

## JOURNAL OF THE HOUSE.

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Wednesday, June 5, 2013.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

### *Silent Prayer.*

The Speaker being in the Chair,—

At the request of Representatives Reinstein of Revere and O'Flaherty of Chelsea, the members, guests and employees stood in a moment of silent tribute to the memory of Chelsea firefighter, Deputy Fire Chief Charles Crowley who passed away unexpected on Sunday. Chelsea,—  
Deputy  
Fire Chief  
Charles  
Crowley.

Appointed in 1987, Deputy Chief Charles Crowley joined his brother, Lieutenant Kevin Crowley to become the fourth generation of his family to serve the city of Chelsea on their fire department.

In 1999, Deputy Chief Crowley was honored with the Medal of Valor for his heroic actions in saving a seven year old boy during a house fire in Chelsea. Working with his brother, they were able to rescue the child from the second floor of a burning house and bring him to safety.

That is just one of the countless stories that exhibits the type of bravery Charles Crowley displayed over his twenty-six year career as a Chelsea firefighter. Charles Crowley carried on his family's strong tradition of service and leaves a legacy they can all be proud of.

Deputy Chief Crowley is survived by his wife, Sherrie and his three sons. The House of Representatives would like to thank Deputy Chief Charles Crowley for his dedicated service and extends its deepest condolences and prayers to his family and his brother and sister firefighters.

### *Messages from the Governor.*

Mr. Donato of Medford being in the Chair,—

A message from His Excellency the Governor (under the provisions of section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the annual election held in the town of Millville on April 1, 2013 (House, No. 3493), was filed in the office of the Clerk on Monday, June 3. Millville,—  
election.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Mrs. Haddad of Somerset being in the Chair,—

A message from His Excellency the Governor (under the provisions of section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the Medfield,—  
town  
meeting.

Medfield,—  
town  
meeting.

annual town meeting of the town of Medfield held on April 29, 2013 (House, No. 3500), was filed this day in the office of the Clerk.

The message was read; and it was referred, on motion of Ms. Garlick of Needham, with the accompanying draft of a bill, to the committee on Rules.

*Resignation of Representative Forry of Boston.*

The following communication was read; and spread upon the records of the House, as follows:

June 3, 2013.

Robert A. DeLeo  
*Speaker of the House of Representatives*  
State House, Room 356  
Boston, MA 02133

Dear Speaker DeLeo:

Resignation of  
Representative  
Linda Dorcena  
Forry of  
Boston.

It has been an honor to serve in the House of Representatives for the last eight years. I am writing to effectively resign from my position as State Representative on Thursday, June 13, 2013 at 1:30 P.M.

Thank you for giving me the opportunity to serve in your leadership team by appointing me the House Chair of the Joint Committee on Community Development and Small Businesses. Through this position, I have been able to work on major pieces of legislation that have made it easier for small businesses and community development corporations to thrive and grow in our Commonwealth.

I look forward to our continuing work together.

Sincerely,

LINDA DORCENA FORRY,  
*State Representative.*

*Order.*

The following order (filed this day by Mr. DeLeo of Winthrop) was referred, under Rule 85, to the committee on Rules:

Twelfth Suffolk  
Representative  
District,—  
time for  
election to fill  
vacancy.

*Ordered,* That the House irrevocably accepts the resignation, dated June 3, 2013 and effective June 13, 2013, of Linda Dorcena Forry as the Representative in the General Court from the 12th Suffolk District in Boston, and declares that, by reason of this resignation, the office of Representative from that district is vacant as of June 13, 2013; and be it further

*Ordered,* That, the precept to be issued by the Speaker, under the provisions of Section 141 of Chapter 54 of the General Laws, appointing a time for the election to fill the vacancy that shall exist in the office of Representative in the General Court from said Twelfth Suffolk District shall designate Tuesday, September 10, 2013, as the time ordered by the House of Representatives for said election.

Mr. Binienda of Worcester, for the committee on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of the same member, the order was considered forthwith; and it was adopted.

