DLS
DIVISION OF LOCAL SERVICES
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Current Developments in Municipal Law

Legislation and Agency Decisions

Book 1

2016

Supporting a Commonwealth of Communities
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LEGISLATION

PLEASE NOTE THIS COMPILATION WAS MADE FROM ELECTRONIC (NOT OFFICIAL) EDITIONS OF MASSACHUSETTS ACTS AND RESOLVES (SESSION LAWS)

2016 LEGISLATION

CHAPTER 70 - FISCAL YEAR 2016 SUPPLEMENTAL BUDGET

Effective April 1, 2016

§§ 3 and 4 Farmland Valuation Advisory Commission. Amends G.L. c. 61A, § 11, which establishes the Farmland Valuation Advisory Commission (FVAC), to make April 1 the date for annually adopting a range of recommended agricultural, horticultural and forest land use values for the various categories of land classified under Chapter 61 and 61A. Previously, the FVAC was to adopt the recommended value ranges by February 1.

CHAPTER 70 OF THE ACTS OF 2016 (EXCERPTS)
An Act Making Appropriations for the Fiscal Year 2016 to Provide for Supplementing Certain Existing Appropriations and For Certain Other Activities and Projects.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2016, and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

…

SECTION 3. Section 11 of chapter 61A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 10 and 11, the words “, prior to January first of each year,”.

SECTION 4. Said section 11 of said chapter 61A, as so appearing, is hereby further amended by striking out, in line 17, the words “February first” and inserting in place thereof the following words:- April 1.

…

Approved April 1, 2016.

CHAPTER 141 – VETERAN PROGRAMS

Effective July 14, 2016 unless otherwise noted

§§ 9, 25 Surviving Spouse Exemption. *Applies for fiscal years beginning on or after July 1, 2017.* Amends G.L. c. 59, § 5, Clause 22D, which provides an exemption for the domiciles of certain surviving spouses of service members who were killed in combat, or whose death was the proximate result of an injury sustained or disease contracted in a combat zone. The amendments expressly make the Clause 22D exemption applicable to surviving spouses of veterans whose service-connected injury or disease is the proximate cause of death and eliminates the current requirement that the service connected injury or disease be sustained in a combat zone. In addition, the United States Department of Veterans Administration (VA) or branch of service decision on the proximate cause of death will be determinative of that eligibility factor, as is the case now with respect to service-connected disabilities that make veterans eligible for other exemptions under G.L. c. 59, § 5. See Clauses 22, 22A-22C, 22E, 22F. Currently, under Clause 22D, the assessors must make their own determination that a combat zone injury or disease was the proximate cause of death. Section 25 repeals a provision enacted when Clause 22D was amended in 2006 that appeared to limit eligibility to the surviving spouses of active duty personnel who died in post September 11, 2001 military engagements.

§ 10 Blind Veterans. *Applies for fiscal years beginning on or after July 1, 2017.* Amends G.L. c. 59, § 5, Clause 22F, which provides a full property tax exemption granted to paraplegic veterans, their spouses (if they hold title to the domicile) and their surviving spouses. Eligibility for Clause 22F has been expanded to include veterans who have 100% disability ratings for service-connected blindness, their spouses (if they hold title to the domicile) and their surviving spouses.

§ 11 Bulk Assignments. Amends G.L. c. 60, § 2C to prohibit a collector or treasurer from including taxes owed by a veteran in a bulk sale or assignment of delinquent tax receivables to a third party. This applies if collector or treasurer receives notice the taxpayer is a veteran before the sale.

§ 12 Veterans Assistance Fund. Adds a new local acceptance § 3F to Chapter 60. Communities that accept it may place on their property tax or motor vehicle excise bills, or on a separate form mailed with those bills, a check-off for taxpayers to donate to a veteran assistance fund. Donations would be spent to assist veterans and dependents in need of assistance.

§ 13 Motor Vehicle Excise Exemption for Domiciliary Military Personnel. *Applies for excise calendar years beginning on or after January 1, 2017.* Removes the local acceptance requirement of a provision of G.L. c. 60A, § 1 that exempts certain Massachusetts residents who are on active military duty from the motor vehicle excise. In addition, it amends the exemption to make it applicable if the resident is deployed outside Massachusetts for at least 180 continuous days in the excise calendar year. Currently, the servicemember must be deployed outside Massachusetts for 45 days of the excise calendar year.

§ 31 Veteran Exemption Study. Requires the Department of Veterans' Services (DVS) to study the creation of a sliding scale for the exemptions granted veterans based on a percentage of the disability rating of the United States Department of Veteran Affairs. The DVS is to consult with DOR and report its findings and any proposed legislation to the Joint Committee on Veterans and Federal Affairs and the House and Senate Ways and Means Committees by March 15, 2017.

CHAPTER 141 OF THE ACTS OF 2016 (EXCERPTS)
An Act Relative to Housing, Operations, Military Service and Enrichment.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further provide for the housing, operations, military service and enrichment of veterans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

…

SECTION 9. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out clause Twenty-second D and inserting in place thereof the following clause:-

Twenty-second D, Real estate to the full amount of the taxable valuation of real property of the surviving spouses of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces which was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving spouse as the surviving spouse's domicile; and provided further, that the surviving spouse shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for at least 6 months before entering service.

A surviving spouse eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2017. Such exemption shall be available until such time as the surviving spouse dies or remarries.

No real estate shall be exempt under this clause if it was conveyed to the surviving spouse to evade taxation. The amount of the exemption shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected for this exemption.

SECTION 10. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after the word "paraplegics", in line 866, the following words:- or have a disability rating of 100 per cent for service-connected blindness.

SECTION 11. Section 2C of chapter 60 of the General Laws, as so appearing, is hereby amended by inserting after the word "penalty", in line 57, the following words:- ; provided, however, that the municipality shall not arrange for and assign or transfer to a purchaser the right to receive payments if the treasurer or tax collector of the municipality receives notice before the transfer that the taxpayer is a veteran as defined in section 7 of chapter 4.

SECTION 12. Said chapter 60 is hereby further amended by inserting after section 3E the following section:-

Section 3F. A city, town or district that accepts this section may designate a place on its municipal property tax bills or motor vehicle excise bills or mail with such bills a separate form

whereby taxpayers of the city, town or district may voluntarily check off, donate and pledge an amount of money which shall increase the amount already due to establish and fund a municipal veterans assistance fund which shall be under the supervision of the local veterans agent, the board or officer in charge of the collection of the municipal charge, fee or fine or the town collector of taxes.

Money in the fund shall be used to provide support for veterans and their dependents in need of immediate assistance with food, transportation, heat and oil expenses. The city, town or district's veterans' services department shall: (i) establish an application process for veterans and their dependents to obtain assistance; (ii) establish standards for acceptable documentation of veteran status or dependent status; and (iii) establish financial eligibility criteria for determining need and amount of assistance for eligible applicants. The veterans' services department shall be responsible for reviewing each applicant and fairly applying the eligibility and level-of-need standards.

SECTION 13. Section 1 of chapter 60A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

The excise imposed by this chapter shall not apply to a motor vehicle owned and registered by or leased to a resident who is in active and full-time military service as a member in the armed forces of the United States or the national guard, army or air, of any state and has been deployed or stationed outside the territorial boundaries of the commonwealth for a period of at least 180 continuous days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, the military member shall not be subject to the foregoing period of service qualification for the calendar year in which he is wounded or killed. This exemption shall apply only to a motor vehicle owned and registered by or leased to a military member in the military member's own name or jointly with a spouse for a noncommercial purpose. A military member shall qualify for this exemption for only 1 motor vehicle for each calendar year. The motor vehicle shall not be operated on the ways of the commonwealth and operation shall be subject to the penalties in section 9 of chapter 90.

…

SECTION 25. Section 17 of chapter 260 of the acts of 2006 is hereby repealed.

…

SECTION 31. The department of veterans' services, in conjunction with the department of revenue, shall study the feasibility and analyze the merits of implementing a sliding scale property tax abatement for veterans and spouses, currently implemented under clause Twenty-second of section 5 of chapter 59 of the General Laws, based upon a percentage of disability as defined by the United States Department of Veterans Affairs. The study shall include, but not be limited to: (i) the methodology of granting such exemption in other states; (ii) the utilization of a sliding scale based on the percentage of disability of the veteran for the awarding of the exemption to veterans and spouses; (iii) the impact on disabled veterans; and (iv) any anticipated monetary cost to the commonwealth or to municipalities that the exemption may cause. The department of veterans' services, in conjunction with the department of revenue, shall submit its findings and legislative recommendations to the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on veterans and federal affairs not later than March 15, 2017.

…

Approved July 14, 2016.

CHAPTER 177 – PAY EQUITY

Effective July 1, 2018

Amends G.L. c. 149, § 105A to further prevent discrimination on the basis of gender in pay for comparable work and prohibit employers from requiring applicants to provide their salary history before receiving a formal job offer and authorizes the Attorney General to issue regulations interpreting and applying the expanded law. Employees may freely discuss their salaries with coworkers and employers may take into consideration certain factors as reasons for variation in wages such as seniority, education and experience. Seniority cannot be reduced by leave due to pregnancy or parental, family or medical leave. Employees will no longer be required to pursue a general claim of intentional discrimination at the Massachusetts Commission against Discrimination before filing a separate equal pay claim in court.

CHAPTER 177 OF THE ACTS OF 2016
An Act to Establish Pay Equity.

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 1 of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the definition of "Woman".

SECTION 2. Said chapter 149 is hereby further amended by striking out section 105A, as so appearing, and inserting in place thereof the following section:-

Section 105A. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Comparable work", work that is substantially similar in that it requires substantially similar skill, effort and responsibility and is performed under similar working conditions; provided, however, that a job title or job description alone shall not determine comparability.

"Working conditions", shall include the environmental and other similar circumstances customarily taken into consideration in setting salary or wages, including, but not limited to, reasonable shift differentials, and the physical surroundings and hazards encountered by employees performing a job.

"Wages", shall include all forms of remuneration for employment.

(b) No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work; provided, however, that variations in wages shall not be prohibited if based upon: (i) a system that rewards seniority with the employer; provided, however, that time spent on leave due to a pregnancy-related condition and protected parental, family and medical leave, shall not reduce seniority; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production, sales, or revenue; (iv) the geographic location in which a job is performed; (v) education, training or experience to the extent such factors are reasonably related to the particular job in question; or (vi) travel, if the travel is a regular and necessary condition of the particular job.

An employer who is paying a wage differential in violation of this section shall not reduce the wages of any employee solely in order to comply with this section.

An employer who violates this section shall be liable to the employee affected in the amount of the employee's unpaid wages, and in an additional equal amount of liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction by any 1 or more employees for and on their own behalf, or on behalf of other employees similarly situated. Any agreement between the employer and any employee to work for less than the wage to which the employee is entitled under this section shall not be a defense to an action. An employee's previous wage or salary history shall not be a defense to an action. The court shall, in addition to any judgment awarded to the plaintiff, award reasonable attorneys' fees to be paid by the defendant and the costs of the action.

The attorney general may also bring an action to collect unpaid wages on behalf of 1 or more employees, as well as an additional equal amount of liquidated damages, together with the costs of the action and reasonable attorneys' fees. Such costs and attorneys' fees shall be paid to the commonwealth. The attorney general shall not be required to pay any filing fee or other cost in connection with such action.

If an employee recovers unpaid wages under this section and also files a complaint or brings an action under 29 U.S.C. section 206(d) which results in an additional recovery under federal law for the same violation, the employee shall return to the employer the amounts recovered under this section, or the amounts recovered under federal law, whichever is less.

Any action based upon or arising under sections 105A to 105C, inclusive, shall be instituted within 3 years after the date of the alleged violation. For the purposes of this section, a violation occurs when a discriminatory compensation decision or other practice is adopted, when an employee becomes subject to a discriminatory compensation decision or other practice or when an employee is affected by application of a discriminatory compensation decision or practice, including each time wages are paid, resulting in whole or in part from such a decision or practice.

Notwithstanding the requirements of section 5 of chapter 151B, a plaintiff shall not be required to file a charge of discrimination with the Massachusetts commission against discrimination as a prerequisite to bringing an action under this section.

(c) It shall be an unlawful practice for an employer to:

(1) require, as a condition of employment, that an employee refrain from inquiring about, discussing or disclosing information about either the employee's own wages, or about any other employee's wages. Nothing in this subsection shall obligate an employer to disclose an employee's wages to another employee or a third party;

(2) seek the wage or salary history of a prospective employee from the prospective employee or a current or former employer or to require that a prospective employee's prior wage or salary history meet certain criteria; provided, however, that: (i) if a prospective employee has voluntarily disclosed such information, a prospective employer may confirm prior wages or salary or permit a prospective employee to confirm prior wages or salary; and (ii) a prospective employer may seek or confirm a prospective employee's wage or salary history after an offer of employment with compensation has been negotiated and made to the prospective employee;

(3) discharge or in any other manner retaliate against any employee because the employee: (i) opposed any act or practice made unlawful by this section; (ii) made or indicated an intent to make a complaint or has otherwise caused to be instituted any proceeding under this section; (iii) testified or is about to testify, assist or participate in any manner in an investigation or proceeding under this section; or (iv) disclosed the employee's wages or has inquired about or discussed the wages of any other employee.

No employer shall contract with an employee to avoid complying with this subsection, or by any other means exempt itself from this subsection; provided, however, that an employer may prohibit a human resources employee, a supervisor, or any other employee whose job

responsibilities require or allow access to other employees' compensation information, from disclosing such information without prior written consent from the employee whose information is sought or requested, unless the compensation information is a public record as defined in clause 26 of section 7 of chapter 4.

This subsection shall be enforced in the same manner as subsection (b); provided, however, that an action based on a violation of clause (2) of this subsection may be brought by or on behalf of 1 or more applicants for employment; and provided, further, that in any action brought under this subsection, the plaintiff may also recover any damages incurred.

(d) An employer against whom an action is brought alleging a violation of subsection (b) and who, within the previous 3 years and prior to the commencement of the action, has both completed a self-evaluation of its pay practices in good faith and can demonstrate that reasonable progress has been made towards eliminating wage differentials based on gender for comparable work, if any, in accordance with that evaluation, shall have an affirmative defense to liability under subsection (b) and to any pay discrimination claim under section 4 of chapter 151B. For purposes of this subsection, an employer's self-evaluation may be of the employer's own design, so long as it is reasonable in detail and scope in light of the size of the employer, or may be consistent with standard templates or forms issued by the attorney general.

An employer who has completed a self-evaluation in good faith within the previous 3 years and prior to the commencement of the action, and can demonstrate that reasonable progress has been made towards eliminating wage differentials based on gender for comparable work in accordance with that evaluation, but cannot demonstrate that the evaluation was reasonable in detail and scope, shall not be entitled to an affirmative defense, but shall not be liable for liquidated damages under this section.

Evidence of a self-evaluation or remedial steps undertaken in accordance with this subsection shall not be admissible in any proceeding as evidence of a violation of this section or section 4 of chapter 151B that occurred prior to the date the self-evaluation was completed or that occurred either (i) within 6 months thereafter or (ii) within 2 years thereafter if the employer can demonstrate that it has developed and begun implementing in good faith a plan to address any wage differentials based on gender for comparable work.

An employer who has not completed a self-evaluation shall not be subject to any negative or adverse inference as a result of not having completed a self-evaluation.

(e)The attorney general may issue regulations interpreting and applying this section.

SECTION 3. Section 16 of chapter 151 of the General Laws, as so appearing, is hereby amended by inserting after the word "orders", in line 5, the following words:- or notices.

SECTION 4. This act shall take effect on July 1, 2018.

SECTION 5. There shall be a special commission to investigate, analyze and study the factors, causes and impact of pay disparity based on race, color, religious creed, national origin, gender identity, sexual orientation, genetic information as defined in section 1 of chapter 151B, ancestry, disability, and military status. The special commission shall consist of the following 8 members: the secretary of labor and workforce development, or a designee who shall serve as chair; the attorney general, or a designee; 2 members appointed by the speaker of the house of representatives; 1 member appointed by the house minority leader; 2 members appointed by the senate president and 1 member appointed by the senate minority leader.

The commission shall submit its initial findings to the clerks of the house of representatives and senate, the chairs of the house and senate committees on ways and means and

the chairs of the joint committee on labor and workforce development not later than January 1, 2019.

Approved August 1, 2016.

CHAPTER 188 – ENERGY PROGRAMS

Effective November 6, 2018

§ 1 Commercial Property Assessed Clean Energy. Adds a new Chapter 23M to the General Laws, which authorizes a loan program to assist commercial property owners to finance installation of renewable energy systems. The program will be administered by the Department of Energy Resources (DOER) and financed by debt issued by Massachusetts Development Financing Agency (MassDevelopment). Municipalities may participate in the program with their role being to assess a betterment in the amount of the loan on the property being improved. The installments will be added to and collected as part of the real estate tax on the property. Collections will be remitted to MassDevelopment and used to pay the debt service on the loans it issued to finance the program. The betterment will be a lien on the property, but municipal tax liens will still have priority. New owners take title subject to the lien. The municipality assigns its right to collect the betterment to MassDevelopment, which may foreclose the lien. However, a lien survives to secure payment of any balance of the loan remaining unpaid.

CHAPTER 188 OF THE ACTS OF 2016 (EXCERPTS)
An Act to Promote Energy Diversity.

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. The General Laws are hereby amended by inserting after chapter 23L the following chapter:-

Chapter 23M.
COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY

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

"Agency", the Massachusetts Development Finance Agency as established in chapter 23G.

"Benefitted property owner", an owner of qualifying commercial or industrial property who desires to install commercial energy improvements and who provides free and willing consent to the betterment assessment against the qualifying commercial or industrial property.

"Betterment assessment", an assessment of a betterment on qualified commercial or industrial property in relation to commercial energy improvements established under the commercial sustainable energy program that has been duly assessed in accordance with chapter 80.

"Commercial energy improvements", (1) any renovation or retrofitting of a qualifying commercial or industrial real property to reduce energy consumption or installation of renewable energy systems to serve qualifying commercial or industrial property, provided such renovation,

retrofit or installation is permanently fixed to such qualifying commercial or industrial property, or (2) the construction of an extension of an existing natural gas distribution company line to qualifying commercial or industrial property to enable the qualifying commercial or industrial property to obtain natural gas distribution service to displace utilization of fuel oil, electricity or other conventional energy sources.

"Commercial or industrial property", any real property other than a residential dwelling containing fewer than five dwelling units.

"Commercial PACE project", with respect to a parcel of qualifying commercial or industrial property, (1) design, procurement, construction, installation and implementation of commercial energy improvements; (2) related energy audits; (3) renewable energy system feasibility studies; and (4) measurement and verification reports of the installation and effectiveness of such energy improvements.

"Commercial sustainable energy program", a program that facilitates commercial PACE projects and utilizes the betterment assessments authorized by section 3 as the source of both the repayment of and collateral for the financing of commercial PACE projects.

"Department", the department of energy resources as established in chapter 25A.

"Municipality" a city, town, county, the Devens Regional Enterprise Zone created by chapter 498 of acts of 1993 or the Southfield Redevelopment Authority created by chapter 301 of the acts of 1998.

"PACE", Property assessed clean energy.

"PACE bonds", bonds, notes or other evidence of indebtedness, in the form of revenue bonds and not general obligation bonds of the commonwealth or the agency, issued by the agency or the special purpose entity, related to the commercial sustainable energy program established by this chapter.

"Participating municipality", a municipality that has determined to participate in a commercial sustainable energy program.

"Qualifying commercial or industrial property", any commercial or industrial property owned by any person or entity other than a municipality or other governmental entity, that meets the qualifications established for the commercial sustainable energy program in accordance with the program guidelines as established in subsection (c) of section 3 and in subsection (13) of section 6 of chapter 25A.

"Special purpose entity", a partnership, limited partnership, association, corporation, limited liability company or other entity established and authorized by the agency to issue PACE bonds, subject to approval by the agency as provided by the agency in its resolution authorizing the special purpose entity to issue PACE bonds.

Section 2. Each municipality in the commonwealth shall have the option to participate in the commercial sustainable energy program as a participating municipality by a majority vote of the city or town council, by a majority vote of the board of selectmen or by resolution of its legislative body, as may be appropriate, pursuant to which the municipality shall assess, collect, remit and assign betterment assessments, in return for commercial energy improvements for a benefitted property owner located within such municipality and for costs reasonably incurred in performing such acts.

Section 3. (a)(1) The agency, in consultation with the department, shall establish a commercial sustainable energy program in the commonwealth, and in furtherance thereof, is authorized to issue PACE bonds, either directly or through a special purpose entity, for the purpose of financing all or a portion of the costs of the activities comprising one or more commercial PACE projects.

(2) Upon the approval of a commercial PACE project by the department, the agency or the special purpose entity may issue PACE bonds. PACE bonds shall be issued in accordance with section 8 of chapter 23G; provided, however, that the agency or special purpose entity shall not be required to make the findings set forth in subsections (a) and (b) of said section 8 of said chapter 23G. PACE bonds issued in furtherance of this section shall not be subject to, or otherwise included in, the principal amount of debt obligations issued under section 29 of said chapter 23G. Such PACE bonds may be secured as to both principal and interest by a pledge of revenues to be derived from the commercial sustainable energy program, including revenues from betterment assessments on qualifying commercial or industrial property on which the commercial PACE projects being financed by the issuance of PACE bonds are levied, as well as any reserve funds or other credit enhancements created in connection with the commercial sustainable energy program.

(b) The agency working in conjunction with the department, shall develop program guidelines governing the terms and conditions under which financing for commercial PACE projects may be made available to the commercial sustainable energy program, which shall include standards to require that property owners undertake projects where the energy cost savings of the commercial energy improvements over the useful life of the improvements exceeds the costs of the improvements, including any financing costs and associated fees. The agency or special purpose entity:(1) shall provide information as requested by the department regarding the expected financing costs for commercial PACE projects; (2) may serve as an aggregating entity for the purpose of securing state or private third-party financing for commercial energy improvements pursuant to this section; (3) may establish a loan loss, liquidity reserve or credit enhancement program to support PACE bonds issued under this section; and (4) may use the services of one or more private, public or quasi-public third-party administrators to administer, provide support or obtain financing for commercial PACE projects under the commercial sustainable energy program.

(c) If a benefitted property owner requests financing from the agency or special purpose entity for commercial energy improvements under this section, the agency or special purpose entity shall:

(1) refer the project to the department for approval under the guidelines established by subsection (13) of section 6 of chapter 25A;

(2) upon confirmation of project approval by the department, evaluate the project for compliance with the financial underwriting guidelines established by the agency;

(3) impose requirements and conditions on the financing in order to ensure timely repayment, including, but not limited to, procedures for placing a lien on a property as security for the repayment of the betterment assessment;

(4) require that the property owner provide a copy of a contract duly executed by the contractor performing the commercial energy improvements;

(5) require that the property owner obtain consent from any existing mortgage holder of the property to the intent to finance such commercial energy improvements pursuant to this section; and

(6) if the agency or special purpose entity approves financing, require the participating municipality to levy a betterment assessment in a manner consistent with this section and with chapter 80, insofar as such provisions may be applicable and consistent with this section, on the qualifying commercial or industrial property in a principal amount sufficient to pay the costs of the commercial energy improvements and any associated costs that the agency determines will benefit the qualifying commercial or industrial property, including costs of the agency or special purpose entity.

(d)(1) The agency or special purpose entity may enter into a financing and assessment agreement with the property owner of qualifying commercial or industrial property. The agency or special purpose entity may raise funds to supply the financing under such agreement by issuing PACE bonds. Upon execution of such agreement and immediately prior to making the funds, which may constitute all or a portion of the proceeds from the issuance of such PACE bonds, available to the property owner for the commercial PACE project under the agreement, the agency or special purpose entity shall notify the participating municipality and the participating municipality or its designee shall record the betterment assessment and lien on the qualifying commercial or industrial property.

(2) Prior to the final execution of the contract, the agency or special purpose entity shall disclose to the property owner, in written format, the costs associated with participating in the commercial sustainable energy program established by this section, including the effective interest rate of the betterment assessment, any fees charged by the agency or special purpose entity to administer the program any fees charged by third parties such as originators or other intermediaries, the estimated payment schedule, an explanation of the lien being placed on their property, and the implications of the betterment assessment being levied.

(e) Before the betterment assessment is made, the agency or special purpose entity shall set the term and amortization schedule, the fixed or variable rate of interest for the repayment of the betterment assessment amount, and any required closing fees and costs, and disclose this information to the participating property owner in writing. The amortization schedule shall provide for an amortization period of no longer than the lesser of: (1) the useful life of the longest-lived of the commercial energy improvements comprising the commercial PACE project financed by such betterment assessment; or (2) 20 years. The interest rate, which may be supplemented with state or federal funding, shall be sufficient to pay the principal and interest and shall be calculated to include the agency's fees, financing and administrative costs of the commercial sustainable energy program, including delinquencies. The property owner shall acknowledge in writing receipt of the disclosure.

(f) When the agency or special purpose entity has authorized, but not issued, PACE bonds for commercial PACE projects and other costs of the commercial sustainable energy program, including interest costs and other costs related to the issuance of PACE bonds, the agency or special purpose entity shall require the participating municipality where the qualifying commercial or industrial property is located, to record the agreement between the agency or the special purpose entity and the property owner as a betterment pursuant to chapter 80, except that such betterment may apply to a single parcel of qualifying commercial or industrial property, and as a lien against the qualifying commercial or industrial property benefitted. Upon recording of said lien, the municipality shall notify the property owner, in writing, of the recording.

(g) Betterment assessments levied pursuant to this section and the interest, fees and any penalties thereon shall constitute a lien against the qualifying commercial or industrial real property until they are paid, notwithstanding the provisions of section 12 of chapter 80, and shall continue notwithstanding any alienation or conveyance of the qualifying commercial or industrial real property by one property owner to a new property owner. A new property owner shall take title to the qualifying commercial or industrial property subject to the betterment assessment and related lien. The lien shall be levied and collected in the same manner as the property taxes of the participating municipality on real property, including, in the event of default or delinquency, with respect to any penalties, fees and remedies and lien priorities. Each lien may be continued, recorded and released upon repayment in full of the betterment assessment in the manner provided for property tax liens. Each lien, subject to the consent of existing mortgage holders, shall take precedence over all other liens or encumbrances, except a lien for taxes of the municipality on real property. To the extent betterment assessments are paid

in installments and any such installment is not paid when due, the betterment assessment lien may be foreclosed to the extent of any unpaid installment payments and any penalties, interest and fees related thereto. In the event such betterment assessment lien is foreclosed, such lien shall survive the judgment of foreclosure to the extent of any unpaid installment payments of the betterment assessment secured by such lien that were not the subject of such judgment.

(h) Any participating municipality shall assign to the agency or special purpose entity any and all liens filed by the tax collector, as provided in the written agreement between the participating municipality and the agency or special purpose entity. The agency or special purpose entity may sell or assign, for consideration, any and all liens received from the participating municipality. The agency and the assignee shall negotiate the consideration received by the agency. The assignee shall have and possess the same powers and rights at law or in equity as the agency and the participating municipality and its tax collector would have had with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. The assignee shall have the same rights to enforce such liens as any private party holding a lien on real property, including, but not limited to, foreclosure and a suit on the debt. The assignee shall recover costs and reasonable attorneys' fees incurred as a result of any foreclosure action or other legal proceeding brought pursuant to this section and directly related to the proceeding from those having title to the property subject to the proceedings. Such costs and fees may be collected by the assignee at any time after the assignee have made a demand for payment.

