

HOUSE No. 4335

The Commonwealth of Massachusetts

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill preserving publicly-assisted affordable housing (Senate, No. 2190, amended) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4335. November 12, 2009.

FOR THE COMMITTEE:

NAME:

Charles Murphy

DISTRICT/ADDRESS:

21st Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

The Committee on Ways and Means recommends that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

1 “SECTION 1. The General Laws are hereby amended by inserting after chapter 40S the
2 following chapter:-

3 CHAPTER 40T

4 PUBLICLY-ASSISTED AFFORDABLE HOUSING

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

7 “Affected municipality”, any city or town in which publicly-assisted housing is located.

8 “Affiliate”, an entity owned or controlled by an owner or under common control with the
9 owner.

10 “Affordability restriction”, a limit on rents that an owner may charge for occupancy of a
11 rental unit in a publicly-assisted housing development or a limit on tenant income for persons or
12 families seeking to qualify for admission to such housing.

13 “CEDAC”, the Community Economic Development Assistance Corporation established in
14 chapter 40H.

15 “Chief executive officer”, the mayor, city manager or city council in a city or the board of
16 selectmen in a town unless otherwise designated by a municipal charter.

17 “Department”, the department of housing and community development or its designee as
18 set forth in this chapter.

19 “Designee”, a municipality, local or regional housing authority, nonprofit or for-profit
20 corporation or other entity qualified to do business in the commonwealth which is selected by the

21 department to operate publicly-assisted housing that is decent, safe and sanitary affordable
22 housing under subsection (b) of section 3.

23 “Enhanced section 8 vouchers”, vouchers provided under 42 U.S.C. 1437f (t) or other
24 substantially equivalent assistance.

25 “Extremely low income”, a household income of not more than 30 per cent of the area
26 median income, adjusted for household size, as periodically determined by the United States
27 Department of Housing and Urban Development.

28 “Government program”, a program that provides government assistance under a program
29 set forth in the definition of publicly-assisted housing.

30 “Low income”, a household income of not more than 80 per cent of the area median
31 income, adjusted for household size, as periodically determined by the United States Department
32 of Housing and Urban Development.

33 “Owner”, a person, firm, partnership, corporation, trust, organization, limited liability
34 company or other entity, or its successors or assigns, that holds title to publicly-assisted housing.

35 “Prepayment”, (a) the payment in full or the refinancing of a governmental-insured or
36 government-held mortgage loan indebtedness prior to its original maturity date; (b) the voluntary
37 cancellation of mortgage insurance on a publicly assisted housing development; or (c) the
38 payment in full of a government contract, any of which would have the effect of removing either:
39 (i) the affordability restrictions applicable to publicly-assisted housing; or (ii) a requirement to
40 renew any such affordability restrictions.

41 “Preserve affordability”, with respect to publicly-assisted housing, to undertake reasonable
42 and diligent actions to retain, renew or secure subsidies affecting publicly-assisted housing in
43 order to maintain at least the same number of units affordable to low, very low and extremely
44 low-income households, respectively, as are currently occupied by such households, and to
45 maintain as affordable to such households generally all units that are currently vacant, to the
46 extent of available subsidies and taking into account the need to ensure that the publicly-assisted
47 housing provides quality housing to its tenants. To the extent that the department determines that
48 existing affordability does not provide quality housing to the tenants, the department shall
49 consider affordability to a range of incomes for such units not to exceed 80 per cent of area
50 median income as defined by United States Department of Housing and Urban Development;
51 provided, however, that no tenant shall be displaced pursuant to the determination; and provided
52 further, that units affordable to low, very low and extremely low-income households that are not
53 retained, renewed or secured at the publicly-assisted housing shall be replaced with comparable

54 deed-restricted publicly-assisted housing units at an alternative site to the extent of available
55 subsidies and to the extent feasible.

56 “Protected low-income tenant”, a low-income tenant residing in publicly-assisted housing
57 on the date of termination of the government program and whose rent was restricted by that
58 government program.

