

18 children's ability to learn, and produces corresponding drains on
19 public resources. It is the purpose of this Act to create a program to
20 help localities address the need for decent, affordable, permanent
21 rental housing.

22 Section 2. Definitions.

23 As used in this chapter, the following words shall, unless the con-
24 text clearly indicates a different meaning, have the following mean-
25 ings:—

26 "AMI", the area wide median income as determined by the
27 United States Department of Housing and Urban Development.

28 "Low Income Rental Assistance Fund", the municipal fund estab-
29 lished under section.

30 "Legislative body", the agency of municipal government which is
31 empowered to enact ordinances or by-laws, adopt an annual budget
32 and other spending authorizations, loan orders, bond authorizations
33 and other financial matters and whether styled as a city council,
34 board of aldermen, town council, town meeting or by any other title.

35 "Low Income rental housing", housing for those persons and fam-
36 ilies whose annual income is less than 30 per cent of the AMI.

37 "Real property", land, buildings, appurtenant structures and fix-
38 tures attached to buildings or land, including, where applicable, real
39 property interests.

40 "Real property interest", a present or future legal or equitable
41 interest in or to real property, including easements and restrictions,
42 and any beneficial interest therein, including the interest of a benefi-
43 ciary in a trust which holds a legal or equitable interest in real prop-
44 erty, but shall not include an interest which is limited to the
45 following:— an estate at will or at sufferance and any estate for
46 years having a term of less than 30 years; the reversionary right,
47 condition or right of entry for condition broken; the interest of a
48 mortgagee or other secured party in a mortgage or security agree-
49 ment.

50 Section 3. Surcharge on real property; collection.

51 (a) The fees of the registers of deeds, except as otherwise pro-
52 vided, to be paid when the instrument is left for recording, filing or
53 deposit shall be subject to a surcharge of \$12. The surcharges shall
54 be imposed for the purposes of low income rental assistance. No sur-
55 charge shall apply to a declaration of homestead under Chapter 188.
56 No surcharge shall apply to the fees charged for additional pages,

57 photostatic copies, abstract cards, additional square feet for the filing
58 and recording of plans or for additional or required marginal refer-
59 ences.

60 (b) The fees of the assistant recorder, except as otherwise pro-
61 vided, to be paid when the instrument is left for registering, filing or
62 entering with respect to registered land shall be subject to a sur-
63 charge of \$12. The surcharges shall be imposed for the purposes of
64 low income rental assistance. No surcharge shall apply to a declara-
65 tion of homestead of Chapter 188. No surcharge shall apply to the
66 fees charged for additional lots shown on plans, for indexing instru-
67 ments recorded while a petition for registering is pending, for addi-
68 tional certificates of sewer assessments, for old age assistance liens,
69 for duplicates and for photocopies.

70 (c) All surcharges on fees collected pursuant to this section shall
71 be forwarded to the Massachusetts low income rental assistance
72 Trust Fund, established in Section 6.

73 Section 5. Low income rental assistance committee; members;
74 recommendations.

75 Section 4. (a) A city or town may establish by ordinance or by-
76 law a low income rental assistance committee. The committee shall
77 consist of not less than three and no more than five members. The
78 ordinance or by-law shall determine the composition of the com-
79 mittee, the length of its term and the method of selecting its mem-
80 bers, whether by election or appointment or by a combination
81 thereof. The committee shall include, but not be limited to, one
82 member of the planning board established under Section 81A of
83 Chapter 41 as designated by the board and one member of the
84 housing authority established under Section 3 of Chapter 121B as
85 designated by the authority, a local or municipal administrator, com-
86 missioner, or appointed chair of homelessness planning or con-
87 tinuum of care planning entity, or persons, as determined by the
88 ordinance or by-law, acting in the capacity of or performing like
89 duties of the commissions, board or authority if they have not been
90 established in the city or town. If there are no persons acting in the
91 capacity of or performing like duties of any such commission, board
92 or authority, the ordinance or by-law shall designate those persons.

93 (b) Any city or town which establishes a low income rental assis-
94 tance committee shall establish a separate account to be known as
95 the Low Income Rental Assistance Fund of which the municipal

96 treasurer shall be the custodian. The authority to approve expendi-
97 tures from the fund shall be limited to the legislative body and the
98 municipal treasurer shall pay such expenses in accordance with
99 Chapter 41.

100 (c)(1) The low income rental assistance committee shall study the
101 needs, possibilities and resources of the city or town regarding low
102 income rental assistance. The committee shall consult with existing
103 municipal boards, including the planning board, the housing
104 authority, and the homelessness planning or continuum of care plan-
105 ning entity, or persons acting in those capacities or performing like
106 duties, in conducting such studies. As part of its study, the com-
107 mittee shall hold one or more public informational hearings on the
108 needs, possibilities and resources of the city or town regarding low
109 income rental assistance possibilities and resources, notice of which
110 shall be posted publicly and published for each of two weeks pre-
111 ceding a hearing in a newspaper of general circulation in the city or
112 town.

113 (2) The low income rental assistance committee shall make rec-
114 ommendations to the legislative body for the acquisition, creation
115 and preservation and support of low income rental housing.