(i) The agency shall not be required to pay any taxes or assessments upon the property acquired or used by the agency under this section or upon the income derived therefrom. The PACE bonds issued under this section, their transfer and the income derived therefrom, including any profit made on the sale thereof, shall at all times be free of taxation within the commonwealth.

(j) The activities of the commercial sustainable energy program shall be reviewed in the 3-year planning process and annual reviews undertaken pursuant to section 21 of chapter 25.

(k) The agency shall establish rules and guidelines necessary to implement the purposes of the program, including procedures describing the application process, consumer disclosures and other protections, and criteria to be used in evaluating application for PACE bonds under this section.

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Approved August 8, 2016.

CHAPTER 218 – MUNICIPAL MODERNIZATION

Effective November 7, 2018

Please see A Comprehensive Guide to Municipal Modernization, published in the August 8, 2016 edition of *City & Town,* for a section by section summary of this legislation.

CHAPTER 218 OF THE ACTS OF 2016
An Act Modernizing Municipal Finance and Government.

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 23 of chapter 20 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word "by", in line 22, the following words:- agricultural commissions or.

SECTION 2. Section 39M of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Every contract for the construction, reconstruction, alteration, remodeling or repair of any public work, or for the purchase of any material, as hereinafter defined, by the commonwealth, or political subdivision thereof, or by any county, city, town, district or housing authority that is and estimated by the awarding authority to cost less than $10,000 dollars shall be obtained through the exercise of sound business practices as defined in section 2 of chapter30B. The awarding authority shall make and keep a record of each procurement that, at a minimum, shall include the name and address of the person from whom the services were procured. An awarding authority that utilizes a vendor on a statewide contract procured through the operational services division, or a blanket contract procured by the awarding authority pursuant to this section, shall be deemed to have obtained the contract through sound business practices.

Every contract for the construction, reconstruction, alteration, remodeling or repair of any public work, or for the purchase of any material, as hereinafter defined, by the commonwealth, or political subdivision thereof, or by any county, city, town, district or housing authority that is estimated by the awarding authority to cost not less than $10,000 but not more than $50,000 shall be awarded to the responsible bidder offering to perform the contract at the lowest price. The awarding authority shall make public notification of the contract and shall seek written responses from no fewer than 3 persons who customarily perform such work. For purposes of this subsection, the term "public notification" shall include, but need not be limited to, posting, at least 2 weeks before the time specified in the notification for the receipt of responses, the contract and scope-of-work statement: (1) on the website of the awarding authority, (2) on the COMMBUYS system administered by the operational services division, (3) in the central register published pursuant to section 20A of chapter 9 and (4) in a conspicuous place in or near the primary office of the awarding authority; provided, however, that if the awarding authority obtains a minimum of 2 written responses from a vendor list established through a blanket contract or a statewide contract procured through the operational services division, and the lowest of those written responses is deemed acceptable to the awarding authority, public notification is not required. The solicitation shall include a scope-of-work statement that defines the work to be performed and provides potential responders with sufficient information regarding the objectives and requirements of the awarding authority and the time period within which the work shall be completed. The awarding authority shall record the names and addresses of all persons from whom written responses were sought, the names of the persons submitting written responses and the date and amount of each written response.

An awarding authority may utilize a vendor list established through a statewide contract procured through the operational services division to identify 1 or more of the persons from whom it will seek written responses for purposes of this subsection. An awarding authority may also procure a blanket contract to establish a listing of vendors in certain defined categories of work that are under contract to provide services for multiple individual tasks of not more than $50,000 each, and from whom written responses will be sought. Any such blanket contract procured by the awarding authority shall be procured pursuant to this section or sections 44A to 44J, inclusive, of chapter 149 which are applicable to projects over $50,000.

Every contract for the construction, reconstruction, alteration, remodeling or repair of any public work, or for the purchase of any material, as hereinafter defined, by the commonwealth,

or political subdivision thereof, or by any county, city, town, district or housing authority that is estimated by the awarding authority to cost more than $50,000, and every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency, as defined by subsection (1) of section 44A of chapter 149, estimated to cost more than $50,000 but not more than $150,000, shall be awarded to the lowest eligible responsible bidder on the basis of competitive bids publicly opened and read by the awarding authority forthwith upon expiration of the time for the filing thereof; provided, however, that such awarding authority may reject any and all bids, if it is in the public interest to do so. Every bid for such contract shall be accompanied by a bid deposit in the form of: (1) a bid bond, (2) cash, or (3) a certified check on, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the awarding authority. The amount of the bid deposit shall be 5 per cent of the value of the bid. Any person submitting a bid pursuant to this section shall, on such bid, certify as follows:

The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this paragraph the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

(Name of person signing bid)

(Company)

This subsection shall not apply to the award of any contract subject to the provisions of sections 44A to 44J, inclusive, of chapter 149 and every such contract shall continue to be awarded as provided therein. In cases of extreme emergency: (1) caused by enemy attack, sabotage or other such hostile actions or (2) resulting from an imminent security threat explosion, fire, flood, earthquake, hurricane, tornado or other such catastrophe, an awarding authority may, without competitive bids and notwithstanding any general or special law, award contracts otherwise subject to this subsection to perform work and to purchase or rent materials and equipment, all as may be necessary for temporary repair and restoration to service of any and all public work in order to preserve the health and safety of persons or property; provided, that this exception shall not apply to any permanent reconstruction, alteration, remodeling or repair of any public work.

SECTION 3. Subsection (d) of said section 39M of said chapter 30, as so appearing, is hereby amended by striking out, in line 99, the words "twenty-five thousand dollars" and inserting in place thereof the following figure:- $50,000.

SECTION 4. Said subsection (d) of said section 39M of said chapter 30, as so appearing, is hereby further amended by inserting after the figure "30B", in line 104, the following words:- , or procured through the operational services division pursuant to sections 22 and 52 of chapter 7.

SECTION 5. Subsection (b) of section 1 of chapter 30B of the General Laws, as so appearing, is hereby amended by striking out clause (23).

SECTION 6. Section 4 of said chapter 30B, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Except as permitted pursuant to this section and section 7, for the procurement of a supply or service in the amount of $10,000 or greater, but not more than $50,000, a procurement officer shall seek written quotations from no fewer than 3 persons customarily providing the supply or service. The procurement officer shall record: (1) the names and addresses of all person from whom quotations were sought, (2) the purchase description used for the

procurement, (3) the names of the persons submitting quotations and (4) the date and amount of each quotation. Such information shall be retained in the file required pursuant to section 3. A governmental body may require that any procurement in an amount of not more than $50,000 be subject to section 5.

SECTION 7. Section 5 of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "$35,000 or more" and inserting in place thereof the following words:- more than $50,000.

SECTION 8. Said section 5 of said chapter 30B, as so appearing, is hereby further amended by inserting after the word "body", in line 35, the following words:- and on the COMMBUYS system administered by the operational services division.

SECTION 9. Said section 5 of said chapter 30B, as so appearing, is hereby further amended by striking out, in lines 36 and 37, the words "twenty-five thousand dollars or more" and inserting in place thereof the following words:- more than $50,000.

SECTION 10. Section 6 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "$35,000 or more" and inserting in place thereof the following words:- more than $50,000.

SECTION 11. Section 6A of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "$35,000 or more" and inserting in place thereof the following words:- more than $50,000.

SECTION 12. Section 7 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "less than $35,000" and inserting in place thereof the following words:- not more than $50,000.

SECTION 13. Section 58 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

No person shall be certified for original appointment to the position of firefighter or police officer in a city or town which has not accepted sections 61A and 61B if that person has reached 32 years of age on or before the final date for the filing of applications, as stated in the examination notice, for the examination used to establish the eligible list from which the certification is to be made. No person shall be eligible to take an examination for original appointment to the position of firefighter or police officer in a city or town if the applicant will not have reached 19 years of age on or before the final date for the filing of applications for the examination, as so stated; provided, however, that an applicant who reached 19 years of age while serving on active military duty, who was not 19 on or before the date of an original examination, shall be eligible for any subsequent make up examination that is offered. No person shall be eligible for original appointment to the position of police officer in a city or town until that person has reached the age of 21.

SECTION 14. Section 9A½ of chapter 32B of the General Laws is hereby repealed.

SECTION 15. Said chapter 32B is hereby amended by striking out section 20, as appearing in the 2014 Official Edition, and inserting in place thereof the following 2 sections:-

Section 20. (a) As used in this section, and section 20A, the following words shall have the following meanings unless the context clearly requires otherwise:

"Chief executive officer", the mayor in a city or the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer pursuant to a local charter, the county commissioners in a county and the governing board, commission or committee in a district or other governmental unit.

"Commission" or "PERAC", the public employee retirement administration commission established pursuant to section 49 of chapter 7.

"GASB", the Governmental Accounting Standards Board.

"Governing body", the legislative body in a city or town, the county commissioners in a county, the regional district school committee in a regional school district, or the district meeting or other appropriating body in any other governmental unit.

"Governmental unit" or "unit", any political subdivision of the commonwealth, including a municipal lighting plant, local housing or redevelopment authority, regional council of government established pursuant to section 20 of chapter 34B and educational collaborative, as defined in section 4E of chapter 40

"State Retiree Benefits Trust Fund board of trustees", the board of trustees established by section 24A of chapter 32A

"Other Post-Employment Benefits Liability Trust Fund" or "OPEB Fund"; a trust fund established by a governmental unit pursuant to this section for the deposit of gifts, grants, appropriations and other funds for the: (1) benefit of retired employees and their dependents, (2) payment of required contributions by the unit to the group health insurance benefits provided to employees and their dependents after retirement and (3) reduction and elimination of the unfunded liability of the unit for such benefits.

"OPEB Fund board of trustees"; an independent board of trustees selected by the governmental unit with investing authority for the OPEB Fund.

"OPEB investing authority" or "investing authority"; the trustee or board of trustees designated by the governmental unity to invest and reinvest the OPEB Fund using the investment standard or investment vehicle established pursuant to this section.

(b) A governmental unit that accepts this section shall establish on its books and accounts the Other Post-Employment Benefits Liability Trust Fund, the assets of which shall be held solely to meet the current and future liabilities of the governmental unit for group health insurance benefits for retirees and their dependents. The governmental unit may appropriate amounts to be credited to the fund and the treasurer of the governmental unit may accept gifts, grants and other contributions to the fund. The fund shall be an expendable trust subject to appropriation and shall be managed by a trustee or a board of trustees as provided in subsection (d). Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug plan pursuant to 42 U.S.C. section 1395w-132 may be dedicated to and become part of the fund by vote of the governing body of the governmental unit. All monies held in the fund shall be accounted for separately from other funds of the governmental unit and shall not be subject to the claims of any general creditor of the governmental unit.

(c) The treasurer of the governmental unit shall be the custodian of the OPEB Fund and shall be bonded in any additional amounts necessary to protect fund assets.

(d) The governing body of the governmental unit shall designate a trustee or board of trustees, which shall have general supervision of the management, investment and reinvestment of the OPEB Fund. The governing body may designate as the trustee or board of trustees: (i) the custodian; (ii) the governmental unit's retirement board as the board of trustees; or (iii) an OPEB Fund board of trustees established by the governmental unit pursuant to subsection (e). If no

designation is made, the custodian of the fund shall be the trustee and shall manage and invest the fund. The duties and obligations of the trustee or board of trustees with respect to the fund shall be set forth in a declaration of trust to be adopted by the trustee or board, but shall not be inconsistent with this section. The declaration of trust and any amendments thereto shall be filed with the chief executive officer and the clerk of the governing body of the governmental unit and take effect 90 days after the date filed, unless the governing body votes to disapprove the declaration or amendment within that period. The trustee or board of trustees may employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the fund, if authorized by the governing body of the governmental unit. The trustee or board of trustees may, with the approval of the State Retiree Benefits Trust Fund board of trustees, invest the OPEB Fund in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A

(e) The governing body of the governmental unit may vote to establish a separate OPEB Fund board of trustees to be the investing authority. The board of trustees shall consist of 5 to 13 individuals, including a person or persons with the investment experience desired by the governmental unit, a citizen or citizens of the governmental unit, an employee of the governmental unit, a retiree or retirees of the governmental unit, and a governmental unit officer or officers. The governmental unit employee trustee shall be selected by current employees of the unit by ballot, and the retiree trustee or trustees shall be selected by current retirees of the unit by ballot. The remainder of the trustees shall be appointed by the chief executive officer of the governmental unit. The trustees will serve for terms of 3 or 5 years, as determined by the governing body of the governmental unit, and if a vacancy occurs, a trustee may be elected or selected in the same manner to serve for the remainder of the term. Trustees shall be eligible for reappointment.

(f) The trustee or board of trustees shall: (i) act in a fiduciary capacity, (ii) discharge its duties for the primary purpose of enhancing the value of the OPEB Fund , (iii) act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise with like character and with like aims and (iv) diversify the investments in the fund to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

In any civil action brought against a trustee, the board of trustees, acting within the scope of official duties, the defense or settlement of which is made by legal counsel for the governmental unit, the trustee or employee shall be indemnified from the OPEB Fund for all expenses incurred in the defense thereof and for damages to the same extent as provided for public employees in chapter 258 No trustee or employee shall be indemnified for expenses in an action or damages awarded in such action in which there is: (i) a breach of fiduciary duty, (ii) an act of willful dishonesty or (iii) an intentional violation of law by the trustee or employee.

(g) Monies in the OPEB Fund not required for expenditures or anticipated expenditures within the investment period, shall be invested and reinvested by the custodian as directed by the investing authority from time to time; provided such investment or reinvestment is made in accordance with: (i) section 54 of chapter 44, if the treasurer or OPEB Fund board of trustees is the investing authority, unless the governing body of the governmental unit authorizes investment under the prudent investor rule established in chapter 203C; (ii) section 23 of chapter 32, if the retirement board is the investing authority; or (iii) sections 24 and 24A of chapter 32A , if the OPEB Fund is invested in the State Retiree Benefits Trust Fund.

(h) Amounts in the OPEB Fund may be appropriated by a two-thirds vote of the governing body of the governmental unit to pay the unit's share of health insurance benefits for retirees and their dependents upon certification by the trustee or board of trustees that such amounts are available in the fund. The treasurer of the governmental unit after consulting with

the chief executive officer of the unit shall determine the amount to be appropriated from the fund to the annual budget for retiree health insurance and notify the trustee or board of trustees of that amount at the earliest possible opportunity in the annual budget cycle. Upon notification, the trustee or board of trustees shall take diligent steps to certify those funds as available for appropriation by the governmental unit, or will be available by the time the appropriation would become effective or provide an explanation why the funds are or will not be available or should not be made available.

(i) In a regional school district, appropriations of amounts to the OPEB Fund may be made only in the annual budget submitted to the member cities and towns for approval. The annual report submitted to the member cities and towns pursuant to clause (k) of section 16 of chapter 71 shall include a statement of the balance in the fund and all additions to and appropriations from the fund during the period covered by such report.

(j) A municipal lighting plant that establishes an OPEB fund shall pay the premiums and assume the liability for the municipal share of retiree healthcare benefits attributable to lighting plant employees and their dependents.

(k) A governmental unit that accepts this section may participate in the OPEB Fund established by another governmental unit pursuant to this section upon authorization of the governing boards of both units and in accordance with the procedures and criteria established by the trustee or board of trustees of the fund. Each governmental unit shall remain responsible for all costs attributable for the health care and other post-employment obligations for its retired employees and their dependents and for completing an actuarial valuation of its liabilities and funding schedule that conforms to GASB requirements.

The participating governmental unit may appropriate or otherwise contribute amounts to the OPEB Fund as provided in subsection (b). Amounts from the fund may be appropriated by the participating unit for its retiree health insurance expenses in the manner authorized in subsection (h) upon a determination by the treasurer of the unit, after consulting with the chief executive officer of the unit, of the necessary amount and notification of the treasurer of the governmental unit maintaining the fund and the trustee or board of trustees of that amount. The trustee or board of trustees shall certify those funds available for appropriation, as provided in subsection (h), and the treasurer of the governmental unit maintaining the fund shall transfer the amounts certified to the participating governmental unit.

The participating governmental unit shall be separately credited for any contributions made to and appropriations from the OPEB Fund, and interest or other income generated by the fund, in the accounting of the relative liabilities of each governmental unit for its retirees and their dependents.

(l) This section may be accepted in a city or town in the manner provided in section 4 of chapter 4; in a county, by vote of the county commissioners; in a regional school district, by vote of the regional school committee; and in a district or other governmental unit, by vote of the district meeting or other appropriating body.

(m) This section shall also apply to the OPEB Fund established by a governmental unit under a special law, notwithstanding any provision to the contrary, upon the acceptance of this section by the governmental unit.

Section 20A. When a governmental unit obtains an actuarial valuation report in accordance with GASB containing statements of the liabilities of the unit for health care and other post-employment benefits for its retired employees and their dependents, it shall submit a copy to PERAC no later than 90 days after receipt of such report. PERAC may require that the governmental unit provide additional information related to such liabilities, normal cost and benefit payments, as specified by the executive office for administration and finance, in

consultation with PERAC. The governmental unit shall file the report and additional information with PERAC and the division of local services in the department of revenue. PERAC shall file a summary report of the information received pursuant to this section with the chairs of the house and senate committees on ways and means, the secretary of administration and finance and the board of trustees of the State Retiree Benefits Trust Fund established pursuant to section 24A of chapter 32A.

SECTION 16. Section 36A of chapter 35 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "a board composed of the attorney general, the state treasurer and the director of accounts" and inserting in place thereof the following words:- the municipal finance oversight board.

SECTION 17. Sections 44 to 46, inclusive, of said chapter 35 are hereby repealed.

SECTION 18. Section 50 of said chapter 35 is hereby repealed.

SECTION 19. Section 3 of chapter 40 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Notwithstanding this section or section 53 of chapter 44, a city or town that rents or leases any public building or property, or space within a building or property, other than a building or property under the control of the school committee, may deposit any monies received from the rental or lease in a separate account in the city or town treasury. The monies may be expended by the board, committee or department head in control of the building or property without further appropriation for the upkeep of the facility so rented or leased. Any balance remaining in the account at the close of a fiscal year shall be paid into the general fund of such city or town; provided that in any city or town that accepts this proviso, any balance shall remain in the account and may be expended for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building or property.

SECTION 20. Said chapter 40 is hereby further amended by inserting after section 4A the following section:-

Section 4A½. (a) For purposes of this section, the following words shall, unless the context requires otherwise, have the following meanings:-

"Governmental unit", a city, town or a regional school district, a district as defined in section 1A, a regional planning commission, however constituted, the Hampshire council of governments, a regional transit authority established pursuant to chapter 161B, a water and sewer commission established pursuant to chapter 40N or by special law, a county, or a state agency, as defined in section 1 of chapter 6A.

"Joint powers agreement", a contract specifying the terms and conditions of the joint exercise of powers and duties entered into by participating governmental units pursuant to the laws governing any such unit and this section.

"Region", any geographically-designated area within which the powers and duties provided in a joint powers agreement shall be exercised.

(b) The chief executive officer of a city or town, or a board, committee or officer authorized by law to execute a contract in the name of a governmental unit may, on behalf of the unit, enter into a joint powers agreement with another governmental unit for the joint exercise of any of their common powers and duties within a designated region; provided, however, that the joint powers agreement shall not apply to veterans' services in any city or town or districts and

municipal veterans' services and departments shall be subject to chapter 115 The joint powers agreement shall be authorized by the parties thereto in the following manner: in a city, by the city council with the approval of the mayor; in a town, by the board of selectmen; and in a district, by the prudential committee. A decision to enter into a joint powers agreement pursuant to this section, or to join an existing region, shall not be subject to bargaining pursuant to chapter 150E.

(c) The joint powers agreement shall specify the following: (1) the purpose and the method by which the purpose sought shall be accomplished; (2) the services, activities or undertakings to be jointly performed within the region; (3) the specific organization, composition and nature of the entity created thereby to perform the services, activities or undertakings within the region, and the specific powers and duties delegated thereto; provided, however, that such entity shall be a body politic and corporate created pursuant to subsection (d) whose funds shall be subject to an annual audit and a copy of such audit shall be provided to the member governmental units and to the division of local services in the department of revenue; (4) the manner of: (i) financing the joint services, activities or undertakings within the region, (ii) establishing and maintaining a budget therefore and (iii) authorizing borrowing pursuant to subsection (e), including any limitations on the purposes, terms and amounts of debt the entity may incur to perform such services, activities or undertakings; (5) any procedures related to the termination of the joint powers agreement, the withdrawal of any participating governmental unit and the addition of any new governmental units; and (6) its duration.

(d) An entity established by a joint powers agreement shall be a body politic and corporate with the power to: (1) sue and be sued; (2) make and execute contracts and other instruments necessary for the exercise of the powers of the region; (3) make, amend and repeal policies and procedures relative to the operation of the region; (4) receive and expend funds; (5) apply for and receive grants from the commonwealth, the federal government and other grantors; (6) submit an annual report to each member governmental unit, which shall contain a detailed financial statement and a statement showing the method by which the annual charges assessed against each governmental unit were computed; and (7) any such other powers as are necessary to properly carry out its powers as a body politic and corporate.

(e) An entity created pursuant to this section shall be governed by a board of directors comprised of at least 1 member representing each participating governmental unit. Each member of the board of directors shall be entitled to a vote. No member of the board of directors shall receive an additional salary or stipend for their service as a board member. The board of directors shall coordinate the activities of the entity and may establish any policies and procedures necessary to do so. The board of directors shall establish and manage a fund to which all monies contributed by the participating governmental units, and all grants and gifts from the federal or state government or any other source shall be deposited. The board of directors shall appoint a treasurer who may be a treasurer of 1 of the participating governmental units. No member of the board of directors or other employee of the entity shall be eligible to serve concurrently as treasurer. The treasurer, subject to the direction and approval of the board of directors, shall be authorized to receive, invest and disburse all funds of the entity without further appropriation. The treasurer shall give bond for the faithful performance of his duties in a form and amount as fixed by the board of directors. The treasurer may make appropriate investments of the funds of the entity consistent with section 55B of chapter 44

The board shall appoint a business officer who may be a city auditor, town accountant or officer with similar duties, of 1 of the participating governmental units. The business officer shall have the duties and responsibilities of an auditor or accountant pursuant to sections 52 and 56 of chapter 41 and shall not be eligible to hold the office of treasurer.

The board of directors may borrow money, enter into long or short-term loan agreements or mortgages and apply for state, federal or corporate grants or contracts to obtain funds

necessary to carry out the purposes of the entity. The borrowing, loans or mortgages shall be consistent with the joint powers agreement, standard lending practices and sections 16 to 28, inclusive, of chapter 44 The board of directors may, subject to chapter 30B, enter into contracts for the purchase of supplies, materials and services and for the purchase or lease of land, buildings and equipment, as considered necessary by the board of directors.

(f) The entity shall be a public employer. The board of directors may employ personnel to carry out the purposes of the joint powers agreement and establish the duties, compensation and other terms and conditions of employment of personnel.

(g) A participating governmental unit shall not be liable for the acts or omission of another participating government unit or the region or any entity created by the joint powers agreement, unless the participating governmental unit has agreed otherwise in the joint powers agreement.

(h) A regional school district, superintendency union, educational collaborative, charter school or commonwealth virtual school may only be formed as provided in the applicable provisions of the General Laws, and no joint powers agreement made pursuant to this section may, in substance, create such a district, union, collaborative, charter school or virtual school, irrespective of how the entity created pursuant to a joint powers agreement may be characterized or named. A joint powers agreement relating to public schools may only be entered into by the school committee, or other governing board, as applicable.

SECTION 21. Section 5A of said chapter 40, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 4, the word “three” and inserting in place thereof the following figure:- 5.

SECTION 22. Said chapter 40 is hereby further amended by striking out section 5B, as so appearing, and inserting in place thereof the following section:-

Section 5B. Cities, towns and districts may create 1 or more stabilization funds and appropriate any amount into the funds. Any interest shall be added to and become part of the fund.

The treasurer shall be the custodian of all stabilization funds and may deposit the proceeds in a trust company, co-operative bank or savings bank, if the trust company or bank is organized or exists pursuant to the laws of the commonwealth or any other state or may transact business in the commonwealth and has its main office or a branch office in the commonwealth; a national bank, federal savings bank or federal savings and loan association, if the bank or association may transact business and has its main office or a branch office in the commonwealth; provided, however, that a state-chartered or federally-chartered bank shall be insured by the Federal Deposit Insurance Corporation or its successor; or may invest the funds in participation units in a combined investment fund pursuant to section 38A of chapter 29 or in securities that are legal investments for savings banks.

At the time of creating any stabilization fund the city, town or district shall specify, and at any later time may alter, the purpose of the fund, which may be for any lawful purpose, including without limitation, an approved school project pursuant to chapter 70B or any other purpose for which the city, town or district may lawfully borrow money. The specification and any alteration of purpose, and any appropriation of funds from any such fund, shall be approved by a two-thirds vote, except as provided in paragraph (g) of section 21C of chapter 59 for a majority referendum vote. Subject to said section 21C of said chapter 59, any such vote shall be of the legislative body of the city, town or district, subject to charter.

Notwithstanding section 53 of chapter 44 or any other general or special law to the contrary, a city, town or district that accepts this paragraph may dedicate, without further appropriation, all, or a percentage not less than 25 per cent, of a particular fee, charge or other receipt to any stabilization fund established pursuant to this section; provided, however, that the receipt is not reserved by law for expenditure for a particular purpose. For purposes of this paragraph, a receipt shall not include taxes or excises assessed pursuant to chapter 59, 60A, 60B, 61, 61A or 61B or surcharges assessed pursuant to section 39M or chapter 44B A dedication shall be approved by a two-thirds vote of the legislative body of the city, town or district, subject to charter, and may be terminated in the same manner. A vote to dedicate or terminate a dedication shall be made before the fiscal year in which the dedication or termination is to commence and shall be effective at least for 3 fiscal years.

SECTION 23. Said chapter 40 is hereby further amended by inserting after section 8K the following section:-

Section 8L. (a) For the purposes of this section "farming" and "agriculture" shall have the same meaning as ascribed to them in section 1A of chapter 128.

(b) A municipality which accepts this section may establish a municipal agricultural commission to promote and develop the agricultural resources of the municipality. Unless otherwise restricted by law, a municipal agricultural commission may: (i) buy, hold, manage, license or lease land for agricultural purposes; (ii) educate the public on agricultural issues; (iii) advocate for farmers, farm businesses and farm interests; (iv) assist farmers in resolving municipal problems or conflicts related to farms; (v) seek to coordinate agricultural-related activities with other governmental bodies or unofficial local groups or organizations that promote agriculture; (vi) receive grants, gifts, bequests or devises of money or personal property of any nature and interests in real property in accordance with this section; (vii) apply for, receive, expend and act on behalf of the municipality in connection with federal and state grants or programs or private grants related to local agriculture, with the approval of the mayor or city manager in a city or the board of selectmen in a town; and (viii) advertise, prepare, print and distribute books, maps, charts and pamphlets related to local agriculture that the municipal agricultural commission deems necessary for its work.

(c) A commission may conduct research and prepare agricultural-related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with any current town master plan and regional area plans. The plan shall show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this section; (iv) municipal lands that are held as open space; (v) nonmunicipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii) any other information that the commission determines to be relevant to local agricultural land use. The commission may amend the plan whenever necessary.

(d) The commission may appoint a chair, clerks, consultants and other employees and may contract for materials and services as it may require, subject to appropriation by the municipality.

