

# SENATE NO. 132



## **AN ACT** RELATIVE TO SMART GROWTH HOUSING TRUST FUND

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

1 SECTION 1. Chapter 10 of the General Laws, as appearing in the 2004 Official Edition, is hereby  
2 amended by striking out section 35AA, and inserting in place thereof the following section:-

3 Section 35AA. There shall be established and set upon the books of the commonwealth a separate  
4 fund to be known as the Smart Growth Housing Trust Fund to be used, without appropriation, by the  
5 department of housing and community development and the department of revenue for the purpose of  
6 making payments to communities under section 10 of chapter 40R and section 3 of chapter 40S.

7 Available revenues from the sale of state surplus lands, as provided for in law, revenue received by the  
8 commonwealth pursuant to section 6L of chapter 62, appropriations from the General Fund and  
9 monetary sanctions imposed by the department of housing and community development under  
10 subsection (c) of section 7 of said chapter 40R shall be deposited into the Trust Fund. All monies  
11 deposited into the Fund shall be expended exclusively for the purposes set forth in this section. No

12 expenditure from said Fund shall cause said Fund to be in deficiency at the close of a fiscal year. No  
13 later than December 1 of each year, the department of housing and community development, after  
14 consultation with the department of revenue and the department of education, shall estimate the  
15 anticipated obligations under chapter 40R and chapter 40S during the next occurring calendar year.  
16 In January of each year, any amount in the Trust Fund exceeding one and one-half times the  
17 anticipated obligations for that year shall be paid over to the General Fund.

18 SECTION 2. Section 1 of chapter 40S, as appearing in the 2004 Official Edition, is hereby amended  
19 by adding the following definition:-

20 “Trust fund”, the Smart Growth Housing Trust Fund, established by section 35AA of chapter 10.

21 SECTION 3. Section 2 of said chapter 40S, as so appearing, is hereby amended by striking out, in line  
22 1, the words “Subject to appropriation” and inserting in place thereof the following words:- From the  
23 trust fund .

24 SECTION 4. Section 3 of said chapter 40S, as so appearing, is hereby amended by striking out  
25 subsection (f) and inserting in place thereof the following subsection:-

26 (f) Upon receipt of all data and calculations required by this section, the division of local services shall  
27 calculate the smart growth school cost reimbursement pursuant to section 2. The commissioner of  
28 revenue shall make a single payment from the Trust Fund to each municipality for the amount of its  
29 smart growth school cost reimbursement; provided however, if the Trust Fund is insufficient to fully  
30 fund the cost of the reimbursement, the division shall calculate the percentage of each municipality’s  
31 reimbursement as a share of the statewide reimbursement, and prorate each municipality’s  
32 reimbursement proportionally.

33 SECTION 5. Chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby  
34 amended by inserting after section 6K the following section:-

35 Section 6L. The commissioner shall, upon receipt of a list of addresses of new smart growth  
36 development pursuant to section 3 of chapter 40S, identify every individual inhabitant of such  
37 addresses filing a return of income pursuant to section 6 of chapter 62C. All revenue received by the  
38 commonwealth pursuant to chapter 62 from any resident or inhabitant domiciled, or with a place of  
39 abode, in newly constructed or substantially renovated housing in an approved and certified smart  
40 growth zoning district as defined by chapter 40R, shall be credited by the comptroller to the Smart  
41 Growth Trust Fund as established by section 35AA of chapter 10.

