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October 18, 2023

To the Honorable Senate and House of Representatives,

I am pleased to submit for your consideration “The Affordable Homes Act.”

The Commonwealth faces an increasing housing shortage. The demand for both market rate and affordable housing has significantly increased, and the Executive Office of Housing and Livable Communities estimates that the Commonwealth must produce 200,000 homes by 2030 to tackle the existing housing shortage and meet growing demand. This legislation, together with the increases to the Low-Income Housing Tax Credit and the Housing Development Incentive Program, enacted in *An Act to improve the Commonwealth’s competitiveness, affordability, and equity*, are projected to create over 40,000 new homes and preserve or support an additional over 27,000 homes over the next 5 years. An additional 114,000 market-rate homes are already completed, under construction, or in the pipeline for completion by 2030 if conditions allow them to move forward. The legislation I file today will accelerate production to reach our 200,000 home goal and help ensure that a significant portion of that goal is comprised of long-term affordable housing.

This legislation proposes not only a comprehensive funding strategy to increase the supply of housing, rehabilitate and modernize public housing, and support affordable housing opportunities for our residents across the state, but also recommends policy initiatives to address fair housing and equity concerns, provides critical protections to vulnerable tenants and authority for cities and towns to raise revenue to address their unique affordable housing needs.

The bond authorization I propose today will provide \$4.12 billion in capital authorization to support the following key initiatives:

- **Investing in Public Housing**
 - \$1.5 billion in new capital authorization to make capital improvements across the over 43,000 units of state-aided public housing, including \$150 million dedicated to the decarbonization of public housing and \$15 million for accessibility upgrades.

- \$100 million in new capital authorization for the Public Housing Demonstration Program to encourage housing authorities to pursue innovative, market-driven strategies and leverage private resources.

- **Driving Housing Production & Preservation**

- \$800 million in new capital authorization for the Affordable Housing Trust Fund to support private affordable housing development.
- \$425 million in new capital authorization for the Housing Stabilization and Investment Trust Fund to support preservation, new construction, and rehabilitation projects.
- \$275 million in new capital authorization for sustainable and green housing initiatives:
 - Accelerate and support innovative housing strategies, including repurposing existing commercial or office space for housing development. This authorization will also support a new social housing demonstration program;
 - Develop transit-oriented housing; and
 - Support the creation and rehabilitation of sustainable and climate resilient affordable multifamily housing.
- \$50 million in new capital authorization for a Momentum Fund to capitalize a permanent, revolving fund and seeded through state and private investment, to accelerate development of mixed-income multifamily housing.
- \$175 million in new capital authorization for the HousingWorks Infrastructure Program.
- \$50 million in new capital authorization for the Neighborhood Stabilization Program for redevelopment, reconstruction, repair, acquisition, and rehabilitation of abandoned and foreclosed properties.
- \$35 million in new capital authorization for Housing Choice Grants.
- \$30 million in new capital authorization to support efforts to utilize state surplus land for housing and other purposes.
- \$25 million in new capital authorization for Community Planning Grants.

- \$20 million in new capital authorization to recapitalize the 40R Smart Growth Housing Trust Fund.

- **Supporting Vulnerable Populations**

- \$200 million in new capital authorization for the Housing Innovations Trust Fund to support innovative and alternative forms of rental housing for residents who need extensive support services.
- \$70 million in new capital authorization for the Facilities Consolidation Fund to create community-based housing in rental developments for clients of the Departments of Developmental Services and Mental Health.
- \$60 million in new capital authorization for the Home Modification Loan program to provide loans to make access and safety modifications to the homes of persons with disabilities and seniors.
- \$55 million in new capital authorization for the Community-Based Housing program to create housing for people with disabilities.
- \$50 million in new capital authorization for the Early Education and Out of School Time program to help build early education facilities that children from families with low incomes.

- **Supporting Middle Income & Home Buyers**

- \$100 million in new capital authorization to support the creation of affordable homeownership units through the CommonWealth Builder program.
- \$100 million in new capital authorization to support the creation of mixed-income rental housing that is affordable for households whose incomes are too high for traditional subsidized housing but are priced out by market rents.
- \$50 million, included within the authorization of the Affordable Housing Trust Fund, to support first-time homebuyers through the MassDREAMS program.

The bill also contains tax credit proposals to help support our community development corporations and their work creating affordable housing and livable communities and a new homeownership production tax credit program:

- Making the Community Investment Tax Credit permanent and increasing it from \$12 million to \$15 million per year to support the work of community development corporations.
- Creating a new Homeownership Production Tax Credit to award up to \$10 million in tax credits annually to produce homes affordable to moderate-income first-time homebuyers.

Finally, this bill includes policy proposals and statutory changes to address the Commonwealth's housing shortage, establish tenant protections, and provide additional tools for localities to address their unique affordable housing needs. Key highlights include:

- **Unlocking Housing Production and Preservation**

- Requiring the Executive Office of Housing and Livable Communities to prepare a statewide housing plan every five years.
- Allowing accessory dwelling units to be built by-right in single family zoning districts in all communities.
- Adding inclusionary zoning to the list of zoning changes municipalities may pass by simple majority.
- Establishing a temporary streamlined process for the disposition of land under the control of state and public agencies for housing purposes.
- Establishing a Supportive Housing Pool Fund to provide critical assistance for supportive housing by funding staffing, management, service coordination and other tenancy-related services not funded through other sources.
- Public housing reforms to allow housing authorities to operate more effectively and efficiently, reduce maintenance backlogs, and ensure resident protections.

- **Supporting Local Communities**

- Establishing a local option real estate transfer fee of 0.5% - 2% paid by the seller of property on the portion of the sale over \$1 million, or the county median home sales price, whichever is greater. Revenue raised through a real estate transfer fee would be required to be used for affordable housing purposes, including for public housing, through a community's municipal affordable housing trust fund.
- Creating a "seasonal communities" designation to create housing policies and resources to better serve the needs of these communities.
- Reforming the Commonwealth's receivership statute to permit courts to allow the sale of vacant properties in receivership to nonprofits for fair market value to rehabilitate and sell affordably to income-eligible first-time homebuyers.

- **Fair Housing & Tenant Protections**

- Establishing an Office of Fair Housing within the Executive Office of Housing and Livable Communities to support and coordinate enforcement initiatives, fair housing testing and outreach/education.

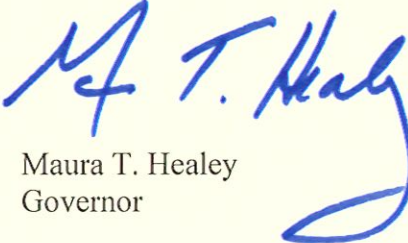
- Establishing a process for tenants to petition a court to seal eviction records.

- **Commissions**

- Establishing a Senior Housing & Age-Friendly Communities Commission to recommend policy, programs, and investments to expand the supply of sustainable, broadly affordable supportive senior housing and appropriate community supports.
- Establishing a commission to recommend policy, programs, and investments to expand the supply of housing affordable to households with extremely low incomes for those earning not more than 30% of the Area Median Income.

This housing bond bill will help strengthen our communities through the preservation and creation of affordable housing. I urge you to enact this legislation promptly to ensure that we meet the housing needs of the people of the Commonwealth.

Respectfully submitted,



Maura T. Healey
Governor



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND TWENTY THREE

THE AFFORDABLE HOMES ACT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the financing of the production and preservation of housing for low and moderate income citizens of the commonwealth and to make related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience

SECTION 1. To provide for a capital outlay program to rehabilitate, produce and modernize state-aided public housing developments; to preserve the affordability and the income mix of state-assisted multifamily developments; to support home ownership and rental housing opportunities for low and moderate income citizens; to stem urban blight through the implementation of housing stabilization programs; to support housing production for the elderly, disabled and homeless; to preserve housing for the elderly, the homeless and low and moderate income citizens and persons with disabilities; to develop facilities for licensed early care and education and out of school time programs; and to promote economic reinvestment through the funding of infrastructure improvements, the sums set forth in sections 2 to 5, inclusive for the several purposes and subject to the conditions specified in this act, are hereby made available subject to the laws regulating the disbursement of public funds.

SECTION 2.

EXECUTIVE OFFICE OF EDUCATION *Department of Early Education and Care*

3000-0411. For the purpose of state financial assistance in the form of grants for the Early Education and Out of School Time Capital Fund for the development of eligible facilities for licensed early care and education and out of school time programs established in section 18 of chapter 15D of the General Laws; provided, that the department of early education and care may contract with quasi-public or non-profit entities to administer the program, including, but not limited to, the Community Economic Development Assistance Corporation established in chapter 40H of the General Laws; provided further, that the department may develop or finance eligible facilities, may enter into subcontracts with nonprofit organizations established pursuant to chapter 180 of the General Laws or organizations in which such nonprofit corporations have a controlling financial or managerial interest; provided further, that the department shall consider: (i) a balanced geographic plan for such eligible facilities when issuing the funding commitments; and (ii) funding large group and school age child care centers, as defined by the department of

early education and care; provided further, that the services made available pursuant to such grants shall not be construed as a right or entitlement for any individual or class of persons to the benefits financing; provided further, that no expenditure shall be made from this item without the prior approval of the secretary of administration and finance; and provided further, that eligibility shall be established by regulations promulgated by the department pursuant to chapter 30A of the General Laws for the implementation, administration and enforcement of this item..... \$50,000,000

SECTION 3.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
Office of the Secretary

1100-2518. For costs associated with planning and studies, the preparation of plans and specifications, demolition, remediation, construction and relocation of utilities, construction and reconstruction of infrastructure, predevelopment, and site preparation; provided, that any funds received by a state agency in connection with projects funded from this item may be retained by the executive office for administration and finance and expended for the purposes of the project, without further appropriation, in addition to the amounts appropriated in this item; provided further, that where appropriate, the commissioner of capital asset management and maintenance may transfer funds authorized herein in accordance with a delegation of project control and supervision process pursuant to section 5 of chapter 7C of the General Laws or for the capitalization of the surplus real property disposition fund established in section 106; and provided further, that funds from this item shall be distributed in furtherance of affordable housing production goals and availability of sites suitable for construction or expansion of housing opportunities in the commonwealth in consultation with the secretary of housing and livable communities..... \$30,000,000

SECTION 4.

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

7004-0069. For a program of loans or grants to assist homeowners or tenants with a household member with blindness or severe disabilities in making modifications to their primary residence for the purpose of improving accessibility or to allow those individuals to live independently in the community or for construction costs to allow for the building of an accessory unit, which shall mean a unit constructed as an additional dwelling unit separate from the primary dwelling unit, for a person with disabilities or an elder needing assistance with activities of daily living; provided, that not more than 10 per cent shall be used for grants to assist landlords seeking to make modifications for a current or prospective tenant with disabilities, who but for such a grant would be unable to maintain or secure permanent housing; provided further, that the secretary of housing and livable communities and the secretary of health and human services shall take all steps necessary to minimize the program's administrative costs; provided further, that the secretary of health and human services may contract with quasi-public or non-profit entities to administer the program, including, but not limited to, the Community Economic Development Assistance Corporation established in

chapter 40H of the General Laws; provided further, that the program shall be available pursuant to income eligibility standards approved by the secretary of health and human services; provided further, that the repayment of the loans may be delayed until the sale of the principal residence by the homeowner; provided further, that persons residing in a development covered by section 4 of chapter 151B of the General Laws shall not be eligible for the program unless the owner can show that the modification is an undue financial burden or that the landlord is participating in the grant program to maintain or secure housing for a tenant with disabilities; provided further, that the secretary of health and human services shall consult with the Massachusetts commission for the blind and the Massachusetts rehabilitation commission to develop the rules, regulations and guidelines for the program; provided further, that nothing in this item shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; provided further, that funds expended from this item shall, to the maximum extent feasible be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; and provided further, that the secretary of health and human services shall submit quarterly reports to the house and senate committees on ways and means, the house and senate committees on bonding, capital expenditures and state assets and the joint committee on housing detailing the status of the program established in this item..... \$60,000,000