(e) The commission shall keep accurate records of its meetings and actions and shall file an annual report with the clerk of the municipality. The commission's annual report shall be posted on the municipality's public website and, in a town, shall be printed in the annual town report for that year.

(f) A commission shall consist of not less than 3 nor more than 7 members who shall be residents of the municipality. A majority of members shall be farmers or employed in an agriculture-related field. If farmers or persons employed in agriculture are not available to serve on the commission, then the commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business. Each member of the commission shall serve for a term of 3 years; provided, however, that the initial members appointed under this section shall serve for terms of 1, 2 or 3 years and the terms shall be arranged by the appointing authority so that the terms of approximately 1/3 of the commission's members shall expire each year.

In a city, the members of a commission shall be appointed by the mayor unless otherwise provided by the city's charter; provided, however, that in a city having a Plan D or Plan E charter, the appointments shall be made by the city manager unless otherwise provided by the city's charter. In a town, the members of the commission shall be appointed after a public hearing by the board of selectmen; provided, however, that in a town having a town manager form of government, the appointments shall be made by the town manager subject to the approval of the board of selectmen.

A member of a commission may be removed for cause by the appointing authority after a public hearing if a hearing is requested by the member. A vacancy created by a member being removed for cause shall be filled by the appointing authority for the remainder of the unexpired term in the same manner as the original appointment.

(g) A commission may receive gifts, bequests or devises of personal property or interests in real property as described in this subsection in the name of the municipality, subject to the approval of the city council or board of selectmen, as the case may be. The commission may purchase interests in the land only with funds available to the commission. A city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the municipality, by option, purchase, lease or otherwise, the fee in the land or water rights, conservation or agricultural restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or conserve and properly utilize open spaces in land and water areas within the municipality. The commission shall manage and control the interests in land acquired under this subsection. The commission shall not take or obtain land by eminent domain.

The commission shall adopt rules and regulations governing the use of land and water under its control and prescribe civil penalties, not exceeding a fine of $100, for a violation.

(h) A municipality may appropriate money to an agricultural preservation fund of which the treasurer of the municipality shall be the custodian. The treasurer shall receive, deposit or invest the funds in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks or invest the funds in: (i) paid up shares and accounts of and in cooperative banks; (ii) shares of savings and loan associations; or (iii) shares of federal savings and loan associations doing business in the commonwealth. Any income derived from deposits or investments under this subsection shall be credited to the fund. Money in the fund may be expended by the commission for any purpose authorized by this section.

SECTION 24. Said chapter 40 is hereby further amended by inserting after section 13D the following section:-

Section 13E. Any school district which accepts this section, by a majority vote of the school committee and a majority vote of the legislative body or, in the case of a regional school

district by a majority vote of the legislative bodies in a majority of the member communities of the district, may establish and appropriate or transfer money to a reserve fund to be utilized in the upcoming fiscal years, to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation. The balance in such reserve fund shall not exceed 2 per cent of the annual net school spending of the school district.

Funds shall only be distributed from the reserve funds after a majority vote of the school committee and a majority vote of the board of selectman or city council, or, in the case of a regional school district by a majority vote of the board of selectmen or city council in a majority of the member communities of the district.

The district treasurer may invest the monies in the manner authorized in section 54 of chapter 44 and any interest earned thereon shall be credited to and become part of the fund.

SECTION 25. The first paragraph of section 22A of said chapter 40, as appearing in the 2014 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- In any city or town that accepts this sentence, the agreement for the acquisition or installation of parking meters may provide that payments thereunder shall be made over a period not exceeding 5 years without appropriation, from fees received for the use of such parking meters notwithstanding section 53 of chapter 44.

SECTION 26. Said first paragraph of said section 22A of said chapter 40, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following 3 sentences:- Such fees shall be established and charged at rates determined by the city or town. Rates may be set for the purpose of managing the parking supply. The revenue therefrom may be used for acquisition, installation, maintenance and operation of parking meters and other parking payment and enforcement technology, the regulation of parking, salaries of parking management personnel, improvements to the public realm, and transportation improvements, including, but not limited to, the operations of mass transit and facilities for biking and walking.

SECTION 27. Said chapter 40 is hereby amended by inserting after section 22A the following section:-

Section 22A1/2. A city or town may establish 1 or more parking benefit districts, as a geographically defined area, in which parking revenue collected therein may be designated in whole or in part for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A. A parking benefit district may be managed by a body designated by the municipality, including, but not limited to, a business improvement district or main streets organization.

SECTION 28. Section 22B of said chapter 40, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “Any city or town having installed parking meters or coin-operated locking devices for bicycle parking” and inserting in place thereof the following words:- In a city or town that accepts this section and installs parking meters or coin-operated locking devices for bicycle parking, the city or town.

SECTION 29. Section 22C of said chapter 40, as so appearing, is hereby amended by striking out, in line 5, the words “Those cities and towns” and inserting in place thereof the following words:- In a city or town that accepts this sentence, the city or town.

SECTION 30. Said section 22C of said chapter 40, as so appearing, is hereby further amended by inserting after the word “services”, in line 15, the following words:- or any of the purposes and uses listed in section 22A.

SECTION 31. Subsection (d) of section 39M of said chapter 40, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A person claiming an exemption provided under this subsection may apply to the board of assessors, in writing, on a form approved by the commissioner of revenue, on or before the deadline for an application for exemption under section 59 of chapter 59.

SECTION 32. Said chapter 40 is hereby further amended by striking out section 44A, as so appearing, and inserting in place thereof the following section:-

Section 44A. A city or town, by vote of the council in a city and by vote of the board of selectmen in a town, may create a special unpaid committee to be known as a regional refuse disposal planning committee consisting of 3 persons to be appointed by the board of selectmen in a town and by the mayor in a city.

SECTION 33. Said chapter 40 is hereby further amended by striking out section 44E, as so appearing, and inserting in place thereof the following section:-

Section 44E. The selectmen of each of the several towns, upon receipt of a recommendation that a regional refuse disposal district be established, shall vote on the question of accepting the plan. The mayors of the several cities, upon receipt of a recommendation that a regional refuse disposal district be established, shall submit the question of accepting the plan to their respective city councils within 60 days after receipt of the recommendation. If a majority of the members of each city council voting on the question and the board of selectmen in each town vote in the affirmative, the proposed regional refuse disposal district shall be deemed to be established in accordance with the terms of the proposed agreement.

SECTION 34. Section 44F of said chapter 40, as so appearing, is hereby amended by striking out, in lines 28 to 30, inclusive, the words “a majority of the voters present and voting on the matter at a town meeting called for the purpose of expressing such disapproval” and inserting in place thereof the following words:- the board of selectmen.

SECTION 35. Section 56 of said chapter 40, as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences:- Every fifth year, the commissioner shall certify as to whether the board of assessors is assessing property at full and fair cash valuation. Once certified, a city or town may classify in the manner set out in this section for the year of certification and for the 4 years following said year of certification.

SECTION 36. Said section 56 of said chapter 40, as so appearing, is hereby further amended by striking out, in line 78, the word “triennial” and inserting in place thereof the following word:- 5-year.

SECTION 37. Section 57 of said chapter 40, as so appearing, is hereby amended by inserting after the word “annually”, in line 18, the following words:- , and may periodically,.

SECTION 38. Said section 57 of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 23 and 24, the words “for not less than a twelve month period”.

SECTION 39. Said chapter 40 is hereby further amended by inserting after section 60A the following section:-

Section 60B. (a) A city or town, by vote of its town meeting, town council or city council, with the approval of the mayor where required by law, on its own behalf or in conjunction with one or more cities or towns, may adopt and implement a workforce housing special tax assessment plan, hereinafter referred to as WH-STA plan, intended to encourage and facilitate the increased development of middle income housing; provided, however, that any such WH-STA plan shall: (1) designate 1 or more areas of such city or town as a WH-STA zone, subject to regulations adopted by the city or town, pursuant to subsection (c) of this section, as presenting exceptional opportunities for increased development of middle income housing. Any WH-STA plan adopted by more than 1 city or town shall designate WH-STA zones consisting of contiguous areas of such cities or towns; (2) describe in detail all construction and construction-related activity contemplated for the WH-STA zone as of the date of adoption of the WH-STA plan; provided that the WH-STA plan shall include the types of residential developments which are projected to occur within the WH-STA zone, with documentary evidence of the level of commitment therefor, including but not limited to architectural plans and specifications as required by regulations promulgated pursuant to subsection (c); (3) authorize special tax assessment exemptions from property taxes, pursuant to subsection Fifty-eighth of section 5 of chapter 59, for a specified term not to exceed 5 years, for any parcel of real property which is located in a WH-STA zone and for which an agreement has been executed with the owner of the real property pursuant to paragraph (4). The WH-STA plan may exempt owners of parcels of real estate from up to 100 per cent of property taxes during 2 years of construction and as set forth in an agreement executed pursuant to paragraph (4). The WH-STA plan may also exempt such owners from property taxes during a 3-year stabilization period following construction; provided, that the exemption may be up to 75 per cent of property taxes during a first year of stabilization, up to 50 per cent of property taxes during a second year of stabilization, and up to 25 per cent of property taxes during a third year of stabilization; (4) include executed agreements between the city or town and each owner of a parcel of real property which is located in the WH-STA zone, provided that such agreements shall include, but not be limited to, the following: (i) all material representations of the parties which served as the basis for the descriptions contained in the WH-STA plan, in accordance with the provisions of paragraph (2), and which served as a basis for the granting of a WH-STA exemption;(ii) any terms deemed appropriate by the city or town relative to compliance with the WH-STA agreement including, but not limited to, what shall constitute a default by the property owner and what remedies shall be allowed between the parties for any such defaults, including an early termination of the agreement; (iii) provisions governing maximum rental prices that may be charged by the developer to create middle income workforce housing, as set forth in the regulations adopted by the city or town pursuant to subsection (c); (iv) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to such agreement;(v) a provision that such agreement shall be binding upon subsequent owners of the parcel of real property; and (5) delegate the authority to execute agreements in accordance with paragraph (4) to the board of assessors of the city or town, and to the board, agency or officer of the city or town responsible for housing.

(b) A city or town may at any time revoke its designation of a WH-STA zone and, as a consequence of such revocation, shall immediately cease the execution of any additional agreements pursuant to paragraph (4) of subsection (a). The revocation shall not affect

agreements relative to property tax exemptions pursuant to said paragraph (4) of subsection (a) which were executed prior to the revocation. The board of assessors of the city or town and the board, agency or officer of the city or town responsible for housing, authorized pursuant to paragraph (5) of subsection (a) to execute agreements, shall retain a copy of each such agreement, together with a list of the parcels included therein.

(c) Upon the adoption of a WH-STA plan, a city or town shall promulgate regulations governing the implementation of such plans in the city or town. The regulations shall establish eligibility requirements for developers to enter into a WH-STA agreement pursuant to paragraph (4) of subsection (a). The regulations shall establish, among other things: (1) a procedure for developers to apply to the city or town for a WH-STA agreement; (2) a minimum number of new residential units to be constructed for an owner of a parcel of real estate to be eligible to enter into a WH-STA agreement; (3) the maximum rental prices that may be charged by the developer for the constructed residential units throughout the duration of a WH-STA agreement; and (4) other eligibility criteria that will facilitate and encourage the construction of workforce housing in a manner appropriate to the particular city or town.

(d) The owner of property subject to a WH-STA agreement shall certify to the city or town the rental prices of the residential units designated in the WH-STA agreement. The certification shall be provided to the city or town on the date of initial occupancy and on an annual basis thereafter throughout the duration of the executed WH-STA agreement. If the owner fails to provide such certification, or otherwise fails to comply with the WH-STA agreement, or if the city or town determines that the owner is unlikely to come into compliance with the affordability requirements set forth in the agreement, the city or town may place a lien on the property in the amount of the real estate tax exemptions granted pursuant to the WH-STA agreement for any year in which the owner is not in compliance with this subsection. Any such lien shall be recorded in the registry of deeds or the registry district of the land court wherein the land lies;

(e) A WH-STA plan adopted pursuant to subsection (a) shall expire 3 years after its adoption unless the plan is renewed by the city or town by vote of its town meeting, town council or city council, with the approval of the mayor where required by law.

SECTION 40. Section 2 of chapter 40D of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words “a town at an annual meeting or a special meeting called for the purpose” and inserting in place thereof the following words:- by the board of selectmen, in a town.

SECTION 41. Said section 2 of said chapter 40D, as so appearing, is hereby further amended by striking out, in line 35 , the words “at an annual or special town meeting” and inserting in place thereof the following words:- its board of selectmen.

SECTION 42. Subsection (d) of section 9 of chapter 40N of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

The commission may enter into an agreement with the municipality to provide collection services with respect to any of its unpaid fees, rates, rents, assessments and other charges, and if so, the municipal collector or treasurer shall disburse the amounts collected as provided in the agreement, but not later than 30 days after collection.

SECTION 43. Said chapter 40N is hereby further amended by striking out section 27, as so appearing, and inserting in place thereof the following section:-

Section 27. This chapter may be accepted, in a city or town in the manner provided in section 4 of chapter 4, and in the case of an existing water and sewer commission established as an independent body politic and corporate pursuant to a special law, by its board of commissioners.

SECTION 44. Section 1 of chapter 40Q of the General Laws, as so appearing, is hereby amended by striking out the definition of "Adjustment factor".

SECTION 45. Said section 1 of said chapter 40Q, as so appearing, is hereby further amended by striking out the definition of "Captured assessed value".

SECTION 46. Said section 1 of said chapter 40Q, as so appearing, is hereby further amended by striking out the definition of "Inflation factor".

SECTION 47. Said section 1 of said chapter 40Q, as so appearing, is hereby further amended by striking out the definition of "Invested revenue district development program" and inserting in place thereof the following definition:-

"Invested revenue district development program", a statement which, in addition to the information required for a development program, shall also include: (1) estimates of tax revenues to be derived from the invested revenue district; (2) a projection of the tax revenues to be derived from the invested revenue district in the absence of a development program; (3) a statement as to whether the issuance of bonds contemplated pursuant to this chapter shall be general or special obligation bonds; (4) the percentage of the tax increment to be applied to the development program and resulting tax increments in each year of the program; and (5) a statement of the estimated impact of tax increment financing on all taxing jurisdictions in which the district is located.

SECTION 48. Said section 1 of said chapter 40Q, as so appearing, is hereby further amended by striking out the definition of "Original assessed value" and inserting in place thereof the following definition:-

"Original assessed value", the aggregate assessed value of the invested revenue district as of the base date.

SECTION 49. Said section 1 of said chapter 40Q, as so appearing, is hereby further amended by striking out the definition of "Tax increment" and inserting in place thereof the following definition:-

"Tax increment", all annual increases in the municipality's limit on total taxes assessed pursuant to subsection (f) of section 21C of chapter 59 that are attributable to parcels within the district for fiscal years with an assessment date later than the base date. The tax increment shall also include the part of increases in the limit on total taxes assessed allowed pursuant to said subsection (f) of said section 21C of said chapter 59 that are attributable to such increases pursuant to said subsection (f) of said section 21C of said chapter 59 in prior years that were part of the increment in such prior years. In any year that the limit on total taxes assessed pursuant to said section 21C of said chapter 59 is lower than the prior year's limit on total taxes assessed, the tax increment shall be reduced in the same proportion as the limit on total taxes assessed.

SECTION 50. Said chapter 40Q is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. (a) The city or town may retain all or part of the tax increment of an invested revenue district for the purpose of financing the development program. When a development program for an invested revenue district is adopted, the city or town shall adopt a statement of the percentage of tax increment to be retained in accordance with the development program. The statement of percentage may establish a specific percentage or percentages or may describe a method or formula for determination of the percentage. The assessor shall certify the amount of the tax increment to the city or town each year.

(b) On or after the formation of an invested revenue district, the assessor of the city or town in which it is located shall, on request of the city or town, certify the original assessed value of the taxable property within the boundaries of the invested revenue district on the base date. Each year, after the formation of an invested revenue district, the assessor of the city or town shall certify the amount of the new growth adjustment to the levy limit of the city or town, as certified by the commissioner of revenue, that is attributable to parcels within the district.

(c) If a city or town has elected to retain all or a percentage of the retained tax increment pursuant to subsection (a), the city or town shall: (1) establish a development program fund that consists of: (i) a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the costs of the development program fund; and (ii) a project cost account that is pledged to and charged with the payment of project costs as outlined in the financial plan and paid in a manner other than as described in subclause (i);

(2) set aside annually all tax increment revenues and deposit all such revenues in the appropriate development program fund account in the following priority:

(i) to the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued pursuant to section 4 and the financial plan; and

(ii) to the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

(3) to be permitted to make transfers between development program fund accounts as required; provided, however, that the transfers shall not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

(4) annually return to the general fund of the city or town any tax increment revenue in excess of those estimated to be required to satisfy the obligations of the development sinking fund account.

(d) Notwithstanding any provision in this chapter to the contrary, the requirement to reserve funds pursuant to subsection (c) shall terminate when sufficient monies have been set aside to cover the full, anticipated liabilities of the development sinking fund account and the project cost account.

SECTION 51. Section 1B of chapter 41 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- For purposes of this section, the positions of town treasurer and collector of taxes, elected pursuant to section 1, may be combined into 1 position and become an appointed position in the manner provided in this section.

SECTION 52. Said section 1B of said chapter 41, as so appearing, is hereby further amended by striking out, in lines 11 and 12, the word "Title" and inserting in place thereof, in each instance, the following word:- Title(s).

SECTION 53. Section 27 of said chapter 41 is hereby repealed.

SECTION 54. Section 30B of said chapter 41, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 3, the words "by vote of their legislative bodies" and inserting in place thereof the following words:- by vote of the city council with the approval of the mayor, in a city, and by vote of the board of selectmen, in a town.

SECTION 55. Section 37 of said chapter 41 is hereby repealed.

SECTION 56. Section 39B of said chapter 41 is hereby repealed.

SECTION 57. Section 52 of said chapter 41, as appearing in the 2014 Official Edition, is hereby amended by inserting after the fourth sentence the following 2 sentences:- The board of selectmen may designate any 1 of its members for the purpose of approving bills or payrolls under this section; provided, however, that the member shall make available to the board, at the first meeting following such action, a record of such actions. This provision shall not limit the responsibility of each member of the board of selectmen in the event of a noncompliance with this section.

SECTION 58. Section 56 of said chapter 41, as so appearing , is hereby amended by inserting after the first sentence the following 2 sentences:- For purposes of this section, the board of selectmen and any other board, committee or head of department consisting of more than 1 member authorized to expend money, may designate any 1 of its members to approve all bills, drafts, orders and payrolls; provided, however, that the member shall make available to the board, committee or other department head, at the first meeting following such action, a record of such actions. This provision shall not limit the responsibility of each member of the board in the event of a noncompliance with this section.

SECTION 59. Section 108B of said chapter 41, as so appearing, is hereby amended by striking out the third sentence.

SECTION 60. Section 111F of said chapter 41, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of this section, section 100 or any other general or special law to the contrary, any city, town or district that accepts this paragraph may establish and appropriate amounts to a special injury leave indemnity fund for payment of injury leave compensation or medical bills incurred under this section or said section 100, and may deposit into such fund any amounts received from insurance proceeds or restitution for injuries to firefighters or police officers. The monies in the special fund may be expended, with the approval of the chief executive officer and without further appropriation, for paying expenses incurred under this section or said section 100, including, but not limited to, expenses associated with paying compensation other than salary to injured firefighters or police officers and providing replacement services for the injured firefighters or police officers, in lieu of or in addition to any amounts appropriated for the compensation of such replacements. Any balance in the fund shall carry over from year to year, unless specific amounts are released to the general

fund by the chief executive officer upon a finding that the amounts released are not immediately necessary for the purpose of the fund, and not required for expenses in the foreseeable future.

SECTION 61. Section 8 of chapter 43B of the General Laws, as so appearing, is hereby amended by striking out, in line 38, the words "clause (11) of."

SECTION 62. Chapter 44 of the General Laws is hereby amended by striking out sections 6 and 6A, as so appearing, and inserting in place thereof the following 2 sections:-

Section 6. Cities and towns may, by a majority vote, incur debt for temporary loans for the payment of land damages or any proportion of the general expenses of altering a grade crossing which they are required primarily to pay, or any proportion of the expense of constructing a highway or installing traffic control devices and other devices appurtenant thereto, in anticipation of payment or reimbursement by the commonwealth or county, such payment or reimbursement first having been agreed upon by the commissioner of highways or county commissioners, or the sums allotted for such payments or reimbursements having first been certified as available by the commissioner of highways or county commissioners, and may issue notes therefor for a period not exceeding 2 years from their date; and when any money so paid is repaid to the municipality, it shall be applied to the discharge of the loan. Notes issued under this section shall not be renewed or paid by the issue of new notes, except as provided in section 17.

Section 6A. If a city, town or district has been allotted a grant by the federal government, the commonwealth, or any agency or department of either, or by any body politic or public instrumentality of the commonwealth, or similar entity, for any purpose for which the city, town or district may incur debt that may be payable over a term of 5 years or longer, and is required primarily to pay that proportion of the expense for which an advance payment or reimbursement is to be received from such sources, such advance payment or reimbursement first having been agreed upon by the grantor of the funds, in order to provide the necessary funds to meet the expense for which the advance payment or reimbursement is to be made, the treasurer of the city may, with the approval of the official whose approval is required by the city charter in the borrowing of money, the treasurer of the town may, with the approval of the board of selectmen, and the treasurer of the district may, with the approval of the prudential committee, if any, otherwise the commissioners, incur debt outside the debt limit and issue notes therefor for a period not exceeding 2 years from their dates, and may refund the same from time to time; provided, however, that no loan shall be so refunded unless the auditor, in the case of a city, or the accountant or chief accounting officer in the case of a town or district which has such an officer, otherwise the treasurer, shall certify in a writing filed in the office of the treasurer, where it shall be open to inspection by the public, that at the time such loan is refunded, the city, town or district remains entitled to receive the advance payment or reimbursement in an amount at least equal to the amount of the refunding loan. The proceeds of the advance payment or reimbursement shall be applied to the discharge of the loan, without further appropriation. In the event the city, town or district shall no longer be entitled to receive advance payment or reimbursement in an amount sufficient to pay all or any portion of a loan issued under this section at the time such loan matures, the loan shall be paid from revenue funds of the city, town or district to the extent it can no longer be refunded under this section. A payment made by a city, town or district as provided in the preceding sentence shall be reported by the auditor or accountant of the city, town or district, or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made

provision therefor. The provisions of chapter 74 of the acts of 1945 shall not apply to borrowing under this section.

SECTION 63. Said chapter 44 is hereby further amended by striking out sections 7 and 8,as so appearing, and inserting in place thereof the following 2 sections:-

Section 7. Cities and towns may incur debt, by a two-thirds vote, within the limit of indebtedness prescribed in section 10, for the following purposes and payable within the periods hereinafter specified not to exceed 30 years or, except for clauses (2), (3), (6) and (7), within the period determined by the director to be the maximum useful life of the public work, improvement or asset being financed under any guideline issued under section 38:

(1) For the acquisition of interests in land or the acquisition of assets, or for the following projects: the landscaping, alteration, remediation, rehabilitation or improvement of public land, the dredging, improvement, restoration, preservation or remediation of public waterways, lakes or ponds, the construction, reconstruction, rehabilitation, improvement, alteration, remodeling, enlargement, demolition, removal or extraordinary repair of public buildings, facilities, assets, works or infrastructure, including: (i) the cost of original equipment and furnishings of the buildings, facilities, assets, works or infrastructure; (ii) damages under chapter 79 resulting from any such acquisition or project; and (iii) the cost of engineering, architectural or other services for feasibility studies, plans or specifications as part of any acquisition or project; provided that the interest in land, asset acquired or project shall have a useful life of at least 5 years; and provided further, that the period of such borrowing shall not exceed the useful life of the interest in land, asset acquired or project.

(2) For a revolving loan fund established under section 53E3/4; to assist in the development of renewable energy and energy conservation projects on privately-held buildings, property or facilities within the city or town, 20 years.

(3) For the payment of final judgments, 1 year or for a longer period of time approved by a majority of the members of the municipal finance oversight board after taking into consideration the ability of the city, town or district to provide other essential public services and pay, when due, the principal and interest on its debts and such other factors as the board may deem necessary or advisable.

(4) In Boston, for the original construction, or the extension or widening, with permanent pavement of lasting character conforming to specifications approved by the Massachusetts Department of Transportation established under chapter 6C and under the direction of the board of park commissioners of the city of Boston, of ways, other than public ways, within or bounding on or connecting with any public park in said city, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of such ways with stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character under specifications approved by said department of highways, 10 years.

(5) For the cost of repairs to private ways open to the public under section 6N of chapter 40, 5 years.

(6) For the payment of charges incurred under contracts authorized by section 4D of chapter 40, but only for those contracts for purposes comparable to the purposes for which loans may be authorized under this section. Each authorized issue shall constitute a separate loan, and the loans shall be subject to the conditions of the applicable clauses of this section.

(7) For the cost of feasibility studies or engineering or architectural services for plans and specifications for any proposed project for which a city, town or district is authorized to borrow,

5 years if issued before any other debt relating to the project is authorized, otherwise the period for the debt relating to the project.

(8) For energy audits as defined in section 3 of chapter 25A, if authorized separately from debt for energy conservation or alternative energy projects; 5 years.

(9) For the development, design, purchase and installation of computer hardware or software and computer-assisted integrated financial management and accounting systems; 10 years.

(10) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not referenced in clause (20) of section 8, including cleanup or prevention activities taken pursuant to chapter 21E or chapter 21H, 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to and approved by the department of environmental protection.

(11) For any other public work, improvement or asset with a maximum useful life of at least 5 years and not otherwise specified in this section, 5 years.

Section 8. Cities and towns may incur debt, by a two-thirds vote, outside the limit of indebtedness prescribed in section 10, for the following purposes and payable within the periods hereinafter specified or, except with respect to clauses (1), (2), (3A), (9) and (18), within such longer period not to exceed 30 years determined by the director to be the maximum useful life of the public work, improvement or asset being financed under any guidelines issued under section 38:

(1) For temporary loans under sections 4, 6, 6A and 17, the periods authorized by those sections.

(2) For maintaining, distributing and providing food, other common necessaries of life and temporary shelter for their inhabitants upon the occasions and in the manner set forth in section 19 of chapter 40, 2 years.

(3) For establishing or purchasing a system for supplying a city, town, or district and its inhabitants with water, for taking or purchasing water sources, either from public land or private sources, or water or flowage rights, for the purpose of a public water supply, or for taking or purchasing land for the protection of a water system, 30 years.

(3A) For conducting groundwater inventory and analysis of the community water supply, including pump tests and quality tests relating to the development of using said groundwater as an additional source or a new source of water supply for any city, town or district, 10 years.

(4) For the construction or enlargement of reservoirs, the construction of filter beds, the construction or reconstruction or making extraordinary repairs to standpipes, buildings for pumping stations including original pumping station equipment, and buildings for water treatment, including original equipment therefor, and the acquisition of land or any interest in land necessary in connection with any of the foregoing, 30 years.

(4A) For remodeling, reconstructing or making extraordinary repairs to reservoirs and filter beds, 30 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection, and the approval of said department has been granted therefor.

(5) For constructing or reconstructing, laying or relaying aqueducts or water mains or for the extension of water mains, or for lining or relining such mains, and for the development or construction of additional well fields and for wells, 40 years.

(6) For the purchase and installation of water meters, 10 years.

