

## Massachusetts House of Representatives Bill Summary

**Bill #:** H.2284

**Title:** An Act encouraging public-private partnerships to create affordable housing at public sites.

**Sponsor:** Rep. Kevin Honan

**Committee:** Municipalities and Regional Government

**Hearing Date:** July 29, 2025

**Prior History:** Refile of H.2066 (Study Order H.4573)

**Current Law:** Chapter 30 Section 39M of MGL governs contracts for the construction, reconstruction, alteration, remodeling, or repair of any public work and outlines the manner of awarding such contracts.

Chapter 30B of MGL applies to every contract for the procurement of supplies, services, or real property, and for disposing of supplies or real property by a governmental body. There are numerous exemptions.

- Section 16 governs the acquisition or disposition of real property by a governmental unit. It requires that certain procedures be followed prior to conveying, acquiring, or leasing real property, and contains transparency and public bidding provisions.

Chapter 121A of MGL governs urban redevelopment corporations.

Chapter 149 of MGL concerns labors and industries.

- Section 26-27H, inclusive, governs public works projects, who is employed, wages, compliance, etc.
- Section 44A-44H governs the competitive bidding process for awarding public works construction contracts.

Chapter 184 of MGL covers general provisions relating to real property.

- Section 31 defines restrictions that may be placed through a recorded instrument on property in perpetuity or a specified number of years. Affordable housing restrictions a) limit the use of all or part of the land to occupancy by persons or families of low or moderate income in either rental housing or other housing, or b) restrict the resale price to ensure its future affordability, or c) limit or restrict the use or enjoyment of all or a portion of the land to encourage or assure creation or retention of rental and other housing for low- and moderate-income persons and families.

**Summary:** Section 1 of this bill authorizes a city or town, subject to Section 16 of Chapter 30B of MGL, to lease property to a private developer, urban

redevelopment corporation or nonprofit corporation to facilitate construction of mixed-use developments. Such projects would include housing and a municipal facility (public library, police station, fire station).

The city or town would retain, or be able to reacquire, the portion of the development containing the municipal facility until the city or town no longer needs it and seeks to dispose of it as provided for in Chapter 30B of MGL.

The bill requires that at least 40 percent of the housing units have an affordable housing restriction, made available to low- or moderate-income households having no more than 80 percent of the area median income, as defined by the U.S. Department of Housing and Urban Development.

Section 2 authorizes any city or town, using the procedures specified in Section 16 of Chapter 30B of MGL, to acquire property for the purpose of transferring it to a private developer for the construction of a mixed-use development that includes a municipal facility and affordable housing. This section reiterates the requirement for an affordable housing restriction to be placed on the property, and that the housing be affordable for low- or moderate-income households earning no more than 80 percent of the area median income as defined by the federal government.

Section 3 states that the construction and development activity related to such mixed-use developments would be exempt from general or special laws related to the procurement and award of contracts for the construction, reconstruction, installation, demolition, maintenance, or repair of buildings by a public agency, except the laws regulating public works project employees contained in Chapter 149 of MGL.

Section 4 provides for the act to take effect immediately upon its passage.

**Notes:**

The effect of the legislation would be to streamline the process whereby certain types of publicly sponsored construction projects could be developed with private partners, by exempting such projects from most laws that regulate how the contracts to perform the work would be awarded and administered. The goal appears to be to create more affordable housing in a shorter timeframe than would normally be possible.