7004-0070. For state financial assistance in the form of loans for the development of community-based housing or supportive housing for individuals with mental illness and individuals with intellectual disabilities; provided, that the loan program shall be administered by the executive office of housing and livable communities through contracts with one or more of the following agencies: the Massachusetts Development Finance Agency established in chapter 23G of the General Laws, the Community Economic Development Assistance Corporation established in chapter 40H of the General Laws, operating agencies established pursuant to chapter 121B of the General Laws and the Massachusetts Housing Finance Agency established in chapter 708 of the acts of 1966; provided further, that those agencies may develop or finance community-based housing or supportive housing or may enter into subcontracts with nonprofit organizations, established pursuant to chapter 180 of the General Laws, or organizations in which such nonprofit corporations have a controlling financial or managerial interest or for-profit organizations; provided, however, that preference for the subcontracts shall be given to nonprofit

organizations; provided further, that the executive office shall consider a balanced geographic plan for such community-based housing or supportive housing when issuing the loans; provided further, that the executive office shall consider development of a balanced range of housing models by prioritizing funds for integrated housing as defined by the appropriate housing and service agencies including, but not limited to, the executive office of housing and livable communities, the department of mental health and the department of developmental services, in consultation with relevant and interested clients, clients' families, advocates and other parties as necessary; provided further, that loans issued pursuant to this item shall: (i) not exceed 50 per cent of the financing of the total development costs; (ii) not be issued unless a contract or agreement for the use of the property for such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii) of this item; provided, however, that such repayment shall be in an amount equal to the commonwealth's proportional contribution from the Facilities Consolidation Fund to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the executive office of housing and livable communities, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property; (iii) not be issued unless the contract or agreement for the use of the property for the purposes of such housing provides for the recording of a deed restriction in the registry of deeds or the registry district of the land court of the county in which the real property is located, for the benefit of the executive office and the departments, running with the land, that the land shall be used to provide community-based housing or supportive housing for eligible individuals as determined by the department of mental health and the department of developmental services; provided, however, that the property shall not be released from such restriction unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable communities has determined, pursuant to clause (ii) of this item, that repayment to the commonwealth is not required; (iv) be issued for a term not to exceed 30 years, during which time repayment may be deferred by the loan issuing authority; provided, however, that if on the date the loans become due and payable to the commonwealth, an outstanding balance exists and if, on such date, the executive office, in consultation with the executive office of health and human services, determines that there still exists a need for such housing and that there is continued funding available for the provision of services to such development, the executive office may, by agreement with the owner of the development, extend the loans for such periods, each period not to exceed 10 years, as the executive office shall determine; provided further, that the project, whether at the original property, or at an alternative property pursuant to clause (ii) of this item, shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the executive office; provided further, that in the event the terms of repayment detailed in this item would cause a project authorized by this item to become ineligible to receive federal financial

assistance which would otherwise assist in the development of that project, the executive office may waive the terms of repayment which would cause the project to become ineligible; and (v) have interest rates fixed at a rate, to be determined by the executive office, in consultation with the state treasurer; provided further, that the loans shall be provided only for projects conforming to this item; provided further, that the loans shall be issued in accordance with a facilities consolidation plan prepared by the secretary of health and human services, reviewed and approved by the executive office and filed with the secretary of administration and finance, the house and senate committees on ways and means, the house and senate committees on bonding, capital expenditures and state assets and the joint committee on housing; provided further, that no expenditure shall be made from this item without the prior approval of the secretary of administration and finance; provided further, that the executive office of housing and livable communities, the department of mental health and the Community Economic Development Assistance Corporation may identify appropriate financing mechanisms and guidelines for grants or loans from this item to promote private development to produce housing, to provide for independent integrated living opportunities, to write down building and operating costs and to serve households at or below 15 per cent of area median income for the benefit of department of mental health clients; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that not more than \$10,000,000 may be expended from this item for a pilot program of community-based housing or supportive housing loans to serve mentally ill homeless individuals in the current or former care of the department of mental health; provided further, that in implementing the pilot program, the executive office shall consider a balanced geographic plan when establishing community-based residences; provided further, that the housing services made available pursuant to such loans shall not be construed as a right or an entitlement for any individual or class of persons to the benefits of the pilot program; provided further, that eligibility for the pilot program shall be established by regulations promulgated by the executive office; and provided further, that the executive office shall promulgate regulations under chapter 30A of the General Laws to implement, administer and enforce this item, consistent with the facilities consolidation plan prepared by the secretary of health and human services and after

consultation with the secretary and the commissioner of capital asset management and maintenance.....\$70,000,000

7004-0071. For state financial assistance in the form of loans for the development and redevelopment of community-based housing or supportive housing for persons with disabilities who are institutionalized or at risk of being institutionalized and who are not eligible for housing developed pursuant to item 7004-0070; provided, that the loan program shall be administered by the executive office of housing and livable communities, through contracts with the Massachusetts Development Finance Agency established in chapter 23G of the General Laws, the Community Economic Development Assistance Corporation established in chapter 40H of the General Laws, operating agencies established pursuant to chapter 121B of the General Laws and the Massachusetts Housing Finance Agency established in chapter 708 of the acts of 1966; provided further, that the agencies may develop or finance community-based housing or supportive housing or may enter into subcontracts with nonprofit organizations established pursuant to chapter 180 of the General Laws or organizations in which such nonprofit corporations have a controlling financial or managerial interest or for-profit organizations; provided, however, that preference for such subcontracts shall be given to nonprofit organizations; provided further, that the executive office shall consider a balanced geographic plan for such community-based housing or supportive housing when issuing the loans; provided further, that all housing developed with these funds shall be integrated housing as defined by the appropriate state housing and service agencies including, but not limited to, the executive office, the executive office of health and human services and the Massachusetts rehabilitation commission in consultation with relevant and interested clients, clients' families, advocates and other parties as necessary; provided further, that loans issued pursuant to this item shall: (i) not exceed 50 per cent of the financing of the total development costs; (ii) not be issued unless a contract or agreement for the use of the property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii) of this item; provided, however, that such repayment shall be in an amount equal to the commonwealth's proportional contribution from community-based housing to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the executive office of housing and livable communities, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: A) to acquire such alternative property and (B) to rehabilitate such alternative property; (iii) not be issued unless a contract or agreement for the use of the property for the purposes of such community-based housing or supportive housing provides for the recording of a deed restriction in the registry of deeds or the registry district of the land court of the county in which the real property is located, for the benefit of the executive office, running with the land, that the land shall be used to provide community-based housing or supportive housing for eligible individuals as determined by the Massachusetts rehabilitation commission or other agency of the executive office of health and human services; provided, however, that the property shall not be released from such restrictions unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the executive office of housing and livable communities has determined, pursuant to

clause (ii) of this item, that repayment to the commonwealth is not required; (iv) be issued for a term not to exceed 30 years during which time repayment may be deferred by the loan issuing authority; provided, however, that if on the date the loans become due and payable to the commonwealth, an outstanding balance exists and if, on that date, the executive office, in consultation with the executive office of health and human services, determines that there still exists a need for such housing, the executive office may, by agreement with the owner of the development, extend the loans for such periods, each period not to exceed 10 years, as the executive office shall determine; provided further, that the project, whether at the original property, or at an alternative property pursuant to clause (ii) of this item, shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the executive office; provided, however, that in the event the terms of repayment detailed in this item would cause a project authorized by this item to become ineligible to receive federal financial assistance, which would otherwise assist in the development of that project, the executive office may waive the terms of repayment which would cause the project to become ineligible; and (v) have interest rates fixed at a rate, to be determined by the executive office, in consultation with the state treasurer; provided further, the loans shall be provided only for projects conforming to this item; provided further, that the loans shall be issued in accordance with an enhancing community-based services plan prepared by the secretary of health and human services, in consultation with the executive office and filed with the secretary of administration and finance, the house and senate committees on ways and means, the house and senate committees on bonding, capital expenditures and state assets and the joint committee on housing; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that no expenditure shall be made from this item without the prior approval of the secretary of administration and finance; and provided further, that the executive office shall promulgate regulations pursuant to chapter 30A of the General Laws for the implementation, administration and enforcement of this item, consistent with the enhancing community-based services plan prepared by the secretary of health and human services after consultation with the secretary and the commissioner of capital asset management and maintenance.....\$55,000,000

7004-0072. For the capitalization of the Affordable Housing Trust Fund established in section 2 of chapter 121D of the General Laws; provided, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; and provided further, that up to \$50,000,000 of the funds made available in this item may be used to create and maintain opportunities for homeownership for first time homebuyers; provided, that funds shall be expended to create and enhance access to homeownership in order to foster long-term benefits for housing security, health and economic outcomes and to address a systemic homeownership gap in socially disadvantaged communities and among targeted populations; provided further, that funds may be expended for down payment assistance programs, mortgage insurance programs and mortgage interest subsidy programs administered by the Massachusetts Housing Finance Agency and the Massachusetts Housing Partnership; and provided further, that funds may be expended to first-time homebuyer counseling and financial literacy programs;.....\$800,000,000

7004-0073. For state financial assistance in the form of grants or loans for the Housing Stabilization and Investment Trust Fund established in section 2 of chapter 121F of the General Laws and awarded only pursuant to the criteria established in said section 2 of said chapter 121F; provided, that not less than 25 per cent shall be used to fund projects which preserve and produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that if the executive office of housing and livable communities has not spent the amount authorized under the bond cap for this program, at the end of each year following the effective date of this act, the executive office may award the remaining funds to projects that serve households earning more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full

compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized;.....\$425,000,000

7004-0074. For state financial assistance in the form of grants for projects undertaken pursuant to clause (j) of section 26 of chapter 121B of the General Laws; provided, that contracts entered into by the executive office of housing and livable communities for those projects may include, but shall not be limited to, projects providing for renovation, remodeling, reconstruction, redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws and for adaptations necessary for compliance with the Americans with Disabilities Act of 1990, the provision of day care facilities, learning centers and teen service centers and the adaptation of units for families and persons with disabilities; provided further, that priority shall be given to projects undertaken for the purpose of compliance with state codes and laws or for other purposes related to the health and safety of residents; provided further, that funds may be expended from this item to make such modifications to congregate housing units as may be necessary to increase the occupancy rate of those units; provided further, that the executive office shall continue to fund a program to provide predictable funds to be used flexibly by housing authorities for capital improvements to extend the useful life of state-assisted public housing; provided further, that not less than 25 per cent of the funds made available in this item shall be used to fund projects which preserve or produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that not less than \$15,000,000 of the funds made available in this item shall be used to increase accessibility of state-aided public housing for persons with disabilities; provided further, that up to \$150,000,000 of the funds made available in this item may be used to fund projects that include sustainability initiatives to reduce greenhouse gas emissions and make progress towards decarbonization through energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; and provided further, that funds made available in this item shall, to the extent feasible, be used in accordance with the Massachusetts State Hazard Mitigation and Climate Adaptation Plan... ..\$1,500,000,000

7004-0075. For state financial assistance in the form of grants for a demonstration program, administered by the executive office of housing and livable communities to demonstrate cost effective revitalization methods for state-aided family and elderly-disabled public housing that seek to reduce the need for future state modernization funding; provided, that housing authorities with state-aided housing developments pursuant to chapter 200 of the acts of 1948, chapter 667 of the acts of 1954, chapter 705 of the acts of 1966, chapter 689 of the acts of

1974 or chapter 167 of the acts of 1987 shall be eligible to participate in the demonstration program; provided further, that the executive office may exempt a recipient of demonstration grants from the requirements of chapters 7C and 121B of the General Laws upon a showing by the recipient that such exemptions are necessary to accomplish the effective revitalization of public housing and shall not adversely affect public housing residents or applicants of any income who are otherwise eligible; provided further, that the executive office may provide to recipients of demonstration grants such additional regulatory relief as may be required to further the objectives of the demonstration program; provided further, that funds may be made available for technical assistance provided by the Community Economic Development Assistance Corporation established in chapter 40H of the General Laws or the Massachusetts Housing Partnership Fund established in section 35 of chapter 405 of the acts of 1985 to recipients of demonstration grants and for evaluation of the demonstration; provided further, that the executive office's regulations for the implementation, administration and enforcement of this item shall: (i) require that selected housing authorities demonstrate innovative and replicable solutions to the management, marketing or capital needs of state-aided family and elderly-disabled public housing developments and contribute to the continued viability of the housing as a resource for public housing eligible residents; (ii) encourage proposals that demonstrate regional collaborations among housing authorities; and (iii) encourage proposals that propose new affordable housing units on municipally-owned land, underutilized public housing sites or other land owned by the housing authority; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized;\$100,000,000

7004-0076. For state financial assistance in the form of grants or loans for the Housing Innovations Trust Fund established in section 2 of chapter 121E of the General Laws; provided, that not less than 25 per cent of the funds made available in this item shall be used to fund projects which preserve and produce housing for families and individuals with incomes of not more than 30 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; and provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with

decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized.....\$200,000,000

7004-0077. For a local capital projects grant program to support and encourage implementation of the housing choice designation for communities that have demonstrated housing production and adoption of housing best practices, including a grant program to assist MBTA communities in complying with the multi-family zoning requirement in section 3A of chapter 40A of the General Laws.....\$35,000,000