59 “Publicly-assisted housing”, a housing unit or development that receives government
60 assistance under any of the following programs: (i) section 8 of the United States Housing Act of
61 1937, 42 U.S.C. section 1437f, as it applies to new construction, substantial rehabilitation,
62 moderate rehabilitation, property disposition and loan management set-aside programs or any
63 other program providing project-based rental assistance; (ii) the federal Low-Income Housing
64 Tax Credit Program, 26 U.S.C. section 42; (iii) section 101 of the Housing and Urban
65 Development Act of 1965, 12 U.S.C. section 1701s, as it applies to programs for rent supplement
66 assistance thereunder; (iv) section 202 of the Housing Act of 1959, 12 U.S.C. section 1701q; (v)
67 the below market interest rate program codified at section 221(d)(3) of the National Housing
68 Act, 12 U.S.C. section 1715 (d)(3), (5); (vi) section 221(d)(4) of the National Housing Act, 12
69 U.S.C. section 17151 (d)(4), to the extent the project’s rents are restricted pursuant to a
70 government agreement; (vii) section 236 of the National Housing Act, 12 U.S.C. section 1715z-l;
71 (viii) section 515 of the Housing Act of 1949, 42 U.S.C. section 1485; (ix) section 521 of the
72 Housing Act of 1949, 42 U.S.C. section 1490a; (x) the Urban Development Action Grant, 42
73 U.S.C. section 5318, to the extent that the affordability of dwelling units subject to such program
74 are restricted pursuant to a government agreement; (xi) the Housing Development Action Grant,
75 42 U.S.C. section 1437, to the extent the project’s rents are restricted pursuant to a government
76 agreement; (xii) section 13A of chapter 708 of the acts of 1966; (xiii) the voucher program
77 provided for annually in item 7004-9024 of section 2 of the general appropriation act as that
78 program applies to project-based rental assistance; (xiv) the state low income housing tax credit
79 program established in section 6I of chapter 62; (xv) the State Housing Assistance for Rental
80 Production, established pursuant to chapter 574 of the acts of 1983; or (xvi) chapter 121A to the
81 extent that the affordability of dwelling units are restricted pursuant to a written agreement with
82 the affected municipality.

83 “Purchase contract”, a binding written agreement whereby an owner agrees to sell
84 publicly-assisted housing including, without limitation, a purchase and sale agreement, contract
85 of sale, purchase option or other similar instrument.

86 “Regulatory agreement”, an affordable housing restriction that establishes an owner's
87 obligations created pursuant to the efforts of the department or its designee to preserve
88 affordability and which is consistent with section 31 of chapter 184; provided that in any project
89 that is eligible for participation in the United States Department of Housing and Urban
90 Development’s Mark Up to Market Program, the restriction, insofar as it relates to the limiting of

91 the level of rents, shall not apply to units covered by a section 8 housing assistance payment
92 contract so long as such contract is effective.

93 “Sale”, an act by which an owner conveys, transfers or disposes of property by deed or
94 otherwise, whether through a single transaction or a series of transactions, during a 2 year period;
95 provided, however, that a disposition of publicly-assisted housing by an owner to an affiliate of
96 such owner shall not constitute a sale.

97 “Subsidy”, public financial assistance including, but not limited to, grants, loans, rental
98 assistance, tax credits, tax abatements, mortgage financing, mortgage insurance, assistance
99 pursuant to any government program or any other form of assistance intended to make housing
100 affordable to low, very low and extremely low-income households.

101 “Tenant”, a person entitled to possession or occupancy of a rental unit within publicly-
102 assisted housing, including a subtenant, lessee and sublessee.

103 “Tenant organization”, an organization established by the tenants of publicly-assisted
104 housing for the purpose of addressing issues related to their living environment and which meets
105 regularly, operates democratically, is representative of all residents in the development, is
106 completely independent of owners, management and their representatives and which has filed a
107 notice of its existence with CEDAC; provided, however, that no owner or other third party shall
108 be required to ascertain the organization’s compliance with this definition.