*Statement Concerning Representative Parisella of Beverly.*

A statement of Mr. Rushing of Boston concerning Mr. Parisella of Beverly was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Parisella of Beverly, is unable to be present in the House Chamber for today's sitting due to his being on active military duty as a member of the Army Reserve until June 14. His missing of roll calls this week and next week is due entirely to the reason stated.

Statement concerning Mr. Parisella of Beverly.

*Statement Concerning Representative O'Flaherty of Chelsea.*

A statement of Mr. Rushing of Boston concerning Mr. O'Flaherty of Chelsea was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative O'Flaherty of Chelsea, is unable to be present in the House Chamber for today's sitting due to his being outside of the Commonwealth on official business. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. O'Flaherty of Chelsea.

*Statement of Representative Silvia of Fall River.*

A statement of Representative Silvia of Fall River was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. My missing of roll calls 121 to 124, inclusive, is due entirely to the reason stated.

Statement of Mr. Silvia of Fall River.

*Recognition of Representative Scaccia of Boston.*

During the session, the Speaker announced that the Dean of the House, Representative Scaccia of Boston, had recently received the Ron Burton Distinguished American Award, which is presented to individuals in recognition of their service to the community. The Speaker also recognized Dean Scaccia for his contributions to a grateful nation as a United States Marine as well as his contributions to the game of football.

Recognition of Mr. Scaccia of Boston.

*Recognition of Casimir "Chip" Zigulis.*

During the session, the Speaker declared a brief recess and presented Mr. Casimir "Chip" Zigulis with citations from the entire membership in recognition of his twenty-five years of dedication and commitment to the Commonwealth of Massachusetts and the House of Representatives.

Recognition of Casimir "Chip" Zigulis.

*Guests of the House.*

During the session, the Speaker declared a brief recess and introduced Franklin resident Brittany MacLeod. Ms. MacLeod, a 2009 Franklin High School graduate and 2013 graduate of Marist College, was selected as one of three finalists from six thousand applicants for the position of Chief Funster in the tourism department of Australia.

Brittany MacLeod.

Accompanied by her parents, brother and best friend, they were the guests of Representative Roy of Franklin.

Milton,—  
Tucker  
Elementary  
School.

The Chair (Mr. Donato) introduced third grade students and their teachers and chaperones from the Tucker Elementary School in Milton, who were seated in the House Chamber. They were the guests of Representative Timilty of Milton.

Reading,—  
Barrows  
Elementary  
School.

The Chair also introduced third grade students and their teachers and chaperones from the Barrows Elementary School in Reading, who were seated in the House Chamber. They were the guests of Representatives Jones of North Reading and Dwyer of Woburn.

### *Petitions.*

Petitions severally were presented and referred as follows:

Harvard,—  
alcoholic  
beverages.

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 3494) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Harvard be authorized to issue licenses for the sale of all alcoholic beverages in said town. To the committee on Consumer Protection and Professional Licensure.

Middlefield,—  
recall  
elections.

By Representative Kulik of Worthington and Senator Downing, a joint petition (accompanied by bill, House, No. 3495) of Stephen Kulik and Benjamin B. Downing (by vote of the town) for legislation to provide for recall elections in the town of Middlefield. To the committee on Election Laws.

Harvard,—  
elderly and  
disabled.

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 3498) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Harvard be authorized to appoint an elderly and disabled taxation aid committee;

Harvard,—  
special police  
officers.

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 3499) of Jennifer E. Benson and James B. Eldridge (by vote of the town) relative to the appointment of special police officers in the town of Harvard; and

Melrose,—  
special  
details.

By Representative Brodeur of Melrose and Senator Clark, a joint petition (accompanied by bill, House, No. 3496) of Paul Brodeur, Katherine M. Clark and others (with the approval of the mayor and city council) that the city of Melrose be authorized to increase fees for special details performed by municipal employees of said city;

Severally to the committee on Municipalities and Regional Government.

Harvard,—  
prevailing  
wage  
exemption.

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 3497) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Harvard be exempt from laws governing certain improvements on public properties in said town. To the committee on State Administration and Regulatory Oversight.

Severally sent to the Senate for concurrence.

Barnstable,—  
fire district.