(7) For the payment of the city, town or district share of the cost to increase the storage capacity of any reservoir, including land acquisition, constructed by the water resources commission for flood prevention or water resources utilization, 20 years.

(7A) For the purchase, replacement or rehabilitation of water departmental equipment, 10 years.

(8) For establishing, purchasing, extending, or enlarging a municipally owned gas or electric lighting plant, community antenna television system, or telecommunications system, 20 years.

(8A) For remodeling, reconstructing, or making extraordinary repairs to a municipally owned gas or electric lighting plant, community antenna television system, or telecommunications system, when approved by a majority of the members of the municipal finance oversight board, for the number of years not exceeding 10, as said board shall fix. Each city or town seeking approval by the board of a loan under this clause shall submit to said board all plans and other information considered by the board to be necessary for a determination of the probable extended use of such plant, community television antenna system or telecommunications system likely to result from the remodeling, reconstruction, or repair, and in considering approval under this clause of a requested loan and the terms thereof, special consideration shall be given to that determination.

(9) For emergency appropriations that are approved by the director, not more than 2 years or such longer period not to exceed 10 years as determined by the director after taking into consideration the ability of the city, town or district to provide other essential public services and pay, when due, the principal and interest on its debts, the amount of federal and state payments likely to be received for the purpose of the appropriations and such other factors as the director may deem necessary or advisable; provided, however, that for the purposes of this clause, "emergency" shall mean a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; provided, further, that emergency shall not include the funding of collective bargaining agreements or items that were previously disapproved by the appropriating authority for the fiscal year in which the borrowing is sought; and provided, further, that for the purposes of this clause, debt may be authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

(9A) For emergency appropriations approved by a majority of the members of the municipal finance oversight board, up to the period fixed by law for the debt as determined by the board; provided, however, that this clause shall apply only to appropriations for capital purposes including, but not limited to, the acquisition, construction, reconstruction or repair of any public building, work, improvement or asset, and upon a demonstration by the city, town or district that the process for authorizing debt in the manner otherwise provided by law imposes an undue hardship in its ability to respond to the emergency; provided further, that for purposes of this clause, "emergency" shall mean a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; and provided, further, that for the purposes of this clause, debt may be authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

(10) For acquiring land or constructing buildings or other structures, including the cost of original equipment, as memorials to members of the army, navy, marine corps, coast guard, or air force, 20 years.

The designation of any such memorial shall not be changed except after a public hearing by the board of selectmen or by the city council of the municipality wherein said memorial is located, notice of the time and place of which shall be given, at the expense of the proponents, by the town or city clerk as the case may be, by publication not less than 30 days prior thereto in a newspaper, if any, published in such town or city; otherwise, in the county in which such town or

city lies; and notice of which shall also have been given by the proponents, by registered mail, not less than 30 days prior to such hearing, to all veterans' organizations of such town or city.

(11) For acquiring street railway or other transportation property under sections 143 to 158, inclusive, of chapter 161, operating the same, or contributing toward the sums expended or to be expended by a transportation area for capital purposes, 10 years.

(12) For the acquisition, construction, establishment, enlargement, improvement or protection of public airports, including the acquisition of land, 10 years. The proceeds of indebtedness incurred hereunder may be expended for the acquisition, construction, establishment, enlargement, improvement or protection of such an airport, including the acquisition of land, jointly by 2 or more municipalities.

(13) For the financing of a program of eradication of Dutch elm disease, including all disbursements on account of which reimbursement is authorized or may be authorized by the commonwealth, county, any city or town, or by any manner of assessment or charges, pursuant to and consistent with chapter132, 5 years.

(14) For the construction of sewers, sewerage systems and sewage treatment and disposal facilities, or for the lump sum payment of the cost of tie-in to such services in a contiguous city or town, for a period not exceeding 30 years; provided, however, that either: (i) the city or town has an enterprise or special revenue fund for sewer services, and that the accountant, auditor or other officer having similar duties in the city or town shall have certified to the treasurer that rates and charges have been set at a sufficient level to cover the estimated operating expenses and debt service related to the fund; or (ii) the issuance of the debt is approved by a majority of the members of the municipal finance oversight board.

(15) For the construction and rehabilitation of municipal golf courses, including the acquisition and reconstruction of land, installation and replacement of irrigation systems, the construction and rehabilitation of buildings, and the cost of equipment and furnishings, 20 years.

(16) For the payment of charges incurred under contracts authorized by section 4D of chapter 40, but only for those contracts for purposes comparable to the purposes for which loans may be authorized under this section. Each authorized issue shall constitute a separate loan, and the loans shall be subject to the conditions of the applicable clauses of this section.

(17) For the construction of a regional incinerator for the purpose of disposing solid waste, refuse and garbage by 2 or more communities, 20 years.

(18) For the lending or granting of money to industrial development financing authorities and economic development and industrial corporations, with the approval of the Massachusetts office of business development and the director of housing and community development, 20 years.

(19) For the purposes of implementing a project financed in whole or in part by the Farmers Home Administration of the United States Department of Agriculture, pursuant to Chapter 50 of Title 7 of the United States Code, up to 40 years. Regional school districts established under any general or special law shall be authorized to incur debt for the purposes and within the limitations described in this clause.

(20) For the cost of cleaning up or preventing pollution caused by existing or closed landfills or other solid waste disposal facilities, including clean up or prevention activities taken pursuant to chapter 21E or chapter 21H, 30 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(21) For the construction of incinerators, refuse transfer facilities, recycling facilities, composting facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, for the purpose of disposing of waste, refuse and garbage, 25 years; provided,

however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(22) For remodeling, reconstructing or making extraordinary repairs to incinerators, refuse transfer facilities, recycling facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, owned by the city, town or district, and used for the purpose of disposing of waste, refuse and garbage, 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(23) For the purpose of closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area, 25 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(24) For the acquisition of a dam or the removal, repair, reconstruction and improvements to a dam owned by a municipality, as may be necessary to maintain, repair or improve such dam, 40 years; provided, however, that this clause shall include dams as defined in section 44 of chapter 253 acquired by gift, purchase, eminent domain under chapter 79 or otherwise and located within a municipality, including any real property appurtenant thereto, if the dam and any appurtenant real property is not at the time of such acquisition owned or held in trust by the commonwealth.

SECTION 64. Section 9 of said chapter 44, as so appearing, is hereby amended by striking out, in line 8, the words “(6), (7), or (7A)” and inserting in place thereof the following words:- or (6).

SECTION 65. Section 17 of said chapter 44, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

If a city, town or district votes to issue bonds, notes or certificates of indebtedness in accordance with law, the officers authorized to issue the same may, in the name of such city, town or district, make a temporary loan for a period of not more than 2 years in anticipation of the money to be derived from the sale of such bonds, notes or certificates, and may issue notes therefor. A city, town or district may refund, by the issue of other notes, a temporary loan issued under the authority of the first sentence; provided, however, that the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not exceed 2 years, unless such temporary loan is paid in part from revenue funds of the city, town or district as hereinafter provided for, in which case the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not exceed 10 years. A temporary loan refunded under this section shall be paid in part from revenue funds of the city, town or district at or before the maturity date of any such refunding loan that is issued to mature more than 2 years, but not more than 3 years, from the date of issue of the original loan. A like payment from revenue funds shall be made at or before the maturity date of any such refunding loan that is issued to mature more than 3 years, but not more than 4 years, from the date of issue of the original loan and again at or before the maturity date of any such refunding loan that is issued to mature more than 4 years but not more than 5 years; more than 5 years but not more than 6 years; more than 6 years but not more than 7 years; more than 7 years but not more than 8 years; more than 8 years but not more than 9 years, from the date of the original loan, and again at or before the maturity date of any such refunding loan that is issued to mature more than 9 years from the date of issue of the original loan. Each such payment from revenue funds shall be at least equal to the minimum

annual payment which would have been required if such temporary loan had been converted to a serial loan prior to its first refunding that required a payment from revenue funds under this section, and the authorized amount of the serial loan shall be reduced by the aggregate amount of all such payments. Each payment made by a city, town or district as provided in the preceding sentence shall be reported by the auditor or accountant of the city or town or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor. The amount of a payment from revenue funds made by a regional school district or regional refuse disposal district as provided herein shall be included in the next annual district operating and maintenance budget, unless the regional district committee has otherwise made provision therefor. The time within which a serial loan shall be due and payable shall not be extended by reason of the making of a temporary loan hereunder beyond the time fixed by law. If a balance remains in the proceeds of a temporary loan issued in anticipation of a serial loan at the time when the serial loan is issued, said balance may be applied to the payment of such temporary loan.

SECTION 66. Section 19 of said chapter 44, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, the final payment on account of any bonds issued by a city, town or district may be made not later than the end of the fiscal year in which such bonds would otherwise have been payable under this chapter, or any other statutory authority under which the issuance of any such bonds was otherwise authorized.

SECTION 67. Said chapter 44 is hereby further amended by striking out section 20, as so appearing, and inserting in place thereof the following section:-

Section 20. The proceeds of any sale of bonds or notes shall be used only for the purposes specified in the authorization of the loan; provided, however, that such proceeds may also be used for costs of preparing, issuing and marketing the bonds or notes, except as otherwise authorized by this section. If a balance remains after the completion of the project for which the loan was authorized, the balance may at any time be appropriated by a city, town or district for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any balance not in excess of $50,000 may be applied, with the approval of the chief executive officer, for the payment of indebtedness. If a loan has been issued for a specified purpose but the project for which the loan was authorized has not been completed and no liability remains outstanding and unpaid on account thereof, a city, by a two-thirds vote of all of the members of the city council, or a town or district, by a two-thirds vote of the voters present and voting thereon at an annual town or district meeting, may vote to abandon or discontinue the project and the unexpended proceeds of the loan may be appropriated for any purpose for which a loan may be authorized for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes shall be: (i) applied, if so provided in the loan authorization, to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by like amount; or (ii) appropriated for a project for which the city, town or district has authorized a borrowing, or may authorize a borrowing, for an equal or longer period of time than the original loan, including any temporary debt, was issued, thereby reducing the amount of any bonds or notes authorized to be issued for the project by like amount. Notwithstanding this section, no

appropriation from a loan or balance thereof shall be made that would increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for that purpose. Additions to the levy limit for a debt exclusion are restricted to the true interest cost incurred to finance the excluded project.

SECTION 68. Said chapter 44 is hereby further amended by striking out section 21A, as so appearing, and inserting in place thereof the following section:-

Section 21A. The city council of a city, the board of selectmen of a town and the prudential committee, if any, otherwise, the commissioners of a district, may authorize and provide for the issuance of refunding bonds or notes of the city, town or district for the purpose of paying or refunding all or any designated part of an issue of bonds or notes then outstanding, including the amount of any redemption premium thereon; provided, however, that no such refunding bonds or notes shall be payable over a period longer than the period during which the original bonds or notes so refunded must be paid pursuant to law; and provided, further, that, notwithstanding any provision of any general or special law, city charter, city ordinance or city council rule or order to the contrary, any vote of the city council of a city authorizing and providing for the issuance of refunding bonds or notes of the city may be introduced and given final passage at 1 meeting of the city council, shall not be subject to any publication requirement, shall not be subject to any referendum provision, and shall be effective upon passage. The first annual payment of principal on account of an issue of refunding bonds or notes shall not be later than the last day of the fiscal year in which any of the bonds or notes being refunded would otherwise have been payable and the annual payments thereafter shall be arranged in accordance with the provisions of section 19; provided, however, that any annual payment earlier than the date on which the first annual payment is required to be made, may be in any amount. Except as otherwise provided in this section, the issuance of such refunding bonds or notes shall be governed by the applicable provisions of this chapter. Refunding bonds or notes issued under this section shall be subject to the same limit of indebtedness, if any, as the bonds or notes refunded by them; provided, however, that upon the issuance of such refunding bonds or notes, the bonds or notes refunded shall no longer be counted in determining any limit of indebtedness of the city, town or district under this chapter or any other applicable provision of law. If such refunding bonds or notes are issued prior to the maturity or redemption date of the original bonds or notes refunded, an amount of the proceeds of the refunding bonds or notes and other moneys then available or to become available to the city, town or district, which moneys may include income to be derived from the investment of such proceeds, sufficient to pay or provide for the payment of the principal, redemption premium, if any, and interest on the bonds or notes so refunded to the date fixed for their payment or redemption shall be held in a separate fund and in trust solely for the payment of such principal, redemption premium and interest. The funds so held may be invested pursuant to section 55 and the income derived from such investment may be expended by the treasurer to pay the principal, redemption premium, if any, and interest on the bonds or notes refunded until they are paid or redeemed; provided, however, that notwithstanding any limitations on the maturity of investments under section 55, any such investment may have a maturity not later than the date fixed for the payment or redemption of the bonds or notes refunded.

The present value of the principal and interest payments due on refunding bonds issued under this section shall not exceed the present value of the principal and interest payments to be paid on the bonds to be refunded, except as otherwise provided in this section. The city, town, or regional school district shall notify the department of education in the event that bonds or notes issued for an approved school project under chapter 645 of the acts of 1948 are refunded under

this section and the amount of the state construction grant payable to the city, town, or regional school district shall not be affected by any increase in the amount of interest payable on the refunding bonds or notes, but shall be affected by any decrease in the amount of interest payable on the refunding bonds or notes for school building projects approved after July 1, 1995. Upon receipt of notification from a city, town or regional school district of a decrease in the amount of interest payable related to such projects, the department of education shall recalculate the amount of the state construction grant that is payable to such city, town or regional school district.

If the mayor or city manager in a city, the board of selectmen of a town or the prudential committee of a district determines that the issuance of refunding bonds is reasonable and necessary in order to maintain the tax-exempt status of outstanding bonds or notes of the city, town or district, the official, board or committee may authorize refunding bonds for that purpose, even if the present value of the principal and interest payments due on the refunding bonds exceeds the present value of the principal and interest payments otherwise payable on the bonds to be refunded.

SECTION 69. Said chapter 44 is hereby further amended by inserting after section 21B the following section:-

Section 21C. A city, town or district may by a two-thirds vote of its legislative body, if recommended by its chief executive officer, authorize any department of the city, town or district to enter into a lease purchase financing agreement to acquire equipment or improve a capital asset that may be financed by the issuance of debt under this chapter or otherwise authorized by law, for a term up to the useful life of the property to be procured as determined by its chief executive officer. Any lease purchase financing agreement under this section shall be considered a binding obligation of the city, town or district as if it were a debt authorization under this chapter, provided an appropriation available for the purpose has been made in the first fiscal year in which the lease becomes effective. Any city, town or district that follows the procedure in this section with respect to entering into a lease purchase financing agreement for the procurement of any personal property for the governmental entity, may refinance the purchase with the issuance of refunding bonds under section 21A to pay the balance of the lease obligation.

SECTION 70. Section 25 of said chapter 44 is hereby repealed.

SECTION 71. Section 31 of said chapter 44, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word “only”, in line 10, the following words:- upon a declaration by the governor of a state of emergency with respect to the disaster or.

SECTION 72. Said section 31 of said chapter 44, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Payments of final judgments, awards or payments ordered or approved by a state or federal court or adjudicatory agency may, upon certification by the city solicitor or town council that no appeal can or will be taken and as required by municipal charter, ordinance or by-law, be made from any available funds in the treasury, and the payments so made shall be reported by the auditor or accountant or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the aggregate appropriations assessed in the determination of the next subsequent annual tax rate, unless the city or town has otherwise made provision therefor.

SECTION 73. Said section 31 of said chapter 44, as so appearing, is hereby further amended by inserting after the word “selectmen”, in line 38, the following words:- , and the district counsel in place of the city solicitor or town counsel.

SECTION 74. Section 31D of said chapter 44, as so appearing, is hereby amended by striking out, in lines 4 to 8, inclusive, the words “town manager and the finance or advisory committee in a town having a town manager, by the selectmen and the finance or advisory committee in any other town, by the city manager and the city council in a city having a city manager or by the mayor and city council in any other city” and inserting in place thereof the following words:- chief administrative officer.

SECTION 75. Subsection (a) of section 33B of said chapter 44, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- In addition, the city council may, by majority vote, on recommendation of the mayor, transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation.

SECTION 76. Subsection (b) of said section 33B of said chapter 44, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Alternatively, the selectmen, with the concurrence of the finance committee or other entity established under section 16 of chapter 39, may transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation.

SECTION 77. Said chapter 44 is hereby further amended by striking out section 35, as so appearing, and inserting in place thereof the following section:-

Section 35. Cities, towns, districts, and regional school districts shall conduct periodic audits of their accounts, according to any standards established by the director under section 38, and shall engage for that purpose a professional auditing firm or other independent accountant as may be necessary or appropriate. The chief executive officer of a city or town, the prudential committee, if any, otherwise the commissioners, of a district, or the regional district school committee may also cause an audit to be performed when, in their opinion, the condition of the accounts is such as to warrant the making of such audit necessary and useful.

Notwithstanding any general or special law that provides for the director to cause an annual or other periodic audit of a regional or other governmental unit created within 1 or more cities or towns of the commonwealth to provide public services or conveniences, such governmental unit shall be considered a district for purposes of conducting a periodic audit under this section and sections 38, 39, 40, 41 and 42. Upon the completion of each audit, a copy shall be sent to the chief executive officer of each city or town which is a member of the governmental unit. The cost of each audit shall be a current expense of the governmental unit and shall be apportioned among the several cities and towns that are members of the unit in the same manner as other such expenses.

SECTION 78. Sections 36 and 37 of said chapter 44 are hereby repealed.

SECTION 79. Said chapter 44 is hereby further amended by striking out sections 38 to 41, inclusive, as appearing in the 2014 Official Edition, and inserting in place thereof the following 4 sections:-

Section 38. The director shall make, and from time to time revise, such reasonable rules, regulations and guidelines as may be necessary to establish minimum standards and methods of municipal and district accounting systems as the director determines are most effective in securing uniformity of classification in the accounts of cities, towns, and districts. Such accounting classifications, so far as they pertain to municipal or regional school committees, shall be subject to the advice and approval of the commissioner of elementary and secondary education. The specific areas to which such standards may relate shall include, but are not limited to, the following: the administration of all laws regarding city, town or district revenues, expenditures and debt, including the maximum useful life of projects, improvements or assets being financed with debt; the systematic accounting of financial transactions; the adequacy of financial records; and the frequency and content of audits.

The director may, upon request or the director's own initiative, give an opinion to a city, town or district auditor, accountant or other officer having similar duties, collector, treasurer or other board or other officer, upon any question arising under any statute relating to accounting for revenues and expenditures and issuance of debt. The director may visit any city, town or district, inspect the work of its auditor, accountant or other officer having similar duties, collector, treasurer, or other officer having charge of any financial accounts or records; and require of them any information considered necessary regarding the procedures used in keeping the accounts or records, including access to all necessary papers, vouchers, books, records, and data. The director may require of city, town, or district officials such action as will tend to produce uniformity of accounting systems and standards through the commonwealth

Section 39. Upon the completion of an audit under section 35, the firm or person selected by the city, town or district to conduct said audit shall render a report to the chief executive officer of the city or town, or other board or officer required by charter, or the prudential committee or commissioners of the district, embodying the results of the findings, with any suggestions considered advisable for the proper administration of the finances of the city, town, or district. A copy of the audit report shall be furnished to the director.

Section 40. For the purpose of conducting audits of the accounts of all cities and towns annually, and of the accounts of each district and regional school district biennially or annually as determined by the prudential committee, if any, otherwise the commissioners, or the regional district school committee, the firm or person engaged to conduct such audits shall have access to all necessary papers, books, and records. All accounts subject to audit by town auditors under section 53 of chapter 41 shall be subject to audit, and the trustees of any property the principal or income of which, in whole or in part, was bequeathed or given in trust for public uses for the benefit of the city or town or any part thereof, or for the benefit of the inhabitants of the city or town or any part thereof, shall give said firm or person access to their accounts, funds, securities and evidences of property for the purposes of the audit. Upon the completion of each audit as aforesaid, a report thereunder shall be made to the mayor and city council in cities, the selectmen in towns, the prudential committee and commissioners in a district, and the regional district school committee in a regional school district, and a copy of the same shall be furnished to the city, town or district clerk, who shall cause the same or a summary of its essential features to be published at the expense of the city, town or district. A copy of the audit report shall be furnished to the director of accounts. If embezzlement or other criminal activity is suspected as a result of

audit findings, the foregoing city, town, or district officials shall bring the relevant information to the attention of the district attorneys and attorney general and give assistance to any investigation instituted in response.

Commencing with the fiscal year 1987, regional school districts may satisfy the requirements of the Single Audit Act of 1984, 31 USC Sec. 7502, by causing audits of its records to be made annually or biennially by an independent auditor to be selected by such regional school districts to conduct such audits. Such audits shall be made in accordance with federal government auditing standards.

Section 41. Whenever it appears to the director that a city, town or district has failed to meet the minimum standards and methods of municipal and district accounting prescribed under section 38, or to provide the information required under section 43 or other statute, the director shall notify the city, town or district of the actions necessary to ensure compliance or to provide the required information. The notice shall contain a statement that failure to comply may result in the director taking action to ensure compliance, including contracting for any services necessary or appropriate to do so. If such city or town fails, within a reasonable time, to comply with the requirements of the director, and continues to fail to comply, the director may contract on behalf of the city or town for any professional or technical services necessary to meet the standards or obtain the necessary information. The costs of the services shall be incurred by the commonwealth, and payment shall be deducted by the state treasurer, pursuant to section 20A of chapter 58, from any amount distributable or payable by the commonwealth to such city or town.

SECTION 80. Said chapter 44 is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:-

Section 42. Whenever a city, town or district causes an audit of its accounts or the accounts of separate departments to be made by a firm or person of its own selection, the city, town or district clerk shall immediately, upon the employment of such firm or person, file the name and address with the director, and such firm or person shall, within 10 days after making the report of the audit and recommendations to the city, town or district, file a certified copy thereof with the director.

SECTION 81. Said chapter 44 is hereby further amended by striking out sections 43 and 44, as so appearing, and inserting in place thereof the following 2 sections:-

Section 43. The director shall annually require the auditor or other accounting officer of each city and town to submit schedules to provide for uniform returns giving detailed statements of all receipts classified by sources, and all payments classified by objects, for its last fiscal year; a statement of the public debt showing the purpose for which each item of the debt was created and the provision made for the payment thereof; and a statement of assets and liabilities at the close of the fiscal year. The director may prescribe standard forms intended to promote the systematic accounting of financial transactions and the publication of the same in the city and town reports. The director shall collect from the proper local authorities such other information pertaining to municipal affairs as in the director’s judgment may be of public interest. All auditors, accounting officers and other officials and custodians of public money of cities and towns shall properly complete and promptly return all schedules required of them to the director. If a city or town fails, within 60 days after a request has been made by the director, to furnish the information to be collected under this section, the director may obtain the information in accordance with section 41.

Section 44. The commissioner of revenue may obtain and compile statistics about the financial affairs of cities and towns and other information of public interest pertaining to municipal affairs. Such statistics and other information the commissioner deems relevant may be published and distributed through such means and methods as the commissioner shall choose. The commissioner may also publish, at such intervals as is considered advisable, the director's bulletins or special reports on municipal affairs.

SECTION 82. Section 46 of said chapter 44 is hereby repealed.

SECTION 83. Said chapter 44 is hereby further amended by striking out section 46A, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

Section 46A. The director may, if conditions appear to the director to warrant it, review the accounts and financial transactions and affairs of a city or town, or of any department, board, commission or officer thereof. For the purpose of conducting the review, the director may visit any city, town, or district office and require any information the director considers necessary. Upon the completion of any review, the director may publish a summary of its essential features. A municipal officer or employee, or a member of a municipal department, board or commission whose accounts or transactions are being reviewed under this section, shall afford to the director such assistance as the director may require. Refusal or neglect by such an officer, employee or member to afford such assistance shall be punished by a fine of not more than 500 dollars or by imprisonment for not more than 1 year, or both.

SECTION 84. Section 53 of said chapter 44, as so appearing, is hereby amended by striking out clauses (2) and (3) and inserting in place thereof the following 2 clauses:-

(2) sums not in excess of $150,000 recovered under the terms of a fire or physical damage insurance policy or received in restitution for damage done to such city, town or district property may, with the approval of the chief executive officer, be used by the officer or department having control of the city, town or district property for the restoration or replacement of such property without specific appropriation during the fiscal year in which they are received or 120 days after receipt, whichever is later, and (3) sums recovered from pupils in the public schools for loss of or damage to school books, materials, electronic devices or other learning aids provided by the school committee, or paid by pupils for materials used in the industrial arts projects, may be used by the school committee for the restoration or replacement of such books or materials without specific appropriation.

SECTION 85. Section 53A of said chapter 44, as so appearing, is hereby amended by inserting after the first sentence the following 2 sentences:-

In the case of grants from the federal government or from the commonwealth, a county or municipality or agency or instrumentality thereof, upon receipt of an agreement from the grantor to provide advance payment or reimbursement to the city, town or district, the officer or department may spend the amount of the advance payment, or the amount to be reimbursed, for the purposes of the grant, subject to the approvals required by this section. Any advance payment or reimbursement shall be applied to finance the grant expenditures; provided, however, that any expenditures outstanding at the close of the fiscal year after the fiscal year in which the grantor approved the agreement shall be reported by the auditor or accountant of the city, town or district, or other officer having similar duties, or by the treasurer if there be no such officer, to

the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor.

SECTION 86. Said chapter 44 is hereby further amended by striking out section 53E½, as so appearing, and inserting in place thereof the following section:-

Section 53E½. Notwithstanding section 53, a city or town may authorize by by-law or ordinance the use of 1 or more revolving funds by 1 or more municipal agencies, boards, departments or offices, which shall be accounted for separately from all other monies in the city or town and to which shall be credited any fees, charges or other receipts from the departmental programs or activities supported by the revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund or in excess of the total authorized expenditures from such fund, and no expenditures shall be made unless approved in accordance with sections 41, 42, 52 and 56 of chapter 41

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established under this section for receipts of a municipal water or sewer department, a municipal hospital, a cable television access service or facility or for receipts reserved by law or as authorized by law for expenditure for a particular purpose. Revolving fund expenditures shall not be made to pay wages or salaries for full-time employees unless the revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid; provided, however, that such prohibition shall not apply to wages or salaries paid to full-time or part-time employees who are employed as drivers providing transportation for public school students; provided further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay the wages or salaries of those employees who are employed as drivers providing transportation for public school students; and provided further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

A revolving fund shall be established pursuant to this section by by-law or ordinance. The by-law or ordinance shall specify for each fund: (1) the programs or activities for which the revolving fund may be expended; (2) the departmental receipts in connection with those programs or activities that shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; and (4) any reporting or other requirements the city or town may impose. The establishment of any fund shall be made not later than the beginning of the fiscal year in which the fund shall begin. Notwithstanding this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the city auditor, town accountant, or other officer having similar duties that the revenue source was not used in computing the most recent tax levy.

The city or town shall, on or before July 1 of each year, vote on the limit on the total amount that may be expended from each revolving fund established under this section. In any fiscal year, the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city or with the approval of the board of selectmen and finance committee in a town.

Upon termination of a revolving fund, the balance in the fund at the end of that fiscal year shall revert to surplus revenue at the close of the fiscal year.

The director of accounts may issue guidelines further regulating revolving funds established pursuant to this section.

SECTION 87. The first paragraph of section 53F of said chapter 44, as so appearing, is hereby amended by striking out the second sentence.

SECTION 88. The second paragraph of said section 53F of said chapter 44, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Such agreements shall contain such terms and conditions as the treasurer or collector may deem appropriate to ensure fiscal stability and full disclosure.

