons whose income is not more than 30 per cent of the area median income as determined by the United States Department of Housing and Urban Development.

(b)(1) Activities eligible for assistance from the fund shall include, but not be limited to: (i) projects to develop and support affordable housing developments and homeownership affordability through the acquisition, preservation, new construction and rehabilitation of affordable housing; and (ii) the preservation of affordable housing developments that: (A) are currently, or were previously, subject to prepayment or payment of a state or federally-assisted mortgage; (B) are receiving project-based rental assistance under section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f, and the rental assistance is expiring; or (C) have received other project-based federal or state subsidies that are terminating or have terminated.

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

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

SECTION 51. Said section 3 of said chapter 121F, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) Prior to providing assistance pursuant to this section, the department shall determine that the: (i) housing would not, by private enterprise alone and without government assistance, be available to lower income families and individuals; and (ii) amount of assistance is the minimum amount necessary to make the housing development feasible. The department shall require, as a condition of receiving assistance, that: (i) the housing remain affordable for its useful life as determined by the department; and (ii) with respect to rental housing, the operations of the owner and its articles of organization and by-laws, and any changes thereto, shall be subject to regulation by the department.

SECTION 52. Said chapter 121F if hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. The executive office of housing and livable communities shall promulgate regulations for the implementation, administration and enforcement of this chapter.

SECTION 53. The General Laws are hereby amended by inserting after chapter 121G the following chapter:-

CHAPTER 121H

SUPPORTIVE HOUSING POOL TRUST FUND

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

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

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

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

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

Section 2. (a) There shall be a Supportive Housing Pool Trust Fund to support the production of permanent supportive housing. The fund shall be administered by the executive office, directly or through contracts with any of the following administering agencies: (i) the Community Economic Development Assistance Corporation established in section 3 of chapter 40H; (ii) the Massachusetts Housing Partnership Fund established in section 35 of chapter 405 of the acts of 1985; or (iii) the Massachusetts Housing Finance Agency established in section 3 of chapter 708 of the acts of 1966; provided, however, that an administering agency may directly

offer financial assistance for the purposes pursuant to this section or may enter into subcontracts with nonprofit organizations established under chapter 180 for those purposes; and provided further, that the administering agency may establish additional program requirements through regulations or policy guidelines.

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

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

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

SECTION 54. Chapter 143 of the General Laws is hereby amended by adding the following section:-

Section 101. The executive office of housing and livable communities shall promulgate regulations to ensure that no seller of a residential structure or a residential condominium unit, or an agent thereof, shall: (i) condition the acceptance of an offer to purchase on the prospective purchaser's agreement to waive, limit, restrict or otherwise forego any prospective purchaser's right to have the structure or unit inspected, except when the sale of the structure or unit is to occur at an auction conducted by an auctioneer licensed under chapter 100; or (ii) accept an offer to purchase from a prospective purchaser, or an agent thereof who, in advance of the seller's acceptance of an offer, informs the seller, either directly or indirectly, that the prospective purchaser intends to waive, in whole or in part, the prospective purchaser's right to inspection; provided, however, that the seller may accept such an offer without violating this section if the prospective purchaser is: (A) the spouse, sibling, child, parent, grandparent, grandchild, great-grandchild or great-grandparent of the seller; or (B) the former spouse of the seller and the sale of the structure or unit is being made pursuant to a judgment or order under chapter 208; provided further, that other limited exceptions may be provided for by regulation.

SECTION 55. Chapter 175 of the General Laws is hereby amended by inserting after section 4G the following section:-

Section 4H. Notwithstanding any general or special law to the contrary, an insurance company shall not take into account any homeowner affordability issues when setting insurance rates. The division of insurance shall promulgate rules and regulations necessary to implement and enforce this section.

SECTION 56. Chapter 183A of the General Laws is hereby amended by striking out section 16, as appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

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

SECTION 57. Said chapter 183A is hereby further amended by adding the following section:-

Section 24. (a) Notwithstanding any provisions in a master deed, declaration of trust or by-laws of a condominium submitted pursuant to this chapter to the contrary, the governing body of the organization of unit owners may conduct regularly scheduled or special meetings by telephonic or video conference call or other interactive electronic communication process; provided, however, that all participants shall be able to simultaneously communicate with each other during the meeting. Presence by such electronic means shall satisfy any quorum requirements. The governing body may vote on any action properly before the body and approve meeting minutes by electronic means including, but not limited to, email and video conferencing.

(b) The governing body may conduct annual or special meetings of the unit owners where physical presence is not required. Such meetings may be held by telephonic or video conference call or other interactive electronic communication process as determined by the governing body. The governing body shall notify all unit owners of such meetings and provide access information for participation in such meetings. Participation by electronic means shall satisfy quorum requirements. The governing body shall take reasonable measures to ensure that unit owners can

participate fully, including by reading or hearing the proceedings and posing questions or comments.

(c) The governing body may allow unit owners to vote on any matter by mail-in ballot or electronic means; provided, however, that a quorum of unit owners shall be present for the vote. The governing body may promulgate and amend policies related to electronic meetings and voting, pursuant to its rule-making authority as set forth in the governing documents of the organization of unit owners. If a master deed, declaration of trust, by-law or other document of the organization of unit owners requires the signature or written consent of unit owners, unit owners may electronically submit their signatures or written consent as determined by the governing body.

SECTION 58. Chapter 184 of the General Laws is hereby amended by inserting after section 23D the following section:-

Section 23E. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

“Portable cooling device”, air conditioners and evaporative coolers, including devices designed to be mounted in a window or placed on the floor but not including devices which require alteration to the dwelling unit for its installation or use.

(b) A provision in a condominium’s governing document that restricts or prohibits the installation or use of a portable cooling device shall be void and unenforceable unless the: (i) installation or use of the device would: (A) violate building codes or state or federal law; (B) violate the device manufacturer’s written safety guidelines for the device; (C) interfere with the common areas and facilities of the condominium; or (D) require amperage to power the device

that cannot be accommodated by the power service to the building, unit or circuit; (ii) device is designed to be mounted in a window and: (A) the window is a necessary egress from the unit; (B) the device would interfere with the unit owner's ability to lock a window that is accessible from outside; (C) the device requires the use of brackets or other hardware that would damage or void the warranty of the window or frame, puncture the envelope of the building or otherwise cause significant damages; (D) the restrictions require that the device be adequately drained to prevent damage to the dwelling unit or building; or (E) the restrictions require that the device be installed in a manner that prevents risk of falling; (iii) building is cooled through a central air conditioning system; or (iv) restrictions only require that the device be: (A) installed by building maintenance or a licensed contractor; or (B) removed from October 1 to April 30, inclusive.

SECTION 59. Chapter 185 of the General Laws is hereby amended by striking out section 52, as appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

Section 52. (a) As used in this section, "notice of voluntary withdrawal" shall mean an instrument in writing, signed and acknowledged by all owners of the land to be voluntarily withdrawn, that contains the following information: (i) names and addresses of all owners; (ii) the certificate of title number with the registration book and page number; (iii) a description of the land in the form contained in the certificate of title or a description, incorporating by reference the lot numbers, if numbered, and the land court plan, together with a reference to the certificate with which the plan is filed; and (iv) the street address of the land, if any. The notice of voluntary withdrawal shall include a notification to all interest holders entitled to notice that any objection to the requested withdrawal shall be filed with the court not later than 30 days following the service of the notice or the right to file an objection shall be waived.

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

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

(d) The owners of the fee simple estate in a parcel of land, the title to which has been registered under this chapter, may voluntarily withdraw the registered land from this chapter by filing with the land court a complaint for voluntary withdrawal naming themselves as all of the owners of the fee simple estate in the entire parcel of land and identifying any mortgagees, lessees or option holders of record having an interest in the registered land, together with a notice of voluntary withdrawal. The plaintiff shall file with the complaint sufficient documentation to establish conclusively their ownership of the fee simple estate in the entire parcel of land that is the subject of the complaint including, but not limited to, a last-prepared certificate of title, deeds, conveyance records and any other documents or instruments that demonstrate their ownership interest. The plaintiff may also file with the court written and signed assents from any

interest holders entitled to notice who have agreed to the withdrawal. Upon the request of the plaintiff or upon the court's determination of reasonable need, the court may appoint an examiner of title, whose fees shall be paid by the plaintiffs, to prepare a report sufficient to identify the current owners and all current mortgagees, lessees and option holders with interests in the land who are entitled to notice. The court's order of appointment shall be made not later than 30 days after receipt of the complaint or upon request for appointment, if such request is later made, unless the court, for good cause , determines that appointment at a later time is indicated, and shall direct such report to be prepared and filed with the court not later than 14 days after the appointment is made, unless the court, for good cause , then or thereafter allows further time. All interest holders entitled to notice who have not assented to the voluntary withdrawal shall be served by certified mail with a file-stamped copy of the complaint and notice of voluntary withdrawal. The court may order further notice to be given, including by additional means, if the court determines it to be necessary or desirable to accomplish effective service. The plaintiff shall file with the court an affidavit certifying that such notice by certified mail or other means ordered by the court has been given, together with proof of service. If the plaintiffs are represented by counsel, the affidavit shall be executed by counsel.

(e) If no objection has been filed by any interest holder entitled to notice not later than 30 days following service, a justice of the court shall approve and endorse the notice of voluntary withdrawal not later than 30 days following receipt of all required information and documentation unless the court, for good cause, determines that further time is indicated. Notwithstanding the filing of an objection not later than 30 days, the notice of voluntary withdrawal shall be endorsed by a justice of the land court unless the court determines that there is good cause for the objection. Upon endorsement by a justice of the land court, the notice of

voluntary withdrawal shall be filed for registration and noted on the memorandum of encumbrances for the certificate of title and may be recorded with the registry of deeds for the district within which the land lies, whereupon the land shall be withdrawn from this chapter and shall become unregistered land. The owners shall hold title to the land free of all liens and encumbrances, including adverse possession and prescriptive rights, existing as of the date the judicially-endorsed notice of voluntary withdrawal is noted on the memorandum of encumbrances, as though a judgment of confirmation without registration had been recorded under section 56A; provided, however, that the owners shall not hold title free of the encumbrances set forth or referred to in section 46 and those noted on the certificate of title or filed for registration before the date the endorsed notice of voluntary withdrawal is noted on the memorandum of encumbrances.

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

SECTION 60. Said chapter 185 is hereby further amended by striking out section 114, as so appearing, and inserting in place thereof the following section:-

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

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

SECTION 61. Chapter 186 of the General Laws is hereby amended by inserting after section 14 the following section:-

Section 14A. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Portable cooling device”, air conditioners and evaporative coolers, including devices designed to be mounted in a window or placed on the floor but not including devices which require alteration to the dwelling unit for its installation or use.