Mr. Mannel of Barnstable presented a petition (subject to Joint Rule 12) of Brian R. Mannel relative to library funding provided by the Centerville-Osterville-Marstons Mills Fire District; and the same was referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

The message from His Excellency the Governor recommending legislation relative to financing information technology equipment and related projects (House, No. 3330), came from the Senate with the endorsement that said branch had non-concurred with the House in its reference to the committee on Economic Development and Emerging Technologies, and had referred said message, in non-concurrence, to the committee on the State Administration and Regulatory Oversight. Information technology.

On motion of Mr. Kocot of Northampton, the House receded from its reference to the committee on Economic Development and Emerging Technologies; and the message (accompanied by bill) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Mrs. Haddad of Somerset being in the Chair,—

The message from His Excellency the Governor recommending legislation relative to supplementing certain existing capital spending plans (House, No. 3331), came from the Senate with the endorsement that said branch had non-concurred with the House in its reference to the committee on Economic Development and Emerging Technologies, and had referred said message, in non-concurrence, to the committee on the State Administration and Regulatory Oversight. Capital spending plans.

On motion of Mr. Kocot of Northampton, the House receded from its reference to the committee on Economic Development and Emerging Technologies; and the message (accompanied by bill) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

A Bill authorizing the town of Freetown to designate a check-off on its tax bills (Senate, No. 1404) (on a petition) [Local Approval Received], passed to be engrossed by Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Freetown,—tax bills.

A petition (accompanied by bill, Senate, No. 1786) of Thomas M. McGee and Steven M. Walsh (by vote of the town) for legislation to authorize the town of Nahant to issue bond anticipation notes, was referred, in concurrence, to the committee on Municipalities and Regional Government. Lynn,—dumping.

*Reports of Committees.*

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Paul R. Heroux and others for legislation to establish award grants for the reduction of violence in municipalities. Under suspension of the rules, on motion of Mr. Heroux of Attleboro, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security. Sent to the Senate for concurrence. Municipal non-violence grants.

Mr. Donato of Medford being in the Chair,—

Falmouth,—  
land.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to the conveyance of real property by the Commonwealth in the town of Falmouth (House, No. 2853), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill relative to the harbor master in the town of Mat-tapoisett (see House, No. 3303) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final pas-sage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Spencer-  
East Brookfield  
Regional  
School  
District.

The Senate amendments to the House Bill relative to the financial condition of Spencer-East Brookfield Regional School District (House, No. 3476, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, were adopted, in concurrence.

Third  
reading  
bill.

The House Bill establishing a sick leave bank for Janet Everett, an employee of the Massachusetts Department of Transportation (House, No. 3481), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Second  
reading  
bills.

The Senate Bill further limiting the liability of persons rendering certain emergency medical care (Senate, No. 829); and

House bills

Relative to the protection of firefighters and emergency medical technicians (House, No. 1577);

Authorizing the town of Nantucket to sell, convey or otherwise dis-  
pose of certain land situated in the town of Nantucket for any lawful  
purpose (House, No. 3314, changed);

Establishing a three member board of selectman in the town of Ayer  
(House, No. 3356); and

Relative to borrowing for and the term and apportionment of bet-  
terments and assessments for sewer projects in the town of Barnstable  
(House, No. 3372);

Several were read a second time; and they were ordered to a third  
reading.

*Recess.*

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at eleven minutes after one o'clock, the House was called to order with the Speaker in the Chair.

*Quorum.*

Mr. Peterson of Grafton then asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 139 members were recorded as being in attendance.

Quorum,—  
yea and nay  
No. 119.

**[See Yea and Nay No. 119 in Supplement.]**

Therefore a quorum was present.

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Templeton (see Senate, No. 1768), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Templeton,—  
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc', as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 120.

**[See Yea and Nay No. 120 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

*Reports of Committees.*

Mr. Donato of Medford being in the Chair,—

Prior to the noon recess,— Mr. Dempsey of Haverhill, for the committee on Ways and Means, reported that the Bill financing the production and preservation of housing for low and moderate income residents (House, No. 3464), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 3492).

Housing,—  
production.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 3491),— and the amendment recommended by the committee on Ways and Means, pending.