7004-0078. For state financial assistance in the form of no interest loans, grants, subsidies, credit enhancements and other financial assistance for innovative, sustainable and green housing initiatives; provided that entities eligible to receive financial assistance under this item shall include qualified for-profit or non-profit developers, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations and for-profit entities, and governmental bodies; provided further, that funds may be used to assist units occupied by and affordable to persons with incomes not more than 110 per cent of the area median income, as defined by the United States Department of Housing and Urban Development with priority given to projects that provide higher and deeper levels of affordability; provided further, that not less than 25 per cent of the occupants of housing in projects assisted by this item shall be persons whose income is not more than 60 per cent of the area median income, as defined by the United States Department of Housing and Urban Development; provided further, that financial assistance shall be awarded in a manner that promotes geographic, social, racial and economic equity; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives,

including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; and provided further, that financial assistance under this item shall be for the following purposes: (a) to accelerate and support innovative strategies for the production of affordable and mixed-income housing developments and other market transformation activities, including but not limited to: (i) re-use of commercial space, office space, and underutilized state- or locally-controlled land or assets, including, but not limited to, brownfield or greyfield sites, or other property that the secretary of housing and livable communities has determined is suitable for sustainable residential or mixed-use development, (ii) modular construction, manufactured housing, and other innovative housing models that offer development or operating cost savings, utilize advanced and applied technologies, provide efficiencies to help accelerate production and that incorporate energy efficiency or energy conservation into their design, construction or rehabilitation, (iii) accessory dwelling units and co-housing models; and (v) other market transformation efforts to be determined by the executive office of housing and livable communities, which may include, but not be limited to, any pilot program or demonstration program that is consistent with the purposes of this item; provided, that such strategies may include a mixed income social housing pilot program in which a local or regional housing authority or other public or quasi-public entity maintains majority ownership or control of such housing; (b) to accelerate and support the creation of low-income and moderate-income residential housing units and mixed use developments that include both residential housing units and commercial or retail space in close proximity to transit nodes or within neighborhood commercial areas including, but not limited to, those areas designated as main street areas; provided, that the program shall be administered to: (i) maximize the amount of affordable residential and mixed-use space in close proximity to transit nodes or within neighborhood commercial areas, resulting in higher density, compact development and pedestrian-friendly, inclusive and connected neighborhoods; (ii) increase mass transit ridership; (iii) decrease traffic congestion and reduce greenhouse gas emissions; and (iv) increase economic opportunity for disadvantaged populations by making it easier for residents of affordable housing to access public transportation, including transportation supporting commutes to employment centers; provided further, that the program may be administered to include projects which have residential units above commercial space located in areas characterized by a predominance of commercial land uses, a high daytime or business population or a high concentration of daytime traffic and parking, provided, that the financial subsidy for the commercial portion of a project shall not exceed the lower of 25 per cent of the total development cost of the commercial portion of the project or \$1,000,000; provided further, that the executive office may provide financial support to non-profit and for-profit developers that enter into binding agreements to set aside residential units in existing market-rate, transit-oriented housing, over and above any units required to be set aside under local zoning or approvals, for rent or sale to income-qualified households at affordable rents or sale prices, as applicable; (c) to accelerate and support the creation and preservation of sustainable and climate resilient affordable multifamily housing; provided, that such financial assistance shall be made to: (i) incorporate efficient, sustainable and climate resilient design practices in affordable residential development to support positive

climate mitigation outcomes; (ii) reduce greenhouse gas emissions and reliance on fossil fuels; (iii) increase resiliency of existing housing developments to mitigate impacts of climate change, including flooding and extreme temperatures; and (iv) enhance emergency preparedness, including sustainable means of power generation to allow for sheltering vulnerable populations in place. Provided, that financial assistance provided pursuant to clause (a) or clause (c) may be administered by the executive office of housing and livable communities through contracts with the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts of 1985, or the Massachusetts Housing Finance Agency, established in chapter 708 of the acts of 1966, or both, which may, as the case may be, directly offer financial assistance for the purposes set forth herein or may enter into subcontracts with non-profit organizations, established pursuant to chapter 180 of the General Laws for those purposes; provided further, that financial assistance provided pursuant to clause (b) may be administered by said executive office through contracts with said Massachusetts Housing Partnership Fund; and provided further, that the executive office of housing and livable communities or an administering agency under contract with said executive office may establish additional program requirements through regulations or policy guidelines.....\$275,000,000

7004-0079. For the Smart Growth Housing Trust Fund established in section 35AA of chapter 10 of the General Laws.....\$20,000,000

7004-0080. For the Middle-Income Housing Fund administered by the Massachusetts Housing Finance Agency.....\$100,000,000

7004-0081. For a reserve to support the production of for-sale, below market housing to expand homeownership opportunities for first-time homebuyers and socially and economically disadvantaged individuals ; provided, that grants and loans to developers shall be used to facilitate production of affordable homeownership units for households earning up to 120 per cent of the area median income; provided further, that projects with units restricted to households earning not more than 80 per cent of the area median income shall receive preference; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth’s Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that the minimum number of units for qualifying projects under the program shall be 10 units; provided further, that funds in

this item shall be distributed in a manner that promotes geographic equity; and provided further, that grants may include a requirement for matching funds; provided further, that the executive office of housing and livable communities may enter into such contracts and agreements with the Massachusetts Housing Finance Agency, or such other public agencies and instrumentalities as it may determine, for the administration of such program; and provided further, that not more than 5 per cent of this item may be used for the reasonable costs of administering the program.....\$100,000,000

7002-0082. For grants and technical assistance to be made to municipalities and regional applicants to support planning and locally-driven initiatives related to community development, housing production, workforce training and economic opportunity, childcare and early education initiatives and climate resilience initiatives, including nature-based solutions projects, that incorporate these elements, across the commonwealth within individual communities, regions or a defined subset of communities therein; provided, that funds may be expended for culturally competent and multi-lingual technical assistance and training to small businesses; provided further, that preference for these funds shall be given to businesses located in low- or moderate-income areas and owned by women, veterans, minorities or immigrants; and provided further, that grants shall be awarded in a manner that promotes geographic equity.....\$25,000,000

7004-0083. For the HousingWorks infrastructure program established by section 27½ of chapter 23B of the General Laws.....\$175,000,000

7004-0085. For state financial assistance to cities and towns or agencies, boards, commissions, authorities, departments or instrumentalities thereof or community development corporations or non-profit organizations to assist in the revitalization of neighborhoods and communities with properties in blighted or substandard conditions by subsidizing the purchase price, borrowing costs or costs of demolition or renovation of up to 50 units of residential rental housing or 1 to 4 units of home ownership residential housing that have been cited for building or sanitary code violations or that are subject to cancellation of commercial property insurance due to substandard property conditions or are otherwise blighted or substandard; provided, that contracts entered into by the executive office of housing and livable communities for those projects may include, but shall not be limited to, projects providing for demolition, renovation, remodeling, reconstruction, redevelopment and hazardous material abatement, including asbestos and lead paint, and for compliance with state codes and laws and for adaptations necessary for compliance with the federal Americans with Disabilities Act of 1990; provided further, that preference shall be given to community development corporations and local non-profit organizations, organizations sponsoring projects that secure private funds and projects with the greatest impact on community stabilization in weak markets including, but not limited to, rural communities and communities that have been disproportionately affected by disinvestment, foreclosure and abandonment; provided further, that financial assistance shall be awarded in a manner that promotes geographic, social, racial, and economic equity; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and

Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized; provided further, that such rehabilitated housing shall remain affordable for such period as shall be established by the executive office through guidance taking into account differences in market conditions and the type of restrictions best suited to promoting community stabilization in different markets; and provided further, that an amount not to exceed 2 per cent of the amount expended may pay for administrative costs directly attributable to the purposes of this program, including costs of support personnel.....\$50,000,000

SECTION 5.

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

7004-4784. For the Massachusetts Housing Finance Agency established by section 3 of chapter 708 of the acts of 1966, to capitalize a permanent, revolving Residential Production Momentum Fund for the purpose of accelerating the development of mixed-income and workforce multifamily housing production projects by providing financial assistance in the form of innovative, low-cost, and flexible capital funding, which may be in the form of debt, equity, or other instruments, depending on individual underwriting needs of the project; provided that not less than 20 per cent of the units in a project that receives such financial assistance shall be restricted to households with incomes generally between 60 per cent and 120 per cent of area median income; provided further that, notwithstanding paragraph (f) of section 5 of said chapter 708, the Agency may in its discretion set the term and prepayment options for any mortgage or other loan or instrument issued to any project receiving such financial assistance based on the individual underwriting needs of the project; provided further that such financial assistance shall be awarded in a manner that promotes geographic equity; and provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided, that prioritization will be determined through objective scoring criteria in the Qualified Allocation Plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the applicable standards for prioritization are set forth in the commonwealth's Opt-in Specialized Energy Code set forth at 225 CMR §§ 22.00 and 23.00 and Enterprise Green Communities standards; provided further, that any project proposing less than full compliance with said standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification

decarbonization measures, including, but not limited to electric or ground source heat pumps, net-zero developments, Passive House or equivalent energy efficiency certification, and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized.....\$50,000,000

SECTION 6. Section 20 of chapter 6C of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Any agreement related to any sale or lease of property may require that a developer construct, design, build, finance, operate, or maintain, or any combination thereof, transportation facilities in the state highway system, including land and air rights or any related facility or component thereof controlled by the department, so long as the department shall state in its bid documentation that such transportation facilities or related facility will be accepted or required as a part of any such development agreement. No further procurement or advertising requirements shall be required, except as required in this section.

SECTION 7. Section 46 of said chapter 6C, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

Any agreement related to any lease of property may require that a developer construct, design, build, finance, operate, or maintain, or any combination thereof, transportation facilities in the state highway system including land and air rights or any related facility or component thereof controlled by the department, so long as the department shall state in its bid documentation that such transportation facilities or related facility will be accepted or required as a part of any such development agreement. No further procurement or advertising requirements shall be required, except as required in section 20.

SECTION 8. Subsection (b) of section 1 of said chapter 23B of the General Laws, as amended by section 102 of chapter 7 of the acts of 2023, is hereby further amended by inserting after clause (xvii) the following clause:-

(xviii) Develop and implement, not less than once every 5 years, a written comprehensive housing plan for the commonwealth. Such plan shall include, but not be limited to, housing supply and demand data, affordability and affordability gaps, identification of housing affordability challenges and needs by region, and a listing of strategies to address such housing needs.

SECTION 9. Section 27½ of chapter 23B of the General Laws, as inserted by section 117 of chapter 7 of the acts of 2023, is hereby further amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) There shall be in the executive office of housing and livable communities a HousingWorks infrastructure program (i) to issue infrastructure grants that support housing to municipalities and other public entities for design, construction, building, rehabilitation, repair,

and other improvements to infrastructure, including, but not limited to, sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment systems, telecommunications systems, transit improvements, public parks and spaces that support planned or proposed housing improvements, and pedestrian and bicycle ways, that support the objectives of the secretariat; or (ii) to assist municipalities to advance projects that support housing development, preservation, or rehabilitation. Preference for grants or assistance under this section shall be given to infrastructure serving locations within 0.5 miles of a transit station or transit route; other eligible locations as defined in section 1A of chapter 40A; and multi-family zoning districts that comply with section 3A of said chapter 40A; and projects that support housing in rural and small towns, as defined by the executive office.

(b) A project that uses grants to municipalities for public infrastructure provided by this section shall be procured by a municipality in accordance with chapter 7, section 39M of chapter 30, chapter 30B and chapter 149.

SECTION 10 Chapter 23B of the General Laws, as amended by chapter 7 of the acts of 2023, is hereby further amended by adding the following 4 sections:-

Section 31. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Office”, the office of fair housing.

“Fair housing trust fund”, the Fair Housing Trust Fund, as established in section 2BBBBBBB of chapter 29.

(b) There shall be within the executive office of housing and livable communities an office of fair housing. The office shall be under the supervision and control of a director of fair housing who shall be appointed by and report to the secretary of housing and livable communities.

(c) The office shall:

(i) Collaborate with state agencies on policies and actions that would advance the elimination of housing discrimination and affirmatively further fair housing, overcome patterns of segregation, foster inclusive communities free from barriers that restrict access to opportunity for individuals or groups of individuals that are protected from unlawful practices pursuant to chapter 151B and help support enforcement of and compliance with all fair housing laws, including, but not limited to, chapter 151B and the federal Fair Housing Act, 42 U.S.C. 3601 et seq;

(ii) facilitate communication and partnership among state agencies and municipalities to develop a greater understanding of the intersections between agency activities, municipal activities and fair housing;

(iii) facilitate the development of interagency initiatives to examine and address the social and economic determinants of housing disparity issues including, but not limited to: (A) equal access to quality housing; (B) housing affordability; (C) access and proximity to multimodal transportation options, including cost; (D) air, water, land usage and quality, including, but not limited to consideration of environmental justice principles as defined in section 30 of chapter 62L; (E) employment and workforce development; (F) access to healthcare; (G) education access and quality; and (H) language access; and

(iv) administer the Fair Housing Trust Fund.

(d) Not less than once every 5 years, the office shall prepare a report evaluating the progress of the commonwealth toward eliminating housing discrimination and affirmatively furthering fair housing. Said report shall comply with all applicable federal requirements for analysis and reporting relating to the commonwealth's obligation to affirmatively further fair housing. Where possible, said report shall include quantifiable measures and comparative benchmarks and, where possible, shall detail progress on a regional basis. The office shall hold public hearings to gather public information on the topics of the report. In addition, on an annual basis, the office shall prepare a supplemental report describing the activities and outcomes of the Fair Housing Trust Fund. Both the assessment of fair housing report and the annual supplemental reports on the activities and outcomes of the Fair Housing Trust Fund shall be filed with the governor, the clerks of the house of representatives and senate and the chairs of the joint committee on housing not later than July 1 in the year in which each such report is due. Each report shall be posted on the official website of the commonwealth.