(b) A landlord may not prohibit or restrict a tenant from installing or using a portable cooling device of the tenant's choosing unless the: (i) installation or use of the device would: (A) violate building codes or state or federal law; (B) violate the device manufacturer's written safety guidelines for the device; (C) damage the premises or render the premises uninhabitable; or (D) require amperage to power the device that cannot be accommodated by the power service to the building, dwelling unit or circuit; (ii) device would be installed in a window and the: (A) window is a necessary egress from the dwelling unit; (B) device would interfere with the tenant's ability to lock a window that is accessible from outside; (C) device requires the use of brackets or other hardware that would damage or void the warranty of the window or frame, puncture the envelope of the building or otherwise cause significant damages; (D) restrictions require that the device be adequately drained to prevent damage to the dwelling unit or building; (E) restrictions require that the device be installed in a manner that prevents risk of falling; (F) restrictions require that the device be: (1) installed or removed by the landlord or the landlord's agent; (2) subject to inspection or servicing by the landlord or the landlord's agent; or (3) removed from October 1 to April 30, inclusive; or (iii) landlord provides cooling to the dwelling unit through a central air conditioning system.

(c) A landlord shall not enforce a restriction on portable cooling devices against a tenant that is allowed under subsection (b) unless the restriction is in writing and delivered to the tenant.

(d) A landlord shall not be liable for any claim for damages, injury or death caused by a portable cooling device installed by the tenant pursuant to this act.

(e) A landlord that limits portable cooling devices for a building under subclause (D) of clause (i) of subsection (b) shall prioritize allowing the use of devices for individuals who

require a device to accommodate a disability. A landlord shall not be responsible for any interruption in electrical service to a portable cooling device that is not caused by the landlord, including interruptions caused by an electrical supply's inability to accommodate the use of a portable cooling device.

SECTION 62. Section 15B of said chapter 186, as appearing in the 2022 Official Edition, is hereby amended by inserting after the figure "(2)", in line 25, the following words:- ; provided, however, that the executive office of housing and livable communities may promulgate regulations to authorize a lessor and a tenant or prospective tenant to agree to the payment of a fee in lieu of payment of a security deposit; provided further, that any such regulations shall: (A) require the lessor to utilize a fee collected to waive a security deposit to cover for unpaid rent or unit damage that applies to the tenant's lease; (B) require that a fee so collected be: (I) entirely or partially non-refundable; provided, however, that the lessor shall disclose that the fee is non-refundable in the lease; provided further, that the tenant shall agree to the fee and acknowledge that the tenant understand that it is entirely or partially non-refundable, as the case may be, in writing; and (II) a recurring monthly fee, or payable upon any schedule and in an amount that the lessor and tenant agree upon, as authorized by the executive office; (C) limit the total sum of the fee or recurring payments, regardless of the duration of the lease and any extensions thereto, to an amount not to exceed 1 month's rent; (D) require that the fee be made optional for both the tenant and the lessor and that the tenant be permitted to choose to pay a full security deposit rather than the fee; (E) require a lessor who offers such a fee in lieu of security deposit: (I) to offer the option of a fee in lieu of a security deposit to every prospective tenant whose application for occupancy has been approved, regardless of income, race, gender, gender identity, disability, sexual orientation, immigration status, size of household or credit score; and

(II) not to consider such factors and categories when setting the amount of the fee; and (F) allow a tenant who agrees to pay a fee to waive a security deposit to opt-out of the obligation to pay such fee if such tenant pays the security deposit that would otherwise be in effect for the tenant's apartment on the day the tenant chooses to opt-out of such fee; provided further, that the sum of fees paid to waive a security deposit and the payment of the security deposit shall not exceed, in total, the amount of 1 month's rent; and provided further, that the executive office shall consult with the office of the attorney general prior to promulgating regulations authorizing a fee in lieu of a security deposit under this section.

SECTION 63. Section 1 of chapter 188 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 10, the figure "$125,000" and inserting in place thereof, in each instance, the following figure:- "$250,000".

SECTION 64. Said section 1 of said chapter 188, as so appearing, is hereby further amended by striking out, in lines 15, 21, 25, 41 and 47, the figure "$500,000" and inserting in place thereof, in each instance, the following figure:- "$1,000,000".

SECTION 65. Said section 1 of said chapter 188, as so appearing, is hereby further amended by striking out, in line 42, the figure "$250,000" and inserting in place thereof the following figure:- "$500,000".

SECTION 66. Chapter 239 of the General Laws is hereby amended by adding the following section:-

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

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

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

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

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

"Eviction action", a summary process action under this chapter to recover possession of residential premises.

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

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

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

(c) A person having a court record in an eviction action for nonpayment of rent on file in a court may, on a form furnished by the trial court and signed under the penalties of perjury, petition the court to seal the court record. The petition shall be filed in the same court as the action sought to be sealed. If an action was active in more than 1 court during its pendency, a petition may be filed in each such court. Notice shall be given to parties to the original action. The court shall comply with the petitioner's request to seal the court record pursuant to this subsection; provided, however, that the action to which the record relates concluded, including

exhaustion of all rights of appeal, not less than 4 years before the request and no eviction action for nonpayment or lessor action has been brought against the petitioner within the commonwealth in the 4 years preceding the request; provided further, that the petitioner certifies on the petition that the nonpayment of rent was due to an economic hardship and such economic hardship has rendered them unable to satisfy the judgment. If no objection is filed by a party, the court may, in its discretion, process such petitions administratively without a hearing. If an objection is filed by a party, within 7 days of filing the petition, the court shall conduct a hearing to determine the petitioner's compliance with the foregoing conditions and may require the petitioner to complete a financial statement on a form furnished by the trial court.

(d) A person having a court record of a fault eviction on file in a court may, on a form furnished by the trial court and signed under the penalties of perjury, petition the court to seal the court record. The petition shall be filed in the same court as the action sought to be sealed. If an action was active in more than 1 court during its pendency, a petition may be filed in each such court. Notice shall be given to parties to the original action. The court shall comply with the petitioner's request to seal the court record pursuant to this subsection; provided, however, that the action to which the record relates concluded, including exhaustion of all rights of appeal, not less than 7 years before the request and no eviction action for fault or lessor action has been brought against the petitioner within the commonwealth in the 7 years preceding the request. If no objection is filed by a party, within 7 days of filing the petition, the court may, in its discretion, process such petitions administratively without a hearing.

(e) A person having a court judgment against them in a civil action commenced pursuant to section 19 of chapter 139 on file in a court may, on a form furnished by the trial court and signed under the penalties of perjury, petition the court to seal the court record. The petition shall

be filed in the same court as the action sought to be sealed. If an action was active in more than 1 court during its pendency, a petition may be filed in each such court. Notice shall be given to parties to the original action. The court shall schedule a hearing to determine whether: (i) the action to which the record relates concluded, including exhaustion of all rights of appeal, not less than 7 years before the request and no eviction action for fault, or action pursuant to said section 19 of said chapter 139, has been brought against the petitioner within the commonwealth in the 7 years preceding the request, and such petitioner has not been convicted of any criminal offense referenced in said section 19 of said chapter 139 during such 7-year period; and (b) the sealing of such record is in the interest of justice and public safety. Notwithstanding any provision to the contrary, where the plaintiff did not obtain a judgment in its favor, the defendant may petition to seal the court record at any time after the conclusion of the action, including exhaustion of all rights of appeal.

(e1/2) A person having a court record of an eviction action that resulted in a dismissal or final judgment in favor of the defendant may petition the court to seal the court record at any time after the conclusion of the action, which shall include exhaustion of all rights of appeal. The petition shall be on a form furnished by the trial court, signed under the penalties of perjury and filed in the same court as the action sought to be sealed was initially filed. If the action was active in more than 1 court during its pendency, a petition may be filed in each such court. Notice to parties of the original action shall not be required. The court may, in its discretion, process the petition administratively without a hearing.

(f) Upon motion and for good cause shown, or as otherwise authorized by this section, court records sealed under this section may, at the discretion of the court and upon a balancing of the interests of the litigants and the public in nondisclosure of the information with the interests

of the requesting party, be made available for public safety, scholarly, educational, journalistic or governmental purposes only; provided, however, that the personal identifying information of the parties involved in the action shall remain sealed unless the court determines that release of such information is appropriate under this subsection and necessary to fulfill the purpose of the request. Nothing in this subsection shall permit the release of personal identifying information for commercial purposes.

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

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

(i) A consumer reporting agency shall not disclose the existence of, or information regarding, an eviction record sealed under this section or use information contained in a sealed court record as a factor to determine any score or recommendation to be included in a consumer report unless the court record was available for inspection with the court not more than 30 days of the report date. A consumer reporting agency may include in a consumer report information found in publicly available court records; provided, however, that the consumer report shall include a person’s full name, whether an eviction action was a fault eviction, a no-fault eviction or a lessor action and the outcome of any eviction action if such information is contained in the publicly-available court record. Information contained in a court record sealed under this section

shall be removed from the consumer report or from the calculation of any score or recommendation to be included in a consumer report not more than 30 days of the sealing of the court record from which it is derived. Any consumer reporting agency that violates this subsection shall be liable to the person who is the subject of the consumer report in an amount equal to the sum of any actual damages sustained by the consumer as a result of the violation and the costs of the action, including reasonable attorney's fees. The attorney general shall enforce this subsection, and the remedies provided hereunder shall not be exclusive. Nothing in this subsection shall waive the rights or remedies of any person under any other law or regulation.

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

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

(k) A party who obtains a judgment or enters into an agreement in an eviction action solely for nonpayment of rent shall, not more than 14 days after satisfaction of the judgment or agreement, file with the court in which the judgment or agreement was entered a notice of

satisfaction of the judgment or agreement. A party that has satisfied such judgment or agreement may, upon noncompliance with this subsection by the other party, file a petition for the judgment or agreement to be deemed satisfied, with notice to the parties to such action. The court shall comply with the petitioner's request; provided, however, that the record only pertains to an action for nonpayment of rent and the judgment or agreement has been satisfied. If no objection is filed by a party within 7 days of filing the petition, the court may, in its discretion, process such petition administratively without a hearing. Upon the filing of a notice of satisfaction of judgment or an agreement, or court judgment deeming the judgment or agreement satisfied, a party may petition the court to seal the court record pertaining to that action. The petition shall be on a form furnished by the trial court, signed under the penalties of perjury and filed in the same court as the action sought to be sealed. If an action was active in more than 1 court during its pendency, a petition may be filed in each such court. Notice shall be given to the parties to the original action. The court shall comply with the petitioner's request and seal the court record if the judgment or agreement has been satisfied and the action has concluded, with all rights of appeal exhausted and with no objection filed by a party within 7 days of filing the petition. The court may process such petitions administratively without a hearing."