109 “Termination”, the cessation, discharge or removal of an affordability restriction affecting
110 publicly-assisted housing in the absence of a simultaneous replacement of that restriction with an
111 equivalent affordability restriction including, but not limited to: (i) nonrenewal or termination, in
112 whole or in part, of a government program contract; (ii) expiration, in whole or in part, of an
113 affordability restriction under a government program or the requirement to renew the restriction;
114 (iii) payment in full of a government program mortgage loan; or (iv) prepayment of a
115 government program mortgage loan.

116 “Time for performance”, the date for delivery of the deed or other document evidencing a
117 sale pursuant to a purchase contract or any extension thereof.

118 “Very low income”, having a household income of not more than 60 per cent of the area
119 median income, adjusted for household size, as periodically determined by the United States
120 Department of Housing and Urban Development.

121 Section 2. (a) Except with respect to property subject to an affordability restriction which
122 has less than 2 years remaining and, for which subsection (e) shall apply, the owner shall provide
123 written notice to: (i) all tenants and the tenant organization, if any; (ii) the chief executive officer

124 of the affected municipality; (iii) CEDAC; and (iv) the department, not less than 2 years before
125 the termination of the affordability restriction affecting publicly-assisted housing. Nothing
126 herein shall prohibit the owner from taking actions to terminate an affordability restriction during
127 any notice period provided herein; provided, however, that the owner shall comply with all of the
128 notice terms and restrictions pursuant to subsections (b) and (c).

129 The written notice shall provide: (1) the address of the publicly-assisted housing; (2) the
130 name and address of the owner; (3) notification that an affordability restriction may terminate;
131 (4) the date on which each affordability restriction may terminate; and (5) such other information
132 as required by the department. Where more than 1 termination may occur, the owner may send 1
133 written notice so long as the terminations are scheduled to occur within 1 year of each other, the
134 notice is given at least 2 years prior to the earliest termination and the notice otherwise complies
135 with this subsection. Thereafter, the owner shall again be subject to the notice provision of
136 subsection (c) of section 2.

137 (b) An owner shall not complete a termination or allow a termination to occur unless, not
138 less than 1 year before the completion of the last termination event affecting the housing, the
139 owner provides the entities identified in subsection (a) with written notice of intent to complete
140 termination. The notice shall state: (1) the address of the publicly-assisted housing; (2) the name
141 and address of the owner; (3) the date on which the owner intends to complete termination; (4)
142 unless section 6 applies, a statement that the department has the right of offer pursuant to section
143 3 to the extent the owner wishes to pursue a potential sale of the property; and (5) such other
144 information as required by the department.

145 (c) Except as provided in section 6, an owner shall not sell publicly-assisted housing
146 before offering the department the opportunity to purchase the property pursuant to sections 3
147 and 4. The owner shall notify, in writing, the parties identified in subsection (a) of the owner's
148 intention to sell the property.

149 (d) Any notice required by this chapter shall be deemed given when delivered in person or
150 mailed by certified or registered mail, return receipt requested, to the party to whom notice is
151 required; except that with respect to tenants, notice shall be deemed given when either: (1) the
152 notice is delivered in hand to the tenant or an adult member of the tenant's household; or (2) the
153 notice is sent by first class mail and a copy is left in or under the door of the tenant's dwelling
154 unit. A notice to the affected municipality shall be sent to the chief executive officer.

155 (e) Notwithstanding subsection (a) of section 2, an owner of publicly-assisted housing
156 who, on the effective date of this act, has less than 2 years remaining prior to the date when the
157 affordability restriction will cease to apply to such property, shall not be required to give the 2-
158 year notice required by said subsection (a), but shall provide such notice within 90 days after the
159 effective date of this act. Notwithstanding subsection (b), an owner who, on the effective date of

160 this act has less than 1 year remaining prior to a termination shall not be required to give the 1-
161 year notice required by subsection (b), but shall provide such notice within 90 days after the
162 effective date of this act.