Mr. Kafka of Stoughton, for said committee on Steering, policy and Scheduling, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets was rejected.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 3492) was ordered to a third reading.

Housing.—  
production.

Subsequently, the noon recess having terminated (Mrs. Haddad of Somerset being in the Chair), under suspension of the rules, on motion of Mr. Honan of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on the question on passing the bill to be engrossed, Mr. Diehl of Whitman moved to amend it section 2, in item 7004-0031, by adding the following: “; provided however, that notwithstanding any general or special law to the contrary funds from this item shall be provided for an emergency mortgage assistance payments program to be administered by the Massachusetts Housing Finance Agency, hereinafter referred to as MHFA, provided, further that for purposes of this item the term ‘gross household income’, shall mean the total income of a household, a married couple, and children residing in the same household as the applicant and any other resident of the household declared by the mortgagor as a dependent for federal tax purposes, the term ‘housing expense’, shall mean the sum of the mortgagor’s monthly maintenance, utility, hazard insurance expense, taxes and required mortgage payments, including escrows and the term ‘net effective income’, shall mean gross household income less state and federal income and social security taxes; provided, however, that the MHFA shall in its administration of such program or any other funds, financing, mortgages, letters of credit or other credit instrument provided by MHFA as allowed by law, shall require any creditor or mortgagee of residential loans to: (1) not cause publication of notice of a foreclosure sale, as required by section 14 of chapter 244 of the general laws, upon certain mortgage loans unless it has (i) received a determination on a mortgagor’s application for emergency mortgage assistance payments from the MHFA, or the applicable time periods provided for in such program has expired whichever is earlier and (ii) taken reasonable steps and made a good faith effort to avoid foreclosure; (2) take reasonable steps and made a good faith effort to avoid foreclosure if the creditor has considered: (i) an assessment of the borrower’s ability to make an affordable monthly payment; (ii) the net present value of receiving payments under a modified mortgage loan as compared to the anticipated net recovery following foreclosure; and (iii) the interests of the creditor, including, but not limited to, investors; provided, that MHFA shall prepare a uniform notice for each mortgagor receiving a notice pursuant to section 14 of chapter 244 of the general laws and the notice shall include a statement that if the mortgagor was unable to resolve the delinquency or default the mortgagor may apply to the agency or its duly authorized agent at the address and phone number listed in the notice in order to obtain an application and information regarding the homeowner’s emergency mortgage assistance program; provided, further that if the mortgagor applies for mortgage assistance payments, MHFA shall promptly notify all of the mortgagees secured by the mortgagor’s real property; provided, further that shall make a determination of eligibility within 30 calendar days of receipt of the mortgagor’s application; provided, further, that during the time that the application is pending, no mortgagee may commence legal action to fore-

close upon its mortgage with the mortgagor; provided, further, that if the mortgagor's application for mortgage assistance payments is denied, the mortgagee may at any time thereafter take any legal action to enforce the mortgage without any further restriction or requirements under this item; provided, further that financial institutions shall not be the duly authorized agents of the agency and shall not make the decision on the approval of assistance under this section; provided, further that no assistance may be made with respect to a mortgage under this item unless all of the following are established: (1) the property securing the mortgage, is a one-family residence, or two-family owner-occupied residence including one-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, is the principal residence of the mortgagor and is located in this commonwealth; (2)(i) any mortgagee has indicated to the mortgagor its intention to foreclose; or (ii) payments under any mortgage have been contractually delinquent for at least 60 days; (3) the mortgage is not insured by the Federal Housing Administration under Title II of the National Housing Act; (4) the mortgagor is a permanent resident of the commonwealth and is suffering financial hardship due to circumstances beyond the mortgagor's control which render the mortgagor unable to correct the delinquency or delinquencies within a reasonable time and make full mortgage payments; (5) MHFA has determined that there is a reasonable prospect that the mortgagor will be able to resume full mortgage payments within 36 months after the beginning of the period for which assistance payments are provided under this article and pay the mortgage or mortgages in full by its maturity date or by a later date agreed to by the mortgagee or mortgagees for completing mortgage payments; (6) the mortgagor has applied to the agency for assistance on an application form prescribed by the agency for this use which includes a financial statement disclosing all assets and liabilities of the mortgagor, whether singly or jointly held, and all household income regardless of source; provided, that any applicant who intentionally misrepresents any financial information in conjunction with the filing of an application for assistance under this section may be denied assistance or required to immediately repay any amount of assistance made as a result of such misrepresentation and the mortgagee may at any time thereafter take any legal action to enforce the mortgage without any further restrictions or requirements under this section; (7) the mortgagee is not prevented by law from foreclosing upon the mortgage; (8) MHFA has determined, based on the mortgagor's financial statement, that the mortgagor has insufficient household income or net worth to correct the delinquency or delinquencies within a reasonable period of time and make full mortgage payments; (9) the mortgagor shall have exhausted unemployment compensation benefits during the calendar years of 2013, 2014 or 2015; (10) the mortgagor shall have had a favorable credit history prior to any period of unemployment. Favorable credit history shall be determined by the agency; (11) the mortgagors shall have a level of income from other family members and property income not in excess of an amount which indicates a significant need for assistance in making timely mortgage payments; pro-