Section 32. As used in this section and sections 33 through 34, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:-
“Executive office”, the executive office of housing and livable communities.

“Seasonal community”, a city or town characterized by significant seasonal fluctuations in population and employment related to seasonally-based tourism, based on criteria to be established by the SCCC.

“Secretary”, the secretary of housing and livable communities.

“SCCC”, the Seasonal Communities Coordinating Council established pursuant to section (b).

Section 33. (a) There shall be a seasonal community coordinating council, or SCCC, established within the executive office, which shall consist of: the secretary or their designee who shall serve as chairperson; 1 person to be appointed by the secretary; the secretary of labor and workforce development or a designee; and 4 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 northeastern region of the commonwealth, 1 of whom shall be from the southeastern region of the commonwealth, and 1 of whom shall be from Cape Cod or the Islands. The persons appointed by the governor shall have expertise in issues pertaining to municipal government, the hospitality industry, the tourism industry, and housing development and finance. 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 SCCC shall provide advice and recommendations, which shall, at a minimum, include regulatory recommendations to the executive office regarding the creation of a process for designating cities and towns as seasonal communities. The SCCC also shall provide advice and recommendations to the executive office regarding policies or programs to serve the distinct needs of seasonal communities, including but not limited to, access to specialized grant programs or special consideration under certain state grant programs of general application. The SCCC also shall provide advice and recommendations to the executive office as to best practices to incentivize production of affordable year-round housing in such communities.

(c) The SCCC shall provide its initial report to the executive office within 180 days following appointment of its members and shall report annually thereafter with additional recommendations.

Section 34. A city or town designated by the executive office as a seasonal community, 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 exempt from property taxation, under chapter 59, a dwelling unit that is rented on a yearly basis, and occupied year-round, for an amount not to exceed 150 per cent the fair market rent as established by the United States Department of Housing and Urban Development for the applicable metropolitan statistical area. The owner of a dwelling qualifying for exemption under this section shall submit to the municipality or its agent documentation, including but not limited to a signed lease, necessary to confirm the eligibility of the rental.

The amount of the exemption shall be determined by the municipality; provided, however, that the amount shall not exceed an amount equal to the tax otherwise owed on the property based on the assessed value of the property, including accessory dwelling units, multiplied by the square feet of the living space of all dwelling units on the property that qualify under this section, divided by the total square feet of structures on the property.

SECTION 11. Chapter 29 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 2AAAAAAA the following section:-

Section 2BBBBBB. (a) There shall be established and set up on the books of the commonwealth a separate fund known as the Fair Housing Trust Fund. There shall be credited to said fund revenue from appropriations or other monies authorized by the general court and specifically designated for the fund and any gifts, grants, private contributions, investment income earned on the fund's assets and any other sources.

(b) The fund shall be administered by the office of fair housing established in section 31 of chapter 23B and funds shall be expended from the fund for the purpose of eliminating housing discrimination and affirmatively furthering fair housing, overcoming patterns of segregation, fostering inclusive communities free from barriers that restrict access to opportunity for individuals or groups of individuals that are protected from unlawful practices pursuant to chapter 151B, and help support enforcement of and compliance with all fair housing laws,

including, but not limited to, chapter 151B and the federal Fair Housing Act, 42 U.S.C. 3601 et seq. Activities eligible for assistance from the trust fund shall include, but not be limited to, private enforcement initiatives, education and outreach initiatives, fair housing testing, lending discrimination, affirmatively furthering fair housing, and special projects.

(c) Amounts credited to the fund shall be expended without further appropriation. Any balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not be transferred to any other fund or revert to the General Fund; provided that the comptroller shall report the amount remaining in the fund at the end of each fiscal year to the house and senate committees on ways and means.

(d) Grantees eligible for assistance shall include, but not be limited to, fair housing assistance programs and fair housing initiative programs, as defined by the U.S. Department of Housing and Urban Development, any private, non-profit agency, or any state-funded public housing authority.

SECTION 12. Section 1A of chapter 40A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the definition of “Accessory Dwelling Unit” and inserting in place thereof the following definition:-

“Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including but not limited to additional size restrictions, and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.

SECTION 13. Section 3 of said chapter 40A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

No zoning ordinance or by-law shall prohibit, unreasonably restrict, or require a special permit or other discretionary zoning approval for the use of land or structures for an accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, that the use of land or structures for an accessory dwelling unit under this paragraph may be subject to reasonable regulations, including but not limited to 310 CMR 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and height of structures and may be subject to restrictions and prohibitions on short term rental as defined in section 1 of chapter 64G. The use of land or structures for an accessory dwelling unit under this paragraph shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling; provided further, that not more than 1 additional parking space shall be required for an accessory dwelling unit; and provided further, that no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station,

ferry terminal or bus station. The executive office of housing and livable communities may issue guidelines or promulgate regulations to carry out the purposes of this paragraph.

SECTION 14. Section 3A of said chapter 40A of the General Laws, as amended by section 152 of chapter 7 of the acts of 2023, is hereby further amended by striking out the words “section 27” and inserting in place thereof the following words:- section 27½.

SECTION 15. Section 5 of said chapter 40A of the General Laws, as amended by section 154 of chapter 7 of the acts of 2023, is hereby further amended by inserting after clause (4) the following clause:-

(5) an inclusionary zoning ordinance or bylaw; provided, that such zoning ordinance or bylaw shall not unduly constrain the production of housing in the area impacted by the inclusionary zoning ordinance or bylaw; provided further, that the executive office of housing and livable communities may issue guidelines or promulgate regulations consistent with the purposes of this clause.

SECTION 16. Section 9 of chapter 40H of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 1, the words “section 16G” and inserting in place thereof the following words:- section 16G½.

SECTION 17. Said section 9 of said chapter 40H, as so appearing, is hereby further amended by striking out the words “and section 56 of chapter 23A”.

SECTION 18. Paragraph (1) of subsection (c) of section 55C of chapter 44, as appearing in the 2022 Official Edition, is hereby amended by inserting in line 35, after the words “money from chapter 44B”, the following words:- and section 55D; provided, however, that any such money received from section 55D shall be used exclusively for adaptive reuse, production or preservation of affordable housing, uses allowed by the municipal affordable housing trust fund established hereunder or a regional affordable housing commission fund established by general or special law, for assistance to a housing authority as defined under section 1 of chapter 121B or other affordable housing purposes as determined by the Executive Office of Housing and Livable Communities.

SECTION 19. Said section 55C of said chapter 44, as so appearing, is hereby further amended, by inserting after the word “fee,” in line 99, the following words:- transfer fee pursuant to section 55D.

SECTION 20. Said chapter 44 is hereby further amended by inserting after section 55C the following section:-

Section 55D. (a) For purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Affidavit of transfer fee”, an affidavit signed under the pains and penalties of perjury by the settlement agent that attests to (i) the true and complete purchase or sale price of the transfer

of the real property interest; (ii) the amount of the transfer fee owed or the basis, if any, upon which the transfer is exempt from the fee imposed by said transfer; (iii) the amount that the seller shall pay as required by the bylaw, ordinance or regulation; and (iv) the obligation of the settlement agent to make payment of the transfer fee to the city or town.

“Affordable housing purposes” uses allowed by the municipal affordable housing trust fund or regional affordable housing commission fund into which funds are deposited hereunder, which shall include the acquisition, construction, rehabilitation, and preservation of affordable housing for the benefit of low- and moderate-income households as defined in such municipal affordable housing trust fund or regional affordable housing commission fund, assistance to a housing authority as defined under section 1 of chapter 121B or other affordable housing purposes pursuant to regulations promulgated by the executive office of housing and livable communities.

“Affordable housing restriction”, a recorded instrument held by a qualified holder which encumbers or restricts a real property interest so that the real property interest is perpetually or for a term of at least 30 years limited to use as a residence occupied by a low or moderate income household with area median income, as defined by the United States Department of Housing and Urban Development, not to exceed the income limits to which the municipal affordable housing trust fund or regional affordable housing commission fund is subject.

“Member cities and towns”, cities or towns that are members of a regional affordable housing commission.

“Municipal affordable housing trust fund”, a municipal affordable housing trust fund established pursuant to section 55C, or any other municipal trust fund established pursuant to a law of the commonwealth providing for the creation and preservation of affordable housing in a particular city or town for the benefit of low- and moderate-income households or for the funding of community housing, as defined in and in accordance with chapter 44B.

"Purchaser", the transferee, grantee, or recipient of any real property interest.

"Purchase price" or “sale price,” all consideration paid or transferred by or on behalf of a purchaser to a seller or the seller’s nominee, or for the seller’s benefit, for the transfer of any real property interest, and shall include, but not be limited to: (i) all cash or its equivalent so paid or transferred; (ii) all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; (iii) the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or the seller’s nominee; (iv) the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; (v) the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

“Qualified holder”, a governmental body or charitable corporation or trust which qualifies under the terms of chapter 184 to hold an affordable housing restriction.

"Real property interest", any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a purchaser or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

“Regional affordable housing commission”, a regional planning and land use commission created by any general or special law with authority to prepare and oversee the implementation of a regional land-use policy plan for a region of the Commonwealth comprising at least one county, and whose membership includes all of the cities or towns in such region; provided, that the regional commission’s statutory purposes and authority shall include promoting the creation of fair affordable housing for low-income and moderate-income persons; provided further, that a regional affordable housing commission may be an agency within the structure of a regional government, including, but not limited to the Cape Cod regional government, known as Barnstable county; and provided further, that said regional government may require additional procedures for member cities and towns to adopt a transfer fee that are not inconsistent with this section, including, but not limited to procedures for adopting bylaws and ordinances, establishing a transfer fee and administering the collection of a transfer fee established pursuant to this section.

“Regional affordable housing commission fund”, a fund established by general or special law for the creation and preservation of affordable housing, as defined in the general or special law establishing such fund, in a particular region comprising at least one county.

"Seller", the transferor, grantor, or immediate former owner of any real property interest.

“Settlement Agent”, an escrow agent, real estate attorney, or representative of a lender or title company that conducts the closing or settlement of the sale or transfer of a real property interest including the coordination of the attendance and document signing for all the parties, verification that each party to the transfer has performed their required responsibilities as outlined in the contract and the disbursement of all funds, along with the title and deed, to the appropriate parties after checking that all conditions are met at the close of the transfer transaction.

"Time of transfer", the time at which a transfer of a real property interest is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by

an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

“Transfer fee”, a fee, to be paid by the seller pursuant to this section, upon the transfer of a real property interest between a seller and a buyer.

(b) (1) A city or town that has established a municipal affordable housing trust fund, or a regional affordable housing commission that has established a regional affordable housing commission fund, as applicable, may, pursuant to subsection (e), impose a fee upon the transfer of any real property interest in any real property situated in the city or town, or real property situated in the member cities and towns, as described and as subject to conditions and exemptions described herein; provided, that a city or town that is an MBTA community as defined in section 1A of chapter 40A shall not impose a transfer fee pursuant to this section unless such city or town has been determined by the executive office of housing and livable communities to be in compliance with section 3A of chapter 40A; and provided further, that member cities and towns shall not impose a fee pursuant to this section if a transfer fee is in effect pursuant to the adoption of such fee by the applicable regional affordable housing commission under subsection (e).

(2) A city, town or regional affordable housing commission, as applicable, may establish different transfer fee rates for different classifications of properties, defined by the tax classification of such properties, and the purchase price of a property; provided, however, that any transfer fee shall be not less than 0.5 per cent and not more than 2 per cent of the portion of the purchase price of such real property interest in excess of the exemption threshold established pursuant to paragraph (1) of subsection (c).

(3) The transfer fee shall be borne by the seller.

(4) The seller or settlement agent shall, in advance of the time of transfer, request and the city or town or regional affordable housing commission, as applicable, shall provide to said seller or settlement agent in advance of the time of transfer a certificate indicating the dollar amount of the transfer fee owed based on the agreed upon purchase price as evidenced by an executed purchase and sale agreement, contract for sale or other document evidencing the agreed upon purchase price or that the transfer is exempt from the transfer fee, stating the basis for the exemption.

(5) Whenever the transfer of a real property interest will occur at or about the same time as a conveyance of personalty related thereto, the calculation of the fee with respect to such transfer shall be determined by the city or town or regional affordable housing commission, as applicable; provided, that the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the calculation of the transfer fee due pursuant to this section.

(6) The transfer fee shall be paid within 7 days of the time of transfer by the settlement agent to the city or town, or its designee, or to the regional affordable housing commission or its designee, as applicable and shall be accompanied by a copy of the deed or other instrument

recorded or registered with the registry of deeds for the county in which the real property interest is located, or the assistant recorder for the registry district of the county in which the real property interest is located, and a copy of the affidavit of transfer fee. The city or town, or its designee, or the regional affordable housing commission, or its designee as applicable, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid.

(7) Upon receipt of a transfer fee by a city or town, the treasurer of the city or town shall deposit the transfer fee in the city or town's municipal affordable housing trust fund. Upon receipt of a transfer fee by a regional affordable housing commission, or its designee, the regional affordable housing commission, or its designee, shall deposit the transfer fee into the regional affordable housing commission fund.