116 (3) The low income rental assistance committee may include in its
117 recommendation to the legislative body a recommendation to set
118 aside for later spending funds for specific purposes that are consis-
119 tent with low income rental assistance but for which sufficient rev-
120 enues are not then available in the low income rental assistance Fund
121 to accomplish that specific purpose or to set aside for later spending
122 funds for general purposes that are consistent with low income rental
123 assistance.

124 (d) The low income rental assistance committee shall not meet or
125 conduct business without the presence of a quorum. A majority of
126 the members of the low income rental assistance committee shall
127 constitute a quorum. The low income rental assistance committee
128 shall approve its actions by majority vote. Recommendations to the
129 legislative body shall include their anticipated costs.

130 (e) After receiving such recommendations from the low income
131 rental assistance committee, the legislative body shall then take such
132 action and approve such appropriations from the low income rental
133 assistance Fund as set forth in Section 8, and such additional appro-

134 priations as it deems appropriate to carry out the recommendations
135 of the low income rental assistance committee.

136 (f) For the purposes of low income rental assistance and upon the
137 recommendation of the low income rental assistance committee, a
138 city or town may take by eminent domain under Chapter 79, the fee
139 or any lesser interest in real property or waters located in such city
140 or town if such taking has first been approved by a two-thirds vote
141 of the legislative body. Upon a like recommendation and vote, a city
142 or town may expend monies in the low income rental assistance
143 Fund, if any, for the purpose of paying, in whole or in part, any dam-
144 ages for which a city or town may be liable by reason of a taking for
145 the purposes of low income rental assistance.

146 (g) Section 16 of Chapter 30B shall not apply to the acquisition
147 by a city or town, of real property or an interest therein, as autho-
148 rized by this chapter for the purposes of low income rental assistance
149 and upon recommendation of the low income rental assistance com-
150 mittee and, notwithstanding Section 14 of Chapter 40, for purposes
151 of this chapter, no such real property, or interest therein, shall be
152 acquired by any city or town for a price exceeding the value of the
153 property as determined by such city or town through procedures cus-
154 tomarily accepted by the appraising profession as valid.

155 A city or town may appropriate money in any year from the low
156 income rental assistance Fund to an affordable housing trust fund.

157 Section 6. Massachusetts low income rental assistance trust fund;
158 distribution of funds.

159 (a) There shall be established and set up on the books of the Com-
160 monwealth a separate fund, to be known as the Massachusetts low
161 income rental assistance Trust Fund, for the benefit of cities and
162 towns that have accepted Sections 3 to 5, inclusive. The fund shall
163 consist of all revenues received by the Commonwealth:— (1) under
164 the provisions of Section 4; (2) from public and private sources as
165 gifts, grants and donations to further low income rental assistance
166 programs; or (3) all other monies credited to or transferred to from
167 any other fund or source pursuant to law.

168 (b) The state treasurer shall deposit the fund in accordance with
169 the provisions of Section 8 in such manner as will secure the highest
170 interest rate available consistent with the safety of the fund and with
171 the requirement that all amounts on deposit be available for with-
172 drawal without penalty for such withdrawal at any time. All interest

173 accrued and earnings shall be deposited into the fund. The fund shall
174 be expended solely for the administration and implementation of this
175 chapter. Any unexpended balances shall be redeposited for future
176 use consistent with the provisions of this chapter.

177 (c) The state treasurer shall make all disbursements and expendi-
178 tures from the fund without further appropriation, as directed by the
179 commissioner of revenue in accordance with said Section 8. The
180 department of revenue shall report by source all amounts credited to
181 said fund and all expenditures from said fund. The commissioner of
182 revenue shall assign personnel of the department as it may need to
183 administer and manage the fund disbursements and any expense
184 incurred by the department shall be deemed an operating and admin-
185 istrative expense of the program. The operating and administrative
186 expenses shall not exceed 5 per cent of the annual total revenue
187 received under the provisions of said Section 8.

188 (d) The state treasurer shall disburse funds to local administering
189 agencies according to a formula based on U.S. Census data. The for-
190 mula shall determine percentages of funds to be distributed to
191 municipal low income rental assistance funds. A municipal low
192 income rental assistance fund's percentage share shall be determined
193 by the total number of households within that municipality that have
194 an annual income of less than 30 per cent of AMI, and that are
195 paying more than 50 per cent of their income for rent. Additionally,
196 fifty percent of funds shall be distributed to households that have an
197 annual income below 15 per cent of AMI, provided that such house-
198 hold need is determined to exist by the municipal low income rental
199 assistance committee. Such distribution shall be re-determined by
200 the state treasurer each time new U.S. Census data becomes avail-
201 able. The state treasurer shall phase in any changes to the formula to
202 prevent a large withdrawal of resources from one county that could
203 negatively impact households receiving rental housing support.

204 Section 7. Accurate account of recommendations and actions;
205 records of appropriations and expenditures and of real property
206 interests.

207 The low income rental assistance committee shall keep a full and
208 accurate account of all of its actions, including its recommendations
209 and the action taken on them and records of all appropriations or
210 expenditures made from the low income rental assistance Fund. The
211 committee shall also keep records of any real property interests

212 acquired, disposed of or improved by the city or town upon its rec-
213 ommendation, including the names and addresses of the grantors or
214 grantees and the nature of the consideration. The records and
215 accounts shall be public records.

216 Section 8. Rules and regulations.

217 The commissioner of revenue shall have the authority to promul-
218 gate rules and regulations to effect the purposes of this chapter.