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production.

vided, that such income ceilings shall be determined by the agency; (12) all of the mortgagees shall agree to the eligibility of the mortgagor to participate in the homeowner's emergency mortgage assistance program; and (13) any other requirements established by MHFA; provided, further that upon a determination that the conditions of eligibility set forth in this item have been met by a mortgagor and money is available in the homeowners' emergency mortgage assistance program, the mortgagor shall become eligible for the assistance; provided, further that if MHFA determines that a mortgagor has not met the conditions of eligibility described herein, the mortgagor shall be prohibited from reapplying for assistance under this item for a period 6 months from the date of such determination unless there is a material change in circumstances: provided, however, that nothing in this item shall prohibit any mortgagee from commencing legal action to enforce the mortgage without any further restriction or requirement under this article whenever MHFA determines that the mortgagor is ineligible for assistance as provided in this section; provided, further that, loans secured by liens on residential real property located in the commonwealth to residents of Massachusetts shall be eligible for loans as described in this item; provided, further that if MHFA determines that a mortgagor is eligible for assistance under this section, MHFA shall pay directly to each mortgagee secured by the mortgagor's real estate payments on behalf of the mortgagor, secured by the mortgagor's real estate and MHFA shall pay to each mortgagee the full amount then due to that mortgagee pursuant to the terms of the mortgage without regard to any acceleration under the mortgage, or the full amount of any alternate mortgage payments agreed to by the mortgagee and mortgagor; provided, further that his amount shall include, but not be limited to, the amount of principal, interest, taxes, assessments, flood or hazard insurance any mortgage insurance or credit insurance premiums; provided, further that the initial payment made by MHFA to each mortgagee shall be an amount which makes each mortgage current and pays reasonable costs and reasonable attorneys' fees already incurred by such mortgagee; provided, further that after the mortgagor has paid any and all arrearages pursuant to this item to each mortgagee, the mortgagor may be entitled to monthly mortgage assistance payments; provided, further that a mortgagor on whose behalf the agency is making mortgage assistance payments shall pay monthly payments to MHFA; provided, further that such payments shall be in an amount which will cause the mortgagor's total housing expense not to exceed 35 per cent of the mortgagor's net income and this shall be the maximum amount the mortgagor can be required to pay during the 36 months a mortgagor is eligible for emergency mortgage assistance; provided, further that the mortgagor shall make the above payment to MHFA at least 7 days before each mortgage payment is due to each mortgagee and upon receipt of this payment from the mortgagor, MHFA or its duly authorized agent shall send the total mortgage payments payment directly to each mortgagee and shall include housing expenses; provided, however, that if the mortgagor is receiving emergency mortgage assistance under a program other than that established in this section, the amount of the