SECTION 67. The first sentence of the first paragraph of section 3 of chapter 708 of the acts of 1966, as appearing in section 43 of chapter 204 of the acts of 1996, is hereby amended by striking out the words "department of housing and community development", and inserting in place thereof the following words:- executive office of housing and livable communities.

SECTION 68. Said first paragraph of said section 3 of said chapter 708, as so amended, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Notwithstanding any general or special law to the contrary, the

Massachusetts Housing Finance Agency shall not be subject to chapter 30A of the General Laws, sections 24 to 28, inclusive, of chapter 93 of the General Laws and chapters 255E and 255F of the General Laws.

SECTION 69. The first sentence of the second paragraph of said section 3 of said chapter 708 is hereby amended by striking out the words "director of housing and community development", inserted by section 44 of chapter 204 of the acts of 1996, and inserting in place thereof the following words:- secretary of housing and livable communities.

SECTION 70. Paragraph (b) of section 8 of said chapter 708 is hereby amended by striking out the sixth sentence, as appearing in section 1 of chapter 34 of the acts of 2003, and inserting in place thereof the following sentence:- The aggregate principal amount of notes and bonds of the Massachusetts Housing Finance Agency issued to make mortgage loans pursuant to section 5 and to make or purchase loans pursuant to section 5A, outstanding at any 1 time, shall not exceed $10,800,000,000.

SECTION 71. Clause (iii) of the definition of "housing accommodation" in section 3 of chapter 527 of the acts of 1983, as appearing in section 4 of chapter 709 of the acts of 1989, is hereby amended by striking out the word "buildings" and inserting in place thereof the following words:- owner-occupied buildings.

SECTION 72. The third sentence of the second paragraph of paragraph (a) of section 35 of chapter 405 of the acts of 1985, as appearing in section 47 of chapter 204 of the acts of 1996, is hereby amended by striking out the words "department of housing and community development" and inserting in place thereof the following words:- executive office of housing and livable communities.

SECTION 73. Said paragraph (a) of said section 35 of said chapter 405 is hereby further amended by striking out the words “communities and development”, as appearing in section 36 of chapter 102 of the acts of 1990, and inserting in place thereof the following words:- housing and livable communities.

SECTION 74. Section 2 of chapter 52 of the acts of 1993 is hereby amended by striking out item 4000-8200, as most recently amended by section 18 of chapter 244 of the acts of 2002, and inserting in place thereof the following item:-

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

based housing when issuing such loans; provided further, that loans issued pursuant to this item shall: (i) be limited to not more than 50 per cent of the financing of the total development costs; (ii) be issued for a community-based housing project contingent on the title to the real property reverting to the commonwealth when the loan becomes due and payable, except as provided by clause (iii); (iii) only be issued when any contract or agreement for the use of the property for community-based housing provides for the recording of a restriction in the registry of deeds or the registry district of the land court of the county in which the affected real property is located, for the benefit of the departments, running with the land, that the land shall be used for the community-based housing for eligible individuals as determined by the department of mental health; provided further, that the property shall not be released from such restrictions unless: (a) the balance of the principal and interest for the loan has been repaid in full; (b) a mortgage foreclosure deed has been recorded; or (c) there has been a disposition of the property and the executive office of housing and livable communities, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property shall be used, to the extent necessary for replacement of the housing at the property to: (1) acquire such alternative property; and (2) rehabilitate such alternative property; (iv) be issued for a term of not more than 30 years during which time repayment may be deferred by the loan issuing authority unless, at the end of any fiscal year, cash collections from all sources in connection with a community-based housing project, except for contributions, donations or grant monies, exceed 105 per cent of cash expenditures on behalf of the project, including debt service, operating expenses and capital reserves, in which event such excess cash shall be paid to the commonwealth within 45 days of the end of the fiscal year, payable first to interest due

thereunder and thereafter to principal advanced pursuant to the loan; provided further, that if, on the date a loan become due and payable to the commonwealth, an outstanding balance exists and if, on such date, the executive office of housing and livable communities, in consultation with the executive office of health and human services, determines that there still exists a need for such housing and that there is continued funding available for the provision of services to such development, the executive office may, by agreement with the owner of the development, extend the loans for such periods not to exceed 10 years, as the executive office determines; provided further, that the project, whether at the original property or at an alternative property pursuant to clause (iii), shall remain affordable housing for the duration of the loan term, including any extensions, as set forth in the contract or agreement entered into by the executive office; provided further, that if the terms of repayment detailed in this item would cause a project authorized by this item to become ineligible to receive federal funds which would otherwise assist in the development of that project, the secretary may waive the terms of repayment which would cause the project to become ineligible; (v) have interest rates that shall be fixed at a rate, to be determined by the secretary of housing and livable communities, in consultation with the state treasurer, that shall be equal to the rate anticipated to be that paid by the commonwealth for bonds issued pursuant to section 8, which financing shall not exceed terms of 30 years; (vi) be provided only for projects conforming to this act; and (vii) be issued in accordance with a facilities consolidation plan prepared by the secretary of health and human services, reviewed and approved by the secretary of housing and livable communities and filed with the secretary of administration and finance and the house and senate committees on ways and means; provided further, that no expenditures shall be made pursuant to this item without the prior approval of the secretary of administration and finance; provided further, that not more than $10,000,000 shall

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

SECTION 75. Clause (2) of item 3722-8899 of section 2 of chapter 494 of the acts of 1993 is hereby amended by striking out the words “unless and until the balance of the principal and interest for said loan is repaid in full or unless and until a mortgage foreclosure deed is recorded” and inserting in place thereof the following words:- until: (i) the balance of the principal and interest for the loan has been repaid in full; (ii) a mortgage foreclosure deed has been recorded; or (iii) there has been a disposition of the property and the executive office of housing and livable communities has determined that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property shall be used, to the extent necessary for replacement of the housing at the property to: (A) acquire such alternative property; or (B) rehabilitate such alternative property.

SECTION 76. Clause (4) of said item 3722-8899 of said section 2 of said chapter 494 is hereby amended by striking out the words “provided, that the project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department” and inserting in place thereof the following words:- provided, that the project, whether at the original property or at an alternative property pursuant to clause (2), continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the executive office.

SECTION 77. Said item 3722-8899 of said section 2 of said chapter 494 is hereby further amended by striking out clauses (6) to (8), inclusive, and inserting in place thereof the following clause:- and (6) the executive office shall take due consideration of a balanced geographic plan for such alternative forms of housing when issuing such loans.

SECTION 78. The first paragraph of section 16 of chapter 179 of the acts of 1995 is hereby amended by striking out, in line 3, the word “mobile” and inserting in place thereof the following words:- either mobile vouchers or project-based.

SECTION 79. The second paragraph of section 12 of chapter 257 of the acts of 1998, as amended by section 52 of chapter 235 of the acts of 2000, is hereby further amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) such loans shall only be issued when a contract or agreement for the use of the property for such housing provides for the recording of a restriction in the registry of deeds or the registry district of the land court in the county in which the affected real property is located, for the benefit of the executive office of housing and livable communities, running with the land, that the land shall be used for the purpose of providing alternative forms of rental and ownership

housing; provided, however, that such property shall not be released from such restriction until: (i) the balance of the principal and interest for any such loan has been repaid in full; (ii) a mortgage foreclosure deed has been recorded; or (iii) there has been a disposition of the property and the executive office has determined that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property shall be used, to the extent necessary, for replacement of the housing at the property to: (a) acquire such alternative property; or (b) rehabilitate such alternative property.

SECTION 80. Clause (3) of said second paragraph of said section 12 of said chapter 257, as so amended, is hereby further amended by striking out the words “project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department” and inserting in place thereof the following words:- project, whether at the original property or at an alternative property pursuant to clause (2), continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the executive office.

SECTION 81. Said section 12 of said chapter 257, as so amended, is hereby further amended by striking out clauses (5) to (7), inclusive, and inserting in place thereof the following clause:-

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

SECTION 82. The second paragraph of section 5 of chapter 244 of the acts of 2002 is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

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

SECTION 83. Clause (3) of said second paragraph of said section 5 of said chapter 244 is hereby amended by striking out the words “project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department” and inserting in place thereof the following words:- project, whether at the original property or at an alternative property pursuant to clause (2), continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the executive office.

SECTION 84. Said second paragraph of said section 5 of said chapter 244 is hereby further amended by striking out clauses (5) to (7), inclusive, and inserting in place thereof the following clause:-

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

SECTION 85. Item 4000-8201 of section 2E of chapter 290 of the acts of 2004 is hereby amended by striking out clause (2) and inserting in place thereof the following clause:- (2) such loans shall be issued only when any contract or agreement for the use of the property for such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (3); provided, however, that such repayment shall be an amount equal to the commonwealth's proportional contribution from this item to the cost of the development through payments made by the state agency making the contract; provided further, that such repayment shall not be required if the executive office of housing and livable communities, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property shall be used, to the extent necessary, for replacement of the housing at the property to: (i) acquire such alternative property; or (ii) rehabilitate such alternative property.

SECTION 86. Clause (3) of said item 4000-8201 of said section 2E of said chapter 290 is hereby amended by striking out the words "provided further, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan is repaid in full or until a mortgage foreclosure deed is recorded" and inserting in place thereof the following words:- provided further, that the property shall not be released from such restrictions unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable

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

SECTION 87. Clause (4) of said item 4000-8201 of said section 2E of said chapter 290 is hereby amended by striking out the words “provided, however, that the project shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the department” and inserting in place thereof the following words:- provided, however, that the project, whether at the original property or at an alternative property pursuant to clause (2), shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the executive office.

SECTION 88. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out clauses (6) and (7).

SECTION 89. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(8)” and inserting in place thereof the following figure:- (6).

SECTION 90. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(9)” and inserting in place thereof the following figure:- (7).

SECTION 91. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(10)” and inserting in place thereof the following figure:- (8).

SECTION 92. Item 4000-8202 of said section 2E of said chapter 290, as amended by section 20 of chapter 6 of the acts of 2005, is hereby further amended by striking out clause (2) and inserting in place thereof the following clause:- (2) such loans shall be issued only when any contract or agreement for the use of the property for such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (3); provided, however, that such repayment shall be an amount equal to the commonwealth's proportional contribution from the Facilities Consolidation Fund to the cost of the development through payments made by the state agency making the contract; provided further, that such repayment shall not be required if the executive office of housing and livable communities, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property shall be used, to the extent necessary for replacement of the housing at the property to: (i) acquire such alternative property; or (ii) rehabilitate such alternative property;.