SECTION 89. Said section 53F of said chapter 44, as so appearing, is hereby further amended by striking out the fourth paragraph.

SECTION 90. Said section 53F of said chapter 44, as so appearing, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

A treasurer or collector who has entered into an agreement pursuant to this section shall produce an annual report in order to determine whether funds maintained on deposit with a banking institution have exceeded the amount required by said agreement. Such report shall identify each banking institution with which such agreement was maintained in the year covered by the report, and the average daily amount, if any, maintained on deposit with such banking institution in excess of the amount necessary to fulfill the terms of agreement. A copy of such report shall be provided to the collector or treasurer, the mayor and city council, the selectmen, the regional school committee, the prudential committee, if any, otherwise the commissioners, of the city, town, or district, and a copy of the same shall be furnished to the inspector general.

SECTION 91. Section 53G of said chapter 44, as so appearing, is hereby amended by inserting after the word "by-law", in line 8, the following words:- , or by rules promulgated by any municipal permit or license granting officer or board when implementing authority conferred under any statute, ordinance or by-law.

SECTION 92. Said chapter 44 is hereby further amended by inserting after section 53G the following section:-

Section 53G½. Notwithstanding section 53, in a city or town that provides by by-law, ordinance, rule, regulation or contract for the deposit of cash, bonds, negotiable securities, sureties or other financial guarantees to secure the performance of any obligation by an applicant as a condition of a license, permit or other approval or authorization, the monies or other security received may be deposited in a special account. Such by-law, ordinance, rule or regulation shall specify: (1) the type of financial guarantees required; (2) the treatment of investment earnings, if any; (3) the performance required and standards for determining satisfactory completion or default; (4) the procedures the applicant must follow to obtain a return of the monies or other security; (5) the use of monies in the account upon default; and (6) any other conditions or rules as the city or town determines are reasonable to ensure compliance with the obligations. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. Monies in the special account may be expended by the authorized board, commission, department or officer, without further appropriation, to complete the work or perform the obligations, as provided in the by-law, ordinance, rule or regulation. This section shall not apply to deposits or other financial surety received under section 81U of chapter 41 or other general or special law.

SECTION 93. Said chapter 44 is hereby further amended by striking out section 53I, as appearing in the 2014 Official Edition, and inserting in place thereof the following 2 sections:-

Section 53I. A city or town, for the celebration of the two hundredth, two hundred and fiftieth, three hundredth and three hundred and fiftieth anniversary of its settlement or incorporation, and for the celebration of any semicentennial anniversary occurring thereafter, or for other special celebrations or events sponsored by the city or town for the benefit, enjoyment and edification of its residents and visitors, may appropriate money annually during the 5 years preceding such anniversary or special event. Notwithstanding the provisions of section 53 or any other general or special law to the contrary, such city or town may establish in its treasury a special fund in which shall be deposited such sums as may be appropriated by it under this section, and any and all sums received from the sale of commemorative items, admission charges or other monies received in connection with the anniversary or special event. Any and all such sums received by the treasurer shall be kept separate from other moneys, funds or property of such city or town and the principal and interest thereof may, from time to time upon the authorization of the mayor or city manager, as the case may be, the board of selectmen or the majority of any special committee established to plan such celebration or special event, be expended for the purposes of said celebration or special event in the year of such celebration or special event and in the year preceding or succeeding the same. Any surplus remaining in said special fund after such celebration or special event is concluded, shall be transferred by such treasurer into the treasury of such city or town.

Section 53J. Notwithstanding sections 53 and 53F½, in any city, town or district that borrows money to pay for improvements for which betterments or special assessments are assessed, revenues from such betterments and assessments, including interest charged thereon, shall be reserved for appropriation for the payment of debt issued in connection with such improvements. Any such revenues received by the treasurer shall be kept separate from all other monies of such city, town or district. Interest earned on the revenues shall remain with and become part of such revenues available for appropriation. No appropriations from the revenues for payments of principal and interest on such debt issue for any fiscal year shall exceed the same percentage of the principal and interest payment due in such year as the percentage of project costs for which the betterments or special assessments are assessed. Any surplus remaining after such debt is repaid shall belong to any enterprise fund established under section 53F½ that the improvement for which the betterments or special assessments are assessed is part of, or, if no such enterprise fund is established, to the general fund of such city, town or district.

SECTION 94. Section 55 of said chapter 44, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:-

A treasurer of a city, town, district or regional school district may invest or deposit the portion of revenue cash as the treasurer shall deem not required to pay expenses until the cash is available, and all or any part of the proceeds from the issue of bonds or notes, prior to their application to the payment of liabilities incurred for the purposes for which the bonds or notes were authorized in: (1) term deposits or certificates of deposit having a maturity date from date of purchase of up to 3 years; (2) trust companies, national banks, savings banks, banking companies or cooperative banks; (3) obligations issued or unconditionally guaranteed by the United States government or any agency thereof, having a maturity from date of purchase of 1 year or less; (4) United States government securities or securities of United States government agencies purchased under an agreement with a trust company, national bank or banking company to repurchase at not less than the original purchase price of said securities on a fixed date, not to

exceed 90 days; (5) shares of beneficial interest issued by money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940, as amended, operated in accordance with Section 270.2a-7 of Title 17 of the Code of Federal Regulations, that have received the highest possible rating from at least 1 nationally recognized statistical rating organization and the purchase price of shares of beneficial interest purchased pursuant to this section shall not include any commission that these companies may charge; or (6) participation units in a combined investment fund under section 38A of chapter 29; provided, however, that no temporary notes in anticipation of revenue shall be issued under section 4 as long as any revenue cash, exclusive of revenue sharing or other revenue cash the use of which is restricted to purposes other than current maintenance expenses, remains so invested.

SECTION 95. Subsection (a) of section 55C of said chapter 44, as so appearing i, is hereby amended by inserting after the word "households", in line 7, the following words:- and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B

SECTION 96. Said section 55C of said chapter 44, as so appearing, is hereby amended by inserting after the figure "44B", in line 33, the following words:- ; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

SECTION 97. Said section 55C of said chapter 44, as so appearing, is hereby amended by inserting after the word "releases", in line 44, the following words:- , grant agreements.

SECTION 98. Section 69 of said chapter 44, as so appearing, is hereby amended by inserting after the word "check", in lines 1, 4 and 10, in each instance, the following words:- or electronic funds transfer.

SECTION 99. Said section 69 of said chapter 44, as so appearing, is hereby further amended by striking out, in lines 8 and 9, the word "commissioner" and inserting in place thereof the following words:- city, town or district treasurer.

SECTION 100. Subsection (e) of section 3 of chapter 44B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

A person claiming an exemption provided under this subsection may apply to the board of assessors, in writing, on a form approved by the commissioner of revenue, on or before the deadline for an application for exemption under section 59 of chapter 59. Any person aggrieved by the decision of the assessors, or by their failure to act, upon such application, may appeal as provided in sections 64 to 65B, inclusive, of chapter 59. Applications for exemption under this chapter shall be open for inspection only as provided in section 60 of chapter 59.

SECTION 101. Chapter 54 of the General Laws is hereby amended by inserting after section 33H the following section:-

Section 33I. (a) The state secretary shall examine all types of electronic poll books and determine whether such equipment complies with the minimum requirements for such equipment imposed by regulation promulgated by the state secretary and whether the use of such equipment would further the efficient administration of elections.

(b) Any person owning or interested in such equipment may submit it to the state secretary for examination. For the purpose of assistance in examining such new equipment, the state secretary may, subject to appropriation, employ the services of technical experts.

(c) Any electronic poll book that receives the approval of the state secretary may be used for conducting elections. Any electronic poll book that does not receive such approval shall not be adopted for or used at any election. After such equipment has been approved by the state secretary, any change or improvement in the equipment that does not impair its accuracy, efficiency or capacity shall not render necessary a reexamination or reapproval of the equipment.

(d) A city or town may vote to use approved electronic poll books by a vote of the board of selectmen or town council in a town or city council in a city taken at least 60 days before the first election at which such equipment is to be used. Notification of use of an approved electronic poll book shall be sent to the state secretary within 5 days after the vote.

(e) The state secretary shall promulgate regulations for the certification process, standards, including security, and use of electronic poll books at a polling place or early voting location.

SECTION 102. Section 67 of said chapter 54, as so appearing, is hereby amended by adding the following sentence:- A city or town may vote to use electronic poll books rather than paper voting lists in accordance with section 33I.

SECTION 103. Section 2 of chapter 58 of the General Laws, as so appearing, is hereby amended by inserting after the word “corporations”, in line 6, the following words:- or research and development corporations.

SECTION 104. Said chapter 58 is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. The commissioner may give instructions for preparing the notice and bringing in the lists required by section 29 of chapter 59, and may prescribe forms therefor so arranged that the statement of the person bringing in a list shall include all assessable property held by such person. The commissioner may prescribe forms for the lists and statements required therein relative to property held for literary, temperance, benevolent, charitable or scientific purposes.

SECTION 105. Section 8 of said chapter 58, as so appearing, is hereby amended by striking out the first and second sentences.

SECTION 106. Section 8C of said chapter 58, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentence:-

A city or town may establish, relative to sites or portions of sites that will be used as affordable housing, as defined in section 1 of chapter 60, or affordable housing and commercial, an agreement between the city or town and the developer of the sites or portions of sites, regarding the abatement of up to 75 per cent of the outstanding real estate tax obligations and up to 100 per cent of the outstanding interest and costs on the sites or portions of sites.

SECTION 107. Said section 8C of said chapter 58, as so appearing, is hereby further amended by striking out, in line 28, the words “, the commissioner”.

SECTION 108. Said chapter 58 is hereby further amended by striking out sections 13 to 17, inclusive, as so appearing, and inserting in place thereof the following 5 sections:-

Section 13. As used in this section and sections 14 through 17, inclusive, the following words shall have the following meanings:

“Base year valuation”, for each city and town, the valuation of state-owned land within the city or town as of January 1, 2017 as determined by the commissioner under this section.

“Base year per-acre land valuation”, for each city and town, the valuation per-acre of state-owned land as determined by the commissioner during the base year valuation of state-owned land under this section.

“Fair cash valuation”, for each city and town, the valuation of state-owned land located in the city or town as of January 1 and used to determine the reimbursement in lieu of taxes under section 17 for the fiscal year that begins the July 1 of the following year. The fair cash valuation as of January 1, 2019 shall equal the base year valuation, adjusted by the percentage, if any, by which such valuation has changed, as determined by the commissioner from the biennial equalized valuation reported for the city and town under sections 10 through 10C, inclusive, for January 1, 2018, plus the fair cash valuation of state owned land acquisitions and minus the fair cash valuation of state-owned land dispositions since the base year valuation. The fair cash valuation of any state-owned land acquisitions and dispositions within the city or town shall equal the product of the per-acre land valuation for the city or town times the number of acres of such state-owned land. Thereafter, the fair cash valuation as of any January 1 shall equal the fair cash valuation for the preceding January 1, adjusted in the year for which the commissioner is to establish a valuation under section 14 by the percentage, if any, by which such valuation has changed, as determined by the commissioner from the biennial equalized valuation for the preceding January 1, plus the fair cash valuation of state owned land acquisitions and minus the fair cash valuation of state-owned land dispositions during the preceding calendar year.

“Per-acre land valuation”, for each city and town, the per acre land valuation used to determine the fair cash valuation of state-owned land acquisitions and dispositions during any calendar year. The valuation as of January 1, 2019 shall equal the base year per acre land valuation, adjusted by the percentage, if any, by which such valuation has changed, as determined by the commissioner from the biennial equalized valuation reported for such city and town under sections 10 to 10C, inclusive, for January 1, 2018. Thereafter, the valuation shall equal the per acre land valuation last established, adjusted by the percentage, if any, by which such valuation has changed, as determined by the commissioner from the biennial equalized valuation for the January 1 preceding the year for which the commissioner is to establish a valuation under section 14. The valuation shall be used to determine the fair cash valuation of state-owned land acquisitions and dispositions for the year in which the commissioner makes such per-acre land valuation and the succeeding year, and until another such valuation is made.

“Reimbursement percentage”, for each city and town, the fair cash valuation percentage share of the annual appropriation made for reimbursements in lieu of taxes on state-owned land. The percentage shall be the fair cash valuation of the state-owned land within the city or town as of January 1 divided by the total fair cash valuation of all state-owned land as of January 1.

“State-owned land” all land owned by the commonwealth as of January 1 and used for the purposes of a fish hatchery, game preserve or wild life sanctuary, a state military camp ground, the Soldiers’ Home in Massachusetts, the Soldiers’ Home in Holyoke, a state forest, the University of Massachusetts, or a public institution under the department of correction, the

department of higher education, the department of mental health, the department of developmental services, the department of public health, the department of transitional assistance, or the department of youth services, land owned by the commonwealth known as the Wachusett Mountain State Reservation and the Mount Greylock State Reservation, Blue Hills Reservation, and the Middlesex Fells Reservation and of all land owned by the commonwealth and under the care and control of the department of conservation and recreation and used for recreational or conservation purposes, except land which at the time of the establishment of the department was held by the former Metropolitan District Commission; and of all land held by the department of environmental protection for use as a solid waste disposal facility under sections 18 through 24, inclusive, of chapter 16; and of any land acquired by the low-level radioactive waste management board pursuant to paragraph (g) of section 23 of chapter 111H. "State-owned land" shall not include (1) buildings, structures, improvements or other things erected thereon or affixed thereto, or (2) land which at the time of its acquisition by the commonwealth was exempt from local taxation, except land under the care and control of the department of fish and game and used as a game preserve or wildlife sanctuary and which was at the time of its acquisition by the commonwealth under the care and control of the federal government.

Section 14. In 2019 and every 2 years thereafter, the commissioner, on or before June 1, shall determine the fair cash valuation of state-owned land located within each city or town under section 13. To assist in making the determination the commissioner may require oral or written information from any officer or agent of the commonwealth or of any city or town therein and from any other inhabitant thereof, and may require such information to be on oath. Such officers, agents and persons, so far as able, shall furnish the commissioner with the required information in such form as the commissioner may indicate, within 15 days after being so requested by the commissioner.

With respect to land held by the division of watershed management in the department of conservation and recreation for the purposes named in section 5G of chapter 59, the commissioner shall, by June 1, also determine the fair cash valuation of such land in each city or town by the same method as provided in section 13 for determining the fair cash valuation of state-owned land and notify the division of the valuations.

Section 15. Whenever the commonwealth acquires or disposes of land, the commissioner of the division of capital assets management shall notify the commissioner. The commissioner shall determine whether the acquisition or disposition is state-owned land as defined in section 13. Land so determined by March 1 shall be included in or removed from the annual statement of fair cash valuation and reimbursement percentages made by the commissioner under section 16.

Section 16. The commissioner shall annually deliver, to the state treasurer, a statement of the fair cash valuation reimbursement percentage for each city and town in which state-owned land is located, and of the amount of money to be paid to each such city and town as determined by the following section.

Section 17. The treasurer shall annually, reimburse each city and town in which state-owned land is located, an amount in lieu of taxes upon the reimbursement percentages reported to the treasurer by the commissioner under the preceding section, determined by multiplying the percentages by the amount appropriated for such purposes for the fiscal year. No reimbursements hereunder on account of lands owned by the commonwealth and under the care and control of the department of conservation and recreation and used for recreational or conservation purposes shall be made from the Inland Fisheries and Game Fund.

SECTION 109. Section 17A of said chapter 58 is hereby repealed.

SECTION 110. Section 18F of said chapter 58, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 2 and 3 and in lines 9 and 10, the words “October first of the fiscal year,” and inserting in place thereof ,in each instance, the following words:- November 30 of the fiscal year, or during any fiscal year thereafter.

SECTION 111. Said chapter 58 is hereby further amended by striking out section 31, as so appearing, and inserting in place thereof the following section:-

Section 31. In addition to the forms expressly required by any other provision of law to be as prescribed or approved by the commissioner, the commissioner may prescribe any other form considered necessary or convenient for use under any provision of chapters 59 to 65C, inclusive; provided, that variance from a prescribed form shall not affect the validity of the form so used, if the form used is in substantial conformity to that so prescribed. In any case where the commissioner prescribes a form, the form may be completed or maintained electronically.

SECTION 112. Section 2D of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word “cent”, in lines 2 and 41, each time it appears, the following words:- excluding the value of the land.

SECTION 113. Said section 2D of said chapter 59, as so appearing, is hereby further amended by striking out, in line 17, the words “occupancy takes” and inserting in place thereof the following words:- improvement and issuance of the occupancy permit take.

SECTION 114. Said section 2D of said chapter 59, as so appearing, is hereby further amended by inserting after the word “improvement”, in line 23, the following words:- , or the succeeding fiscal year as the case may be.

SECTION 115. Subsection (e) of said section 2D of said chapter 59, as so appearing, is hereby amended by adding the following sentence:- A property owner aggrieved by the failure of the assessors to so abate may, within 1 year following the fire or natural disaster, apply to the assessors for the abatement.

SECTION 116. Section 5 of said chapter 59, as so appearing, is hereby amended by inserting after the word "Twenty-second F", in line 8, the following word:- , Twenty-second G.

SECTION 117. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 117 and 122, the word “paragraph” and inserting in place thereof, in each instance, the following word:- sentence.

SECTION 118. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 321 and 322, the words “or a manufacturing” and inserting in place thereof the following words:- , manufacturing corporation or research and development.

SECTION 119. The second paragraph of clause Eighteenth A of said section 5 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any such person may, on or before the deadline for an application for exemption under section 59, apply to the board of assessors for an exemption of

such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not such person's spouse, the exemption shall not exceed that proportion of total valuation which the amount of such person's interest in such property bears to the whole tax due.

SECTION 120. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 575 to 578, inclusive, the words "ten thousand dollars, in respect to boats, fishing gear and nets owned and actually used by him in the prosecution of his business if engaged exclusively in" and inserting in place thereof the following words:- $50,000, in respect to boats, fishing gear and nets, owned and actually used by the owner in the prosecution of the owner's business if engaged in commercial fishing and if no less than 50 per cent of the owner's income is from.

SECTION 121. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after clause Twenty-second F the following clause:-

Twenty-second G. Real estate, in any city or town that accepts this clause, that is the residence or domicile of a soldier, sailor or veteran as defined in clause Forty-third of section 7 of chapter 4 or that was the residence or domicile of such soldier, sailor or veteran at the time of such soldier, sailor or veteran's death and that has been transferred or conveyed to a trust or conservatorship or through any other legal instrument passing ownership from the soldier, sailor or veteran to such soldier, sailor or veteran's spouse or surviving spouse; provided, however, that this abatement or exemption shall be equivalent in amount to and bound by all the applicable provisions of any single abatement or exemption under clauses Twenty-second to Twenty-second F, inclusive, that would be available to the residence or domicile were it not so transferred or conveyed; provided further, that the residence or domicile shall be entitled to lawfully retain that tax abatement or exemption until the later of the death of the solider, sailor or veteran, or the death of such soldier, sailor or veteran's surviving spouse; and provided further, that the soldier, sailor or veteran or the surviving spouse shall remain residing in the residence or domicile until their respective deaths.

SECTION 122. The third paragraph of clause Forty-first A of said section 5 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any such person may, on or before the deadline for an application for exemption under section 59, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not such person's spouse, the exemption shall not exceed that proportion of total valuation which the amount of such person's interest in such property bears to the whole tax due.

SECTION 123. Said section 5 of said chapter 59, as so appearing, is hereby further amended by adding the following clause:-

Fifty-eighth. Taxes on the value of a parcel of real property which is included within an executed agreement under section 60B of chapter 40 shall be assessed only on that portion of the value of the property that is not exempt under that section. This exemption shall be for a term not longer than the period specified in the executed agreement entered into pursuant to said section 60B of said chapter 40. The amount of the exemption under this clause for a parcel of real property shall be the exemption percentage adopted under said section 60B of said chapter 40, multiplied by the actual assessed valuation of the parcel.

SECTION 124. Section 5C of said chapter 59, as so appearing, is hereby amended by striking out, in line 6, the word “twenty” and inserting in place thereof the following figure:- 35.

SECTION 125. Said section 5C of said chapter 59, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In those cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such residential exemption may apply for such residential exemption to the assessors, in writing, on a form approved by the commissioner, on or before the deadline for an application for exemption under section 59.

SECTION 126. Section 5I of said chapter 59, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In those cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such commercial exemption may apply for such commercial exemption to the assessors, in writing, on a form approved by the commissioner, on or before the deadline for an application for exemption under section 59.

SECTION 127. Section 5K of said chapter 59, as so appearing, is hereby amended by striking out, in lines 14 and 39, the figure “$1,000” and inserting in place thereof, in each instance, the following figure:- $1,500.

SECTION 128. Section 11 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Taxes on real estate shall be assessed, in the town where it lies, to the person who is the owner on January 1, and the person appearing of record, in the records of the county, or of the district, if such county is divided into districts, where the estate lies, as owner on January 1, even though deceased, shall be held to be the true owner thereof; provided, that whenever the assessors deem it proper, they may assess taxes upon real estate to the person who is in possession thereof on January 1, and such person shall thereupon be held to be the true owner thereof for the purposes of this section; provided, further, that whenever the assessors deem it proper, they may assess taxes upon any present interest in real estate to the owner of such interest on January 1; and provided, further, that in cluster developments or planned unit developments, as defined in section 9 of chapter 40A, the assessment of taxes on the common land, so called, including cluster development common land held under a conservation restriction pursuant to section 31 of chapter 184, the beneficial interest in which is owned by the owners of lots or residential units within the plot, may be included as an additional assessment to each individual lot owner in the cluster development.

SECTION 129. Said section 11 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 37, the words “the commissioner shall certify that”.

SECTION 130. Said section 11 of said chapter 59, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Whenever assessors cannot by reasonable diligence ascertain the name of the person appearing of record, the assessors may assess taxes upon real property to persons unknown.

SECTION 131. Section 23 of said chapter 59, as so appearing, is hereby amended by striking out, in line 10, the words “of that year”.

SECTION 132. Said section 23 of said chapter 59, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- No city, town or district tax rate for any fiscal year shall be changed after it has been approved by the commissioner and returned to the assessors; provided, however, that the commissioner may approve a revised rate if: (i) there was a material understatement or overstatement in the returned rate due to an unintentional, inadvertent or other good faith omission or error by city, town or district officials in reporting the rate; and (ii) the tax bills for the year have not been sent.

SECTION 133. Said chapter 59 is hereby further amended by striking out section 25, as so appearing, and inserting in place thereof the following section:-

Section 25. The assessors of each city or town shall raise by taxation each year a reasonable amount of overlay as the commissioner may approve. The overlay account may be used only for avoiding fractional divisions of the amount to be assessed and for abatements granted on account of property assessed for any fiscal year. Any balance in the overlay account in excess of the amount of the warrants remaining to be collected or abated, as certified by the board of assessors, shall be transferred by the board of assessors upon their own initiative or within 10 days of a written request by the chief executive officer, with written notice to the chief executive officer, to a reserve fund to be appropriated for any lawful purpose. Any balance in a reserve fund at the end of the fiscal year shall be closed out to surplus revenue. This section shall apply to fire, water and improvement districts.

SECTION 134. Section 39 of said chapter 59, as so appearing, is hereby amended by striking out the first 4 sentences and inserting in place thereof the following 5 sentences:- The valuation at which the machinery, poles, wires and underground conduits and wires and pipes of all telephone companies shall be assessed by the assessors of the respective cities and towns where such property is subject to taxation shall be determined annually by the commissioner of revenue, subject to appeal to the appellate tax board, as hereinafter provided. On or before June 15 in each year, the commissioner of revenue shall determine and certify to the owner of such machinery, poles, wires and underground conduits and wires and pipes, and to the board of assessors of every city and town where such machinery, poles, wires and underground conduits and wires and pipes are subject to taxation, the valuation as of January 1 in such year of such machinery, poles, wires and underground conduits and wires and pipes in said city or town. Every owner and board of assessors to whom any such valuation shall have been so certified may, on or before the fifteenth day of July then next ensuing, appeal to the appellate tax board from such valuation. Every such appeal shall relate to the valuation of the machinery, poles, wires and underground conduits and wires and pipes of only 1 owner in 1 city or town, and shall name as appellees the commissioner of revenue and all persons, other than the appellant, to whom such valuation was required to be certified. Any appellee telephone company or board of assessors that has not filed its own appeal by July 15 may file an appeal by July 30 or 15 days after it receives notice of the original appeal against that appellee, whichever is later.

SECTION 135. Section 41 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- Every telephone company owning any property required to be valued by the commissioner under section 39 shall annually, on or before March 1, make a return to the commissioner signed and sworn to by its treasurer. The commissioner may, for cause shown, authorize a later filing, but in no case later than April 1.

SECTION 136. Said chapter 59 is hereby further amended by striking out section 45, as so appearing, and inserting in place thereof the following section:-

Section 45. Each city or town shall provide, on or before January first, annually, suitable books for the use of its assessors in the assessment of taxes, which shall contain blank columns with uniform headings for a valuation list, in the form the commissioner shall, from time to time, determine.

Any books or records required to be furnished to the assessors, or to be kept or maintained by them, under this section, or any section of chapters 59 to 60B, inclusive, may be created, completed or maintained electronically.

SECTION 137. Said chapter 59 is hereby further amended by striking out section 50, as so appearing, and inserting in place thereof the following section:-

Section 50. The books or records required by section 45 shall contain a copy of this section, sections 43, 44, 45 and 46, and the certificates required by law to be signed by the assessors, with any explanatory notes as the commissioner considers necessary to secure uniformity of returns under the several headings.

SECTION 138. The first paragraph of section 57 of said chapter 59, as so appearing, is hereby amended by striking out the second, third, fourth, fifth and sixth sentences and inserting in place thereof the following 5 sentences:- If any betterment assessment or apportionment thereof, water rate, annual sewer use charge and any other charge added to such tax, or more than one-half of the balance of any such tax as reduced by any abatement, remains unpaid either after November 1 of the fiscal year in which it is payable, or after the thirtieth day after the date on which the bill for such tax was mailed after October 1, interest at the rate of 14 per cent per annum, computed from the due date, shall be paid on so much of the unpaid amount as is in excess of said one-half of such balance. If the whole or any part of such tax remains unpaid after May 1 of such fiscal year, in addition to the interest as aforesaid, interest at such rate shall be paid on so much of the balance of such tax not so paid as does not exceed one half of such tax as reduced by any abatement and computed from May 1 of such fiscal year. On or before April 1 of such fiscal year a notice shall be sent out showing the amount of such tax which, if not paid by May 1, shall bear interest computed from May 1. Bills for taxes assessed under section 75 or section 76 shall be sent out seasonably upon commitment, and shall be due and payable on the thirtieth day after the date on which the bill for such tax was mailed for all purposes except the calculation of interest as provided in this section. Taxes shall bear interest as hereinbefore provided in this section with respect to real estate and personal property taxes generally; provided, however, that if a bill for any such taxes is mailed on or after April 1 of the fiscal year to which the tax relates and remains unpaid after the thirtieth day after the date on which such bill was mailed, interest at the aforesaid rate, computed from the due date, shall be paid on so much of the tax that remains unpaid.

