SENATE DOCKET, NO. 2058 FILED ON: 1/17/2025

SENATE . . . . . No. 2334

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

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

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

An Act to grow and maintain space in cities and towns for the creative economy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Liz Miranda	*Second Suffolk*	
Bruce E. Tarr	*First Essex and Middlesex*	*4/2/2025*
James B. Eldridge	*Middlesex and Worcester*	*6/12/2025*
Brendan P. Crighton	*Third Essex*	*9/2/2025*
Sal N. DiDomenico	*Middlesex and Suffolk*	*9/12/2025*

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SENATE . . . . . No. 2334

By Ms. Miranda, a petition (accompanied by bill, Senate, No. 2334) of Liz Miranda for legislation to preserve space for the creative economy. Tourism, Arts and Cultural Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *530* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to grow and maintain space in cities and towns for the creative economy.

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

SECTION 1. Section 31 of Chapter 184 of the General Laws is hereby amended by adding at the end thereof the following:

"A Creative space restriction means a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant or condition in any deed, mortgage, will, agreement, or other instrument executed by or on behalf of the owner of the land appropriate to a) limiting the use of all or part of land or structure to occupancy by persons for the creation, practice, presentation, exhibition of art, creative expression or culture or to occupancy by persons or families for live/work artist studio housing. Such restriction may include provisions to restrict the resale price of all or part of the property in order to assure its

10 affordability by future low or moderate income artists, creative workers, culture bearers, and
11 artisans of fine, applied, traditional or popular arts."

12 SECTION 2. Chapter 44 is hereby amended by adding the following new Section:-

13 Section 1.

14 Definitions

15 "Creative space" - space where the primary use is the creation and practice of art, culture
16 and creative expression and the primary users are artists, creative workers or artisans in the fine,
17 applied or popular arts, where "creation" encompasses all activities required to generate artistic
18 products including but not limited to sketching, design, prototyping, writing, rehearsing,
19 composing, recording, etc., and "practice" encompasses all activities related to developing,
20 expanding, and maintaining skills and competencies that enable the creation of arts, culture and
21 creative expression.

22 "Presentation space" - space where the primary use is showcasing, presentation and
23 exhibition of art, culture and creative expression by artists, creative workers, and artisans in the
24 fine, applied or popular arts, and community members.

25 Section 2.

26 Municipal Creative Space Preservation Trust Fund

27 Section XX. (a) Notwithstanding section XX or any other general or special law to the
28 contrary, a city or town that accepts this section may establish a trust to be known as the
29 Municipal Creative Space Trust Fund, in this section called the trust. The purpose of the trust is

30 to provide for the creation and preservation of creative space and presentation space in
31 municipalities.

32 (b) There shall be a board of trustees, in this section called the board, which shall include
33 no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4,
34 of the city or town, but where the chief executive officer is a multi-member body, that body shall
35 designate a minimum of 1 of its members to serve on the board; provided, that, if said city or
36 town has formed a Local or Regional Cultural Council, as defined in Section 58 of Chapter 10 of
37 the general laws, said chief executive officer shall appoint to the board a minimum of 1 member
38 from said cultural council; provided further, that, if said city or town has a municipal board,
39 committee or commission dedicated to local arts and culture, said chief executive officer shall
40 appoint to the board a minimum of 1 member from said body.. Trustees shall be appointed in a
41 city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either
42 case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for
43 a term not to exceed 2 years, and are designated as public agents for purposes of the constitution
44 of the commonwealth. Nothing in this subsection shall prevent a board of selectmen from
45 appointing the town manager or town administrator as a member or chair of the board, with or
46 without the power to vote.

47 (c) The powers of the board, all of which shall be carried on in furtherance of the
48 purposes set forth in this act, shall include the following powers, but a city or town may, by
49 ordinance or by-law, omit or modify any of these powers and may grant to the board additional
50 powers consistent with this section:—

51 (1) to accept and receive real property, personal property or money, by gift, grant,
52 contribution, devise or transfer from any person, firm, corporation or other public or private
53 entity, including but not limited to money, grants of funds or other property tendered to the trust
54 in connection with any ordinance or by-law or any general or special law or any other source;

55 (2) to purchase and retain real or personal property, including without restriction
56 investments that yield a high rate of income or no income;

57 (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at
58 public auction or by private contract for such consideration and on such terms as to credit or
59 otherwise, and to make such contracts and enter into such undertaking relative to trust property
60 as the board deems advisable notwithstanding the length of any such lease or contract;

61 (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases,
62 covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed
63 or unsealed, necessary, proper or incident to any transaction in which the board engages for the
64 accomplishment of the purposes of the trust;

65 (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the
66 board deems necessary;

67 (6) to pay reasonable compensation and expenses to all advisors and agents and to
68 apportion such compensation between income and principal as the board deems advisable;

69 (7) to apportion receipts and charges between incomes and principal as the board deems
70 advisable, to amortize premiums and establish sinking funds for such purpose, and to create
71 reserves for depreciation depletion or otherwise;

72 (8) to participate in any reorganization, recapitalization, merger or similar transactions;
73 and to give proxies or powers of attorney with or without power of substitution to vote any
74 securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or
75 sale of property, by or between any corporation and any other corporation or person;

76 (9) to deposit any security with any protective reorganization committee, and to delegate
77 to such committee such powers and authority with relation thereto as the board may deem proper
78 and to pay, out of trust property, such portion of expenses and compensation of such committee
79 as the board may deem necessary and appropriate;

80 (10) to carry property for accounting purposes other than acquisition date values;

81 (11) to borrow money on such terms and conditions and from such sources as the board
82 deems advisable, to mortgage and pledge trust assets as collateral;

83 (12) to make distributions or divisions of principal in kind;

84 (13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in
85 favor or against the trust, including claims for taxes, and to accept any property, either in total or
86 partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this
87 act, to continue to hold the same for such period of time as the board may deem appropriate;

88 (14) to manage or improve real property; and to abandon any property which the board
89 determined not to be worth retaining;

90 (15) to hold all or part of the trust property uninvested for such purposes and for such
91 time as the board may deem appropriate; and

92 (16) to extend the time for payment of any obligation to the trust.

93 (d) Notwithstanding any general or special law to the contrary, all moneys paid to the
94 trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions
95 shall be paid directly into the trust and need not be appropriated or accepted and approved into
96 the trust. General revenues appropriated into the trust become trust property and to be expended
97 these funds need not be further appropriated. All moneys remaining in the trust at the end of any
98 fiscal year, whether or not expended by the board within 1 year of the date they were
99 appropriated into the trust, remain trust property.

100 (e) The trust is a public employer and the members of the board are public employees for
101 purposes of chapter 258.

102 (f) The trust shall be deemed a municipal agency and the trustees special municipal
103 employees, for purposes of chapter 268A.

104 (g) The trust is exempt from chapters 59 and 62, and from any other provisions
105 concerning payment of taxes based upon or measured by property or income imposed by the
106 commonwealth or any political subdivision thereof.

107 (h) The books and records of the trust shall be audited annually by an independent auditor
108 in accordance with accepted accounting practices. Said independent auditor shall submit an
109 annual report to the Massachusetts cultural council.

110 (i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of
111 chapter 39.

112 (j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of
113 chapter 40; but agreements and conveyances between the trust and agencies, boards,

114 commissions, authorities, departments and public instrumentalities of the city or town shall be

115 exempt from said chapter 30B.