SECTION 93. Clause (3) of said item 4000-8202 of said section 2E of said chapter 290, as so amended, is hereby amended by striking out the words "provided, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan is repaid in full or until a mortgage foreclosure deed is recorded" and inserting in place thereof the following words:- provided, that the property shall not be released from such restrictions unless: (i) the balance of the principal and interest for the loan has been repaid in full; (ii) a mortgage foreclosure deed has been recorded; or (iii) the executive office of housing and livable communities has determined pursuant to clause (2) that repayment to the commonwealth is not required.

SECTION 94. Clause (4) of said item 4000-8202 of said section 2E of said chapter 290, as so amended, is hereby amended by striking out the words “provided, however, that the project shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the department” and inserting in place thereof the following words:- provided, however, that the project, whether at the original property or at an alternative property pursuant to clause (3), shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the executive office.

SECTION 95. Said item 4000-8202 of said section 2E of said chapter 290, as so amended, is hereby further amended by striking out clauses (6) and (7).

SECTION 96. Said item 4000-8202 of said section 2E of said chapter 290, as so amended, is hereby further amended by striking out the figure “(8)” and inserting in place thereof the following figure:- (6).

SECTION 97. Said item 4000-8200 of said section 2E of said chapter 290, as so amended, is hereby further amended by striking out the figure “(9)” and inserting in place thereof the following figure:- (7).

SECTION 98. Said item 4000-8202 of said section 2E of said chapter 290, as so amended, is hereby further amended by striking out the figure “(10)” and inserting in place thereof the following figure:- (8).

SECTION 99. Section 5 of chapter 293 of the acts of 2006 is hereby amended by inserting after the definition of “Economic development project” the following definition:-

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

SECTION 100. Said section 5 of said chapter 293 is hereby further amended by striking out the definition of "New revenue" and inserting in place thereof the following definition:-

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

SECTION 101. The definition of "New state tax revenues" in said section 5 of said chapter 293 is hereby amended by inserting after the word "components", in line 2, the following words:- or on account of the residential components.

SECTION 102. Said section 5 of said chapter 293, is hereby further amended by inserting after the definition of "Public infrastructure improvements" the following definition:-

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

SECTION 103. Subsection (a) of section 7 of said chapter 293 is hereby amended by inserting after the word “commercial”, in line 9, the following words:- or residential.

SECTION 104. Said subsection (a) of said section 7 of said chapter 293 is hereby further amended by inserting after the words “commercial”, in line 11, the following words:- and residential.

SECTION 105. Subsection (c) of said section 7 of said chapter 293 is hereby amended by inserting after the word “commercial”, in line 16, the following words:- and residential.

SECTION 106. Subsection (e) of said section 7 of said chapter 293, added by section 7 of chapter 129 of the acts of 2008, is hereby amended by inserting after the word “met”, in line 11, the following words:- and, with respect to projects which include a residential component, shall give priority to projects within an MBTA community as defined in section 1A of chapter 40A of the General Laws; provided, however, that such MBTA community shall be in compliance with section 3A of said chapter 40A.

SECTION 107. Subsection (a) of section 10 of said chapter 293, as amended by section 10 of said chapter 129, is hereby further amended by inserting after the word “commercial” the following words:- or residential.

SECTION 108. Said subsection (a) of said section 10 of said chapter 293, as so amended, is hereby further amended by inserting after the words “each commercial”, each time they appear, the following words:- or residential.

SECTION 109. Subsection (b) of said section 10 of said chapter 293, as appearing in section 11 of said chapter 129, is hereby amended by inserting after the word “commercial”, each time it appears, the following words:- or residential.

SECTION 110. Subsection (c) of said section 10 of said chapter 293 is hereby amended by inserting after the word “commercial ”, in lines 3 and 5, each time it appears, the following words:- or residential.

SECTION 111. Item 7004-0029 of section 2 of chapter 119 of the acts of 2008 is hereby amended by striking out clause (2) and inserting in place thereof the following clause:- (2) be issued only when a contract or agreement for the use of the property for such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (3); provided, however, that such repayment shall be in an amount equal to the commonwealth’s proportional contribution from the Facilities Consolidation Fund to the cost of the development through payments made by the state agency making the contract; provided further, that such repayment shall not be required if the executive office of housing and livable communities, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property shall be used, to the extent necessary for replacement of the housing at the property to: (i) acquire such alternative property; or (ii) rehabilitate such alternative property.

SECTION 112. Clause (3) of said item 7004-0029 of said section 2 of said chapter 119 is hereby amended by striking out the words “provided, that the property shall not be released from

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

SECTION 113. Clause (4) of said item 7004-0029 of said section 2 of said chapter 119 is hereby amended by striking out the words "provided, however, that the project shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department" and inserting in place thereof the following words:- provided, however, that the project, whether at the original property or at an alternative property pursuant to clause (2), shall remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the executive office.

SECTION 114. Clause (5) of said item 7004-0029 of said section 2 of said chapter 119 is hereby amended by striking out the words "; provided further, that expenditures from this item shall not be made for the purpose of refinancing outstanding mortgage loans for community-based housing in existence prior to the effective date of this act; provided further, that community-based housing projects developed pursuant to this item shall not be refinanced during the term of any loan issued pursuant to this item unless the balance of the principal and interest for such loan has been repaid in full at the time of such refinancing; provided further, that the community-based housing projects may be refinanced if the refinancing would result in a

reduction of costs paid by the commonwealth; provided further, that a refinanced loan shall be due and payable on a date not later than the date on which the original loan was due and payable, except in accordance with clause (4) when necessary to effect extraordinary repairs or maintenance which shall be approved by the commissioner of mental retardation or the commissioner of mental health, as the case may be, and the department".

SECTION 115. Item 7004-0030 of said section 2 of said chapter 119 is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

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

SECTION 116. Clause (3) of said item 7004-0030 of said section 2 of said chapter 119 is hereby amended by striking out the words "until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded" and inserting in place thereof the following words:- unless: (A) the balance of the principal and interest for the

loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable communities has determined pursuant to clause (2) that repayment to the commonwealth is not required.

SECTION 117. Clause (4) of said item 7004-0030 of said section 2 of said chapter 119 is hereby amended by striking out the words "project shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the department" and inserting place thereof the following words:- project, whether at the original property or at an alternative property pursuant to clause (2), shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the executive office.

SECTION 118. Said item 7004-0030 of said section 2 of said chapter 119 is hereby further amended by striking out clause (5) and inserting in place thereof the following clause:- (5) have interest rates fixed at a rate, to be determined by the executive office, in consultation with the state treasurer; provided, however, that the loans shall be issued in accordance with an enhancing community-based services plan prepared by the secretary of health and human services, in consultation with the executive office and filed with the secretary for administration and finance and the house and senate committees on ways and means and the joint committee on housing; provided further, that no expenditure shall be made from this item without the prior approval of the secretary for administration and finance; provided further, that the executive office shall promulgate regulations pursuant to chapter 30A of the General Laws for the implementation, administration and enforcement of this item and such regulations shall be consistent with the enhancing community-based services plan prepared by the secretary of health

and human services, after consultation with the secretary and the commissioner of capital asset management and maintenance.

SECTION 119. Sections 30, 36 and 98 of chapter 238 of the acts of 2012 are hereby repealed.

SECTION 120. Item 7004-0040 of section 2 of chapter 129 of the acts of 2013 is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

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

SECTION 121. Clause (iii) of said item 7004-0040 of said section 2 of said chapter 129 is hereby amended by striking out the words "until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded" and inserting in place thereof the following words:- unless: (A) the balance of the principal and

interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable communities has determined pursuant to clause (ii) that repayment to the commonwealth is not required.

SECTION 122. Clause (iv) of said item 7004-0040 of said section 2 of said chapter 129 is hereby amended by striking out the words "provided further, that the project shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department" and inserting in place thereof the following words:- provided further, that the project, whether at the original property or an alternative property pursuant to clause (ii), shall remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the executive office.

SECTION 123. Item 7004-0041 of said section 2 of said chapter 129 is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:- (ii) be issued only when a contract or agreement for the use of the property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii); provided, however, that such repayment shall be in an amount equal to the commonwealth's proportional contribution from community-based housing to the cost of the development through payments made by the state agency making the contract; provided further, however, that such repayment shall not be required if the executive office of housing and livable communities, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be

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

SECTION 124. Clause (iii) of said item 7004-0041 of said section 2 of said chapter 129 is hereby amended by striking out the words “until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded” and inserting in place thereof the following words:- unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable communities has determined pursuant to clause (ii) that repayment to the commonwealth is not required.

SECTION 125. Clause (iv) of said item 7004-0041 of said section 2 of said chapter 129 is hereby amended by striking out the words “project shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the department” and inserting place thereof the following words:- project, whether at the original property or an alternative property pursuant to clause (ii), shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the executive office.

SECTION 126. Item 7004-0050 of section 2 of chapter 99 of the acts of 2018 is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

(ii) not be issued unless a contract or agreement for the use of the property for such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii); provided, however, that such repayment shall be in an amount equal to the commonwealth’s

proportional contribution from the Facilities Consolidation Fund to the cost of the development through payments made by the state agency making the contract; provided further, however, that such repayment shall not be required if the executive office of housing and livable communities, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, to: (A) acquire such alternative property; or (B) rehabilitate such alternative property.

SECTION 127. Said item 7004-0050 of said section 2 of said chapter 99 is hereby further amended by striking out the words "until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded" and inserting in place thereof the following words:- unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable communities has determined pursuant to clause (ii) that repayment to the commonwealth is not required.

SECTION 128. Said item 7004-0050 of said section 2 of said chapter 99 is hereby further amended by striking out the words "shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department" and inserting in place thereof the following words:-, whether at the original property or an alternative property pursuant to clause (ii), shall remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the executive office.

SECTION 129. Item 7004-0051 of said section 2 of said chapter 99 is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:- (ii) not be issued unless a contract or agreement for the use of the property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii); provided, however, that such repayment shall be in an amount equal to the commonwealth's proportional contribution from community-based housing to the cost of the development through payments made by the state agency making the contract; provided further, however, that such repayment shall not be required if the executive office of housing and livable communities, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, to: (A) acquire such alternative property; or (B) rehabilitate such alternative property;.

SECTION 130. Said item 7004-0051 of said section 2 of said chapter 99 is hereby further amended by striking out the words "until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded" and inserting in place thereof the following words:- unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable communities has determined pursuant to clause (ii) that repayment to the commonwealth is not required.