payment he or she is required to make to the agency under this section shall take into consideration the amount of assistance such person is receiving under such other programs; provided, further that the amount by which the mortgagor assistance payments made by MHFA to all mortgagees exceeds the amount of payments made by the mortgagor to MHFA shall be a loan in that amount by MHFA to the mortgagor and that such loan shall be evidenced by such documents as MHFA shall determine and shall be subject to repayment with interest and secured as provided herein; provided, further that if the mortgagor fails to pay to MHFA any amounts due directly from him or her under this section within 15 days of the due date, MHFA shall review the mortgagor's financial circumstances as provided in this section to determine whether the delinquency is the result of a change in the mortgagor's financial circumstance and if the delinquency is not the result of a change in the mortgagor's financial circumstances, MHFA shall terminate the emergency mortgage assistance payments and any mortgagee may at any time thereafter take any legal action to enforce its mortgage without any further restriction or requirement under this section; provided further that if the delinquency is the result of a change in the mortgagor's financial circumstances, MHFA shall modify the mortgagor's required payments to MHFA as MHFA shall determine; provided, further that if any mortgagee scheduled to receive payments from MHFA pursuant to this section fails to receive from MHFA the full amount of such payment by within 30 days of the scheduled due date, or if a mortgagor fails to observe and perform all the terms, covenants and conditions of the mortgage, that mortgagee may at any time thereafter take any legal action to enforce the mortgage without any further restriction or requirement under this section; provided, further that payments under this section shall be provided for a period not to exceed 36 months, either consecutively or non-consecutively; provided, further that MHFA shall establish procedures for periodic review of the mortgagor's financial circumstances for the purpose of determining the necessity for continuation, termination or adjustment of the amount of the payments and payments shall be discontinued when MHFA determines that, because of the changes in the mortgagor's financial circumstances the payments are no longer necessary in accordance with guidelines set forth by MHFA; provide, further that repayment of amounts owed to MHFA from a mortgagor shall be secured by a mortgage lien on the property and by such other obligation as MHFA may require; provided, further that the priority of any lien obtained by MHFA under this section shall be determined in the same manner as the lien of a general secured creditor of the mortgagor; provided, further that the lien or other security interest of MHFA shall not be deemed to take priority over any other secured lien or secured interest in effect against the mortgagor's property on the date assistance payments begin; provided, further that MHFA may allow subordination of the mortgage assistance lien if such subordination is necessary to permit the mortgagor to obtain a home improvement loan for repairs necessary to preserve the property; provided, further that upon approval of mortgage assistance, MHFA shall enter into an agreement with the mortgagor for repayment of

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production.

all mortgage assistance made by MHFA plus interest as provided in this item; provided, further that the agreement shall provide for monthly payments by the mortgagor and be subject to the following forbearance provisions: (1) if the mortgagor's total housing expense as defined in this section is less than 35 per cent of his or her net effective income, the mortgagor shall pay to MHFA the difference between 35 per cent of the mortgagor's net effective income and the mortgagor's total housing expense unless otherwise determined by MHFA after examining the mortgagor's financial circumstances and ability to contribute to repayment of the mortgage assistance, (2) if the mortgagor's total housing expense is more than 35 per cent of his or her net effective income, repayment of the mortgage assistance shall be deferred until the mortgagor's total housing expense is less than 35 per cent of his or her net effective income, (3) if repayment of mortgage assistance is not made by the date any mortgage is paid, the mortgagor shall make mortgage assistance repayments in an amount not less than the mortgage payment until the mortgage assistance is repaid, (4) MHFA shall establish procedures for periodic review of the mortgagor's financial circumstances to determine the amounts of repayment required under this section, (5) interest shall accrue on all mortgage assistance made by MHFA at the rate equal to MHFA's current market rate for residential mortgages. Interest shall start to accrue whenever the mortgagor begins to make repayment under this section. Interest shall accrue only during the period in which the mortgagor is required to make repayment under this section. When any mortgage for which mortgage assistance was made is paid, interest shall then accrue on all mortgage assistance due and owing at the same rate and on the same basis as the mortgage for which the mortgage assistance was made, and (6) all moneys received from mortgagors for repayment of mortgage assistance shall be deposited in MHFA's homeowner's emergency mortgage assistance fund established by MHFA in this section for the sole purpose of implementing the provisions of this section; provided, further that the homeowner's emergency mortgage assistance fund is hereby created as a separate account within MHFA for the sole purpose of implementing the provisions of this section and no other agency funds, moneys or interest earnings shall be utilized for the purposes of this section. The homeowner's emergency mortgage assistance fund shall only be utilized by MHFA whenever funds are appropriated by the general court for the purposes provided for in this section; provided, further that all moneys paid by mortgagors to the agency to repay loans provided by MHFA shall be accounted for and transferred back to the source from which the funds are appropriated unless the funds cannot be lapsed or transferred pursuant to any other act of the general court: provided, however, that investment and interest earnings on moneys from this fund may be used by MHFA for the administrative costs of the program; provided, however, that the provisions of this item shall not be applicable to any mortgage which becomes delinquent at any time when MHFA does not have money currently available in the homeowner's emergency mortgage assistance fund to approve applications for emergency mortgage assistance or to continue making assistance payments on