163 (f) The notice requirements of this section shall not be affected by the status of an offer,
164 purchase contract or sale under section 3 or section 4.

165 Section 3. (a) An owner shall offer the department an opportunity to purchase publicly-
166 assisted housing prior to entering into an agreement to sell such property pursuant to the time
167 periods contained in this section, but no owner shall be under any obligation to enter into an
168 agreement to sell such property to the department.

169 (b) The department may select a designee to act on its behalf as purchaser of the publicly-
170 assisted housing and shall give the owner and CEDAC written notice of its selection. The
171 department shall promptly consult with the affected municipality before selecting a designee and
172 shall immediately designate the affected municipality as its designee upon written request of the
173 affected municipality, unless the department determines that such request is not feasible for
174 reasons set forth in the department's regulations. The department shall enter into a written
175 agreement with its selected designee providing that the designee, and any of its successors or
176 assigns, agree to preserve the affordability of the publicly assisted housing. Once such an
177 agreement is executed, the designee shall assume all rights and responsibilities attributable to the
178 department as a prospective purchaser under this section and section 4. At any time prior to a
179 sale under this section or section 4, the department may revoke its designation and assume the
180 designee's rights and responsibilities, either in its own capacity or by selecting a new designee;
181 provided, however, that no change in a designation shall operate to extend or alter any time
182 periods for performance set forth in this chapter or in any purchase contract entered into pursuant
183 to this chapter.

184 (c) The department may, within 90 days after it receives notice pursuant to subsection (c)
185 of section 2 of the owner's intention to sell, submit an offer to the owner to purchase the
186 publicly-assisted housing. Failure by the department to submit a timely offer shall constitute an
187 irrevocable waiver of the department's rights under this section and the owner may sell the
188 publicly-assisted housing subject to section 4. If the owner accepts the department's initial or
189 any revised offer, the owner and the department shall enter into such other agreements as are
190 necessary and appropriate to complete the sale. If the owner and the department have not
191 entered into an agreement to sell the property to the department within 90 days after receipt of
192 the notice pursuant to subsection (c) of section 2, the owner may enter into an agreement to sell
193 the property to a purchaser of the owner's choice, subject to section 4.

194 (d) At any time after the notice in section 2 has been provided and within 10 days of
195 receiving a request, the owner shall make documents available to the department for review and

196 photocopying during normal business hours at the owner's principal place of business or at a
197 commercial photocopying facility. Such documents shall include, but not be limited to: (1) any
198 existing architectural plans and specifications of the development; (2) itemized lists of monthly
199 operating expenses and capital expenditures in each of the 2 preceding calendar years; (3) any
200 capital needs studies or market studies that have been submitted to a federal, state or local
201 agency in the preceding 3 years; (4) utility consumption rates for the preceding year; (5) copies
202 of the last 2 audited annual financial statements and physical inspection reports filed with
203 federal, state or local agencies; (6) the most recent rent roll showing then current vacancies and
204 rent arrearages; and (7) a statement of the approximate annualized vacancy rate at the
205 development for each of the 2 preceding calendar years. Documents obtained pursuant to a
206 request under subsections (c) and (d) shall not be considered public records, as defined in clause
207 26 of section 7 of chapter 4, and the department shall not make such documents available to the
208 public without the written consent of the owner or pursuant to a court order; provided, however,
209 that disclosure may be made to potential funding sources, regulatory agencies or agents or
210 consultants of the department in connection with the transaction, subject to appropriate
211 confidentiality agreements. Upon request and with appropriate notice, the owner shall permit
212 reasonable inspections of the dwelling units, building systems, common areas and common
213 grounds by agents, consultants and representatives of the department or its designee including,
214 but not limited to, inspections related to environmental, engineering, structural or zoning matters;
215 provided, that the owner and agents, consultants or representatives of the department or its
216 designee shall execute an access and confidentiality agreement, in a form approved by the
217 department, with respect to such matters as insurance to be carried by the investigators,
218 indemnities of the owner, restrictions on invasive testing, restoration requirements, the timing of
219 such inspections and the requirement to keep all matters discovered confidential.