SECTION 131. Said item 7004-0051 of said section 2 of said chapter 99 is hereby further amended by striking out the words "shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement

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

SECTION 132. Notwithstanding any general or special law, rule or regulation to the contrary, the architectural access board established in section 13A of chapter 22 of the General Laws shall determine the value of any multiple dwelling as defined in 521 CMR 5.00 that is owned, constructed or renovated by a housing authority as defined in section 1 of chapter 121B of the General Laws by setting a replacement cost that is determined by and reflected in the executive office of housing and livable communities' Capital Planning System survey and database for state-funded public housing. For such dwellings that are not included in the survey and database, the replacement cost shall be calculated by the executive office based on the replacement cost for comparable dwellings that are included in the survey and database. The executive office shall supplement the survey and database on file with the architectural access board for any such dwelling by preparing and filing documentation identifying the replacement cost for the dwelling and the method by which it was calculated.

SECTION 133. The secretary of housing and livable communities shall convene a stakeholder working group to make recommendations for regulatory and legislative change necessary to comprehensively address the remediation of residential property foundations that have deteriorated due to the presence of pyrite or pyrrhotite. The working group shall convene not later than 30 days after the effective date of this act, and shall include: the secretary of housing and livable communities or a designee, who shall serve as chair; the secretary of transportation or a designee; the undersecretary of consumer affairs and business regulation or a

designee; the commissioner of insurance or a designee; the commissioner of banks or a designee; 3 members appointed by the attorney general who shall have experience in advocating for homeowners and consumers; the chairs and ranking minority members of the joint committee on environment and natural resources; a representative of Massachusetts Residents Against Crumbing Foundations; a representative of the Massachusetts Concrete & Aggregate Producers Association, Inc.; a representative of the Massachusetts Municipal Association Inc.; a representative of the Massachusetts Insurance Federation Inc.; and a representative of the Massachusetts Mortgage Bankers Association, Inc.

The working group shall examine: (i) which executive office, department, agency or bureau within an executive office, if any, is best equipped to administer a program to assist residential property owners impacted by the presence of pyrite or pyrrhotite, including administering the Crumbling Concrete Assistance Fund established under section 2FFFFFF of chapter 29 of the General Laws, or which executive office or department is best equipped to oversee a new agency or bureau; (ii) relevant models to assist impacted homeowners, including, but not limited to, a captive insurance company, a supplemental loan program, an interstate agreement with a captive insurance company with expertise in assessing residential property foundation claims, property tax abatement and waiving local and state permit fees; (iii) models to fund said Crumbling Concrete Assistance Fund, including, but not limited to: (a) insurance surcharges on certain homeowners insurance policies, not to exceed $12 annually, and when and on which policies the surcharge applies and (b) other sources of state and federal funding opportunities; and (iv) methods to improve consumer protection through means such as disclosures, appointment of a homeowner advocate within a department, agency or bureau to assist impacted homeowners or consumer education.

The working group shall submit its report and any recommendations to the clerks of the senate and house of representatives, the joint committee on environment and natural resources, the joint committee on housing and the senate and house committees on ways and means not later than February 1, 2025.

SECTION 134. (a) Notwithstanding any general or special law to the contrary, there shall be a special commission to study and make recommendations on creating affordable and healthy senior housing. The commission's recommendations shall include, but not be limited to, strategies to better align housing, homecare and healthcare policy and programs to increase access and opportunity for residents to age in their community, including examining the benefit of providing incentives to young families to house elder adults family members to limit loneliness in adult populations, assist young families and limit the overall cost to the commonwealth.

(b) The commission shall consist of: the secretary of housing and livable communities or a designee, who shall serve as chair; the secretary of health and human services or a designee; the secretary of elder affairs or a designee; the chairs of the joint committee on elder affairs or their designees; the chairs of the joint committee on housing or their designees; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; 1 member appointed by the secretary of housing and livable communities who shall represent an affordable housing financing agency; 1 member representing Citizens Housing and Planning Association, Inc.; 1 member representing the Mass Home Care Association; 1 member representing MassPACE, Inc.; 1 member representing Massachusetts Association of Councils on Aging, Inc.; 1 member representing LeadingAge Massachusetts, Inc.; 1 member representing Massachusetts Senior Action Council, Inc; 1

member representing AARP Massachusetts; 1 member representing 2Life Communities Inc.; 1 member representing Hebrew SeniorLife, Inc.; and 2 members appointed by the governor who shall represent nonprofit housing developers with experience developing affordable senior rental housing.

(c) The study shall include, but not be limited to: (i) mapping out the economic profile of older adults; (ii) determining gaps in services to older adults; (iii) identifying best practices for creating supportive senior housing with sustainable funding; (iv) determining strategies for connecting and streamlining services supporting older adults in their community, including identifying federal waivers or other actions to support integration of such services; (v) identifying partners to create opportunities for supportive housing development that incorporates health care infrastructure and service; (vi) estimating the costs and potential impact of programs and recommending comprehensive strategies; (vii) recommendations for creating academic partnerships to document and evaluate program innovations; (viii) an analysis of the projected demand for senior housing in the 5 years following the first meeting of the commission; (ix) recommendations to ensure senior housing is physically accessible and compliant with the Americans with Disabilities Act; (x) a review of barriers to necessary housing modifications and potential funding sources; (xi) recommendations to encourage development of senior housing in areas within reasonable walking distance of amenities and public transportation; (xii) an evaluation of age-restricted housing and intergenerational housing with respect to costs, tenant preferences, accessibility and safety; (xiii) analysis of models of community-based housing that provide medical support, including residential care homes, rest homes and small house nursing homes; and (xiv) recommendations for design and infrastructure features including, but not

limited to, increased ventilation and functional outdoor space for the purpose of preventing the spread of contagious diseases.

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

SECTION 135. (a) As used in this section and sections 136 and 137, the following words shall have the following meanings unless the context clearly requires otherwise:

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

"Commissioner", the commissioner of capital asset management and maintenance.

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

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

"Public institution of higher education", as defined in section 5 of chapter 15A of the General Laws.

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

"Real property of a public agency", as defined in section 32 of chapter 7C of the General Laws.

"Real property of the commonwealth", real property of a state agency consistent with chapter 7C of the General Laws.

"Secretary", the secretary for administration and finance.

"State agency", as defined in section 1 of chapter 7C of the General Laws; provided, however, that "state agency" shall not include counties.

"Surplus real property", (i) real property of the commonwealth that has been determined by the commissioner to be surplus: (A) to the current and foreseeable needs of the commonwealth pursuant to clause (i) of paragraph (2) of subsection (b); or (B) to the current and foreseeable needs of a state agency pursuant to section 33 or 34 of chapter 7C of the General Laws; or (ii) real property of a public agency determined by the commissioner to be surplus to

the current and foreseeable needs of the public agency, as determined by the public agency; provided, however, that "surplus real property" shall not include property subject to Article XCVII of the Amendments to the Constitution of the Commonwealth.

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

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

(ii) Notwithstanding sections 32 to 37, inclusive, of said chapter 7C or any other general or special law to the contrary, if any real property of the commonwealth is determined to be surplus to the current needs, but not to the foreseeable needs, of any state agency, the

commissioner shall take such necessary action to ensure that any disposition of the real property is temporary and maintains the commissioner's ability to make such real property available to a state agency as needed.

(iii) Notwithstanding sections 32 to 37, inclusive, of said chapter 7C or any other general or special law to the contrary, the commissioner may, in consultation with the secretary and the secretary of housing and livable communities, make real property of the commonwealth that has been determined to be surplus to the current needs, but not the foreseeable needs, of any state agency available for a period of time not to exceed the foreseeable need of any state agency for housing and related purposes to municipalities, public agencies and nonprofit organizations for nominal consideration.

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

(4)(i) The governor may identify parcels of land owned or controlled by a public agency and any buildings or improvements thereon as potential surplus real property by submitting a written notice to the public agency. Not later than 30 days after receipt of the notice, the public agency shall determine whether such real property is surplus to its current and foreseeable needs. If the public agency determines that the real property is not surplus to its current and foreseeable

needs, such public agency shall respond in writing not later than 30 days after receipt of a request by the governor, specifying the reason for its determination.

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

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

(d)(1) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, if the commissioner, in consultation with the secretary and the secretary of housing and livable communities, determines that real property is surplus real property pursuant to clause (i) of paragraph (2) of subsection (b) or the commissioner enters into an agreement with a public agency pursuant to clause (ii) of paragraph (4) of said subsection (b), the commissioner shall: (i) provide written notice, for each city or town in which the property is located, to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chair of the board of selectmen or the select board in the case of a town, the county commissioners, the chair of the

zoning board of appeals, the chair of the planning board, the regional planning agency and the members of the general court representing the city or town in which the property is located. The notice shall include a statement that the proposed reuse of the property is for housing purposes, with a date certain for any response which shall be not less than 30 days from the date of such notice; (ii) following the date certain set forth in the notice, declare the real property available for disposition and identify all reuse restrictions including, but not limited to, a restriction for housing purposes; and (iii) ensure that any deed, lease or other disposition agreement shall: (A) set forth all reuse restrictions including, but not limited to, a restriction for housing purposes; (B) provide for effective remedies on behalf of the commonwealth; and (C) provide, in the event of a failure to comply with the reuse restrictions by the grantee, lessee or other recipient, that title or such lesser interest that may have been conveyed may revert to the commonwealth. The commissioner shall, in identifying reuse restrictions for such property, consider in good faith any comments presented by local officials and members of the general court representing each city or town in which the property is located.

(2) The commissioner shall, in consultation with the secretary of housing and livable communities, dispose of surplus real property: (i) by utilizing appropriate competitive processes and procedures; or (ii) through a sales-partnership agreement with the municipality wherein said real property is located; provided, however, that the sales-partnership agreement shall require the municipality to utilize appropriate competitive processes and procedures; provided further, that the sales-partnership agreement may require the municipality to utilize said competitive processes and select a developer prior to disposition of the real property; provided further, that the commissioner may transfer the real property directly to the selected developer pursuant to the sale-partnership agreement; and provided further, that the sales-partnership agreement may

provide for payment to the municipality in an amount not to exceed 50 per cent of the net sales price paid to the commonwealth, as determined by the commissioner. A competitive process pursuant to clause (i) may include, but shall not be limited to, absolute auction, sealed bids and requests for price and development proposals. The commissioner may accept any consideration for surplus real property disposed of pursuant to this section deemed appropriate by the commissioner and the secretary of housing and livable communities. The commissioner shall prioritize disposition of surplus real property for affordable housing purposes.

(3) Not less than 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease surplus real property are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof. The commissioner shall not be required to place said notice if the property is conveyed: (i) to a municipality or developer selected by a municipality in accordance with paragraph (2); or (ii) for nominal consideration in accordance with clause (ii) of paragraph (2) of subsection (e).