(c) (1) The following transfers of real property interests shall be exempt from a transfer fee established pursuant to this section:

(i) Transfers for less than the greater of \$1,000,000 or 100 per cent of the median single family home sales price for that county; provided, that a municipality or regional affordable housing commission, as applicable, may adopt a higher threshold pursuant to this section. The county median sales price for a single-family home shall be determined annually by April 1st of each calendar year by the executive office of housing and livable communities.

(ii) Transfers made as gifts with consideration of less than \$100;

(iii) Transfers from the government of the United States, the Commonwealth and any of their instrumentalities, agencies, or subdivisions, including but not limited to transfers from the city, town, local housing authority or regional housing commission;

(iv) Distributions by the trustees of a trust to the beneficiaries of such trust;

(v) Transfers to the trustees of a trust in exchange for a beneficial interest received by the seller in such trust;

(vi) Transfers between family members as defined by bylaw, ordinance or regulations adopted by a city, town or regional affordable housing commission, as the case may be;

(vii) Transfers which, without additional consideration, confirm, correct, modify, or supplement a transfer previously made;

(viii) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest;

(ix) Transfers made in partition of land and improvements thereto, pursuant to chapter 241;

(x) Transfers to any charitable or religious organization, as defined pursuant to section 5 of chapter 59; provided, however, that the real property interest so transferred will be held by the charitable or religious organization solely for affordable housing-related uses that are consistent with the uses allowed by the municipal affordable housing trust fund or regional affordable housing commission fund, as applicable; and provided, further, that such housing shall be subject to an affirmative fair housing marketing plan approved by the executive office of housing and livable communities;

(xi) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage;

(xii) Transfers consisting of the division of marital assets under the provisions of section 34 of chapter 208 or other provisions of law; and

(xiii) Transfers of an interest in real property containing not less than 3 residential units in which not less than 1 residential unit or 25 per cent of the residential units, whichever is greater, is governed by affordable housing restrictions; provided, however, that if less than 100 per cent of the residential units are governed by affordable housing restrictions, the exemption shall apply only to the portion of the property that is governed by affordable housing restrictions and the transfer fee imposed pursuant to this section shall be proportionately reduced based on the percentage of residential units subject to affordable housing restrictions, as compared to the total number of units located on that property.

(2) The payor of the transfer fee shall have the burden of proving that an exemption applies to a transfer of real property interest pursuant to this section; and provided further, that any otherwise exempt transfer shall not be exempt in the event that such transfer, by itself or as part of a series of transfers, was made for the primary purpose of evading the fee established pursuant to this section.

(d) The city or town's treasurer, or the treasurer or other person designated by the regional affordable housing commission, as applicable, shall keep a full and accurate account stating when, from or to whom, and on what account, money has been paid or received relative to the activities of the municipal or regional affordable housing trust fund.

(e)(1) The adoption of any transfer fee pursuant to subsection (b) shall be determined by either (i) a majority vote by the city or town's legislative body or (ii) with respect to a regional affordable housing commission, by the terms of, or in accordance with, the procedures established by such commission; provided, that member cities and towns may adopt a transfer fee pursuant to clause (i) if a transfer fee is not in effect for the applicable regional affordable housing commission pursuant to clause (ii); and provided further, that a transfer fee adopted by any member cities and towns shall have no force or effect upon the effective date of a transfer fee adopted by the applicable regional affordable housing commission pursuant to clause (ii).

The adoption of a transfer fee pursuant to subsection (b) shall take effect on the first day of the calendar quarter following 30 days after its acceptance pursuant to this subsection or on

the first day of a later calendar quarter as the city or town or regional housing commission, as applicable, may designate.

(2) A city, town or any of the member cities or towns of a regional affordable housing commission may provide for the enforcement and collection of a transfer fee established pursuant to this section, including, but not limited to the denial, revocation or suspension of local licenses and permits pursuant to section 57 of chapter 40 and the authority to impose a lien on real property pursuant to section 58 of chapter 40.

(3) A city, town or regional affordable housing commission enacting a real estate transfer fee pursuant to this section, may issue rules, policies and procedures to effectuate its terms.

(4) A city, town or regional affordable housing commission that adopts this section shall submit an annual report to the executive office of housing and livable communities and the department of revenue detailing the total fees collected and the amounts used or planned to be used for affordable housing purposes in accordance with this section.

(5) a city, town or regional affordable housing commission that adopts this section shall adopt a bylaw, ordinance or regulation, as the case may be, which establishes a procedure by which an aggrieved person may appeal the transfer fee amount, in whole or in part, or the denial of an exemption.

(6) Any person aggrieved by a denial of relief pursuant to a bylaw, ordinance or regulation established pursuant to paragraph (5) may, within 60 days from the receipt of the notice of such denial, petition the appellate tax board under the provisions of chapter 58A.

(f) The executive office of housing and livable communities, in consultation with the department of revenue, shall promulgate regulations to carry out the provisions of this section, which shall include, but not be limited to regulations that provide for the forfeiture of revenue collected pursuant to this section to said executive office if such revenue has not been used for affordable housing purposes within a reasonable amount of time.

SECTION 21. Section 6M of chapter 62, as so appearing, is hereby amended by striking out, in lines 226 and 227, the words "\$12,000,000 in each of taxable years 2023 to 2025, inclusive" and inserting in place thereof the following words:- \$15,000,000 in taxable years beginning on or after January 1, 2025.

SECTION 22. Chapter 62 of the General Laws is hereby amended by inserting after section 6N, the following section:-

Section 6O. (a) For the purposes of this section, unless the context clearly requires otherwise, the following words shall have the following meanings:-

"Affordability period", the ten-year period that commences on the date of the initial sale of a single-family dwelling constructed as part of a qualified project.

“Affordability restriction”, a restriction in form and substance approved by the director and the secretary, imposing resale restrictions on a single-family dwelling constructed as part of a qualified homeownership development project during the affordability period.

"Credit amount", the amount computed by the director under subsection (b) before issuing an eligibility certificate.

“Commissioner”, the commissioner of revenue.

"Credit award amount", the amount determined by the director and stipulated in the notice sent pursuant to subsection (c).

"Director", the executive director of the Massachusetts Housing Finance Agency, established pursuant to chapter 708 of the acts of 1966.

"Eligibility certificate", a certificate issued to a sponsor pursuant to subsection (d).

“Eligible location”, a geography in which qualified projects may be located, based on criteria established in the qualified homeownership allocation plan.

“Homeownership development project", a multi-unit homeownership development project in which not less than 20 per cent of the units are affordable at the time of initial sale to households having incomes equal to or less than 120 per cent of the area median income, as determined by the United States Department of Housing and Urban Development.

“Maximum credit amount”, the amount equal to 35 per cent of the lesser of: (i) the total qualified project expenditures or (ii) 80 per cent of the median new home sales price, subject to such further limitations as may be established under the qualified homeownership credit allocation plan.

“Qualified buyer”, an individual that is a first-time homebuyer with an annual income not exceeding 120 per cent of the area median income, as determined by the United States Department of Housing and Urban Development, for the location in which the single-family dwelling being purchased is located, and that satisfies any additional qualifications established by the director under the qualified homeownership credit allocation plan.

“Qualified homeownership credit allocation plan”, a plan adopted by the director with the approval of the secretary, establishing (i) criteria and metrics under which homeownership development projects will be assessed for qualification and the geographies in which qualified projects may be located; (ii) criteria for approving and ranking applications for credits; (iii) methodology to determine applicable median new homes sales prices for the area in which the project is located; (iv) mechanisms to maintain affordability of each single-family dwelling created as part of a qualified homeownership development project, throughout the affordability period; (v) criteria to be used in determining qualification as a qualified buyer; (vi) the criteria governing the purchase, ownership and sale of completed qualified homeownership development

project single-family dwellings; and (vii) the manner of determining qualified project expenditures.

"Qualified homeownership development project", a homeownership development project to develop single-family dwellings in the commonwealth that satisfies any qualifications established by the director with the approval of the secretary in the qualified homeownership credit allocation plan; provided, however, that the proposed project (i) involves the new construction of 10 or more residential homeownership units; (ii) is located in an eligible location; and (iii) has units that shall be sold to qualified buyers, subject to an affordability restriction in accordance with the qualified homeownership credit allocation plan.

"Qualified project expenditure", an expenditure directly related to the construction of a qualified homeownership development project, including the cost of site assessment and remediation of hazardous materials, but excluding the purchase of the project, provided, however, that (i) the department has certified that the proposed project meets the definition of a qualified homeownership development project; (ii) prior to construction, the director has certified that all or a portion of the project costs are for new construction; and (iii) after the construction of the project has been completed, the director has certified that the project has been completed in compliance with this section and the requirements and conditions of any prior certifications.

"Project development team", the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner.

"Secretary", the secretary of the executive office of housing and livable communities, established under chapter 23B.

"Single-Family Dwelling", (i) a residential property containing not more than 4 residential units, or (ii) a condominium unit in a professionally managed condominium development.

"Sponsor", a sponsor, as defined in section 25 of chapter 23B, of a qualified homeownership development project or owner of a qualified homeownership development project.

"Taxpayer", a taxpayer subject to the income tax under this chapter.

(b) (1) There shall be a Massachusetts homeownership tax credit. The director, in consultation with the secretary, may authorize annually under this section together with section 38NN of chapter 63 the total sum of: (i) \$10,000,000 (ii) the amount, if any, not authorized in the preceding calendar year; and (iii) Massachusetts homeownership tax credits returned to the director by a sponsor.

(2) A taxpayer may be allowed a nonrefundable state tax credit with respect to a qualified homeownership development project under this section equal to the credit amount listed on the eligibility certificate pursuant to subsection (d). If the credit allowable for any

taxable year is unused by the taxpayer or exceeds the taxpayer's tax liability for that tax year, the taxpayer may carry forward and apply in any subsequent taxable year, the portion, as reduced from year to year, of those credits which exceed the tax for the taxable year; provided, however, that in no event shall the taxpayer apply the credit to the tax for any taxable year beginning after the affordability period.

(3) To be eligible to receive a credit award pursuant to this section, a sponsor shall submit an application to the director on a form and in a manner prescribed by the director, in consultation with the secretary; provided that said application shall include, but not be limited to, the following: (i) the name and address of the sponsor; (ii) the names and addresses of all members of the project development team; (iii) an estimate of the total qualified project expenditures; and (iv) any other information as the director, in consultation with the secretary, may require pursuant to the qualified homeownership credit allocation plan.

(c)(1) The director, in consultation with the secretary, shall competitively evaluate and approve applications and award tax credits under this section for a qualified project in accordance with the qualified homeownership credit allocation plan. The director, in consultation with the secretary, shall determine the credit amount awarded for each qualified project, which shall not exceed the maximum credit amount.

(2) The director shall send written notice of the tax credit award to the sponsor of a qualified homeownership development project. The notice shall stipulate that receipt of the credit is contingent upon the sale of all single-family dwellings that are required to be sold to qualified buyers and issuance of an eligibility certificate.

(d)(1) Upon completion of a qualified homeownership development project for which a tax credit was awarded under this section and the sale of all single-family dwellings that are required to be sold to qualified buyers, the sponsor shall notify the director and provide a final qualified project expenditures certification for approval. Immediately after approving the final cost certification, the director shall compute the credit amount and issue an eligibility certificate to the project development owner. The credit amount, which shall be stated on the certificate, shall equal the credit award amount stated in the notice issued under subsection (c), subject to any reduction or increase as the result of the approval of the final qualified project expenditures certification; provided that such amount shall not exceed the maximum credit amount.

(2) Each eligibility certificate shall state the credit amount, the years that comprise the affordability period, the name, address, and the taxpayer identification number of the sponsor and all members of the project development team along with the date the certificate is issued, a unique identifying number, and any additional information the director, in consultation with the secretary, may require. The director shall certify a copy of each eligibility certificate to the secretary and the commissioner.

(e)(1) The sponsor shall maintain ownership of a qualified homeownership development project and associated single-family dwellings until such dwellings are sold to qualified buyers.

(2) The qualified buyer of a single-family dwelling constructed as part of a qualified homeownership development project for which a tax credit was issued under this section shall occupy such single-family dwelling as the qualified buyer's primary residence during the affordability period. If a single-family dwelling constructed as part of a qualified project is sold during the affordability period, the seller shall transfer to the director an amount equal to 90 per cent of the gain from such resale, reduced by 10 per cent for each year of the affordability period which ends before the date of such sale, subject to such additional criteria as may be established under the qualified homeownership credit allocation plan. The director shall use any amount received pursuant to a repayment under this paragraph for the purpose of providing financial assistance to first-time homebuyers and offsetting the costs of administering this section. The director may place a lien on each single-family dwelling constructed as part of a qualified homeownership development project for an amount it deems necessary to ensure potential repayment pursuant to this paragraph.

(f) (1) all or any portion of tax credits issued in accordance with this section may be transferred, sold or assigned to any individual or entity and the transferee shall be entitled to claim the credits pursuant to paragraph (2) of subsection (b) with the same effect as if the transferee had incurred the qualified project expenditures itself.