SECTION 139. Said section 57 of said chapter 59, amended by section 9 of chapter 10 of the acts of 2015, is hereby further amended by adding the following paragraph:-

For the purposes of determining jurisdictional interest requirements on appeals brought pursuant to chapter 59, the date of delivery for a payment for taxes pursuant to this section that is, after the period or date prescribed by this section, delivered by United States mail or by an alternative private delivery service to the collector shall be deemed to be the date of the United States postmark, the date of the certification of mailing stamped and postmarked by the United

States Postal Service, the date of a certified mail receipt provided by the United States Postal Service or other substantiating date mark permitted by the rules of practice and procedure of the appellate tax board that is affixed on the envelope or other appropriate wrapper in which the payment is mailed or delivered if the payment was mailed in the United States in an envelope of such appropriate wrapper, first class postage prepaid, or delivered to an alternative private delivery service, properly addressed to the collector; provided, however, that a taxpayer shall have the burden of proving the timely mailing of any payment of taxes to said collector pursuant to this section and the collector shall have no obligation to maintain any record relative to the date of mailing of the tax; and provided further, that nothing in this section shall be construed to place the burden of proving any untimely mailing on the collector. As used in this section, "United States postmark" shall mean only a postmark made by the United States Postal Service. This paragraph shall not apply to the calculation of interest pursuant to the first paragraph of this section.

SECTION 140. Said chapter 59 is hereby further amended by striking out section 57A, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

Section 57A. In any city or town that accepts this section, notwithstanding sections 23D, 57 or 57C, a notice of preliminary tax or actual tax bill for real estate or personal property taxes, in an amount not in excess of $100, shall be due and payable in 1 installment and if unpaid after the day the first installment of the notice of preliminary tax or actual tax bill for the year is due, shall be subject to interest at the same rate and from the same date as any delinquent preliminary or actual tax first installment.

SECTION 141. Section 57B of said chapter 59 is hereby repealed.

SECTION 142. The twelfth paragraph of section 57C of said chapter 9, as appearing in the 2014 Official Edition, is hereby amended by striking out the second sentence.

SECTION 143. Said section 57C of said chapter 59, amended by section 10 of chapter 10 of the acts of 2015, is hereby further amended by adding the following paragraph:-

To determine jurisdictional interest requirements on appeals brought pursuant to chapter 59, the date of delivery of a payment for taxes pursuant to this section is, after the period or date prescribed by this section, delivered by United States mail or by an alternative private delivery service permitted by the collector to the collector shall be deemed to be the date of the United States postmark, the date of a certificate of mailing stamped and postmarked by the United States Postal Service, the date of a certified mail receipt provided by the United States Postal Service or other substantiating date mark permitted by the rules of practice and procedure of the appellate tax board that is affixed on the envelope or other appropriate wrapper in which the payment is mailed or delivered if the payment was mailed in the United States in an envelope or such appropriate wrapper, first class postage prepaid, or delivered to an alternative private delivery service, properly addressed to the collector; provided, however, that a tax payer shall have the burden of providing the timely mailing of any payment of taxes to said collector pursuant to this section and the collector shall have no obligation to maintain any record relative to the date of mailing of the tax; and provided further, that nothing in this section shall be construed to place the burden of proving any untimely mailing on the collector. As used in this section, "United States postmark" shall mean only a postmark made by the United States Postal Service. This paragraph shall not apply to the calculation of interest set forth in the preceding paragraphs of this section.

SECTION 144. Section 59 of said chapter 59 is hereby amended by striking out, in line 2, as appearing in the 2014 Official Edition, the words “administrator of the estate of such person or the executor” and inserting in place thereof the following words:- personal representative of the estate of such person or the personal representative.

SECTION 145. The first paragraph of said section 59 of said chapter 59, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The holder of a mortgage on real estate who has paid not less than 1/2 of the tax thereon may, during the last 10 days of the abatement period of the year to which the tax relates, apply in the manner above set forth for an abatement of such tax provided the person assessed has not previously applied for abatement of such tax, and thereupon the right of the person assessed to apply shall cease and determine.

SECTION 146. Said section 59 of said chapter 59 is hereby further amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph:-

An application for exemption under clause Seventeenth, Seventeenth C, Seventeenth C½, Seventeenth D, Eighteenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C½, Forty-second, Forty-third, Fifty-second, Fifty-third, Fifty-sixth and Fifty-seventh of section 5 may be made on or before April 1 of the year to which the tax relates, or within 3 months after the bill or notice of assessment was sent, whichever is later.

SECTION 147. Section 59A of said chapter 59, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words “interest, penalties and payment of real estate tax obligations”, and inserting in place thereof the following words:- real estate tax obligations, interest and costs.

SECTION 148. Said section 59A of said chapter 59, as so appearing, is hereby further amended by striking out, in line 25, the words “, the commissioner”.

SECTION 149. Section 64 of said chapter 59, as so appearing, is hereby amended by striking out, in line 14, the figure “$3,000” and inserting in place thereof the following figure:- $5,000.

SECTION 150. Said section 64 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 15, the word “has” and inserting in place thereof the following words:- , including all preliminary and actual installments, has.

SECTION 151. Said section 64 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 17 and 25, the word “fifty-seven” and inserting in place thereof, in each instance, the following words:- 23D, 57 or 57C.

SECTION 152. Section 70A of said chapter 59, as so appearing, is hereby amended by striking out, in line 30, the words “of the year of such tax”.

SECTION 153. Section 72 of said chapter 59 is hereby repealed.

SECTION 154. Section 81 of said chapter 59, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 2, the word “seven” and inserting in place thereof the following figure:- 30.

SECTION 155. Section 2 of chapter 60 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In cities and towns that accept this paragraph, if the collector is satisfied that an unpaid tax on land committed to the collector or any of the collector's predecessors in office for collection was assessed on a valuation insufficient to meet the charges or expenses of collection, or if any other committed tax is unpaid and is less than $25, the collector may notify the assessors in writing, on oath, stating why the tax cannot be collected. Upon receipt of the request, the assessors shall act on the request immediately and, after due inquiry, may abate the tax and shall certify the abatement in writing to the collector. The certificate of abatement shall discharge the collector from further obligation to collect the tax so abated.

SECTION 156. Section 3 of said chapter 60, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- The collector shall immediately, after receiving a tax list and warrant send notice to each person assessed, resident or non-resident, of the amount of the person's tax. If the notice is mailed, it shall be postpaid and directed to the assessed person at the person's residential address on January 1 if known, or the address of the real estate or personal property to which the tax relates, unless the person shall otherwise direct the collector, in writing, in time and manner as the collector may require.

SECTION 157. Section 3A of said chapter 60, as so appearing, is hereby amended by striking out, in lines 62 and 63, the words "subsection (a)" and inserting in place thereof the following words:- subsection (b).

SECTION 158. Section 3B of said chapter 60 is hereby repealed.

SECTION 159. Section 3C of said chapter 60, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word "and", in line 9, the following word:- vote.

SECTION 160. Section 3C of said chapter 60 , as so appearing, is hereby further amended by striking out, in line 12, the word "and" and inserting in place thereof the following word:- or.

SECTION 161. The third paragraph of said section 3C of said chapter 60, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In any city or town establishing a scholarship fund or educational fund, there shall be a scholarship committee or educational fund committee to consist of the superintendent of the city or town schools or designee, and no fewer than 4 residents of the city or town appointed by the mayor or board of selectmen to a term of 3 years.

SECTION 162. Said section 3C of said chapter 60, as so appearing, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The scholarship committee may distribute financial aid, or the educational committee may distribute supplemental educational funds for the school, from both interest and principal of the fund without further appropriation. The scholarship committee or education committee shall establish a procedure for determining the amounts or percentage of the funds that shall be authorized for distribution and for notifying the investing officer or agency so that the funds may be made available in a timely manner and with a minimum of penalties.

SECTION 163. Said chapter 60 is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. The collector shall make and keep the book, or an electronically prepared record, containing the tax list committed to the collector and against the name of every person assessed for a tax shall make entries showing the disposition thereof, whether reassessed, abated or paid, and the date of such disposition.

SECTION 164. Section 50 of said chapter 60, as so appearing, is hereby amended by striking out the fifth and sixth sentences.

SECTION 165. Said chapter 60 is hereby further amended by striking out section 57A, as so appearing, and inserting in place thereof the following section:-

Section 57A. If any check or electronic funds transfer in payment of any tax, interest, penalty, fee or other charge imposed under chapters 59 to 61A, inclusive, or chapter 80 or for any other municipal service rendered is not duly paid there may, in addition to any other penalties provided by law, be paid as a penalty by the person who tendered such check or electronic funds transfer, upon notice and demand by the city or town tax collector, in the same manner as the tax or other amount to which the check or electronic funds transfer relates, an amount equal to 1 per cent of the amount of such check or electronic funds transfer; provided, however, that if the amount of such check or electronic funds transfer is less than $2,500, the penalty under this section shall be $25. Any person upon whom such penalty is imposed may appeal to the city or town tax collector who shall abate the same if the tax collector determines that such person tendered such check or electronic funds transfer in good faith and with reasonable cause to believe that it would be paid.

SECTION 166. Section 77 of said chapter 60, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Before foreclosure so much of the provisions of any covenant or agreement running with the land as calls for the payment of money by the owner thereof shall not be enforceable against a city or town which is the owner of record of the land under a tax title or taking, except during any period in which the city or town directly or indirectly in any capacity accepts or receives the benefit of such covenant or agreement or of any right or privilege created or affected thereby.

SECTION 167. Section 81A of said chapter 60, as so appearing, is hereby amended by striking out the third, fourth, fifth and sixth paragraphs and inserting in place thereof the following paragraph:-

If at the expiration of the 30-day period, the inspector of buildings is of the opinion that action has not been initiated to correct the conditions described in the notice, the inspector shall immediately make an affidavit, under penalties of perjury, that the buildings on the land have been found to be abandoned property. The affidavit shall include therein the facts and circumstances which formed the basis of the inspector's findings, and a copy of the notice served on the record owner, or if service was by publication, an account of the steps taken to locate the record owner and a copy of the published notice. The affidavit shall be submitted to the treasurer and, when recorded at the registry of deeds for the district wherein the land lies, shall be prima facie evidence of such facts.

SECTION 168. Section 95 of said chapter 60, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Upon filing for record or registration a statement under section 37A that a sale or taking cannot be legally made, the collector shall transmit a copy of the recorded statement to the city auditor, town accountant or officer having similar duties, who shall record the taxes that are the subject of the statement as taxes in litigation, and the collector shall be credited with those taxes until the time the collector must sell or take the land under that section.

SECTION 169. Said chapter 60 is hereby further amended by striking out section 105, as so appearing, and inserting in place thereof the following section:-

Section 105. Forms to be used in proceedings for the collection of taxes under this chapter and chapter 59 and of assessments which the collector is authorized or required by law to collect shall be as prescribed by the commissioner. In any case where the commissioner prescribes a form, the form may be completed or maintained electronically.

SECTION 170. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following 2 paragraphs:-

The excise imposed by this section shall not apply to motor vehicles leased for a full calendar year to a charitable organization when such vehicle is owned and registered by a lessor engaged in the business of leasing motor vehicles. The term “charitable organization”, as used in this section, shall mean an organization, other than a degree granting or diploma awarding educational institution, whose personal property is exempt from taxation under clause Third of section 5 of chapter 59.

In any city or town that accepts this paragraph, the excise tax imposed by this section shall not apply to a motor vehicle owned and registered by or leased to a former prisoner of war defined as any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated and incarcerated by an enemy of the United States during an armed conflict, or to a motor vehicle owned and registered by or leased to the surviving spouse of a deceased former prisoner of war, until such time as the surviving spouse remarries or fails to renew the registration.

SECTION 171. Section 2A of said chapter 60A, as so appearing, is hereby amended by striking out, in line 18, the words “and by the joint committee on taxation”.

SECTION 172. Chapter 61A of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. (a) Land used primarily and directly for agricultural purposes pursuant to section 1 or land used primarily and directly for in horticultural use pursuant to section 2 may, in addition to being used primarily and directly for agriculture or horticulture, be used to site a renewable energy generating source, as defined in subsection (b) of section 11F of chapter 25. A renewable energy generating source on land primarily and directly used for agricultural purposes pursuant to section 1 or land primarily and directly used for horticultural purposes pursuant to section 2 shall: (i) produce energy for the exclusive use of the of the land and farm upon which it is located, which shall include contiguous or non-contiguous land owned or leased by the owner or in which the owner otherwise holds an interest; and (ii) not produce more than 125 per cent of the annual energy needs of the land and farm upon which it is located, which shall include

contiguous or non-contiguous land owned or leased by the owner or in which the owner otherwise holds an interest.

(b) Land used primarily and directly for agricultural purposes pursuant to section 1 or land used primarily and directly for horticultural purposes pursuant to section 2 shall be deemed to be in agricultural or horticultural use pursuant to this chapter if used to simultaneously site a renewable energy generating source pursuant to subsection (a).

(c) Renewable energy generating sources located on land used primarily and directly for agricultural purposes pursuant to section 1 or land used primarily and directly for horticultural purposes pursuant to section 2 shall be subject to local zoning requirements applicable to renewable energy generating sources.

SECTION 173. The first paragraph of section 13 of said chapter 61A, as appearing in the 2014 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:-

Notwithstanding this paragraph, roll-back taxes shall not be assessed if the land involved, or a lesser interest in the land, is: (a) acquired for a natural resource purpose by (1) the city or town in which it is situated; (2) the commonwealth; or (3) a nonprofit conservation organization; (b) used or converted to a renewable energy generating source pursuant to section 2A; (c) subject to a permanent wetland reserve easement through the agricultural conservation easement program established pursuant to 16 U.S.C. 3865c; or (d) otherwise subject to another federal conservation program; provided, however, that if a portion of the land is sold or converted to commercial, residential or industrial use within 5 years after acquisition by a nonprofit conservation organization, roll-back taxes shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had the transaction been subject to a roll-back tax.

SECTION 174. Said section 13 of said chapter 61A, as so appearing, is hereby further amended by inserting after the figure “61B”, in line 59, the following words:- or renewable energy generating source pursuant to section 2A.

SECTION 175. Section 4 of chapter 64J of the General Laws, as so appearing, is hereby amended by inserting after the word “in”, in line 4, the following words:- or due to.

SECTION 176. Section 13 of said chapter 64J, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The provisions of this chapter relative to the imposition, payment, collection and distribution of an excise on the sale or use of aircraft fuel shall apply after acceptance by a city or town: (i) in which an airport is located if accepted and in effect before December 31, 1987; and (ii) that owns an airport, wherever located.

SECTION 177. Said section 13 of said chapter 64J, as so appearing, is hereby further amended by adding the following sentence:- A city or town in which an airport it does not own is located and in which this chapter took effect after December 30, 1987 shall be deemed to have revoked its acceptance as of December 31, 2015.

SECTION 178. Section 6 of chapter 70B of the General Laws, as so appearing, is hereby amended by striking out, in line 72 the words “in section 7” and inserting in place thereof the following words:- by the director of accounts pursuant to section 38.

SECTION 179. Section 14D of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting after the word “school”, in line 9, the following word:- committee.

SECTION 180. Section 16 of said chapter 71, as so appearing, is hereby amended by striking out, in lines 53 and 54, the words “division of local services in the department of revenue” and inserting in place thereof the following words:- director of accounts pursuant to section 38 of chapter 44.

SECTION 181. Section 16C of said chapter 71, as so appearing, is hereby amended by inserting after the word “transportation”, in line 7, the following words:- , subject to appropriation.

SECTION 182. Said chapter 71 is hereby further amended by striking out section 16E, as so appearing, and inserting in place thereof the following section:-

Section 16E. A regional school district shall be considered a district for purposes of conducting periodic audits under sections 35, 38, 39, 40, 41 and 42 of chapter 44. Upon the completion of each audit, a copy shall be sent to the chief executive officer and the school committee of each city or town that is a member of the district. The cost of each audit shall be apportioned among the several cities and towns that are members of the district in the same manner as the annual expenses of the district.

SECTION 183. Section 16G½ of said chapter 71, as so appearing, is hereby amended by striking out, in lines 8 and 9, and in line 25, the words “director of accounts” and inserting in place thereof, in each instance, the following words:- commissioner of elementary and secondary education.

SECTION 185. Said chapter 71 is hereby further amended by striking out section 26A, as so appearing, and inserting in place thereof the following section:-

Section 26A. If the school committee of a city, town or regional school district determines that sufficient need exists therein for extended school services for children, the school committee, subject to section 26B, may establish and maintain such services.

SECTION 186. Section 26B of said chapter 71, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “in such town upon approval of the city council or selectmen, it shall submit in writing a plan of said services to the commissioner of” and inserting in place thereof the following words:- , it shall submit in writing a plan of said services to the commissioner of elementary and secondary education.

SECTION 187. Said chapter 71 is hereby further amended by striking out section 26C, as so appearing, and inserting in place thereof the following section:-

Section 26C. The commonwealth and the school committee may accept funds from the federal government for the purposes of sections 26A to 26D, inclusive. The school committee may receive contributions in the form of money, material, quarters or services for the purposes of the sections from organizations, employers and other individuals. The contributions received in the form of money, together with fees from parents and any allotments received from the federal government for said purposes, shall be deposited with the treasurer of such city, town or regional

school district and held as a separate account and expended by said school committee without appropriation, notwithstanding section 53 of chapter 44

SECTION 188. Section 71C of said chapter 71, as so appearing, is hereby amended by striking out, in line 6, the words “three thousand dollars” and inserting in place thereof the following figure:- $10,000.

SECTION 189. Said chapter 71 is hereby further amended by striking out section 71E, as so appearing, and inserting in place thereof the following section:-

Section 71E. In any city, town or regional school district that accepts this section, all monies received by the school committee in connection with the conduct of adult education and continuing education programs, including, but not limited to: (1) adult physical fitness programs conducted under section 71B; (2) summer school programs and enrichment programs, authorized by the school committee and in connection with the use of school property under section 71; and (3) including parking fees, shall be deposited with the treasurer of the city, town or regional school district and held as separate accounts. The receipts held in such a separate account may be expended by the school committee without further appropriation for the purposes of the program or programs from which the receipts held in such account were derived or, in the case of the use of school property account, for expenses incurred in making school property available for such use, notwithstanding section 53 of chapter 44.

A city, town or regional school district may appropriate funds for the conduct of any such program or for expenses incurred in making school property available for such use, which funds shall be expended by the school committee in addition to funds provided from other sources.

Acceptance in a city or town shall be in the manner provided in section 4 of chapter 4 and in a regional school district by vote of the regional school committee. In a city, town or regional school district that accepts this paragraph, said city, town or district may rescind its original acceptance every third year thereafter.

SECTION 190. Section 14B of chapter 74 of the General Laws, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentences: -

In any city or town that accepts this section in the manner provided in section 4 of chapter 4 or in a regional school district that accepts it as provided in this section, any income received from the purchase and sale of products produced in the culinary arts subject area of the home economics program, or any other vocational-technical program conducted in any public vocational-technical high school shall be deposited in a special fund by the school committee in any banking institution in the commonwealth. Expenditures may be made from said fund by the school committee for purposes needed for the culinary arts subject area or in the case of a fund established for any other program, such funds may be expended for the purposes of such program area without further appropriation, notwithstanding section 53 of chapter 44; provided, however, that said special funds shall not be used to pay the salary of any employee.

SECTION 191. Chapter 80of the General Laws is hereby amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. Assessments made by a board of the commonwealth under this chapter shall bear interest at 1 rate of 5 per cent per annum or, at the election of the board at a rate up to 2 per cent above the rate of interest chargeable to the body politic on behalf of which the assessment

was made, for the betterment project to which the assessments relate, from the thirtieth day after the date the notice of such assessments was sent by the collector. All other assessments made under this chapter shall bear interest at 1 rate of 5 per cent per annum or, at the election of the city, town or district at a rate up to 2 per cent above the rate of interest chargeable to the city, town or district for the betterment project to which the assessments relate, from the thirtieth day after the date the notice of such assessments was sent by the collector. The assessors shall add each year to the annual tax assessed with respect to each parcel of land all assessments, constituting liens thereon, which have been committed to the collector prior to January second of such year and which have not been apportioned as hereinafter provided, remaining unpaid, as certified to them by the collector, when the valuation list is completed, with interest to the date when interest on taxes becomes due and payable. At any time before the completion by the assessors of the valuation list for the year in which such assessments will first appear on the annual tax bill, the board of assessors may, and at the request of the owner of the land assessed shall, apportion all assessments or unpaid balances thereof made under this chapter into such number of equal portions, not exceeding 20, as is determined by said board or as is requested by the owner, as the case may be, but no one of such portions shall be less than 5 dollars; provided, that, if an original assessment exceeds $100 and has been placed upon the annual tax bill, or has been apportioned into a number of portions less than 20 and the first portion has been placed upon an annual tax bill, the board of assessors may in its discretion, upon a request for the apportionment of such assessment into 20 portions made by the owner prior to a sale or taking of the land for the non-payment of such assessment or portion and upon payment of any necessary intervening charges and fees and such portions of such assessment as would have become due and payable if the request for apportionment had been seasonably made, apportion or reapportion the said assessment as aforesaid, and if any other tax or assessment constituting a lien upon the parcel to which the assessment so apportioned or reapportioned relates remains unpaid after such apportionment or reapportionment, the collector may institute proceedings anew for the sale or taking of such parcel at any time prior to the expiration of the lien or of a period of 20 days after such apportionment or reapportionment, whichever is the later. In any case in which an assessment relates to a state-funded project, the apportionment or reapportionment described herein shall be undertaken in accordance with the terms aforesaid by the board on whose behalf the assessment was made; provided, however, that the apportionment shall be made of said assessments or unpaid balances together with any interest due thereon. The assessors shall add one of said portions, with interest on the amount remaining unpaid from 30 days after the date the notice of the original assessment was sent by the collector to the date when interest on taxes becomes due and payable, to the first annual tax upon the land and shall add to the annual tax for each year thereafter 1 of said portions and 1 year's interest on the amount of the assessment remaining unpaid until all such portions shall have been so added; all assessments and apportioned parts thereof, and interest thereon as herein provided, which have been added to the annual tax on any parcel of land shall be included in the annual tax bill thereon. After an assessment or a portion thereof has been placed on the annual tax bill, the total amount of said bill shall be subject to interest under and in accordance with the provisions of section 57 or section 57C of chapter 59.

Notwithstanding the foregoing, or any general or special law to the contrary, a city, town or district may elect to: (1) apportion any assessments, or the unpaid balances of such assessments, into annual portions equal to the number of years for which bonds are issued for the project for which the assessments are made; (2) structure the portions so that the amount payable each year for assessment principal and interest combined are as nearly equal as practicable or, in the alternative, provides for a more rapid amortization of the assessment principal amount where the debt service on the bonds issued for the project is so structured; or (3) make the annual

portion so structured payable in the same number of preliminary and actual installments as the real estate tax in the city, town or district, with each installment equal in amount and due at the same time as each installment of the tax.

Notwithstanding a prior apportionment, the assessors, upon written application of the owner of the land assessed, shall order that the full amount, or any portion thereof, remaining unpaid of any assessment be payable forthwith and shall commit said amount, together with interest thereon from 30 days after the date the notice of the original assessment was sent if no portion has been added to a tax levy, or if a portion has been added to a tax levy, then with interest from October 1 of the year to which the last portion has been added, with their warrant therefor, to the collector for collection. If a part of a prior apportioned assessment is ordered to be payable forthwith, the payments shall be credited to the terminal or final years so as to reduce the period of payment.

SECTION 192. Section 16A of chapter 83 of the General Laws, as so appearing, is hereby amended by inserting after the word "deeds", in line 4, the following words:- , and files a copy of said certificate with the collector of taxes of the city or town in which the lien hereinafter mentioned is to take effect.

SECTION 193. Chapter 90 of the General Laws is hereby amended by inserting after section 17B the following section:-

Section 17C. (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

(b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17.

SECTION 194. Said chapter 90 is hereby further amended by inserting after section 18A the following section:-

Section 18B. (a) Notwithstanding section 18 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour.

(b) The operation of a motor vehicle in such zone at a speed exceeding the speed limit established under this section shall be a violation of section 17.

SECTION 195. Section 1 of chapter 90C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the definition of "Audit sheet" and inserting in place thereof the following definition:-

“Audit sheet”, a list of unique numbers assigned to the citations in a particular citation book, or in electronic format, in such form as the registrar shall determine.

SECTION 196. Said section 1 of said chapter 90C, as so appearing, is hereby further amended by striking out the definition of “Citation” and inserting in place thereof the following definition:-

“Citation”, a notice, whether issued in handwritten form from a citation book or issued electronically and then printed on paper, upon which a police officer shall record an occurrence involving all automobile law violations by the person cited. Each citation shall be numbered and shall be in such form and such parts as determined jointly by the administrative justice of the district court department and the registrar.

SECTION 197. Said section 1 of said chapter 90C, as so appearing, is hereby further amended by inserting after the word “town” , in line 60, the following words:- , or his or her designee.

SECTION 198. Said section 1 of said chapter 90C, as so appearing, is hereby further amended by striking out, in lines 61 and 62, the words “chairman of the Massachusetts Department of Transportation” and inserting in place thereof the following words:- secretary of transportation or the secretary’s designee.

SECTION 199. The first paragraph of section 2 of said chapter 90C, as so appearing, is hereby amended by adding the following 2 sentences:- The executive office of public safety and security shall promulgate rules and regulations establishing the standards required by this section for the issuance of electronic citations, including the proper equipment to be maintained by each department. In lieu of issuing citation books or in addition thereto, each police chief whose department issues citations electronically may grant authority to do so to each police officer of his or her department who has been trained pursuant to the regulations promulgated pursuant to this section.

SECTION 200. Said section 2 of said chapter 90C, as so appearing, is hereby further amended by striking out, in line 66, the words “by said police officer and by the violator” and inserting in place thereof the following words:- , manually or electronically, by the police officer.

SECTION 201. The fourth paragraph of said section 2 of said chapter 90C, as so appearing, is hereby amended by striking out the fourth sentence.

SECTION 202. Said section 2 of said chapter 90C, as so appearing, is hereby further amended by striking out, in line 96, the word “him” and inserting in place thereof the following words:- the police officer; provided, however, that if a citation has been issued electronically, an electronic record shall be made and delivered to the police chief.

SECTION 203. Said section 2 of said chapter 90C, as so appearing, is hereby further amended by inserting after the word “citation”, in line 104, the following words:- or, if issued electronically, shall retain the police department report of the issuance.

SECTION 204. Said section 2 of said chapter 90C, as so appearing, is hereby further amended by inserting after the word “citations”, in line 106, the following words:- issued from a citation book.

SECTION 205. Said section 2 of said chapter 90C, as so appearing, is hereby further amended by inserting after the word “registrar”, in line 108, the following words:- or, in the case of citations issued electronically alleging a civil motor vehicle infractions, shall ensure that such citations are electronically forwarded as required.

SECTION 206. Said section 2 of said chapter 90C, as so appearing, is hereby further amended by inserting after the word “copies”, in line 110, the following words:- or electronic records.

SECTION 207. Said section 2 of said chapter 90C, as so appearing, is hereby further amended by inserting after the word “citation”, in line 121, the following words:- issued from a citation book.

SECTION 208. The last paragraph of said section 2 of said chapter 90C, as so appearing, is hereby amended by adding the following sentence:- If any record of a citation issued electronically is spoiled, mutilated or voided, the record of such electronic citation, to the extent it can be recovered, shall be endorsed with a full explanation thereof by the police officer voiding such electronic citation and it shall be forwarded to the registrar in a manner approved by the registrar and the officer shall be prepared to account for the void in an electronic audit trail.

SECTION 209. Section 3 of said chapter 90C, as so appearing, is hereby amended by striking out, in line 37, the words “the back of”.