220 (e) Not later than 30 days after the department submits an offer to purchase the publicly-
221 assisted housing pursuant to subsection (c), the department shall notify tenants in the housing
222 development of its plans.

223 Section 4. (a) Upon the expiration of the 90 day offer period in subsection (c) of section 3,
224 but not later than 2 years after the date notice was provided to the department in subsection (c) of
225 section 2, the owner may execute a purchase contract with a third party to sell the publicly-
226 assisted housing pursuant to this section. Thereafter, the owner again shall be subject to the
227 notice provision of subsection (c) of section (2).

228 (b) Upon execution of a third party purchase contract, the owner shall, within 7 days,
229 submit a copy of the contract to the department and CEDAC, along with a proposed purchase
230 contract for execution by the department. If the department elects to purchase the publicly-
231 assisted housing, the department shall, within 30 days after receipt of the third party purchase
232 contract and the proposed purchase contract, execute the proposed purchase contract or such
233 other agreement as is acceptable to the owner and the department. The time periods set forth in

234 this subsection may be extended by agreement between the owner and the department. The
235 proposed purchase contract shall contain the same terms and conditions as the executed third
236 party purchase contract, except that the proposed purchase contract shall provide at least the
237 following terms: (i) the earnest money deposit shall not exceed the lesser of: (1) the deposit in
238 the third party purchase contract; (2) 2 per cent of the sale price; or (3) \$250,000; provided,
239 however, that the owner and the department may agree to modify the terms of the earnest money
240 deposit; and provided further, that the earnest money deposit shall be held under commercially-
241 reasonable terms by an escrow agent selected jointly by the owner and the department; (ii) the
242 earnest money deposit shall be refundable for not less than 90 days from the date of execution of
243 the purchase contract or such greater period as provided for in the third party purchase contract;
244 provided, that if the owner unreasonably delays the buyer's ability to conduct due diligence
245 during the 90 day period, the earnest money deposit shall continue to be refundable for a period
246 greater than 90 days; and (iii) the time for performance shall be not less than 240 days from the
247 date of the execution of the purchase contract, or such greater period as provided for in the third
248 party purchase contract.

249 (c) If the department fails to execute the proposed purchase contract within 30 days or
250 such other period as provided in subsection (b), the owner shall have 2 years from the last day on
251 which the department was entitled to execute the proposed purchase contract in which to
252 complete a sale of the owner's publicly-assisted housing to a third party, except as provided in
253 subsection (e). Upon the expiration of the 2-year period, the owner shall be subject again to
254 subsection (c) of section 2, section 3 and this section.

255 (d) If the department executes the proposed purchase contract as provided in subsection
256 (b) but fails to perform as provided in the executed purchase contract, then the owner shall have
257 2 years from the date on which the executed purchase contract terminated in which to complete a
258 sale of the owner's publicly-assisted housing to a third party. Upon the expiration of the 2-year
259 period, the owner shall be subject again to all of subsection (c) of section 2, section 3 and this
260 section.

261 (e) After receipt of the third party purchase contract provided for in subsection (b), the
262 department may, within the 30-day time period prescribed in said subsection (b), make a
263 counteroffer by executing and submitting to the owner an amended proposed purchase contract.
264 Failure by the department to execute the purchase contract or submit a counteroffer within the
265 30-day period referenced in subsection (b) shall constitute a waiver of the department's right to
266 purchase under this section. If the department submits a counteroffer, the owner shall have 30
267 days from the date it receives the amended proposed purchase contract to execute the amended
268 proposed purchase contract or reject, in writing, the counteroffer. If the owner rejects the
269 counteroffer, the owner shall have 2 years from the date on which the owner rejects the
270 department's counteroffer to complete a sale of the publicly-assisted housing to a third party;
271 provided, however, that if such sale is upon economic terms and conditions that are the same as