(2) A sponsor or transferee desiring to make a transfer, sale or assignment as described in paragraph (1) shall submit to the commissioner a statement which describes the amount of the Massachusetts homeownership tax credit for which such transfer, sale or assignment of the Massachusetts homeownership tax credit is eligible. Said sponsor shall provide to the commissioner appropriate information so that the homeownership tax credit can be properly allocated.

(3) In the event that the recapture of Massachusetts homeownership tax credits is required pursuant to subsection (g), any statement submitted to the commissioner as provided in paragraph (2) shall include the proportion of the Massachusetts homeownership tax credit required to be recaptured, the identity of each transferee subject to recapture and the amount of credit previously transferred to such transferee.

(g) The director, in consultation with the secretary, may request that the commissioner disallow or recapture any portion of a credit if the director determines that a sponsor or the qualified homeownership development project (i) does not qualify for the credit; (ii) ceases to qualify for the credit or (iii) it is determined that the qualified project did not qualify for the credit at the time when such credit was claimed. Notwithstanding the time limitations on assessments pursuant to chapter 62C, the commissioner shall determine the taxpayer or taxpayers that claimed the credit, the tax against which the credit was claimed, and the amount to be recaptured and make an assessment against the taxpayer or taxpayers for the amount to be recaptured under this section.

(h) The director may assess application, processing, and reporting fees to cover the cost of administering this section.

(i) The secretary, in consultation with the commissioner and director, shall adopt any rules and promulgate any regulations necessary to implement this section.

SECTION 23. Section 6O of said chapter 62 of the General Laws, as inserted by section 22, is hereby amended by striking out paragraph (1) of subsection (b) and inserting in place thereof the following paragraph:-

(1) There shall be a Massachusetts homeownership tax credit. The director, in consultation with the secretary, may authorize annually under this section together with section 38NN of chapter 63 the total sum of: (i) the amount, if any, not authorized in the preceding calendar year; and (ii) any Massachusetts homeownership tax credits returned to the director by a sponsor.

SECTION 24. Section 38EE of said chapter 63, as so appearing, is hereby amended by striking out, in lines 213 and 214, the words "\$12,000,000 in each of taxable years 2023 to 2025, inclusive" and inserting in place thereof the following words:- \$15,000,000 in taxable years beginning on or after January 1, 2025.

SECTION 25. Chapter 63 of the General Laws is hereby amended by inserting after section 38N the following section:-

Section 38NN. (a) For the purposes of this section, unless the context clearly requires otherwise, the following words shall have the following meanings:-

“Affordability period”, the ten-year period that commences on the date of the initial sale of a single-family dwelling constructed as part of a qualified project.

“Affordability restriction”, a restriction in form and substance approved by the Director and the Secretary, imposing resale restrictions on a single-family dwelling constructed as part of a qualified homeownership development project during the affordability period.

“Credit amount”, the amount computed by the director under subsection (b) before issuing an eligibility certificate.

“Commissioner”, the commissioner of revenue.

“Credit award amount”, the amount determined by the director and stipulated in the notice sent pursuant to subsection (c).

“Director”, the executive director of the Massachusetts Housing Finance Agency, established pursuant to chapter 708 of the acts of 1966.

“Eligibility certificate”, a certificate issued to a sponsor pursuant to subsection (d).

“Eligible location”, a geography in which qualified projects may be located, based on criteria established in the qualified homeownership allocation plan.

“Homeownership development project”, a multi-unit homeownership development project in which not less than 20 per cent of the units are affordable at the time of initial sale to households having incomes equal to or less than 120 per cent of the area median income.

“Maximum credit amount”, the amount equal to 35% of the lesser of: (i) the total qualified project expenditures or (ii) 80% of the median new home sales price, subject to such further limitations as may be established under the qualified homeownership credit allocation plan.

“Qualified buyer”, an individual that is a first-time homebuyer with an annual income not exceeding 120% of the area median income, as determined by the United States Department of Housing and Urban Development, for the location in which the single-family dwelling being purchased is located, and that satisfies any additional qualifications established by the director under the qualified homeownership credit allocation plan.

“Qualified homeownership credit allocation plan”, a plan adopted by the director with the approval of the secretary, establishing (i) criteria and metrics under which homeownership development projects will be assessed for qualification and the geographies in which qualified projects may be located; (ii) criteria for approving and ranking applications for credits; (iii) methodology to determine applicable median new homes sales prices for the area in which the project is located; (iv) mechanisms to maintain affordability of each single-family dwelling created as part of a qualified homeownership development project, throughout the affordability period; (v) criteria to be used in determining qualification as a qualified buyer; (vi) the criteria governing the purchase, ownership and sale of completed qualified homeownership development project single-family dwellings; and (vii) the manner of determining qualified project expenditures.

“Qualified homeownership development project”, a homeownership development project to develop single-family dwellings in the commonwealth that satisfies any qualifications established by the director with the approval of the secretary in the qualified homeownership credit allocation plan; provided, however, that the proposed project: (i) involves the new construction of 10 or more residential homeownership units; (ii) is located in an eligible location; and (iii) units shall be sold to qualified buyers, subject to an affordability restriction in accordance with the qualified homeownership credit allocation plan.

“Qualified project expenditure”, an expenditure directly related to the construction of a qualified homeownership development project, including the cost of site assessment and remediation of hazardous materials, but excluding the purchase of the project, provided, however, that: (i) the department has certified that the proposed project meets the definition of qualified homeownership development project; (ii) prior to construction, the director has certified that all or a portion of the project costs are for new construction; and (iii) after the construction of the project has been completed, the director has certified that the project has been completed in compliance with this section and the requirements and conditions of any prior certifications.

“Project development team”, the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner.

“Secretary”, the Secretary of the Executive Office of Housing and Livable Communities, established pursuant to chapter 23B.

“Single-Family Dwelling”, (i) a residential property containing not more than 4 residential units, or (ii) a condominium unit in a professionally managed condominium development.

“Sponsor”, a sponsor, as defined in section 25 of chapter 23B, of a qualified homeownership development project or owner of a qualified homeownership development project.

“Taxpayer”, a taxpayer subject to the income tax under this chapter.

(b) (1) There shall be a Massachusetts homeownership tax credit. The director, in consultation with the secretary, may authorize annually under this section together with section 6O of chapter 62 the total sum of: (i) \$10,000,000 (ii) the amount, if any, not authorized in the preceding calendar year; and (iii) Massachusetts homeownership tax credits returned to the director by a sponsor.

(2) A taxpayer may be allowed a nonrefundable state tax credit with respect to a qualified homeownership development project under this section equal to the credit amount listed on the eligibility certificate pursuant to subsection (d). If the credit allowable for any taxable year is unused by the taxpayer or exceeds the taxpayer's tax liability for that tax year, the taxpayer may carry forward and apply in any subsequent taxable year, the portion, as reduced from year to year, of those credits which exceed the tax for the taxable year; provided, however, that in no event shall the taxpayer apply the credit to the tax for any taxable year beginning after the affordability period.

(3) To be eligible to receive a credit award pursuant to this section, a sponsor shall submit an application to the director pursuant to this section and on a form and in a manner prescribed by the director, in consultation with the secretary; provided that said application shall include, but not be limited to, the following: (i) the name and address of the sponsor; (ii) the names and addresses of all members of the project development team; (iii) an estimate of the total qualified project expenditures; and (iv) any other information as the director, in consultation with the secretary, may require pursuant to the qualified homeownership credit allocation plan.

(c)(1) The director, in consultation with the secretary, shall competitively evaluate and approve applications and award tax credits under this section for a qualified project in accordance with the qualified homeownership credit allocation plan. The director, in consultation with the secretary, shall determine the credit amount awarded for each qualified project, which shall not exceed the maximum credit amount.

(2) The director shall send written notice of the tax credit award to the sponsor of a qualified homeownership development project. The notice shall stipulate that receipt of the credit is contingent upon the sale of all single-family dwellings that are required to be sold to qualified buyers and issuance of an eligibility certificate.

(d)(1) Upon completion of a qualified homeownership development project for which a tax credit was awarded under this section and the sale of all single-family dwellings that are required to be sold to qualified buyers, the sponsor shall notify the director and provide a final qualified project expenditures certification for approval. Immediately after approving the final cost certification, the director shall compute the credit amount and issue an eligibility certificate to the project development owner. The credit amount, which shall be stated on the certificate, shall equal the credit award amount stated in the notice issued under subsection (c), subject to any reduction or increase as the result of the approval of the final qualified project expenditures certification; provided that such amount shall not exceed the maximum credit amount.

(2) Each eligibility certificate shall state the credit amount, the years that comprise the affordability period, the name, address, and the taxpayer identification number of the sponsor and all members of the project development team along with the date the certificate is issued, a unique identifying number, and any additional information the director, in consultation with the secretary, may require. The director shall certify a copy of each eligibility certificate to the secretary and the commissioner.

(e)(1) The sponsor shall maintain ownership of a qualified homeownership development project and associated single-family dwellings until such dwellings are sold to qualified buyers.

(2) The qualified buyer of a single-family dwelling constructed as part of a qualified homeownership development project for which a tax credit was issued under this section shall occupy such single-family dwelling as the qualified buyer's primary residence during the affordability period. If a single-family dwelling constructed as part of a qualified project is sold during the affordability period, the seller shall transfer to the director an amount equal to 90 percent of the gain from such resale, reduced by 10 percent for each year of the affordability period which ends before the date of such sale, subject to such additional criteria as may be established under the qualified homeownership credit allocation plan. The director shall use any amount received pursuant to a repayment under this paragraph for the purposes of providing financial assistance to first-time homebuyers and offsetting the costs of administering this section. The director may place a lien on each single-family dwelling constructed as part of a qualified homeownership development project for an amount it deems necessary to ensure potential repayment pursuant to this paragraph.

(f) (1) all or any portion of tax credits issued in accordance with the provisions of this section may be transferred, sold or assigned to any individual or entity and the transferee shall be entitled to claim the credits pursuant to paragraph (2) of subsection (b) with the same effect as if the transferee had incurred the qualified project expenditures itself.

(2) A sponsor or transferee desiring to make a transfer, sale or assignment as described in paragraph (1) shall submit to the commissioner a statement which describes the amount of

Massachusetts homeownership tax credit for which such transfer, sale or assignment of Massachusetts homeownership tax credit is eligible. Said sponsor shall provide to the commissioner appropriate information so that the homeownership tax credit can be properly allocated.

(3) In the event that recapture of Massachusetts homeownership tax credits is required pursuant to subsection (g), any statement submitted to the commissioner as provided in paragraph (2) shall include the proportion of the Massachusetts homeownership tax credit required to be recaptured, the identity of each transferee subject to recapture and the amount of credit previously transferred to such transferee.

(g) The director, in consultation with the secretary, may request that the commissioner disallow or recapture any portion of a credit if the director determines that a sponsor or the qualified homeownership development project: (i) does not qualify for the credit; (ii) ceases to qualify for the credit or (iii) it is determined that the qualified project did not qualify for the credit at the time when such credit was claimed. Notwithstanding the time limitations on assessments pursuant to chapter 62C, the commissioner shall determine the taxpayer or taxpayers that claimed the credit, the tax against which the credit was claimed, and the amount to be recaptured and make an assessment against the taxpayer or taxpayers for the amount to be recaptured under this section.

(h) The director may assess application, processing, and reporting fees to cover the cost of administering this section.

(i) The secretary, in consultation with the commissioner and director, shall adopt any rules and promulgate any regulations necessary to implement this section.

SECTION 26. Section 38NN of chapter 63, as inserted by section 25, is hereby amended by striking out paragraph (1) of subsection (b) and inserting the following paragraph:

(1) There shall be a Massachusetts homeownership tax credit. The director, in consultation with the secretary, may authorize annually under this section together with section 6O of chapter 62 the total sum of: (i) the amount, if any, not authorized in the preceding calendar year; and (ii) any Massachusetts homeownership tax credits returned to the director by a sponsor.

SECTION 27. Section 52 of chapter 93 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended, in subsection (a), by inserting at the end thereof the following clause:- (7) eviction records sealed pursuant to section 15 of chapter 239.

SECTION 28. Section 127I of chapter 111 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following paragraph:-

Following appointment of a receiver for a vacant residential property, the court, upon motion by the receiver with notice to the owner, mortgagee, and all interested parties, may allow for the sale of the property to a nonprofit entity for fair market value in its then current condition. Any such sale shall be conditioned upon the court finding that the nonprofit will correct all

outstanding state sanitary code violations and rehabilitate the property for sale to a first-time homebuyer whose income is not more than 120 per cent of area median income as determined by the United States Department of Housing and Urban Development, provided that such nonprofit entity shall demonstrate to the court adequate expertise and resources necessary to rehabilitate the property and correct outstanding state sanitary code violations. Any such motion filed by a receiver under this paragraph shall be heard by the court not less than 30 days following the filing date, during which period the owner, mortgagee, and any other interested parties may join a motion for leave to correct all outstanding state sanitary code violations at the property. Upon a finding by the court that the owner, mortgagee, or other interested party has the intention and ability to correct all outstanding state sanitary code violations, the court shall stay the hearing on the receiver's motion for a reasonable period of time to allow the owner, mortgagee, or other interested party to correct such outstanding sanitary code violations.