SECTION 210. Said section 3 of said chapter 90C, as so appearing, is hereby further amended by striking out, in line 245, the word “and” and inserting in place thereof the following words:- , in a format acceptable to the district court, and.

SECTION 211. The second paragraph of section 4 of said chapter 90C, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- If an arrest is made and the citation is issued electronically, such notation of arrest shall be made on the printed copy and on any additional printed copies provided to the court and shall be made on the electronic record of the citation as agreed upon by the administrative justice of the district court and the registrar.

SECTION 212. Section 27A of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word “each” and inserting in place thereof the following words:- their respective boards of health and, in a city having a Plan E charter by the affirmative vote of a majority of all members of the city council, in other cities by a vote of the city council and approval of the mayor, and in a town by a vote of the board of selectmen.

SECTION 213. Section 27B of said chapter 111, as so appearing, is hereby amended by striking out, in line 5, the words “vote of a town at a regular annual town meeting” and inserting in place thereof the following words:- a vote of the board of selectmen.

SECTION 214. Said section 27B of said chapter 111, as so appearing, is hereby further amended by striking out, in line 32, the words “at a town meeting” and inserting in place thereof the following:- by vote of the board of selectmen.

SECTION 215. Section 31 of said chapter 111, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

In a municipality with a municipal agricultural commission established pursuant to section 8L of chapter 40, the board of health in that municipality shall, during the publication period, solicit and consider comments submitted by the commission on regulations that have an impact on farming or agriculture as defined in section 1A of chapter 128.

SECTION 216. The fourth paragraph of section 5 of chapter 121B of the General Laws, as so appearing, is hereby amended by adding the following 2 sentences:- If the department does not fill a vacancy in the position of that member within 120 days from the date that the vacancy is created, the board of selectmen shall appoint, in writing, a person by a majority vote to fill such vacancy for the unexpired term. In a city, the mayor shall appoint a person subject to confirmation by the city council for the unexpired term.

SECTION 217. Section 22 of said chapter 121B is hereby repealed.

SECTION 218. Section 24 of said chapter 121B, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 9 to 12, inclusive, the words “, without first obtaining a finding of financial feasibility from the emergency finance board described in section twenty-two, or the commission authorized to succeed to the function of said board under said section,”.

SECTION 219. Section 3 of chapter 121C of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “a town at an annual town meeting or a special town meeting called for the purpose” and inserting in place thereof the following words:- by the board of selectmen in a town.

SECTION 220. Section 11 of said chapter 121C, as so appearing, is hereby amended by striking out the third sentence.

SECTION 221. Section 3A of chapter 139 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words “for two years from the first day of October” and inserting in place thereof the following words:- , unless dissolved by payment or abatement, until such debt has been added to or committed as a tax pursuant to this section, and thereafter, unless so dissolved, shall continue as provided in section 37 of chapter 60; provided, however, that if any such debt is not added to or committed as a tax pursuant to this section for the next fiscal year commencing after the filing of the statement, then the lien shall terminate on October 1 of the third year.

SECTION 222. Section 5 of chapter 141 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 to 7, inclusive, the words “ten nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than five hundred dollars” and inserting in place thereof the following words:-$1,000 and not more than $1,500, for a second offence by a fine of not less than $1,500 and not more than $2,000 and for each subsequent offence by a fine of not less than $2,000 and not more than $2,500.

SECTION 223. The first paragraph of section 21A of chapter 147 of the General Laws, as so appearing, is hereby amended by adding the following 2 sentences:- No person shall be too old for appointment as a cadet if he or she was of qualifying age at the time of application to a cadet

program. An appointment to a cadet program shall not be terminated for age unless the cadet has completed 2 years of service.

SECTION 224. Subsection (2) of section 44A of chapter 149 of the General Laws is hereby further amended by striking out paragraphs (A) and (B), as amended by section 36 of chapter 10 of the acts of 2015, and inserting in place thereof the following 2 paragraphs:-

(A) Every contract or procurement for the construction, reconstruction, installation, demolition, maintenance or repair of a building by a public agency estimated to cost less than $10,000 shall be obtained through the exercise of sound business practices as defined in section 2 of chapter 30B. The public agency shall make and keep a record of each procurement that, at a minimum, shall include the name and address of the person from whom the services were procured. A public agency that utilizes a vendor on a statewide contract procured through the operational services division of the commonwealth, or a blanket contract procured by the public agency pursuant to this subsection, shall be deemed to have obtained the contract through sound business practices.

(B) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building estimated to cost not less than $10,000 but not more than $50,000 shall be awarded to the responsible person offering to perform the contract at the lowest price. The public agency shall make public notification of the contract and shall seek written responses from no fewer than 3 persons who customarily perform such work. The solicitation shall include a scope-of-work statement that defines the work to be performed and provides potential responders with sufficient information regarding the objectives and requirements of the public agency and the time period within which the work shall be completed. The public agency shall record the names and addresses of all persons from whom written responses were sought, the names of the persons submitting written responses and the date and amount of each written response. A public agency may utilize a vendor list established through a statewide contract procured through the operational services division to identify 1 or more of the persons from whom it will seek written responses for purposes of this paragraph. A public agency may also procure a blanket contract to establish a listing of vendors in certain defined categories of work that are under contract to provide services for multiple individual tasks of not more than $50,000 each, and from whom written responses will be sought. Any such blanket contract procured by the awarding authority shall be procured pursuant to either section 39M of chapter 30 or sections 44A to 44J, inclusive, of chapter 149 which are applicable to projects over $50,000. For purposes of this paragraph, the term “public notification” shall include, but not be limited to, posting at least 2 weeks before the time specified in the notification for the receipt of responses, the contract and scope-of-work statement: (1) on the website of the public agency, (2) on the COMMBUYS system administered by the operational services division, (3) in the central register published pursuant to section 20A of chapter 9 and (4) in a conspicuous place in or near the primary office of the public agency; provided, however, that if the public agency obtains a minimum of 2 written responses from a vendor list established through a blanket contract or a statewide contract procured through the operational services division, and the lowest of those written responses is deemed acceptable to the public agency, public notification is not required.

SECTION 225. Said section 44A of said chapter 149 is hereby further amended by striking out, in line 75, as appearing in the 2014 Official Edition, the words “not less than $25,000” and inserting in place thereof the following words:- more than $50,000.

SECTION 226. Said section 44A of said chapter 149 is hereby further amended by striking out, in line 76, as so appearing, the figure "$100,000" and inserting in place thereof the following figure:- $150,000

SECTION 227. Said section 44A of said chapter 149 is hereby further amended by striking out, in line 87, as so appearing, the figure "$100,000" and inserting in place thereof the following figure:- $150,000

SECTION 228. Section 44F of said chapter 149, as so appearing, is hereby amended by striking out, in line 6, the figure "$20,000" and inserting in place thereof the following figure:- $25,000

SECTION 229. Said section 44F of said chapter 149, as so appearing, is hereby further amended by striking out, in line 42, the words "ten thousand dollars" and inserting in place thereof the following figure :- $25,000.

SECTION 230. Section 44J of said chapter 149, as so appearing, is hereby amended by inserting after the word "project", in line 16, the following words:- , and on the COMMBUYS system administered by the operational services division.

SECTION 231. Chapter 217of the General Laws is hereby amended by inserting after section 16 the following section:-

Section 16A. The register in each county shall, upon the request in writing of the board of assessors of any city or town in the register's county, furnish the board with copies of petitions, formal and informal, pursuant to sections 3-301 and 3-402 of chapter 190B, for probate of will, for appointment of personal representative and for the adjudication of intestacy, filed in the county registry in relation to decedents whose domicile, as stated in the petition, was in the city or town of the board.

The register may furnish the board with a list of such petitions that shall contain: (1) the name of decedent; (2) decedent's date of death; (3) street address and city or town of decedent as stated on the petition; (4) filing date of petition; and (5) docket number.

SECTION 232. Section 21 of chapter 218 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word "however", in line 7, the following words:- ", that a city or town may bring an action under section 35 of chapter 60 for the collection of unpaid taxes on personal property or an action which shall not exceed $15,000; and provided further.

SECTION 233. Said section 21 of said chapter 218, as so appearing, is hereby further amended by inserting after the word "action", in line 38, the following words:- by a city or town under said section 35 of said chapter 60 for the collection of unpaid taxes on personal property or an action by a city or town which shall not exceed $15,000.

SECTION 234. Section 1 of chapter 74 of the acts of 1945, as appearing in section 215 of chapter 149 of the acts of 2004, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For purposes of this act, the term "board" shall mean the municipal finance oversight board, as defined in section 1 of chapter 44A of the General Laws.

SECTION 235. Section 2 of said chapter 74, as amended by section 1 of chapter 279 of the acts of 1960, is hereby further amended by striking out the first and second sentences and inserting in place thereof the following 2 sentences:- Any county, except Suffolk or Nantucket, if authorized by the county commissioners or any city or town, including the cities of Boston and Worcester, if authorized by a 2/3 vote, as defined in section 1 of chapter 44 of the General Laws, with the approval of the mayor in a city or the board of selectmen in a town or, in a district, with the approval of the prudential committee, may engage in any useful public works project in cooperation with the federal government in any program pursuant to any act or joint resolution of congress but only where the borrowing is approved by the board and the proper federal authorities have approved a grant or loan or a grant and loan therefor of federal money pursuant to any act or joint resolution of congress. Such approved projects shall be carried out in all respects subject to the act or joint resolution and to such terms, conditions, rules and regulations not inconsistent with applicable federal laws and regulations as the board may establish to ensure proper execution of such projects.

SECTION 236. The first sentence of the fourth paragraph of section 15 of chapter 701 of the acts of 1960, as appearing in section 34 of chapter 359 of the acts of 2010, is hereby amended by striking out the figure "$25,000" and inserting in place thereof the following figure:- $50,000.

SECTION 237. Section 276 of chapter 165 of the acts of 2014 is hereby amended by striking out, in line 3, the figure "and 2017" and inserting in place thereof the following figures:- 2017, 2018, 2019 and 2020.

SECTION 238. Any city, town, district, municipal lighting plant or county that established an OPEB Fund pursuant to section 20 of chapter 32B of the General Laws before the effective date of this act shall continue said fund under the terms originally established unless such city, town, district or municipal lighting plant or county reaccepts said section 20 of said chapter 32B after the effective date of this act.

SECTION 239. On or before April 1, 2017, all telephone companies and distribution companies as defined in chapter 164 of the General Laws shall jointly prepare and file an annual report to the joint committee on telecommunications, utilities and energy and the joint committee on municipalities and regional government. The annual report shall include the following information as of December 31, 2016: (i) the number of double poles at the beginning and end of the reporting period; (ii) double pole activity, including all attachments transferred during 2016; (iii) the number of unlicensed commercial and municipal attachments; (iv) the average number of days between the erection of the second pole and takedown of the original defective pole when there are no unlicensed attachments on the original pole; and (v) the average number of days between the erection of the second pole and the takedown of the defective pole when there is at least 1 unlicensed attachment on the original pole. The companies shall also report the results of any alternative programs to address the removal of double poles conducted from January 1, 2016 to December 31, 2016, inclusive, including the use of third parties or technology to facilitate the removal of attachments and double poles. The companies shall also provide, in the report, a timeline for projected removal of existing double poles as of December 31, 2016, and such timeline shall include the projected cost associated with the removal. The companies shall also provide a list of communities and municipal electric companies that participate in the statewide notification system utilized to facilitate the notification process for electronically alerting attachment owners to transfer and remove equipment attached to double poles. Annual reports shall also be filed, pursuant to all requirements of this section, for the years 2017 and

2018 by April 1, 2018 and 2019 respectively. Upon receipt of the 2016 annual report, and in collaboration with the department of public utilities, the joint committee on telecommunications, utilities and energy and the joint committee on municipalities and regional government shall endeavor to propose a fine structure for failure to remove outstanding double poles. The legislature shall have the power to review and amend such fine structures upon receipt of the 2017 and 2018 annual reports.

SECTION 240. Notwithstanding any general or special law to the contrary, each secretary of an executive office shall evaluate all grant, loan, and technical assistance programs administered under their office for opportunities to promote, facilitate and implement inter-municipal cooperation, collaboration, and regional service delivery at the local level. On or before December 31, 2016, each secretary shall provide, to the executive office for administration and finance, the results of their evaluation identifying opportunities to leverage state resources to promote regional, efficient solutions to common problems.

SECTION 241. Notwithstanding any general or special law to the contrary, any executive agency that administers a program through which funding may be provided to municipalities, where regionalization may be feasible, shall encourage municipal efficiencies by prioritizing those applications for funds which come from municipalities that have developed a method by which to jointly and more efficiently utilize such funding.

SECTION 242. The operational services division shall review applicable procurement policies and regulations to facilitate the execution of contracts, where appropriate, between regional planning agencies and any executive office, department, agency, office, division, board, commission or institution within the executive branch to provide or receive services, facilities, staff assistance or money payments.

SECTION 243. A municipal agricultural commission established before the effective date of this act shall have the authority provided to municipal agricultural commissions in section 8L of chapter 40 of the General Laws without further action to accept said section 8L of said chapter 40.

SECTION 244. Notwithstanding any special or general law to the contrary, the operational services division shall develop procedures allowing for the reduction of the cost of textbooks and other educational materials through methods including, but not limited to, bulk purchasing and statewide contracts for bulk purchasing for elementary and secondary public schools and for public institutions of higher education in accordance with 34 CFR 668.164.

SECTION 245. For the purposes of this section, “manufactured home” shall mean a structure that: (i) is built in conformance with the manufactured home construction and safety standards under 24 CFR Part 3280; (ii) is transportable in 1 or more sections; (iii) is 8 body feet or more in width or 40 body feet or more in length in traveling mode or 320 or more square feet when erected on site; (iv) is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities; and (v) includes plumbing, heating, air conditioning and electrical systems in the manufactured home.

The department of revenue shall conduct a study evaluating each manufactured housing community in the commonwealth to determine what percentage of resident households at each manufactured housing community would qualify for low or moderate income housing under chapter 40B of the General Laws.

The department of revenue shall submit a written report detailing the results of its study with the clerks of the house and senate not more than 180 days after the effective date of this act.

SECTION 246. Sections 95 to 97, inclusive, shall apply to all funds held in trust under chapter 44B of the General Laws on or after the effective date of this act.

SECTION 247. Sections 119, 122, 124 to 126, inclusive, and 144 to 146, inclusive, shall apply to taxes assessed for fiscal years beginning on or after July 1, 2016.

SECTION 248. Sections 120, 138, 140 and 141 shall apply to taxes or excises assessed for fiscal years beginning on or after July 1, 2017.

SECTION 249. Sections 131, 133 and 152 shall apply to overlay raised under section 25 of chapter 59 of the General Laws for any fiscal year whether it is before or after the effective date of this act.

SECTION 250. Sections 35 and 36 shall apply to certifications for fiscal years beginning on or after July 1, 2017.

SECTION 251. Sections 14, 103, 112 to 115, inclusive, 118, 128 to 130, inclusive, 134 and 135 shall take effect on January 1, 2017.

SECTION 252. Sections 108, 109 and 231 shall take effect on January 1, 2018.

SECTION 253. Sections 184 to 186, inclusive shall take effect as of January 1, 2016.

Approved August 9, 2016.

CHAPTER 219 – ECONOMIC DEVELOPMENT

Effective August 7, 2018

§ 7 Economic Development Incentive Program (EDIP) Local Tax Exemptions. Amends the EDIP program under G.L. c. 23A, §§ 3A-3F and adds § 3G. Sections 3E and 3F of the amended G.L. c. 23A provide for the local property tax incentives, which are a tax increment financing (TIF) exemption or special tax assessment (STA). Those incentives may be offered by a municipality that determines a project is consistent with its economic development objectives and is likely to increase job opportunities for its residents. The percentages of taxable assessed valuation that may be reduced under a STA have been changed, but the term is still between 5 and 20 years. If the Economic Assistance Coordinating Council (EACC) revokes the certification of a project, the local tax incentive will now terminate at the beginning of the tax year in which the material non-compliance occurred, unless the agreement between the municipality and business provides otherwise. If an incentive is terminated, the municipality may amend the agreement to continue it. The amended agreement must be approved by the legislative body and EACC. In addition, the municipality may recapture or "claw back" the previously foregone taxes by making a "special assessment" on the taxpayer in the year after the year of the EACC's decision to revoke project certification. The recapture could go as far back as the finding of material non-compliance. The procedure for municipalities to assess and collect the recaptured amount as a property tax is the same as the assessment of an omitted assessment.

§§ 21 and 22 TIF Exemption Agreements. Amend G.L. c. 40, § 59, which governs municipal TIF agreements, consistent with the changes being made to the EDIP under § 7 of the Act. TIF agreements may be made in "economic target area[s] as defined in section 3G of chapter 23A" or any areas designated by the Economic Assistance Coordinating Council (EACC) as TIF eligible.

§§ 23-28 Urban Center Housing Tax Increment Financing (UCH-TIF) Agreements. Amend G.L. c. 40, § 60, which provides a local property tax incentive to promote the production of new affordable housing in urban commercial centers.

The definition of a UCH-TIF zone in which the incentives may be granted no longer requires the municipality to demonstrate a high concentration of daytime traffic and high daytime business population. There is a public benefit requirement based on residential and commercial growth in the urban center, as reflected in factors such as household income, unemployment rates and commercial vacancies. UCH-TIF plan submission requirements are simplified and the Department of Housing and Community Development (DHCD) must approve all UCH-TIF agreements.

The right of first refusal upon sale of the property in favor of the commonwealth is eliminated and more flexible minimum affordability requirements are established for any units produced. Affordable housing developments that benefit from tax exemptions granted under UCH-TIF agreements must continue to meet the affordability requirements for 30 years or for the term of any municipal bonds, whichever is shorter. This duration is shorter than that applicable under prior law: 40 years or the useful life of the building, whichever is longer. A deed restriction must be recorded.

Property owners must annually certify the incomes of the families or occupants of the affordable housing units. If a property owner fails to provide the required certification or comply with the terms of the agreement, the city or town may impose a lien on the property in the total amount of the tax exemption granted under the UCH-TIF agreement. It is not clear how this lien is enforced as there is no language similar to that found in the EDIP TIF describing the procedure to collect the amount that must be repaid.

A city or town may revoke its designation of a UCH-TIF zone and stop executing new tax exemption agreements for the area. Existing UCH-TIF agreements would continue.

CHAPTER 219 OF THE ACTS OF 2016 (EXCERPTS)
An Act Relative to Job Creation and Workforce Development.

*Whereas,*The deferred operation of this act would tend to defeat its purpose, which is to finance forthwith improvements to the Commonwealth's economic infrastructure and promote economic opportunity, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

…

SECTION 7. Chapter 23A of the General Laws is hereby amended by striking out sections 3A to 3G, inclusive, as so appearing, and inserting in place thereof the following 7 sections:

Section 3A. (a) There shall be an economic development incentive program, or EDIP, which shall be administered by the EACC, under the oversight of the secretary of housing and economic development, to provide incentives that stimulate job creation and investment of private capital and to promote economic growth and expand economic opportunity to all areas of the commonwealth. EDIP tax credits and other incentives shall be administered to stimulate job creation, attract new business activity and promote investment that would not otherwise occur in the commonwealth.

(b)As used in this section and sections 3B to 3H, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:

"Affiliate", a business which directly or indirectly controls another business, a business which is controlled by another business or a business which is under direct or indirect common control of at least 1 other business including, but not limited to, a business with whom a business is merged or consolidated or which purchases all or substantially all of the assets of a business.

"Business", a corporation, partnership, firm, unincorporated association or other entity engaging or proposing to engage in economic activity within the commonwealth and any affiliate thereof which is subject to taxation under chapter 62 or 63.

"Certified project", a proposed project that is certified by the EACC pursuant to section 3C.

"Controlling business", a business that owns, leases or has the power to direct the operation or management of all or a portion of a facility at which the business employs or intends to employ permanent full-time employees.

"EDIP contract", a written agreement between MOBD and the recipient of EDIP tax credits setting forth the amount of credits awarded, the schedule on which the credits may be claimed, any restriction on the carryover of unused credits, the consequences for failing to produce the projected new jobs or new investment and such other terms and conditions as MOBD may in its discretion require.

"EDIP tax credits", the tax credits authorized by the EACC pursuant to section 3D and claimed by a taxpayer pursuant to subsection (g) of section 6 of chapter 62 or section 38N of chapter 63.

"Expansion of an existing facility", the relocation of business functions and employees from 1 location in the commonwealth to another location in the commonwealth or the expansion of an existing facility located in the commonwealth if such relocation or expansion results in a net increase in the number of permanent full-time employees at the relocated or expanded facility.

"Facility", the real property, which may include multiple buildings or locations, owned or leased, on which a business is undertaking or will undertake a commercial, manufacturing or industrial activity.

"Gateway municipality", a municipality with a population greater than 35,000 and less than 250,000 with a median household income below the commonwealth's average and a rate of educational attainment of a bachelor's degree or above that is below the commonwealth's average.

"Material noncompliance", the failure of a controlling business to substantially achieve the capital investment, job creation, job retention or other economic benefits set forth in the EDIP contract or any other act, omission or misrepresentation by the controlling business that frustrates the public purpose of the economic development incentive program.

"Municipal project endorsement", an endorsement, by vote of the city council with the approval of the mayor in a city and by vote of the board of selectmen in a town, of a proposed project by the municipality in which a proposed project will be located which shall include: (i) a finding by the municipality that the proposed project will be consistent with the municipality's

economic development objectives; (ii) a finding by the municipality that the proponent of the proposed project has the means to undertake and complete the proposed project; (iii) a finding by the municipality that the proposed project will have a reasonable chance of increasing or retaining employment opportunities as advanced in the proposal; (iv) a determination by the municipality that the proposed project will not overburden the municipality's infrastructure and other supporting resources; and (v) a description of the local tax incentive, if any, offered by the municipality in support of the proposed project, together with a copy of the fully executed tax increment financing agreement or the fully executed agreement setting forth the terms of the special tax assessment, as applicable.

"Municipality", a city or town or, in a case in which 2 or more cities or towns agree to act jointly for some purpose pursuant to a collaborative agreement, all cities and towns participating in the collaborative agreement.

"Permanent full-time employee", an individual who is paid wages by a controlling business and who: (i) at the inception of the employment relationship, does not have a termination date which is either a date certain or determined with reference to the completion of some specified scope of work; (ii) works at least 35 hours per week; and (iii) receives employee benefits at least equal to those provided to other full-time employees of the controlling business; provided, however, that "permanent full-time employee" shall not include contractors or part-time employees who may be included in a calculation of the controlling business' full-time equivalent workforce.

"Proportion of compliance", a fraction which has as its numerator the number of actual permanent full-time employees at a facility and which has as its denominator the number of permanent full-time employees required to be employed at the facility under the terms of an EDIP contract.

"Proposed project", a proposal submitted by a controlling business to the EACC for designation as a certified project.

"Real estate project", the construction, rehabilitation or improvement of any building or other structure on a parcel of real property which, when completed, will result in at least a 100 per cent increase in the assessed value of the real property over the assessed value of the real property prior to the project.

"Refundable credit", a tax credit awarded pursuant to this chapter that is not limited by the amount of the controlling business' tax liability and which may result in a payment from the department of revenue to the controlling business or a reimbursement of costs incurred for capital investments made as a part of a certified project.

"Replacement of an existing facility", the relocation of business functions and personnel from 1 facility located in the commonwealth to another facility located in the commonwealth or the improvement of an existing facility; provided, that such relocation or improvement does not qualify as an expansion of the existing facility.

"Special tax assessment", a temporary reduction in real property tax offered by a municipality and approved by the EACC in accordance with subsection (c) of section 3E.

"Tax increment financing agreement", an agreement between a municipality and a real property owner consistent with subsection (b) of section 3E and section 59 of chapter 40.

"TIF", tax increment financing.

Section 3B. (a) There shall be an economic assistance coordinating council, or EACC, established within MOBD which shall consist of: the secretary of housing and economic development or the secretary's designee who shall serve as co-chairperson; the undersecretary of housing and community development or a designee who shall serve as co-chairperson; 1 person to be appointed by the secretary of housing and economic development; the director of career services or a designee; the secretary of labor and workforce development or a designee; the director of the office of business development or a designee; the president of the Commonwealth Corporation or a designee; and 8 persons to be appointed by the governor, 1 of whom shall be from the western region of the commonwealth, 1 of whom shall be from the central region of the commonwealth, 1 of whom shall be from the eastern region of the commonwealth, 1 of whom shall be from the northeastern region of the commonwealth, 1 of whom shall be from the southeastern region of the commonwealth, 1 of whom shall be from Cape Cod or the Islands, 1 of whom shall be a representative of a higher educational institution in the commonwealth and 1 of whom shall be from the Merrimack Valley. The persons appointed by the governor shall have expertise in issues pertaining to training, business relocation or inner city and rural development and shall be knowledgeable in public policy or international and state economic and industrial trends. Each member appointed by the governor shall serve at the pleasure of the governor. The council shall adopt by-laws to govern its affairs.

(b) The EACC shall administer the economic development incentive program and may:

(i) promulgate regulations and adopt policies and guidances to effectuate the purposes of sections 3A to 3H, inclusive;

(ii) certify projects for participation in the economic development incentive program and establish regulations for evaluating the proposals of those projects;

(iii) certify and approve tax increment financing agreements and special tax assessments pursuant to section 3E of this chapter and section 59 of chapter 40;

(iv) authorize municipalities to apply to the United States Foreign Trade Zone Board for the privilege of establishing, operating and maintaining a foreign trade zone in accordance with section 3G;

(v) assist municipalities in obtaining state and federal resources and assistance for certified projects and other job creation and retention opportunities;

(vi) provide appropriate coordination with other state programs, agencies, authorities and public instrumentalities to enable certified projects and other job creation and retention opportunities to be more effectively promoted by the commonwealth; and

(vii) monitor the implementation of the economic development incentive program.

(c) The secretary of housing and economic development shall appoint within the MOBD a director of economic assistance who shall be responsible for administering the EDIP in consultation with the secretary of housing and economic development, the director of MOBD and the EACC. The director of economic assistance shall advise the EACC on matters related to the EDIP but shall not serve as a member of the EACC. The MOBD shall annually submit to the governor, the chairs of senate and the house committees on ways and means and the senate and house chairs of the joint committee on economic development and emerging technologies within 90 days after the end of its fiscal year a report setting forth its operations and accomplishments, including a listing of all projects certified pursuant to the EDIP. The report shall also include recommended policies or actions, if any, to improve the effectiveness of the EDIP.

Section 3C. (a) A controlling business may petition the EACC to certify a proposed project that will create new permanent full-time employees within the commonwealth. Each proposed project submitted by a controlling business to the EACC for review and certification shall include: (i) a detailed description of the proposed project; (ii) a representation by the

controlling business regarding the amount of capital investment to be made, the number of new jobs to be created and the number of existing jobs to be retained; (iii) a representation by the controlling business regarding any other economic benefits or other public benefits expected to result from the construction of the proposed project; (iv) a municipal project endorsement; and (vi) any other information that the EACC shall require by regulation, policy or guidance.