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

(5) The commissioner shall place a notice in the central register identifying the municipality, public agency, individual or firm selected as party to the real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the

value calculated pursuant to paragraph (1) of subsection (e), the commissioner shall include the justification therefor, specifying the difference between the calculated value and the price received.

(e)(1) The commissioner shall establish the value of surplus real property using customarily accepted appraisal methodologies. The value shall be calculated for: (i) the highest and best use of the property as may be encumbered; and (ii) subject to uses, restrictions and encumbrances defined by the commissioner. If the commonwealth retains responsibility for maintaining the property, the terms shall not provide for payment of less than the annual maintenance costs.

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

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

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

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

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

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

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

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

(i) The commissioner shall deposit the proceeds from any disposition of real property pursuant to this section into the surplus real property disposition fund established in section 137.

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

SECTION 136. (a) Notwithstanding chapter 40A of the General Laws or any other general or special law or local zoning or municipal ordinance or by-law to the contrary, a city or town shall permit the residential use of real property conveyed by the commissioner pursuant to section 135 for housing purposes as of right, as defined in section 1A of said chapter 40A, notwithstanding any use limitations otherwise applicable in the zoning district in which the real property is located including, but not limited to, commercial, mixed-use development or industrial uses. A city or town may impose reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space and building coverage requirements and a city or town may require site plan review; provided however, that the city or town shall permit not less than 4 units of housing per acre.

(b) Real property conveyed by the commissioner pursuant to section 135 shall include, but not be limited to, the amendment of use restrictions held by the commonwealth to allow for the use of such real property for housing purposes.

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

SECTION 137. (a) There is hereby established a Surplus Real Property Disposition Trust Fund to be administered by the secretary for administration and finance.

(b) The fund shall be credited with: (i) the proceeds realized from the disposition of surplus real property and the amendment of use restrictions pursuant to section 135; (ii) any appropriation, grant, gift or other contribution made to the fund; and (iii) any interest earned on

money in the fund. Amounts credited to the fund shall not be subject to further appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

(c) Amounts credited to the fund may be: (i) transferred by the secretary to the state agency that had care and control of the land conveyed pursuant to section 135 if the real property was conveyed for fair market value consideration in an amount equal to the net proceeds of the disposition; (ii) transferred by the secretary to the state agency that had care and control of the real property conveyed pursuant to section 135 if the real property was conveyed for consideration less than fair market value in an amount equal to $10,000 per unit of housing permitted by the city or town in which the real property is located or the net proceeds of the disposition, whichever is greater; (iii) transferred by the secretary to a municipality in accordance with a sales partnership agreement pursuant to section 135; or (iv) expended for costs associated with the disposition of real property pursuant to section 135 including, but not limited to, demolition, site preparation and environmental remediation; provided, that all money transferred to a state agency pursuant to clauses (i) and (ii) shall be expended by the agency for capital facility projects as defined in section 1 of chapter 7C of the General Laws; provided further, that all net proceeds from the disposition of surplus real property of a public agency other than a state agency, as determined by the commissioner of capital asset management and maintenance, shall be transferred to such public agency.

SECTION 138. (a) Notwithstanding any general or special law to the contrary, not more than 120 days after the expiration of affordability restrictions on housing units assisted under items 7004-0070 and 7004-0071 of section 2, the executive office of housing and livable communities or its assignee, who shall be a qualified developer selected pursuant to said items

7004-0700 and 7004-0071 of said section 2 under the guidelines of the executive office, shall have an option to purchase any such housing units at their current appraised value, reduced by any remaining obligation of the owner, upon the expiration of the affordability restrictions. The executive office or its assignee shall only purchase or acquire such housing units to preserve or provide affordable housing. The executive office or its assignee shall hold such purchase option for 120 days after the expiration of the affordability restrictions. Failure to exercise the purchase option within such 120-days period after the expiration of the affordability restriction shall constitute a waiver of the purchase option by the executive office or its assignee.

(b) Not later than 30 days after the expiration of an affordability restriction pursuant to subsection (a), the owner and the executive office shall each designate a professional in the field of multi-unit residential housing. Each professional shall select an impartial appraiser. Not later than 60 days after the expiration of the affordability restriction, the 2 impartial appraisers shall determine the current appraised value in accordance with recognized professional standards. If there is a difference in the valuations, the valuations shall be added together and divided by 2 to determine the current appraised value of the units.

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

the written notice shall state the name and address of the developer and the terms and conditions of the assignment.

(d) Before any sale, transfer or other disposition of property for which the executive office has not previously exercised an option to purchase, an owner shall offer the executive office or its assignee, who shall be a qualified developer selected pursuant to said items 7004-0070 and 7004-0071 of said section 2, a first refusal option to meet a bona fide offer to purchase the units. The owner shall provide to the executive office or its assignee written notice by regular and certified mail, return receipt requested, of the owner's intention to sell, transfer or otherwise dispose of the property. The executive office or its assignee shall hold the first refusal option for 120 days after receipt of the owner's written notice of intent to transfer the property. Failure to respond to the written notice of intent to sell, transfer or otherwise dispose of the property within the 120-day period shall constitute a waiver of the right of first refusal by the executive office. No sale, transfer or other disposition of the property shall be completed until either the first refusal option period has expired or the owner has been notified in writing by the executive office or its assignee that the option will not be exercised. The option shall be exercised only by written notice signed by a designated representative of the executive office or its assignee, sent to the owner by certified mail at the address specified in the notice of intention and recorded with the registry of deeds or the registry district of the land court of the county in which the affected real property is located, within the option period. If the first refusal option has been assigned to a qualified developer selected pursuant to said items 7004-0070 and 7004-0071 of said section 2, the written notice shall state the name and address of the developer and the terms and conditions of the assignment.

(e) An affidavit before a notary public that the notice of intent was mailed on behalf of an owner shall conclusively establish the manner and time of the giving of notice to sell, transfer or otherwise dispose of the property. The affidavit and notice that the option shall not be exercised shall be recorded with the registry of deeds or the registry district of the land court in the county in which the affected real property is located. Each notice of intention, notice of exercise of the purchase option or first refusal option and notice that the purchase option or first refusal option shall not be exercised shall contain the name of the recorded owner of the property and a reasonable description of the property to be sold or converted. Each affidavit signed before a notary public shall have attached to it a copy of the notice of intention to which it relates. The notices of intention shall be mailed to the relevant parties in the care of the keeper of the records for the party in question. Upon notifying the owner in writing of its intention to exercise its purchase option or first refusal option during the 120-day period, the executive office or its assignee shall have an additional 120 days, beginning on the date the purchase option period or first refusal option period expires, to purchase the units. The time periods may be extended by mutual agreement between the executive office or its assignee and the owner of the property. Any extension agreed upon shall be recorded in the registry of deeds or the registry district of the land court of the county in which the affected real property is located. Within a reasonable time after requesting an extension, the owner shall make available to the executive office or its assignee any information that is reasonably necessary for the executive office to exercise its option.

SECTION 139. Notwithstanding any general or special law to the contrary, a private entity engaged in a construction, development, renovation, remodeling, reconstruction, rehabilitation or redevelopment project receiving funds pursuant to this act shall properly classify

individuals employed on the project and shall comply with all laws concerning workers' compensation insurance coverage, unemployment insurance, social security taxes and income taxes with respect to all such employees. All construction contractors engaged by a private entity on any such project shall furnish documentation to the appointing authority showing that all employees employed on the project have hospitalization and medical benefits that meet the minimum requirements of the commonwealth health insurance connector established in chapter 176Q of the General Laws. A construction contractor shall disclose whether it has been subject to a federal or state criminal or civil judgment, final administrative determination or debarment by any federal or state agency or authority resulting from a violation of chapter 149 or 151 of the General Laws or 29 U.S.C. 201, et seq. within 3 years prior to the date of submission for an award of funds pursuant to this act. If the monetary penalty in connection with any such civil judgment or final administrative determination is $40,000 or greater, the awarding authority may exclude the contractor from being awarded funds pursuant to this act. Upon the completion of a project, a construction manager, general contractor or other lead or prime contractor shall certify that all trade contractors and subcontractors under the construction manager, general contractor or other lead or prime contractor have properly classified individuals employed on the project. No contractor or subcontractor debarred by a federal or state agency shall be awarded funds pursuant to this act during such period of debarment.

SECTION 140. (a) There shall be a special commission to study and make recommendations on expanding the supply of housing available and affordable to tenants with a household income of not more than 30 per cent of the area median income, adjusted for household size, as periodically determined by the United States Department of Housing and Urban Development. The commission shall review and evaluate federal, state and local subsidies

that support the creation of housing for such tenants and make recommendations to increase the supply of housing that is available and affordable to households earning not more than 30 per cent of the area median income.

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

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

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

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

SECTION 141. (a) The executive office of housing and livable communities, in consultation with the executive office of administration and finance and the department of revenue, shall conduct a study on the feasibility and impact of allowing cities and towns, by local option, to exempt new affordable housing developments from the limitations in paragraphs (b) and (f) of section 21C of chapter 59 of the General Laws. The study shall include, but not be limited to: (i) the potential revenue benefits of such exemption; (ii) the potential number of affordable housing units constructed as a result of such exemption; (iii) the impact of allowing cities or towns, by local option, to exempt the value of new affordable housing developments at a multiplier of 5 and 10 times the amount of said value from said limitations; (iv) the impact of applying such exemption to entire housing developments with different percentages of affordable units; (v) the impact of requiring certain thresholds of affordability for new affordable housing developments in order to qualify for such exemption; and (vi) a comparison of potential impacts of such exemption to different cities and towns across the state.

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

SECTION 142. (a) There shall be a special commission to analyze, report and recommend a policy or pilot programs to meaningfully address housing shortages in the commonwealth. The commission shall focus on finding sustainable and equitable housing solutions to: (i) improve housing production; (ii) address racial wealth disparities in housing; (iii) ensure regional equity in housing; and (iv) prevent chronic homelessness.