272 or materially more favorable to the proposed purchaser than the economic terms and conditions
273 in the proposed purchase contract offered by the department in its counteroffer, the owner shall
274 provide a copy of the new third party purchase contract, along with a proposed purchase contract
275 for execution by the department which shall contain the same terms and conditions as the
276 executed third party purchase contract; provided that the department shall have 30 days from the
277 date it receives the third party purchase contract and the proposed purchase contract to execute
278 the proposed purchase contract or such other agreement as is acceptable to the owner and the
279 department.

280 (f) The owner shall, not later than 7 days after the execution of a purchase contract with a
281 third party, provide the department with a copy of any new or amended purchase contract
282 executed with respect to the property during the 2 year period set forth in subsections (c) to (e),
283 inclusive, and shall not later than 7 days after the recording or filing of the deed or other
284 document with the registry of deeds or the registry district of the land court of the county in
285 which the affected real property is located, provide the department with a copy of any such deed
286 or other document transferring the owner's interest in the publicly-assisted housing.

287 (g) Any third party purchase contract, amended third party purchase contract, deed or any
288 other document transferring the owner's interest in publicly-assisted housing shall include a
289 certification by the owner that the document is accurate and complete and there are no other
290 agreements between the owner and the third party buyer, or an affiliate of either, with respect to
291 the sale of the publicly-assisted housing.

292 Section 5. An affected municipality shall not be subject to section 16 of chapter 30B.

293 Section 6. (a) Sections 3 and 4 shall not apply to the following: (i) a government taking by
294 eminent domain or a negotiated purchase in lieu of eminent domain; (ii) a forced sale pursuant to
295 a foreclosure; (iii) a deed-in-lieu-of foreclosure; (iv) a proposed sale to a purchaser pursuant to
296 terms and conditions that preserve affordability, as determined by the department; (v) a
297 proposed sale of publicly-assisted housing that the department has determined, as of the effective
298 date of this act, was neither receiving government assistance nor was subject to regulation by any
299 of the programs listed in the definition of publicly-assisted housing other than project-based
300 section 8 and the buyer has agreed, in a regulatory agreement, to renew in whole, all project-
301 based section 8 assistance contracts, or any successor program thereto; provided that at the time
302 of such renewal, such assistance is available to the owner on economic terms and conditions that
303 are comparable to the existing project-based rental assistance contract; (vi) a proposed sale of
304 publicly-assisted housing to an affiliate of the owner that is not a termination as determined by
305 the department; (vii) a proposed sale of publicly-assisted housing which has more than 15 years
306 from the date of the sale until the date of the publicly-assisted housing's first scheduled
307 termination; or (viii) a bona fide proposed sale pursuant to a purchase contract on the effective
308 date of this chapter.

309 (b) An owner seeking an exemption under clause (iv), (v) or (vi) of subsection (a) shall
310 include the name and address of any tenant organization in the request and shall provide a copy
311 of its request to the chief executive officer of the affected municipality, CEDAC, the local legal
312 services organization as designated by the department and the tenant organization, if any, at the
313 time it files its exemption request with the department. The department shall provide a copy of
314 its written determination under said clause (iv), (v) or (vi) of said subsection (a) to the owner,
315 CEDAC, the local legal services organization and the tenant organization.

316 Section 7. For 3 years after termination, the rent for a protected low-income tenant who
317 does not receive an enhanced section 8 voucher shall not be increased more than once annually
318 by the increase in the consumer price index applicable to the area in which the publicly-assisted
319 housing is located during the preceding year plus 3 per cent. The foregoing shall not apply to a
320 low-income tenant: (i) who is income eligible for an enhanced section 8 voucher but does not
321 obtain one solely due to some action or inaction of the tenant on or after the date he is eligible to
322 apply for the enhanced section 8 voucher; or (ii) who would be eligible for an enhanced section 8
323 voucher if this provision was not in effect. For a period of 3 years after termination, a protected
324 low income tenant shall not be evicted or involuntarily displaced from his dwelling except for
325 good cause related to tenant fault.