(b) Upon receipt of a completed project proposal and municipal project endorsement, the EACC may certify the proposed project, deny certification of the proposed project or certify the proposed project with conditions. In order to certify a proposed project, with or without conditions, the EACC shall make the following required findings based on the project proposal, the municipal project endorsement and any additional investigation that the EACC shall make and incorporate in its minutes: (i) the proposed project is located or will be located within the commonwealth; (ii) (A) if the controlling business has at least 1 existing facility in the commonwealth, then the proposed project shall be an expansion of an existing facility and not merely the replacement of an existing facility except in the case of a proposed project that will enable a controlling business to retain jobs in a gateway city as provided in subclause (2) of clause (B) ; or (B) the proposed project will either: (1) enable the controlling business to hire new permanent full-time employees in the commonwealth; or (2) enable the controlling business to retain at least 50 permanent full-time jobs at a facility located in a gateway city or in an adjacent city or town that is accessible by public transportation to residents of a gateway city and such jobs otherwise would be relocated outside of the commonwealth; (iii) the controlling business has committed to maintaining new and retained jobs for a period of at least 5 years after the completion of the proposed project; (iv) the proposed project appears to be economically feasible and the controlling business has the financial and other means to undertake and complete the proposed project; (v) unless the proposed project will be located in a gateway municipality, a duly authorized representative of the controlling business has certified to the EACC that the controlling business would not have undertaken the proposed project but for the EDIP tax credits and local tax incentives available to it pursuant to this chapter; and (vi) the proposed project complies with all applicable statutory requirements and with any other criteria that the EACC may prescribe by regulation, policy or guidance.

The EACC shall, by regulation, policy or guidance, provide for the contents of an application for project certification which may include a requirement that the controlling business provide written evidence to support the certification provided for in clause (v).

(c) A certified project shall retain its certification for the period specified by the EACC in its certification decision; provided, however, that such specified period shall be not less than 5 years or more than 20 years from the date of certification.

Section 3D. (a) The EACC may award to the controlling business of a certified project or to its affiliate tax credits available pursuant to subsection (g) of section 6 of chapter 62 or pursuant to section 38N of chapter 63. The amount of any such credits awarded and the schedule on which those credits may be claimed shall be determined by the EACC based on: (i) the degree to which the certified project is expected to increase employment opportunities for residents of the commonwealth, with consideration given to the number of new full-time jobs to be created, the number of full-time jobs to be retained, the salary or other compensation that will be paid to the employees and the amount of new state income tax to be generated; (ii) the timeframe within which new jobs will be created and the commitment of the controlling business for how long they will be maintained, with preference given to certified projects in which a significant portion of the new jobs shall be created within 2 years; (iii) the amount of capital to be invested by the controlling business in the certified project; (iv) the degree to which the certified project is expected to generate net new economic activity within the commonwealth by generating

substantial sales from outside of the commonwealth; (v) the extent to which the certified project is expected to contribute to the economic revitalization of a gateway municipality or increase employment opportunities to residents of a gateway municipality; (vi) the economic need of the municipality or region in which the certified project is to be located as determined by income levels, employment levels or educational attainment levels; and (vii) commitments, if any, made by the controlling business to use Massachusetts firms, suppliers and vendors or to retain women or minority-owned businesses during the construction of the certified project.

The EACC shall have discretion as to how to weigh and apply these criteria. When making an award of tax credits pursuant to subsection (g) of section 6 of chapter 62 or pursuant to section 38N of chapter 63, the EACC may, at its sole discretion: (i) limit the award to a specific dollar amount; (ii) specify the schedule on which the tax credits may be claimed; and (iii) limit or restrict the right of the controlling business to carry unused tax credits forward to subsequent tax years. When a controlling business expects that new jobs will be created over a period of multiple years, the EACC, in awarding tax credits, may allocate and make such credits available to the taxpayer on a schedule that ensures that the tax credits are claimed on or after the date that the jobs are created.

b) The EACC may grant refundable tax credits to a certified project; provided, however, that the EACC shall not authorize more than $5,000,000 in refundable tax credits for any single calendar year.

(c) The total amount of tax credits that may be authorized by the EACC under this section for any calendar year shall not exceed $30,000,000 which shall be calculated in accordance with the relevant provisions of subsection (g) of section 6 of chapter 62 and section 38N of chapter 63. The EACC may authorize an award of tax credits to a controlling business that spans multiple years if the total amount of credits due to be taken in any single calendar year does not exceed the applicable cap.

(d) The MOBD shall require the recipient of tax credits awarded pursuant to this section to execute an EDIP contract after the EACC awards tax credits under this section.

(e) The decision by the EACC to certify or deny certification of a proposed project pursuant to section 3C and the decision by the EACC to award or deny tax credits to the controlling business of a certified project pursuant to this section, including without limitation the amount of such award, and any conditions or limitations on such award, shall be decisions that are within the sole discretion of the EACC. Such decisions by the EACC shall be final and shall not be subject to administrative appeal or judicial review pursuant to chapter 30A or give rise to any other cause of action or legal or equitable claim or remedy.

Section 3E. (a) A municipality may offer a local tax incentive to the owner or controlling business of a certified project, or to the owner of a real estate project, if the municipality determines that the project is consistent with the municipality's economic development objectives and is likely to increase or retain employment opportunities for residents of the municipality.

(b)Tax increment financing may be offered by a municipality in accordance with section 59 of chapter 40 to the controlling business of a certified project, or to any person or entity undertaking a real estate project or to any person or entity expanding a facility in an area designated by the EACC as a TIF-eligible area. The EACC may designate an area as a TIF-eligible area if it finds, upon petition from the municipality, that there is a strong likelihood that any of the following will occur within the area in question within a specific and reasonably proximate period of time: (i) a significant influx or growth in business activity; (ii) the creation of a significant number of new jobs and not merely a replacement or relocation of current jobs

within the commonwealth; or (iii) a private project or investment that will contribute significantly to the resiliency of the local economy.

If a municipality offers tax increment financing to the owner of a certified project, the municipal project endorsement for the certified project shall include a fully executed copy of the tax increment financing agreement adopted pursuant to said section 59 of said chapter 40. Any tax increment financing agreement shall be approved by the EACC before it shall be valid and enforceable. The EACC may approve a tax increment financing agreement pursuant to regulations adopted by the EACC. Any approval shall include a finding, reflected in the EACC's minutes, that the tax increment financing agreement complies with said section 59 of said chapter 40 and will further the public purpose of encouraging increased industrial and commercial activity in the commonwealth.

(c) A municipality may offer a special tax assessment to the controlling business of a certified project, to a person or entity undertaking a real estate project or to a person or entity proposing to retain permanent full-time jobs at a facility that otherwise would be at risk of relocating outside of the commonwealth. Any special tax assessment shall be set forth in a written agreement between the municipality and the property owner. The agreement shall include the amount of the tax reduction and the period of time over which such reduction shall be in effect, which shall be for not less than 5 years or not more than 20 years. Every special tax assessment approved by the EACC shall provide for a reduction of the real property tax that otherwise would be due. The reduction shall be based upon a percentage reduction in the tax that otherwise would be due on the full assessed value of the affected property. The special tax assessment shall provide for tax reduction at least equal to the following: (i) in the first year, the tax reduction shall be not less than 50 per cent of the tax that would be due based on the full assessed value of the affected property; (ii) in the second and third years, the tax reduction shall be not less than 25 per cent of the tax that would be due based on the full assessed value of the affected property; and (iii) in the fourth and fifth years, the tax reduction shall be not less than 5 per cent of the tax that would be due based on the full assessed value of the affected property.

The municipality may at its discretion provide for greater real property tax reductions than provided in clauses (i) to (iii).

A written agreement for a special tax assessment pursuant to this subsection shall be approved by the EACC before it is valid and enforceable. The EACC may approve special tax assessments pursuant to rules and regulations adopted by the EACC if the EACC determines that: (i) the municipality has made a formal determination that the property owner is either undertaking a project or making other investment that will contribute to economic revitalization of the municipality and will significantly increase employment opportunities for residents of the municipality or is retaining permanent full-time employees that otherwise would be relocated to a facility outside of the commonwealth; (ii) the special tax assessment is reasonably necessary to enable the owner's investment in the project or to retain the jobs that otherwise would be relocated; and (iii) the total amount of local tax foregone is reasonably proportionate to the public benefits resulting from the special tax assessment. Any such approval shall include a finding, reflected in the EACC's minutes, that the special tax assessment complies with the requirements of this section.

(d) Any tax increment financing agreement or special tax assessment approved by the EACC shall not be amended without the approval of the EACC.

Section 3F. (a) Not later than 2 years after the initial certification of a project by the EACC, and annually thereafter, the controlling business or affiliate awarded EDIP tax credits shall file a report with MOBD, signed by an authorized representative of the controlling business or affiliate, certifying whether the controlling business or affiliate has achieved the job creation

projections, job retention projections and other material obligations or representations set forth in the EDIP contract.

(b) In the event that MOBD finds that a controlling business or an affiliate is in material noncompliance with a representation made to the EACC in its application for project certification or the obligations set forth in an EDIP contract, MOBD may recommend to the EACC that it revoke the project certification. Prior to making a recommendation, MOBD shall provide written notice to the controlling business stating the basis for the recommended revocation and offering the controlling business an opportunity for a hearing at which the controlling business may contest the basis for the recommendation or establish mitigating circumstances which may be relevant to the recommendation.

(c) The EACC may revoke a project certification if it determines that a controlling business or affiliate is in material noncompliance with a representation made in its application for project certification or the obligations set forth in an EDIP contract. The EACC shall have the discretion to determine whether material noncompliance shall result in revocation of a project certification, taking into account: (i) the conduct of the controlling business subsequent to the project certification; (ii) the extent to which the material noncompliance is the result of unforeseen conditions that are outside the control of the controlling business; (iii) the potential impact on the municipality in which the certified project is located; and (iv) other considerations as the EACC shall establish by regulation or policy.

Where the EACC determines that material noncompliance is due to factors outside the control of the controlling business, the EACC may elect to provide the controlling business with reasonable opportunity to cure the material noncompliance. If the EACC revokes a project's certification, it shall determine the proportion of compliance with job creation requirements applicable to the certified project, and shall report the proportion of compliance to the controlling business and to the department of revenue.

(d) Revocation of a project certification shall take effect on the first day of the tax year in which the material noncompliance occurred, as determined by the EACC. If the EACC revokes a project certification, then: (i) all EDIP tax credits available to the controlling business shall be recaptured in accordance with subsection (g) of section 6 of chapter 62 and subsection (i) of section 38N of chapter 63; and (ii) the local tax incentive, if any, shall terminate unless the written agreements between the municipality and the controlling business provide otherwise. In the event of such termination, the municipality may, at its discretion, preserve the local tax incentive by amending the written agreement with the controlling business in the same manner as the municipality approved it and submitting such amendment to the EACC for approval in accordance with this section.

(e) If a controlling business has claimed tax credits awarded under this chapter prior to the date on which the EACC makes a determination to revoke project certification, then the recapture provisions of subsection (g) of section 6 of chapter 62 and subsection (i) of section 38N of chapter 63 shall apply. If a controlling business has benefited from a local tax incentive under this chapter prior to the revocation of a project certification, then notwithstanding any general law to the contrary, the municipality that offered the local tax incentive may recapture the value of the tax not paid by making a special assessment on the controlling business in the tax year that follows the EACC's decision to revoke project certification. The assessment, payment and collection of the special assessment shall be governed by procedures provided for the taxation of omitted property pursuant to section 75 of chapter 59 notwithstanding the time period set forth in said chapter 59 for which omitted property assessments may be imposed for each of the fiscal years included in the special assessment.

Section 3G. (a) The EACC may designate 1 or more areas as an economic target area or economic opportunity area in connection with an application from a municipality seeking the designation under the federal Empowerment Zones and Enterprise Communities Program or other local, state or federal programs that contemplate such designations. Designations of new economic target areas, if any, shall be made in accordance with the criteria in subsection (b). Designations of new economic opportunity areas, if any, shall be made at the discretion of the EACC in accordance with regulations to be promulgated by the EACC, or rules or policies adopted by the EACC.

(b)The EACC may from time to time designate as an economic target area an area of the commonwealth comprised of 3 or more contiguous census tracts or 1 or more contiguous municipalities provided that the area proposed for designation meets 1 of the following criteria: (i) the proposed economic target area has an unemployment rate that exceeds the statewide average by not less than 25 per cent; (ii) if the proposed economic target area is located in a metropolitan area, then not less than 51 per cent of the households in the proposed economic target area have incomes that are below 80 per cent of the median income for households in the metropolitan area; (iii) if the proposed economic target area is not located in a metropolitan area, then not less than 51 per cent of the households in the proposed economic target area have incomes that are below 80 per cent of the median income for households in the commonwealth; (iv) the proposed economic target area has a poverty rate which is not less than 20 per cent higher than the average poverty rate for the commonwealth; (v) the area proposed for designation has heightened economic need due to: (i) an industrial or military base closure; (ii) the presence of underutilized maritime or electric generation facilities; or (iii) a commercial vacancy rate greater than 20 per cent; or (vi) the area proposed for designation has exceptional potential for economic development as a result of: (i) the proposed redevelopment of blighted real estate or abandoned buildings totaling not less than 1,000,000 square feet; (ii) the proposed establishment of a regional technology center of not less than 3,000,000 square feet; or (iii) the proposed development of a Class I renewable energy generating facility.

(c) A city or town with an economic opportunity area may make application to the United States Foreign Trade Zones Board under 19 U.S.C. 81(a) to 81(u), inclusive, for a grant to the city or town for the privilege of establishing, operating and maintaining a foreign trade zone within its economic opportunity area. Upon petition from a city or town, the EACC may authorize any other city or town to make application to the Foreign Trade Zones Board for a grant to the city or town for the privilege of establishing, operating and maintaining a foreign trade zone.

…

SECTION 21. Section 59 of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out, in lines 11 to 15, inclusive, the words “an economic target area or an area presenting exceptional opportunities for increased economic development, as defined by section 3D of chapter 23A and as may be defined further by regulations adopted by the economic assistance coordinating council” and inserting in place thereof the following words:- an economic target area as defined in section 3G of chapter 23A or an area designated by the economic assistance coordinating council as a TIF-eligible area pursuant to subsection (b) of section 3E of said chapter 23A.

SECTION 22. Said section 59 of said chapter 40, as so appearing, is hereby further amended by striking out, in lines 84 and 88, the figure “3F” and inserting in place thereof, in each instance, the figure:- 3E.

SECTION 23. Section 60 of said chapter 40, as so appearing, is hereby amended by striking out, in lines 5 to 7, inclusive, the words “the director of housing and community development, in consultation with the department of economic development and” and inserting in place thereof the following words:- the department of housing and community development, in consultation with.

SECTION 24. Said section 60 of said chapter 40, as so appearing, is hereby amended by striking out, in lines 15 to 18, inclusive, the words “characterized by a predominance of commercial land uses, a high daytime or business population, a high concentration of daytime traffic and parking” and inserting in place thereof the following words:- located within an area of concentrated development, as that term is defined in section 2 of chapter 40R, characterized by a predominance of commercial land uses.

SECTION 25. Subsection (a) of said section 60 of said chapter 40, as so appearing, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

(ii) describe the construction, reconstruction, rehabilitation and related activities, public and private, contemplated for such UCH-TIF zone as of the date of the adoption of the UCH-TIF plan; provided, however, that in the case of public construction, the UCH-TIF plan shall include a detailed projection of the costs and a betterment schedule for the defrayal of such costs; provided, further, that the UCH-TIF plan shall provide that no costs of such public construction shall be recovered through betterments or special assessments imposed on a party which has not executed an UCH-TIF agreement in accordance with clause (v); and provided, further, that in the case of private construction, the UCH-TIF plan shall include the types of affordable housing and residential and commercial growth which are projected to occur within such UCH-TIF zone together with such documentary evidence of the projected public benefits as are required by the regulations;

SECTION 26. Clause (iii) of said subsection (a) of said section 60 of said chapter 40, as so appearing, is hereby amended by striking out subclauses (1) to (3), inclusive, and inserting in place thereof the following 2 subclauses:-

(1) the numerator of which shall be: (A) in an UCH-TIF zone where the property includes primarily residential uses, the total assessed value of all parcels of all residential real estate that are assessed at full and fair cash value for the current fiscal year minus the new growth adjustment factor for the current fiscal year attributable to the residential real estate as determined by the commissioner of revenue pursuant to paragraph (f) of section 21C of said chapter 59; or (B) in an UCH-TIF zone where the property includes a mix of residential and commercial uses, the total assessed value of all parcels of all residential and commercial real estate that are assessed at full and fair cash value for the current fiscal year minus the new growth adjustment factor for the current fiscal year attributable to the residential and commercial real estate as determined by the commissioner of revenue pursuant to said paragraph (f) of said section 21C of said chapter 59; and

(2) the denominator of which shall be the total assessed value for the preceding fiscal year of all the parcels included in the numerator; provided, however, that such ratio should not be less than 1.

SECTION 27. Said subsection (a) of said section 60 of said chapter 40, as so appearing, is hereby further amended by striking out clause (v) and inserting in place thereof the following clause:-

(v) state that each owner of property located in an UCH-TIF zone seeking to establish eligibility for tax increment exemptions from annual property taxes pursuant to clause (iii) shall execute an agreement, referred to as an UCH-TIF agreement, with the city or town, the form of which shall be included as an attachment to the UCH-TIF plan. The UCH-TIF agreement shall include, but not be limited to, the following: (1) all material representations of the parties which served as a basis for the granting of a UCH-TIF exemption; (2) any terms deemed appropriate by the city or town relative to compliance with the UCH-TIF agreement including, but not limited to, what shall constitute a default by the property owner and what remedies shall be allowed between the parties for any such defaults, including an early termination of the agreement; (3) provisions requiring that one of the affordability thresholds described in subsection (b) is met; (4) provisions stating that housing units that meet the affordability requirements of subsection (b) shall be subject to use restrictions as defined in this section; (5) a detailed recitation of the tax increment exemptions and the maximum percentage of the cost of public improvements that can be recovered through betterments or special assessments regarding a parcel of real property pursuant to clauses (iii) and (iv); (6) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to an agreement; and (7) a provision that the agreement shall be binding upon subsequent owners of the parcel of real property; and.

SECTION 28. Said section 60 of said chapter 40, as so appearing, is hereby further amended by striking out subsections (b) to (e), inclusive, and inserting in place thereof the following 5 subsections:-

(b) As a condition of the granting of an UCH-TIF exemption, a property owner must satisfy 1 of the following affordability thresholds:

(i) At least 15 per cent of the housing units assisted by the UCH-TIF agreement shall be affordable to occupants or families with incomes at or below 80 per cent of the area median income where the city or town is located, as defined by the United States Department of Housing and Urban Development, hereinafter referred to as AMI; or

(ii) At least 25 per cent of the housing units assisted by the UCH-TIF agreement shall be affordable to occupants or families with incomes at or below 110 per cent of the AMI; or

(iii) The property shall satisfy the requirements of an existing inclusionary zoning ordinance or by-law in the city or town, under which the property owner is required to make a portion of the housing units assisted by the UCH-TIF agreement affordable to low- and moderate-income households.

In addition, to support a finding of public benefit based on residential and commercial growth in an urban center, at least one of the following conditions must be met:

(i) The UCH-TIF zone has either: (1) an unemployment rate that exceeds the statewide average by at least 25 per cent, (2) a commercial vacancy rate of 15 per cent or more; or (3) an average household income below 115 per cent of the AMI;

(ii) At least 51 per cent of the land area within the UCH-TIF zone is located within a qualified census tract, as defined in Section 42(d)(5) of the Internal Revenue Code; or

(iii) At least 51per cent of the land area within the UCH-TIF zone constitutes a: (1) blighted open area, (2) decadent area or (3) sub-standard area, as defined in section 1 of chapter 121A.

(c) The department of housing and community development shall review each UCH-TIF plan to determine whether it complies with the terms of this section and any regulations adopted by the department; provided further, that the department shall certify, based upon the information submitted in support of the UCH-TIF plan by the city or town and through such additional investigation as the department may make, that the plan is consistent with the requirements of this section and will further the public purpose of encouraging increased residential growth,

affordable housing and commercial growth in the commonwealth; provided further, that a city or town may, at any time, revoke its designation of a UCH-TIF zone and, as a consequence of such revocation, shall immediately cease the execution of any additional agreements pursuant to clause (v) of subsection (a); provided, further, that a revocation shall not affect agreements relative to property tax exemptions and limitations on betterments and special assessments pursuant to said clause (v) of said subsection (a), use restrictions or options to purchase and rights of first refusal required by this section which were executed before the revocation.

(d) The board, agency, or officer of the city or town authorized pursuant to clause (vi) of said subsection (a) to execute UCH-TIF agreements shall submit each executed UCH-TIF agreement to the department of housing and community development for approval. The department shall, as a condition of such approval, certify that the UCH-TIF agreement complies with the terms of this section and furthers the public purpose of encouraging increased residential growth, affordable housing and commercial growth in the commonwealth. Upon receipt of the department's certification, the board, agency or officer of the city or town authorized pursuant to said clause (vi) of said subsection (a) to execute UCH-TIF agreements shall forward to the board of assessors a copy of the approved UCH-TIF agreement, together with a list of the parcels included therein. An executed and approved UCH-TIF shall be recorded in the registry of deeds or the registry district of the land court wherein the land lies.

(e)Notwithstanding any other general or special law to the contrary, an affordable housing development that benefits from a real estate tax exemption pursuant to this section that meets the affordability requirements of subsection (b) and subclause (3) of clause (v) of subsection (a) shall continue to meet those requirements for 30 years or for the term of any municipal bonds issued to finance the construction, reconstruction or rehabilitation of such development, whichever is shorter as may be specified in the recorded restriction. Such restriction shall be approved by the department of housing and community development in accordance with section 32 of chapter 184 and shall be recorded in the registry of deeds or the registry district of the land court wherein the land lies.

(f) The owner of property subject to an UCH-TIF agreement shall certify to the city or town the incomes of the families or occupants, upon initial occupancy, of the affordable housing units designated in the UCH-TIF agreement and such certification shall be provided to the department of housing and community development on an annual basis. If the owner fails to provide certification or otherwise fails to comply with the UCH-TIF agreement, including failing to maintain the affordability of housing units assisted pursuant to this section, the city or town may place a lien on the property in the amount of the real estate tax exemptions granted pursuant to the UCH-TIF agreement for any year in which the owner is not in compliance with this subsection. If the city or town determines, with the approval of the department of housing and community development, that the owner is unlikely to come into compliance with the affordability requirements of said subsection (b) and said subclause (3) of said clause (v) of said subsection (a), the city or town may place a lien on the property in the amount of the total real estate tax exemption granted pursuant to the UCH-TIF agreement. Any such lien shall be recorded in the registry of deeds or the registry district of the land court wherein the land lies.

…

Approved August 10, 2016.

AGENCY DECISIONS OR ADVISORIES

THE COMMONWEALTH OF MASSACHUSETTS
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BOSTON, MASSACHUSETTS 02108

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TEL: (617) 727-2200
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June 1, 2016

OML 2016 – 74

Brian Riley, Esq.
Kopelman and Paige, PC
101 Arch Street
Boston, MA 02110

RE: Open Meeting Law Complaint

Dear Attorney Riley:

This office received a complaint from Patrick Higgins on March 28, 2016, alleging that the Seekonk Board of Assessors (the Board) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on or about March 9, 2016, and you responded, on behalf of the Board, by letter dated March 25, 2016. In his complaint, Mr. Higgins alleges that during its February 9, 2016 meeting, the Board convened an executive session that was not listed on the notice.

Following our review, we find that the Board violated the Open Meeting Law in the way alleged. In reaching a determination, we reviewed the original complaint, the Board's response to the complaint, and the complaint filed with our office requesting further review. We also reviewed the notice of and open and executive session minutes from the Board's February 9, 2016 meeting.

FACTS

We find the facts as follows. During a meeting held on February 9, 2016, the Board convened in executive session to discuss, in part, applications for property tax abatement or exemption pursuant to G.L. c. 59, § 60. G.L. c. 59, § 60, provides that applications for abatement or exemption are confidential unless and until they are approved. The notice did not indicate that the Board planned to convene an executive session. Instead, the executive session topics were listed under the heading "New Business" as follows:

1. Grant/Deny FY '16 Property Abatements
2. Grant/Deny FY '16 Personal Abatements
3. Grant/Deny FY '16 Commercial Exemption Applications

4. Grant/Deny FY '16 Statutory Exemptions
5. Grant/Deny FY '16 CPA Exemptions
6. Review/Sign Monthly Abatement Reports
7. Review/Sign Chapter 61A Lien
8. Approve/not approve FY '16 Chapter land (61B) Applications 320 Fall River Ave.

According to the open session minutes, the Board "voted to go into Executive Session at 6:33 P.M." and "returned to the Regular Session at 6:40 P.M." The minutes do not describe the purpose for this executive session and no roll call was taken approving the executive session. According to the executive session minutes, which have been released to the public, the Board discussed most of the topics, as described above, except it did not discuss items (3), (5) and (6).

DISCUSSION

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding deliberation and decisions on which public policy is based." Ghiglione v. School Board of Southbridge, 376 Mass. 70, 72 (1978). The Open Meeting Law requires a public body to post notice 48 hours in advance of a meeting and include a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b). Public bodies may enter a closed, executive session for any of ten purposes enumerated in the Open Meeting Law, provided that the chair of the public body first announces in open session the purpose for the executive session, "stating all subjects that may be revealed without compromising the purpose for which the executive session was called." G.L. c. 30A, §§ 21(a), 21(b)(3); see also District Attorney for N. Dist. v. Sch. Comm. Of Wayland, 455 Mass. 561, 567 ("[a] precise statement of the reason for convening in executive session is necessary under the open meeting law because that is the only notification given to the public that the school committee would conduct business in private, and the only way the public would know if the reason for doing so was proper or improper."). This level of detail about the executive session topic should also be included in the meeting notice. See G.L. c. 30A, § 20(b).

The complainant asserts that, during its February 9, 2016 meeting, the Board convened in executive session without posting it as a topic on the notice.[1] As the Board concedes in its response to this complaint, it failed to identify that topic items #1-8 would be discussed in executive session. Although the Board did not identify the purpose for the executive session, either on the meeting notice or in the announcement prior to the executive session, the Board now contends that it convened in executive session pursuant to G.L. c. 30A, § 21(a)(7). This purpose allows a public body to convene an executive session "to comply with, or act under authority of, any general or special law or federal grant-in-aid requirement." G.L. c. 30A,

[1] We remind the Board that, before convening in executive session, a public body must first convene in open session; obtain a majority vote to enter executive session, with the roll call vote recorded in the minutes; state the purpose for executive session, including all subjects that may be revealed without compromising the purpose for the executive session; and state whether the meeting will reconvene in open session following the executive session. See G.L. c. 30A, § 21(b).

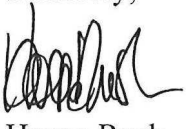
§ 21(a)(7) ("Purpose 7"). The Board cites to G.L. c. 59, § 60, which provides that applications for abatement or exemption be deemed confidential until the Board approves them.[2] While the Board's executive session discussion generally fell within this statutory purpose,[3] the Board should have specifically identified, both on the meeting notice and in the announcement prior to the executive session, that these topics would be discussed in executive session. See OML 2015-177; OML 2012-89. The Board pledges to add this important detail to its meeting notices going forward. Because the executive session minutes have already been released to the public, we order no further relief with respect to the minutes.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by failing to include sufficient detail about an executive session, both in its meeting notice and in the verbal statement prior to the executive session. We order immediate and future compliance with the Open Meeting Law and caution that future similar violations may be considered evidence of intent to violate the Law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Hanne Rush
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins
Seekonk Board of Assesors

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

[2] See our FAQ on Applications for Tax Abatement or Exemption, available at the Attorney General's website.
[3] We commend the Board for acknowledging that one of the topics should have been discussed in open session.