behalf of mortgagors previously approved; provided, further n the event that the funds available to MHFA in the homeowner's emergency mortgage assistance fund for purposes of this item become insufficient to approve application for emergency mortgage assistance, or to continue making assistance payments on behalf of mortgagors previously approved, MHFA shall immediately post a notice on its website and publish an announcement to that effect and mortgagees shall no longer be subject to the provisions of this and mortgagees may at any time thereafter take legal action to enforce the mortgage without any further restriction or requirement under this item; and provided, that the MHFA shall adopt uniform notices, rules and regulations and program guidelines for the implementation of this item and MHFA shall report annually to the general court on the effectiveness of the homeowner's emergency mortgage assistance program in accomplishing the purposes of this item."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Diehl of Whitman; and on the roll call 27 members voted in the affirmative and 124 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 121.

**[See Yea and Nay No. 121 in Supplement.]**

Therefore the amendment was rejected.

The same member then moved to amend the bill in section 2, in items 7004-0028, 7004-0029, 7004-0030, 7004-0031, 7004-0032, 7004-0033, 7004-0034, 7004-0035, 7004-0036 and 7004-0037 by adding, in each instance, the words: "notwithstanding any general or special law to the contrary, the executive office of housing and economic development shall require all recipients or any person seeking housing or assistance in any form, including vouchers, to provide a valid social security number and the housing agency is required to verify the number."

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Diehl; and on the roll call (Mr. Donato of Medford being in the Chair) 51 members voted in the affirmative and 98 in the negative.

Amendments  
rejected,—  
yea and nay  
No. 122.

**[See Yea and Nay No. 122 in Supplement.]**

Therefore the amendments were rejected.

Mr. Lyons of Andover then moved to amend the bill by adding the following section:

"SECTION 18. (a) Definitions. As used in this section, the following terms shall have the following meanings unless the context clearly requires otherwise:—

'Federal Public Benefits,' the same meaning as provided in section 1611 of Title 8 of the United States Code.

'State Public Benefits,' the same meaning as provided in section 1621 of Title 8 of the United States Code.

(b). Except as where otherwise provided for by federal, general, or special law, all state public benefits and all federal public benefits shall only be received by individuals who are citizens of the commonwealth and for persons who are residents of the commonwealth and have proper verifiable documents or identification from their country of origin."

Amendment  
rejected,—  
yea and nay  
No. 123.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 48 members voted in the affirmative and 102 in the negative.

**[See Yea and Nay No. 123 in Supplement.]**

Therefore the amendment was rejected.

Mr. Lyons of Andover then moved to amend the bill by adding the following section:

“SECTION 18: The General Laws are hereby amended by inserting after chapter 117A the following new chapter:—

**CHAPTER 117B.**

**Residency Requirements for Public Benefits.**

Section 1. Self declaration of residency shall not be accepted as a valid form of residency verification for people seeking taxpayer-funded individual benefits from the Commonwealth of Massachusetts.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. deMacedo of Plymouth; and on the roll call 43 members voted in the affirmative and 107 in the negative.

**[See Yea and Nay No. 124 in Supplement.]**

Therefore the amendment was rejected.