(b) The commission shall consist of: the secretary of housing and livable communities or a designee, who shall serve as chair; the secretary of administration and finance or a designee; the director of rural affairs or a designee; the attorney general or a designee; the chairs of the joint committee on housing or their designees; 4 members to be appointed by the speaker of the house of representatives, 1 representing a gateway city, 1 representing a suburban community, 1 representing a seasonal community and 1 representing a rural community; 3 members to be appointed by the senate president, 1 representing a gateway city, 1 representing a seasonal community and 1 representing a rural community; 1 member who shall be appointed by the minority leader of the house of representatives; 1 member who shall be appointed by the minority leader of the senate; 1 person who shall be a representative of the Citizens' Housing and Planning Association, Inc.; 1 person who shall be a representative of the Massachusetts Municipal Association, Inc.; 1 person who shall be a member of the Greater Boston Real Estate Board; 1 person from the Massachusetts Association of Community Development Corporations; 1 person who shall be a representative of the Massachusetts Coalition for Racial Equity in

Housing; 1 person who shall be a representative from Western Massachusetts Housing Coalition; 1 person appointed by the president of the AFL-CIO; 1 member who shall be a representative of the Massachusetts Budget and Policy Center, Inc.; 1 of whom shall be a representative of the Massachusetts Taxpayers Foundation, Inc.; 1 of whom shall be a representative of the Center for State Policy Analysis at Tufts University; 1 person who shall be a representative of the Tiny Home Industry Association; 1 person from Greater Boston Community Land Trust; 1 person from the Massachusetts Association of Housing Cooperatives, Inc.; 1 person who shall be a representative of the Center for Economic Democracy, Inc.; 1 person who shall be a representative of the Greater Boston Chamber of Commerce, Inc.; 1 person from the Home Builders and Remodelers Association of Massachusetts, Inc.; and the following members to be appointed by the governor, 1 of whom shall represent the public housing authorities, 1 of whom shall be a representative of a regional planning agency, 1 of whom shall be a housing developer committed to affordable housing development in rural communities and 1 of whom shall be from a tenant advocacy organization.

(c) The commission shall examine and make recommendations on: (i) a local option transfer fee to be applied on transactions involving the transfer of real property interests, including, but not limited to, its impact on both residential and commercial property, the property value threshold amount, the impact on the housing economy both statewide and regionally, spending requirements and potential exemptions; (ii) the potential impact of a local option vacancy tax to be applied to unoccupied residential properties; (iii) the potential impact of a high-end blight tax to be applied to unused distressed commercial property; (iv) scaling of mixed income neighborhood trusts or community land trusts to preserve affordable housing; (v) increasing the existing deed excise tax to support local and statewide affordable housing trusts;

(vi) additional types of residential housing cooperatives and land trusts; and (vii) any other topic areas the commission deems relevant to its mandate.

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

SECTION 143. (a) There shall be a special commission to study and make recommendations on modernizing and updating the Massachusetts Community Preservation Act under chapter 44B of the General Laws to improve the effectiveness of the program for municipalities to promote community preservation and increase the production of housing in the commonwealth.

(b) The special commission shall consist of: the secretary of housing and livable communities or a designee, who shall serve as chair; the secretary for administration and finance or a designee; the secretary of energy and environmental affairs or a designee; the chairs of the joint committee on housing; the chairs of the joint committee on revenue; the chairs of the joint committee on environment and natural resources; 1 member appointed by the minority leader of the senate; 1 member appointed by the minority leader of the house of representatives; 2 members appointed by the governor who shall reflect geographic diversity and have expertise in housing policy; 2 members representing the Community Preservation Coalition; 1 member representing the Massachusetts Municipal Association, Inc.; and 1 member representing the Massachusetts Association of Realtors.

(c) The special commission shall examine the history and impacts of the Massachusetts Community Preservation Act and investigate, evaluate and make recommendations, including,

but not limited to: (i) amendments and reforms to chapter 44B of the General Laws to improve the overall effectiveness of the program to increase housing production and promote community preservation in the commonwealth; (ii) opportunities and solutions to increase, leverage and maximize the use of statewide trust fund resources and local community preservation act funds; (iii) opportunities to strengthen transparency and compliance related to reporting requirements for municipalities; and (iv) utilization of regional strategies to meet the commonwealth's housing production goals. In evaluating the current law and making recommendations, the commission shall examine the overall effectiveness of the program on municipalities and take into consideration the program's goals of affordable housing production, open space conservation, outdoor recreation access and historic preservation.

(d) The special commission shall file a report of its findings, including any recommendations, with the clerks of the senate and the house of representatives, the senate and house committees on ways and means, the joint committee on housing, the joint committee on environment and natural resources and the joint committee on revenue not later than September 15, 2025.

SECTION 144. (a) There shall be a special commission to study barriers to the development and production of starter homes as defined in section 1 of chapter 40Y of the General Laws.

(b) The commission shall investigate: (i) barriers to starter home construction; (ii) existing zoning that may represent opportunities for starter home zoning districts; (iii) the availability of technical assistance for starter home production; (iv) the feasibility of constructing starter home lots; (v) resources needed to remove barriers to starter home production; (vi)

developer costs associated with the development and construction of starter home lots and units; (vii) buyer costs associated with the purchase, maintenance and sale of a starter home unit or lot; and (viii) additional funding needed to support construction and zoning of starter home units and lots.

(c) The commission shall consist of: the secretary of housing and livable communities or a designee, who shall serve as chair; the secretary of labor and workforce development or a designee; the chairs of the joint committee on housing; 1 member appointed by the senate president; 1 member appointed by the speaker of the house of representatives; 1 member appointed by the minority leader of the senate; 1 member appointed by the minority leader of the house of representatives; the president of the Home Builders & Remodelers Association of Massachusetts, Inc.; the executive director of the Massachusetts Municipal Association, Inc.; the chair of the Three Rivers Interlocal Council; the president of the Massachusetts Smart Growth Alliance; the president of the Associated Industries of Massachusetts, Inc.; the chief executive officer of the Citizens Housing And Planning Association, Inc.; the executive director of the Metropolitan Area Planning Council or a designee; the chair of the rural policy advisory commission or a designee; the president of the Massachusetts Building Trades Council.

(d) The commission shall file a report of its findings and its recommendations for proposed programs and legislation, if any, with the clerks of the senate and house of representatives and the joint committee on housing not later than December 1, 2025.

SECTION 145. (a) There shall be a special commission to study and make recommendations on expanding accessibility in housing for persons with disabilities, including seniors, in order to increase the ability of people to live in a safe, dignified and healthy manner in

their residences. The commission shall consist of: the secretary of housing and livable communities or a designee, who shall serve as chair; the executive director of the architectural access board; the chairs of the joint committee on housing or their designees; the executive director of the Massachusetts office on disabilities; a representative of the statewide independent living council; a representative of the Institute for Human Centered Design Inc.; a representative of NAIOP Massachusetts, Inc; a representative of the Disability Law Center, Inc.; a representative of Arc Massachusetts, Inc; and a representative of Massachusetts Association of Mental Health Professionals, Inc.

(b) The commission shall examine potential changes to the state building code for accessibility features in housing that benefit persons with disabilities including, but not limited to: (i) changes for individuals with physical, sensory, intellectual, mental health and neurodivergent disabilities; (ii) the estimated the costs of such potential changes; and (iii) the impact of climate change on housing for people with disabilities.

(c) The commission shall file a report with the clerks of the senate and house of representatives and the joint committee on housing not later than June 30, 2025.

SECTION 146. There shall be an interbasin transfer review commission, which shall analyze and make recommendations relative to sections 8B, 8C and 8D of chapter 21 of the General Laws, including whether this act should be amended to support the development of housing through increased access to water resources.

The commission shall evaluate current processes, practices and standards for regulating interbasin transfers. In conducting this review, the commission shall: (i) assess whether said sections 8B, 8C and 8D of said chapter 21 continue to effectively govern the transfer of water or

wastewater outside of its river basin of origin; (ii) determine whether amending the current law would support increased housing production while maintaining environmental protections; (iii) identify and recommend potential actions for easing existing administrative burdens or permitting processes to facilitate the sharing of water resources for communities in need; (iv) consider whether any changes to its governing law are necessary or recommended to better assist municipalities with the remediation of per- and polyfluoroalkyl substances; and (v) consider and make recommendations concerning any other matters the commission deems relevant to its mandate.

The commission shall consist of: the secretary of energy and environmental affairs or a designee, who shall serve as chair; the commissioner of conservation and recreation or a designee; the commissioner of environmental protection or a designee; the secretary of housing and livable communities or a designee; a representative of the American Council of Engineering Companies of Massachusetts; a representative of the Massachusetts Municipal Association, Inc.; a representative of the Massachusetts Water Resources Authority; a representative of the Massachusetts Water Resources Authority advisory board; a representative of the Massachusetts Water Resources Authority Water Supply Citizens Advisory Committee; a representative of the Massachusetts Rivers Alliance, Inc.; a representative of Massachusetts Water Environment Association Inc; a representative of Massachusetts Coalition for Water Resources Stewardship, Inc.; a representative of Massachusetts Water Works Association Inc.; a representative of the NAIOP Massachusetts, Inc.; and a representative of the Massachusetts Water Resources Authority's Wastewater Advisory Committee.

The commission shall make recommendations or take actions by a majority vote of all members present and voting.

The commission shall issue a report, with recommendations, and file the report with the clerks of the senate and house of representatives, the joint committee on housing and the joint committee on environment and natural resources not later than July 1, 2025.

SECTION 147. The secretary of veterans' services, in coordination with the executive office of housing and livable communities, shall convene a working group to develop a plan for the siting, construction and operation of veterans' small house long-term care homes, as authorized in item 4000-2026 of section 2 of chapter 15 of the acts of 2021. The working group shall propose veterans' housing that follows the standards of the Veterans Health Administration Small House Design Guide (PG-18-12 Chapter 106). The model of care for the proposed veterans' housing shall be resident-centered and resident-driven and involve the resident and family, when available, in decisions regarding the resident's care.

The working group shall include: the secretary of veterans' services or a designee; the secretary of elder affairs or a designee; the commissioner of public health or a designee; the executive director of veterans' homes and housing; 1 member who shall represent the office of the veteran advocate; 1 member who shall represent the architectural access board; and 6 members appointed by the secretary of veterans' services, 2 of whom shall represent medical centers or hospitals in the commonwealth that serve veterans, 2 of whom shall represent health insurance companies serving veterans in the commonwealth and 2 of whom shall represent veterans' services organizations. The secretary shall designate a chair of the working group from among its members.

The working group shall file a report of its findings and any recommendations with the clerks of the house of representatives and the senate, the joint committee on veterans and federal

affairs, the joint committee on mental health, substance use and recovery, the joint committee on public health, the joint committee on elder affairs and the senate and house committees on ways and means not later than January 1, 2026.

SECTION 148. The attorney general, in consultation with the executive office of housing and livable communities, shall conduct a study of algorithmic collusion in the residential housing market. The study shall examine and make recommendations on: (i) the prevalence of pricing algorithms; (ii) the impact of property owners using algorithmic methods to set residential rent prices on housing prices and inventory; (iii) the legality of such methods, including the use of nonpublic information in algorithms to set rent prices; (iv) measures to mitigate the impact of pricing through disclosure; and (v) any regulatory or legislative changes necessary to mediate the use of pricing algorithms.

The attorney general shall submit the results of the study and its recommendations to the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on housing not later than July 31, 2025.