SECTION 29. Chapter 121B of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 3A and inserting in place thereof the following section:-

Section 3A. (a) Any number of cities or towns may, with the approval of their respective municipal officers and of the department, create or disband by a contract subject to the approval of the department a regional housing authority, with all of the powers and obligations of the constituent authorities, to act in the place of the several housing authorities, if any, theretofore existing. Such contract shall set forth the rights, powers and obligations of the regional housing authority within the several cities or towns in which it is to operate. Any unresolved dispute which may arise as to the rights, powers or obligations conferred by such contract shall be referred to the department for resolution.

(b) Notwithstanding the foregoing, or any general or special law to the contrary, 2 or more local housing authorities may, with the approval of their respective boards and of the department, merge to create a regional housing authority, with all the powers and obligations of the constituent authorities theretofore existing. Such creation of a regional housing authority by merger of two or more local housing authorities shall not require the use of special legislation pursuant to chapter 268A of the General Laws. The department shall issue guidelines for approving mergers of two or more local housing authorities pursuant to this subsection (b). Such guidelines shall include, but not be limited to, provisions for approving board structures of regional housing authorities created pursuant to this subsection and provisions for the creation and operation of a regional local preference to apply to residents of the cities or towns in which a regional housing authority created pursuant to this subsection is to operate.

SECTION 30. Section 11 of said chapter 121B, as so appearing, is hereby amended by adding the following paragraph:-

(p) Notwithstanding any general or special law to the contrary, a housing authority, with the approval of the department, in consultation with the Executive Office for Administration and Finance, may secure indebtedness incurred for the preservation, modernization and maintenance of 1 or more of its low rent housing developments assisted under section 32 or section 34 by a pledge of a portion of capital funds awarded to it for improvements to be carried out pursuant to

a department-approved capital improvement plan in accordance with department regulations governing capital projects. The department, in consultation with said executive office, shall promulgate regulations that establish limitations on the percentage of awarded capital funds that may be pledged to secure indebtedness, describe permitted terms for borrowing and repayment and establish criteria for housing authorities that will be permitted to incur indebtedness secured by a pledge of capital funds. Any pledge of future year capital funds pursuant to this section is subject to the availability of funds under the department's capital spending plan as approved by the governor for that year. All financing documents related to future year capital fund amounts shall include a statement that the credit of the commonwealth is not pledged and that the pledging of funds is subject to the availability of funds under the department's capital spending plan as approved by the governor.

SECTION 31. Subsection (a) of section 26C of said chapter 121B, as amended by section 256 of chapter 7 of the acts of 2023, is hereby further amended by striking out, in lines 19 to 21, inclusive, the words "provided, however, that the capital assistance team shall provide services to the housing authority without requiring payment for the services by the housing authority" and inserting in place thereof the following words:- provided, however, that the capital assistance team shall provide services to a housing authority with 500 or fewer state-aided units without requiring payment for the services by such housing authority; and provided further, that the capital assistance team may require payment for services provided to a housing authority with more than 500 state-aided units and for additional services not covered by this section and approved by the department.

SECTION 32. Said section 26C of said chapter 121B, as so amended, is hereby further amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) There shall be a capital assistance advisory board consisting of 7 members. Each of the 3 capital assistance teams shall appoint 2 members to the advisory board; and the department shall appoint 1 member, who shall have at least 5 years of experience as the manager of not less than 200 units of privately owned housing. The department shall limit eligibility for appointment to members of participating housing authorities in the region. The advisory board shall meet on an annual basis with the capital assistance team directors, host housing authority directors and the secretary of the executive office of housing and livable communities or a designee and shall discuss issues of program performance and coordination.

SECTION 33. Section 29 of said chapter 121B of the General Laws, as amended by section 127 of chapter 268 of the acts of 2022, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The members of a housing authority shall biennially, or more frequently as required by the department and at a time to be determined by said department, file with said department a written report for its preceding fiscal years since its last previously filed written report.

SECTION 34. The first paragraph of said section 29 of said chapter 121B, as so amended, is hereby further amended by adding the following sentence:- Notwithstanding the foregoing, nothing in this section shall exempt a housing authority from submitting an annual plan pursuant to section 28A and this section.

SECTION 35. Section 34 of said chapter 121B, as amended by section 130 of chapter 268 of the acts of 2022, is hereby amended by striking out the fourteenth paragraph, as inserted by section 130 of chapter 268 of the acts of 2022, and inserting in place thereof the following paragraph:-

Notwithstanding any general or special law to the contrary, (a) construction and development activity related to development or redevelopment of state-aided or federally-aided public housing projects or where the land, buildings or structures associated with such housing project will be or have been conveyed or transferred to an affiliated non-profit or private entity for purposes of completing the development or redevelopment, or (b) construction and development activity related to other housing development by a housing authority or affiliate on land owned by the housing authority shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance or repair of buildings by a public agency provided, however, that the department shall review and approve the procurement processes used to undertake this development or redevelopment in accordance with subsection (q) of section 26; and provided further, that all construction, reconstruction, alteration, installation, demolition, maintenance or repair shall be subject to sections 26 to 27F, inclusive and as applicable, and section 29 of chapter 149. A project involving the development or redevelopment of a state-aided or federally-aided public housing project procured prior to a conveyance or transfer to an affiliated non-profit or private entity shall not proceed with construction unless and until the conveyance or transfer to the affiliated non-profit or private entity has occurred. The housing authority shall request rates and updates from the division of labor standards for these projects. Nothing herein contained shall, by itself, subject a privately-owned and developed project on land formerly owned by a housing authority to sections 26 to 27F, inclusive or section 29 of chapter 149.

SECTION 36. Said section 34 of said chapter 121B, as so amended, is hereby further amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, the tenants of a state-aided or federally-aided public housing project transferred or conveyed pursuant to the fourteenth paragraph of this section shall maintain rights pursuant to the provisions of the federal, state, and local subsidy programs originally applicable to the project including tenant contribution, lease terms, eviction, right to return, grievance, resident participation, preference in hiring, and privacy rights, except as may be required to secure financing necessary for the feasibility of the project, or to meet associated programmatic eligibility requirements after notice to affected tenants with an opportunity to comment. The redevelopment of such project shall not be the basis for termination or reduction of assistance or eviction of any tenant, and no existing tenant shall be considered a new admission for any purpose, including compliance with any income targeting requirements. Any such project shall have at least the same number of low rent housing units as the number of low rent housing units in the existing project. The requirements under this paragraph shall be implemented through contracts, use agreements, regulations or other means, as determined by the executive office of housing and livable communities, provided that such contracts, use agreements, regulations or other means shall delineate: (i) the roles of the housing authority and other agencies in monitoring and enforcing compliance, including tracking temporary and permanent displacement; (ii) how the housing authority will rehouse tenants so

there is no displacement from affordable housing programs operated by the housing authority and (iii) how tenants will be provided with technical assistance to facilitate meaningful input related to the redevelopment of the proposed project. The benefits of any such contracts, use agreements, regulations or other means shall inure to any tenant who occupied a unit within the project at the time of the transfer or conveyance of the project. Protections relating to tenant contribution, lease terms, eviction, grievance, resident participation, preference in hiring, and privacy rights, except as may be required to secure financing necessary for the feasibility of the project, or to meet associated programmatic eligibility requirements, shall inure to both present or future tenants or applicants of the project, who shall have the right to enforce the same as third-party beneficiaries. Nothing in this section is intended to create a separate or new administrative process of appeal or review for any grievance governed by the lease of any tenant. Tenants shall have an opportunity for comment on a project proposed under paragraph fourteen and an opportunity for public comment to be organized by the owners, controlled entities, designated private entities, or public housing authorities responsible for such projects with adequate notice.

SECTION 37. Subsection (b) of section 3 of chapter 121E of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

(3) issued only if a contract or agreement for the use of the property for housing purposes provides for the recording of a restriction in the registry of deeds or the registry district of the land court in the county in which the affected real property is located, for the benefit of the department, running with the land, that the land be used for providing alternative forms of rental and ownership housing; provided further, that the property shall not be released from the restriction until: (i) the balance of the principal and interest for the loan shall be repaid in full; (ii) a mortgage foreclosure deed shall be recorded; or (iii) there has been a disposition of the property, provided that the department of housing and community development determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 38. Said subsection (b) of said section 3 of said chapter 121E, as so appearing, is hereby further amended by striking out, in clause (4) the words “provided that the project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department” and inserting in place thereof the following words:- provided that the project, whether at the original property, or at an alternative property pursuant to clause (3) of this item, continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department

SECTION 39. Section 2 of chapter 121F of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) There shall be within the department a separate fund to be known as the Housing Stabilization and Investment Trust Fund. The department shall administer the fund and shall ensure that funds are distributed among urban, suburban and rural areas with a particular emphasis on development of alternative forms of housing and on local and regional needs. Such funds shall be used for the purpose of undertaking projects to develop and support affordable housing developments and homeownership affordability, through the acquisition, preservation, new construction and rehabilitation of affordable housing, including without limitation the preservation and improvement of existing privately-owned, state or federally-assisted housing. The program may include assistance for projects to stabilize and promote reinvestment in cities and towns including, but not limited to, preserving and improving existing privately-owned, state or federally-assisted housing and any other techniques necessary to achieve reinvestment; provided, further, that funds from this item may be expended for the purpose of energy audits and housing modifications to achieve energy efficiency and conservation. The program also may include assistance for housing where the expiration of federal or state low-income housing tax credits or other federal or state subsidies would lead or has led to the termination of a use agreement for low-income housing or in which a project-based rental assistance contract is expiring or has expired. The fund shall be an expendable trust fund and shall not be subject to appropriation.

SECTION 40. Said section 2 of said chapter 121F, as so appearing, is hereby further amended by striking out, in line 28 the words “nonprofit or for-profit organizations” and inserting in place thereof the following words:- eligible entities pursuant to subsection (a) of section 3”.

SECTION 41. Said section 2 of said chapter 121F, as so appearing, is hereby further amended by striking out, in lines 35 to 38, inclusive, the words “or the Community Economic Development Assistance Corporation established in chapter 40H to provide assistance from the fund for projects owned or sponsored by nonprofit organizations” and inserting in place thereof the following words:- to provide assistance from the fund.

SECTION 42. Section 3 of said chapter 121F, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) The fund shall finance low and no interest loans, grants, subsidies, credit enhancements and other financial assistance for rental and ownership housing; provided, however, that assistance shall be the minimum amount necessary to make a project feasible; provided further, that loans, grants, subsidies, credit enhancements and other financial assistance pursuant to this chapter may be provided to qualified for-profit or non-profit developers, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations and for-profit entities, and governmental bodies; and provided further, that recipients may enter into subcontracts to administer the contracts with other for-profit or nonprofit organizations; provided further, that loans, grants, subsidies, credit enhancements and other financial assistance pursuant to this chapter may be provided for the acquisition of property to provide or preserve affordable housing; provided, however, that the loan program may be administered by the department through contracts with the Massachusetts Housing Partnership Fund established in section 35 of chapter 405 of the acts of 1985; provided further,

that the program may include acquisition, financing and other holding costs, interim management costs and operating costs and may also be used by the Massachusetts Housing Partnership Fund to secure, collateralize or reserve against other financing obtained by the Massachusetts Housing Partnership Fund to support those costs; provided further, that not less than 75 per cent of the beneficiaries of the housing shall be persons whose income is not more than 60 per cent of the area median income and not less than 13 per cent of the beneficiaries of the housing shall be persons whose income is not more than 30 per cent of that area median income.

(b) Activities eligible for assistance from the fund shall include, but not be limited to: (1) projects to develop and support affordable housing developments and homeownership affordability, through the acquisition, preservation, new construction and rehabilitation of affordable housing; (2) the preservation of affordable housing developments which are or were subject to prepayment or payment of a state or federally-assisted mortgage or which are receiving project-based rental assistance under section 8 of the United States Housing Act of 1937, 42 U.S.C. section 1437f, and the rental assistance is expiring or which have received other project-based federal or state subsidies which are terminating or have terminated; provided, however, that property eligible for assistance shall include housing where the prepayment or payment of a state or federally-assisted mortgage or the expiration of federal low income housing tax credits or other federal or state subsidies would lead or has led to the termination of a use agreement for low income housing or in which a project-based rental assistance contract is expiring or has expired; provided however, a property eligible for assistance that has been acquired for the purpose of preserving or improving the property shall not lose eligibility due to actions by the purchaser to renew or extend state or federal contracts or subsidies; provided further, that the department, in consultation with nonprofit organizations, the Community Economic Development Assistance Corporation, the Massachusetts Housing Finance Agency and the Massachusetts Housing Partnership Fund shall identify those projects at greatest risk of prepayment, payment, termination of subsidies and use restrictions, or nonrenewal of rental assistance; provided further, that funding priority shall be based on at-risk criteria to be determined by the department and set forth in regulations promulgated by the department;

SECTION 43. Said section 3 of said chapter 121F, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) Prior to providing assistance, the department shall find that: (1) the housing would not, by private enterprise alone and without government assistance, be available to lower income families and individuals; (2) the amount of assistance appears to be the minimum amount necessary to make the housing development feasible; (3) with respect to rental housing, the operations of the owner and its articles of organization and by-laws and any changes to either shall be subject to regulation by the department; and (4) the housing shall remain affordable for its useful life as determined by the department.