After remarks on the question on passing the bill to be engrossed, Mr. Timilty of Milton moved to amend it by adding the following section:

“SECTION 18. Notwithstanding any general or special law, rule or regulation to the contrary, no 40B development shall be permitted within 1000 feet of the portion of the Town of Milton called Fowl Meadow, or any land abutting Fowl Meadow which development shall negatively impact this unique area encompassing upland open meadows, pristine wetlands and mature woods. Negative impact shall be determined to be a change of grade, re-routing or changing water flow, draining wetlands or altering the topography such that rare and/or endangered species shall not have the ability to inhabit two or more of the portions of the unique areas named herein.”

The amendment was rejected.

Mr. Toomey of Cambridge then moved to amend the bill by adding the following section:

“SECTION 18. Item 6121-1217 of section 2A of chapter 242 of the acts of 2012 is hereby amended by striking out, in line 198 and line 119, the words ‘train with rail in the Grand Junction corridor’ and inserting in place thereof the following words:— rail trail in the Grand Junction corridor.”

The amendment was adopted.

Ms. Garlick of Needham then moved to amend the bill in section 2, in item 7004-0029, in line 36, by striking out the word “and” and inserting in place thereof the word “or”; and the amendment was adopted.

Mr. Timilty of Milton then moved to amend the bill by adding the following section:

“SECTION 19. All senior housing, in The Town of Milton, shall be considered low or moderate income housing for the purposes of Section 20 of Chapter 40B of the General Laws.”

The amendment was rejected.

Amendment  
rejected,—  
yea and nay  
No. 124.

Mr. Honan of Boston then moved to amend the bill by adding the following section:

“SECTION: 19. Section 63 of chapter 23A of the General Laws, as appearing in section 11 of chapter 238 of the acts of 2012, is hereby amended in paragraph (a) by striking out the following ‘.25 miles’ and inserting in place thereof the following: ‘.5 miles’.”

The amendment was adopted.

Mr. Mariano of Quincy being in the Chair,—

Mr. Jones of North Reading and other members of the House moved to amend the bill by inserting after section 2 the following section:

“SECTION 2A. Section 32 of chapter 121B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law or regulation to the contrary, an applicant for assisted housing under this chapter who is not eligible for federal assisted housing under 42 U.S.C. section 1436a shall not displace or be given priority over any applicant who is so eligible.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mrs. Haddad of Somerset; and on the roll call 123 members voted in the affirmative and 27 in the negative.

Amendment adopted,—  
yea and nay  
No. 125.

**[See Yea and Nay No. 125 in Supplement.]**

Therefore the amendment was adopted.

Mr. Rogers of Norwood then moved to amend the bill by adding the following section:

“SECTION 20. Section 20 of chapter 40B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘year’ in line 39 the following words:— , or (3) the application before the board would result in the commencement of construction of such housing on a site designated as a ‘tax increment financing zone’ pursuant to section 59 of chapter 40 for which a TIF agreement has been executed and while said agreement is still in effect.”

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Honan of Boston; and on the roll call 150 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—  
yea and nay  
No. 126.

**[See Yea and Nay No. 126 in Supplement.]**

Therefore the bill (House, No. 3492, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Prior to the noon recess,— Mr. Dempsey of Haverhill, for the committee on Ways and Means, reported that the Bill providing the terms of certain bonds to finance improvements to the Commonwealth’s transportation system (printed in House, No. 3488), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Transportation,—  
bonding  
terms.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Transportation,—  
bonding  
terms.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Cabral of New Bedford, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to the terms of certain bonds issued by the Commonwealth."

Bill passed to  
be engrossed,—  
yea and nay  
No. 127.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 127 in Supplement.]**

Therefore the bill was passed to be engrossed. Sent to the Senate for concurrence.

*Emergency Measure.*

Spencer-  
East Brookfield  
Regional  
School  
District.

The engrossed Bill relative to the financial condition of the Spencer-East Brookfield Regional School District (see House, No. 3476, amended) having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 52 to 0. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

*Ordered,* That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Mr. Hill of Ipswich moved that when the House adjourns today, it do so in respect to the memory of John F. Dolan, a member of the House from Ipswich from 1953 to 1970, inclusive; and the motion prevailed.

Accordingly, at seventeen minutes before five o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.