326 Section 8. A purchase by the department or by its designee pursuant to this chapter shall
327 be subject to a regulatory agreement. A regulatory agreement shall not contain any terms that
328 would preclude an owner or buyer from participating in, or diminishing the benefits that an
329 owner would otherwise receive by participating in the United States Department of Housing and
330 Urban Development's Mark Up to Market Program.

331 Section 9. An owner who has complied with sections 2 through 4, inclusive, which has not
332 resulted in a purchase by the department or which has resulted in a sale pursuant to section 4,
333 may apply to the department for a certificate of compliance by submitting a written request for
334 the certificate in a form and with such documentation as required by the department to establish
335 the owner's compliance to the satisfaction of the department. Upon submission of said written
336 request, the owner shall provide a copy of the request to CEDAC and the chief executive officer
337 of the affected municipality. Upon request by a tenant of the affected publicly-assisted housing,
338 the owner shall provide a copy of the owner's request for a certificate of compliance. The
339 department shall issue the certificate of compliance within 30 days after receipt of the application
340 if it determines that the owner has complied with said sections 2 through 4, inclusive. The
341 certificate of compliance shall be filed with the registry of deeds or the registry district of the
342 land court of the county in which the real property is located within 1 year after the date of
343 issuance.

344 Section 10. For the purposes of sections 3 and 4, housing that qualified as publicly-
345 assisted housing as of the effective date of this act shall be subject to this chapter for 4 years after

346 the date of the last event or occurrence that constituted a termination; provided that such
347 termination occurred subsequent to the effective date of this act.

348 SECTION 2. Section 6I of chapter 62 of the General Laws, as appearing in the 2008 Official
349 Edition, is hereby amended by striking out, in line 173, the word “taxpayer” and inserting in
350 place thereof the following words:- qualified Massachusetts project.

351 SECTION 3. Section 31H of chapter 63 of the General Laws, as so appearing, is hereby
352 amended by striking out, in line 177, the word “taxpayer” and inserting in place thereof the
353 following words:- qualified Massachusetts project.

354 SECTION 4. Within 45 days after the effective date of this act, the department of housing and
355 community development shall establish a 13-member advisory committee to provide advice and
356 recommendations to the department regarding regulations to implement this act. The advisory
357 committee shall consist of the following members: the undersecretary of the department of
358 housing and community development or his designee; the executive director of the Community
359 Economic Development Assistance Corporation; 1 member selected by the Massachusetts
360 Mayors Association; 1 member selected by the Massachusetts Municipal Association; 1 member
361 selected by Citizens Housing and Planning Association; 1 member selected by the Greater
362 Boston Real Estate Board; 1 member selected by the Real Estate Bar Association for
363 Massachusetts; 1 member selected by the Massachusetts Association of Community
364 Development Corporations; 1 member selected by the Massachusetts Legal Assistance
365 Corporation; 1 member affiliated with the Affordable Housing Preservation Initiative of the
366 Local Initiatives Support Corporation; 1 member selected by the Massachusetts Chapter of the
367 National Association of Housing and Redevelopment Officials; and 2 members chosen by the
368 department of housing and community development.

369 SECTION 5. The department of housing and community development shall promulgate
370 regulations to effectuate the purposes and implement chapter 40T of the General Laws not later
371 than 150 days after the effective date of this act.”; and by inserting after the enacting clause the
372 following emergency preamble: “*Whereas*, The deferred operation of this act would tend to
373 defeat its purposes, which is to preserve forthwith the affordability of publicly assisted housing,
374 therefore it is hereby declared to be an emergency law, necessary for the immediate preservation
375 of the public convenience.”.