SECTION 149. The department of housing and livable communities shall develop a pilot program for intergenerational affordable housing development to support individuals and families with housing others in exchange for services or rent. Eligible program participants shall be individuals or families currently on the commonwealth’s section 8 centralized waiting list and any individual age 60 years or older that owns their home and has adequate accommodation available to host an individual that is 18 years of age or older or a family. In designing the program, the department shall consult with existing private intergenerational housing programs

operating in the commonwealth. The department shall file a report on the progress of the pilot program with the clerks of the senate and house of representatives not later than July 1, 2025.

SECTION 150. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Borrower", a mortgagor of a mortgage loan.

"Creditor", a person or entity that holds or controls, partially, wholly, indirectly, directly or in a nominee capacity, a mortgage loan securing an owner-occupied residential property including, but not limited to, an originator, holder, investor, assignee, successor, trust, trustee, nominee holder, mortgage electronic registration system or mortgage servicer, including the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; provided, however, that "creditor" shall also include any servant, employee or agent of a creditor.

"Creditor's representative", a person who has the authority to negotiate and approve the terms of and modify a mortgage loan, under a servicing agreement.

"Modified mortgage loan", a mortgage modified from its original terms including, but not limited to, a loan modified under: (i) the Home Affordable Modification Program; (ii) the Federal Deposit Insurance Corporation's Loan Modification Program; (iii) any modification program that a lender uses that is based on accepted principles and the safety and soundness of the institution and authorized by the National Credit Union Administration, the division of banks or any other instrumentality of the commonwealth; (iv) the Federal Housing Administration; or (v) a similar federal loan modification plan.

"Mortgage loan", a loan to a natural person made primarily for personal, family or household purposes secured wholly or in part by a mortgage on residential property.

"Residential property", real property located in the commonwealth on which there is a dwelling with accommodations for not more than 4 separate households and occupied, or to be occupied, in whole or in part by the obligor on the mortgage debt; provided, however, that "residential property" shall be limited to the principal residence of a person; provided further, that "residential property" shall not include an investment property or a residence, other than a primary residence, or residential property taken in whole or in part as collateral for a commercial loan.

(b) There shall be, subject to appropriation, a foreclosure mediation pilot program administered by the Massachusetts Office of Public Collaboration at the University of Massachusetts at Boston to be offered to borrowers and creditors, by agreement, in not more than 5 communities disproportionately impacted by high rates of foreclosure. The Massachusetts Office of Public Collaboration shall develop and accept applications from interested communities and shall select communities most negatively impacted by high rates of foreclosure.

(c) A creditor in a community participating in the pilot may, concurrently with the notice sent to the borrower of residential property under section 35A of chapter 244 of the General Laws, give notice to the borrower of the borrower's right to participate in the foreclosure mediation program by attaching to the right to cure default notice: (i) notice of the availability of foreclosure mediation, in such form as the Massachusetts Office of Public Collaboration prescribes; and (ii) a foreclosure mediation request form, in such form as the Massachusetts Office of Public Collaboration prescribes. A borrower electing to participate in foreclosure

mediation shall submit the foreclosure mediation request form to the creditor not more than 15 days after receipt of the notice.

(d) An in-person mediation session shall be conducted by a neutral third-party mediator between the borrower, the borrower's representative or housing counselor and the creditor's representative, who shall have the authority to negotiate an alternative to foreclosure including, but not limited to: (i) a modified mortgage loan; (ii) a reduction in principal; (iii) a reduction in interest rate; or (iv) an increase in the amortization period of the mortgage loan; provided, however, that an alternative form of meeting may be mutually agreed upon by the mortgagor, the mortgagee and the mediator.

(e) If a borrower elects to participate in the foreclosure mediation program, a creditor shall not accelerate the note or otherwise initiate foreclosure proceedings unless the mediator has certified that the creditor participated in the foreclosure mediation program in good faith and made all reasonable efforts to find an alternative to foreclosure and any agreement is in full compliance with all state and federal guidelines.

(f) The borrower's or creditor's rights or defenses in the foreclosure action shall not be waived by participating in the foreclosure mediation program.

(g) Nothing in this section shall require a creditor to modify a mortgage or change the terms of payment of a mortgage.

SECTION 151. (a) The executive office of housing and livable communities shall convene an advisory council to offer expertise in issues pertaining to racial segregation in housing and public schools. The council shall consist of: the chairs of the joint committee on housing, who shall serve as co-chairs; the chairs of the joint committee on education, who shall

serve as co-chairs; the secretary of housing and livable communities or a designee; the deputy secretary of housing and livable communities or a designee; the secretary of education or a designee; the commissioner of elementary and secondary education or a designee; the commissioner of early education and care or a designee; the commissioner of banks or a designee; the attorney general or a designee; the executive director of the Massachusetts Housing Finance Agency or a designee; the president of the senate or a designee; the speaker of the house of representatives or a designee; the minority leader of the house of representatives or a designee; the minority leader of the senate or a designee; the governor or a designee; 1 person with relevant subject matter expertise appointed by the Massachusetts Black and Latino Legislative Caucus; 2 persons appointed by the commission on the status of African Americans; 2 persons appointed by the commission on the status of Latinos and Latinas; 1 person appointed by the commission on the status of Asian Americans and Pacific Islanders; 1 person appointed by the Massachusetts commission on Indian affairs; 1 person with relevant subject matter expertise appointed by the president of the senate; 1 person with relevant subject matter expertise appointed by the speaker of the house of representatives; 1 person with relevant subject matter expertise appointed by the governor; and 2 persons who shall be members of the student advisory council.

(b) The council shall provide advice and recommendations to the executive office regarding policies or programs necessary to: (i) combat the causes of housing segregation and increase racial integration in cities and towns; (ii) eliminate or significantly reduce interdistrict and intradistrict racial segregation, including at the school and classroom level; and (iii) promote, as part of school integration plans, the development of racially inclusive school climates, including through: (A) culturally and racially responsive pedagogy and curricula; (B) approaches

to creating safe and supportive school environments that do not rely on school discipline practices that have a disproportionately negative impact on students of color; and (C) access to racially diverse school staff, teachers and school leaders.

(c) The council shall investigate the following for purposes of determining their contribution to housing and school segregation and making policy recommendations to eliminate or significantly reduce racial segregation in housing and public schools: (i) existing state statutes and regulations; (ii) state programs that financially support prospective tenants and homeowners;(iii) state programs that finance or govern the development of affordable housing; (iv) discriminatory practices in the banking industry; (v) discriminatory practices in the real estate industry; (vi) violations and enforcement of the federal Fair Housing Act based on race; (vii) exclusionary zoning ordinances and by-laws; (viii) inadequate transportation infrastructure or access to affordable, reliable and efficient public transportation; (ix) violations and enforcement of Title VI of the Civil Rights Act of 1964, as amended; (x) chapter 70 of the General Laws; (xi) chapter 70B of the General Laws; (xii) the dissolution of historic policies and practices in the commonwealth that had led to substantial increases in school integration; (xiii) public magnet schools or regional school districts; (xiv) school district practices for assigning students to schools; (xv) interdistrict and intradistrict transfer and public school choice policies; (xvi) admissions practices in selective public schools; (xvii) school district practices for determining student participation in different levels of coursework, such as ability grouping or tracking; (xviii) Metropolitan Council for Educational Opportunity (METCO), Inc.; and (xix) any other topics that it deems relevant to housing and school segregation.

(d) The council shall submit its report and recommendations to the clerks of the senate and house of representatives, the joint committee on housing and the joint committee on education not later than July 31, 2025.

SECTION 152. The executive office of housing and livable communities shall compile and make available to municipalities a guide outlining the best practices for cities and towns to implement and operate, by local option, a municipal right of first refusal program. The guide shall outline incentives, outreach strategies and other logistical details available to homeowners who provide such municipal right of first refusal. The guide shall be completed not later than January 1, 2025.

SECTION 153. Notwithstanding any general or special law to the contrary, the unexpended and unencumbered balances of the bond-funded authorizations in the following accounts shall cease to be available for expenditure 180 days after the effective date of this act: 3000-0410, 7002-8032, 7004-0049, 7004-0050, 7004-0051, 7004-0052, 7004-0053, 7004-0055, 7004-0056, 7004-0057, 7004-0058, 7004-0059, 7004-0060, 7004-0061, 7004-0062, 7004-0064, 7004-0065, 7004-0066, 7004-0067, 7004-8016, 7004-8026.

SECTION 154. To meet the expenditures necessary in carrying out sections 2 and 2A the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $5,146,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, The Affordable Homes Act of 2024, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later

than June 30, 2059, pursuant to said section 3 of said Article LXII of the Amendments to the Constitution. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth. An amount not to exceed 2 per cent of the authorizations may be expended by the executive office of housing and livable communities for administrative costs directly attributable to the purposes of this act, including costs of clerical and support personnel. The secretary of housing and livable communities shall file an annual spending plan detailing, by subsidiary, all personnel costs and any administrative costs charged to expenditures made pursuant to this act with the fiscal affairs division within the executive office for administration and finance, the house and senate committees on ways and means, the joint committee on bonding, capital expenditures and state assets and the joint committee on housing.

SECTION 155. To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $50,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, The Affordable Homes Act of 2024, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2059. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth. An amount not to exceed 2 per cent of the authorizations may be expended by

the executive office of housing and livable communities for administrative costs directly attributable to the purposes of this act, including costs of clerical and support personnel. The secretary of housing and livable communities shall file an annual spending plan with the fiscal affairs division within the executive office for administration and finance, the house and senate committees on ways and means, the house and senate committees on bonding, capital expenditures and states assets and the joint committee on housing which details, by subsidiary, all personnel costs and any administrative costs charged to expenditures made pursuant to this act.

SECTION 156. The executive office of housing and livable communities shall promulgate guidance or regulations pursuant to subsection (h) of section 33 of chapter 23B of the General Laws and section 101 of chapter 143 of the General Laws not later than December 15, 2024,.

SECTION 157. Sections 11, 37, 56, 59, 60 and 66 shall take effect 180 days after the effective date of this act.

SECTION 158. Subsection (b) of section 5E of chapter 62 of the General Laws and subsection (b) of section 5F of chapter 62 of the General Laws shall take effect on January 1, 2025.

SECTION 159. Sections 25, 26, 28 and 29 shall take effect for tax years beginning on or after January 1, 2025.

SECTION 160. Sections 27, 30 and 31 shall take effect on January 1, 2030.

SECTION 161. Sections 135 to 137, inclusive, are hereby repealed.

SECTION 162. Section 161 shall take effect on June 30, 2030; provided, however, that the commissioner of capital asset management and maintenance may complete any transaction for which agreements have been signed and delivered on or before June 30, 2030.