SECTION 44. Section 5 of said chapter 121F, as so appearing, is hereby amended by striking out, in lines 2 to 5, inclusive, the words “including, but not limited to, regulations relative to grants to cities and towns for the demolition of certain vacant and abandoned buildings and procedures for neighborhood revitalization plans”.

SECTION 45. The General Laws are hereby amended by inserting after chapter 121G the following chapter:-

CHAPTER 121H
SUPPORTIVE HOUSING POOL FUND

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

“Executive Office”, the executive office of housing and livable communities.

“Fund”, The Supportive Housing Pool Fund established in section 2.

“Permanent supportive housing”, rental housing that includes supportive services for individuals and families who may be homeless or chronically homeless, individuals and families with behavioral health needs or substance addiction needs, survivors of domestic violence, survivors of human trafficking, survivors of sexual violence, individuals and families at risk of entering or transitioning out of the foster care system, youth and young adults, seniors and veterans, or other similar need as determined by the executive office.

Section 2. (a) There shall be a Supportive Housing Pool Fund to support the production of permanent supportive housing.

(b) The fund shall be administered by the executive office directly or through contracts with 1 or more of the following: (i) the Community Economic Development Assistance Corporation, established in chapter 40H of the General Laws; (ii) the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts of 1985; (iii) the Massachusetts Housing Finance Agency, established in chapter 708 of the acts of 1966; provided that an administrating agency may directly offer financial assistance for the purposes set forth herein or may enter into subcontracts with non-profit organizations, established pursuant to chapter 180 of the General Laws for those purposes; provided further, that the administering agency may establish additional program requirements through regulations or policy guidelines.

(c) There shall be credited to the fund, revenue from appropriations or other money authorized by the general court and specifically designated for the fund and any gifts, grants, private contributions, repayment of loans, fees and charges imposed relative to the making of loans, grants, subsidies, credit enhancements and other financial assistance, investment income earned on the fund's assets and any other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

Section 3. Funds expended pursuant to this chapter shall be in the form of grants, loans or other financial assistance to projects and organizations that will provide stable housing options and supportive services to residents of permanent supportive housing, which may include, but not be limited to, staffing, case management, service coordination, or other tenancy-related services provided by a project sponsor or through a third-party, or other services or activities that the executive office has determined are essential to the day-to-day operation of permanent supportive housing.

Section 4. The executive office may promulgate regulations for the implementation, administration and enforcement of this chapter and may, in consultation with the executive office of health and human services, the executive office of elder affairs, the department of children and families, and the office of victim assistance, issue guidelines for the fund.

SECTION 46. Section 5 of chapter 161A of the General Laws, as most recently amended by chapter 7 of the acts of 2023, is hereby further amended by inserting, after the words “paragraph (o)”, the following words:- Any agreement related to any concession or lease of property may require that the developer construct, design, build, finance, operate, and maintain, or any combination thereof, mass transportation facilities or any related facility or component thereof for the authority, so long as the authority shall state in its bid documentation that such mass transportation facilities or related facility or component thereof will be accepted or required as a part of any such agreement. No further procurement or advertising requirements shall be required by the Authority, except as required by subsection (b) and this subsection.

SECTION 47. Chapter 239 of the General Laws is hereby amended by adding the following section:-

Section 15. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

“Consumer report”, written, oral or other communication of any information by a consumer reporting agency bearing on a person’s credit worthiness, credit standing or credit capacity that is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the person’s eligibility for rental housing or other purposes authorized under section 51 of chapter 93.

“Consumer reporting agency”, individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

“Court”, the trial court of the commonwealth established pursuant to section 1 of chapter 211B and any departments or offices established within the trial court.

“Court record”, paper or electronic records or data in any communicable form compiled by, on file with or in the care custody or control of, the court, that concern a person and relate to the nature or disposition of an eviction action or a lessor action.

“Eviction action”, a summary process action under this chapter to recover possession of residential premises, a civil action under section 19 of chapter 139 to obtain an order requiring a tenant or occupant to vacate residential premises, a civil action brought pursuant to sections 11, 12 or 13 of chapter 186 or subsection (a) of section 4 of chapter 186A or any other civil action

brought against a tenant or occupant of residential premises to obtain possession of or exclusive access to the residential premises.

“Fault eviction”, an eviction action brought pursuant to clause (ii) of subsection (a) of section 4 of chapter 186A, section 19 of chapter 139 or an eviction action in which the notice to quit, notice of termination or complaint alleges a material violation of the terms of a residential tenancy or occupancy, including nonpayment of rent and failure to vacate following the termination or conclusion of a tenancy by the tenant or occupant; provided further, that an action brought after termination of a tenancy for economic, business, or other reasons not constituting a violation of the terms of the tenancy shall not be deemed a fault eviction for purposes of this section.

“Lessor action”, any civil action brought against the owner, manager or lessor of residential premises by the tenant or occupant of such premises relating to or arising out of such property, rental, tenancy or occupancy for breach of warranty, breach of any material provision of the rental agreement or violation of any other law.

“No-fault eviction”, any eviction action in which the notice to quit, notice of termination or complaint does not include an allegation of nonpayment of rent or violation of any material term of the tenancy by the tenant or occupant; provided further that “no-fault eviction” shall include an action brought after termination of a tenancy for economic, business or other reasons not constituting a violation of the terms of the tenancy.

(b) Any person having a court record of a fault eviction or lessor action other than a no-fault eviction on file in a court may, on a form furnished by the trial court and signed under the penalties of perjury, petition the court to seal the court record. The petition shall be filed in the same court as the action sought to be sealed. If an action was active in more than one court during its pendency, then a petition may be filed in each such court. The court may require notice to parties to the original action; provided however, that notice shall not be required if the conduct resulting in the eviction was the conduct of a person who is no longer a member of the household.

In the case of an eviction action or lessor action solely for nonpayment of rent, the court shall comply with the petitioner’s request under this subsection if the petitioner has satisfied the judgment for such nonpayment pursuant to subsection (i) and no eviction action or lessor action has been brought against the petitioner within the commonwealth in the 3 years preceding such request. In the case of an eviction action or lessor action under this subsection other than for nonpayment of rent, the court may, in its discretion, comply with the petitioner’s request under this subsection if the court record for an eviction action or lessor action which the petitioner seeks to seal has concluded, including exhaustion of all rights of appeal, not less than 7 years prior to the petitioner’s request and no eviction action or lessor action has been brought against the petitioner within the commonwealth in the 3 years preceding such request.

Notwithstanding the foregoing 2 paragraphs, the court may, in its discretion, (i) process a petition under this subsection administratively without a hearing, or (ii) waive any requirement

under this subsection upon a determination by the court that such waiver is in the interest of justice and public safety.

(c) Any person having a court record of a no-fault eviction on file in a court may petition the court to seal the court record at any time after the conclusion of the action and exhaustion of all rights of appeal. The petition shall be on a form furnished by the trial court, signed under the penalties of perjury and filed in the same court as the original petition for sealing. . If an action was active in more than 1 court during its pendency, then a petition may be filed in any such court. Notice shall be given to parties to the original action. The court shall comply with the petitioner's request if the court record pertains solely to a no-fault eviction and the action has concluded with all rights of appeal exhausted. If no such objection is filed by a party within 7 days of filing the petition, the court may, in its discretion, process the petition administratively without a hearing.

(d) Upon motion and for good cause shown, or as otherwise authorized by this section, court records sealed under this section may be, at the discretion of the court and upon a balancing of the interests of the litigants and the public against the interests of the requesting party, made available for public safety, scholarly, educational, journalistic or governmental purposes only; provided, however, that the personal identifying information of the parties involved in the action, shall remain sealed unless the court determines that release of such information is appropriate under this subsection and necessary to fulfill the purpose of the request. Nothing in this subsection shall be deemed to permit the release of personal identifying information for commercial purposes.

(e) Nothing in this section shall prohibit the dissemination of information contained in a court record sealed pursuant to this section as the court deems necessary or appropriate: (i) for the collection of a money judgment; (ii) to pursue a criminal investigation; (iii) to pursue a criminal prosecution; or (iv) where information in the sealed record was entered into evidence in a criminal prosecution that resulted in a criminal charge.

(f) Nothing in this section shall prohibit a person or their representative from petitioning the court to obtain access to a court record sealed under this section in which the person is a party.

(g) A consumer reporting agency shall not disclose the existence of, or information regarding, a court record sealed under this section or use information contained in such court record as a factor to determine any score or recommendation to be included in a consumer report unless such court record was available for inspection by the court within 30 days of the report date. A consumer reporting agency may include in a consumer report information found in publicly available court records, provided, however, that the consumer report shall include a person's full name, whether an eviction action was a fault eviction, a no-fault eviction or a lessor action, and the outcome of any eviction action if such information is contained in the publicly available court record. All information contained in a court record sealed under this section shall be removed from the consumer report or from the calculation of any score or recommendation to be included in a consumer report within 30 days of the sealing of the court record from which it is derived. Any consumer reporting agency that violates this subsection shall be liable in tort, in a

court of competent jurisdiction, to the person who is the subject of the consumer report in an amount equal to the sum of any actual damages sustained by the consumer because of such violation, or for \$100 per day of such violation, whichever is greater, and the costs of the action, including reasonable attorney's fees. The office of the attorney general of the commonwealth may enforce the provisions of this subsection and the remedies provided hereunder shall not be exclusive. Nothing in this subsection shall be deemed to waive the rights or remedies of any person under any other law or regulation.

(h) An application used to screen applicants for housing or credit that seeks information concerning prior eviction actions or lessor actions of the applicant shall include the following statement:

“An applicant for housing or credit with a sealed record on file with the court pursuant to section 15 of chapter 239 of the General Laws may answer ‘no record’ to an inquiry relative to that sealed court record.”

No party shall be liable for any violation of the foregoing provision unless such party has first been issued a written warning from the office of the attorney general of the commonwealth and has failed to address the violation within 90 days of such notice. The petition provided by the court for the sealing of records pursuant to this section and any order granting such petition shall contain the following notice:

“An applicant for housing or credit with a sealed record on file with the court pursuant to section 15 of chapter 239 of the General Laws may answer ‘no record’ to an inquiry relative to that sealed court record.”

i) A party who obtains a judgment or enters into an agreement in an eviction action solely for nonpayment of rent, shall, not more than 14 days after satisfaction of the judgment or agreement, file with the court in which the judgment or agreement was entered a notice of satisfaction of the judgment or agreement. A party that has satisfied such judgment or agreement may, upon noncompliance with this subsection by the other party, file a petition for the judgment or agreement to be deemed satisfied, with notice to the parties to such action. The court shall comply with the petitioner's request under this subsection, provided, that the record only pertains to an action for nonpayment of rent and the judgment or agreement has been satisfied. If no objection is filed by a party within 7 days of filing the petition, such court may, in its discretion, process such petitions administratively without a hearing. Upon the filing of a notice of satisfaction of judgment or an agreement, or court judgment deeming the judgment or agreement satisfied, a party may, pursuant to and subject to the time frames set forth in subsection (b), petition the court to seal the court record pertaining to that action.

SECTION 48. Section 3 of chapter 708 of the acts of 1966, as amended by section 43 of chapter 204 of the acts of 1996, is hereby further amended by striking out, in the first sentence, the words “department of housing and community development” and inserting in place thereof the following words:- executive office of housing and livable communities

SECTION 49. The second paragraph of said section 3 of said chapter 708, as amended, is hereby further amended by striking out, in the first sentence, the words “director of housing and

community development” and inserting in place thereof the following words:- secretary of housing and livable communities

SECTION 50. Subsection (a) of section 35 of chapter 405 of the acts of 1985, as amended by section 47 of chapter 204 of the acts of 1996, is hereby amended by striking out the words “department of housing and community development” and inserting in place thereof the following words:- executive office of housing and livable communities

SECTION 51. Said subsection (a) of said section 35 of said chapter 405, as amended, is hereby further amended by striking out the words “secretary of communities and development” and inserting in place thereof the following words:- secretary of housing and livable communities

SECTION 52. Item 3722-8899 of section 2 of chapter 494 of the acts of 1993 is hereby amended by striking out, in clause (2), the words “provided, that said property shall not be released from such restriction unless and until the balance of the principal and interest for said loan is repaid in full or unless and until a mortgage foreclosure deed is recorded;” and inserting in place thereof the following words:- provided, that said property shall not be released from such restriction unless and until: (i) the balance of the principal and interest for said loan is repaid in full; (ii) a mortgage foreclosure deed is recorded; or (iii) the disposition of the property, provided that the department of housing and community development determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 53. Item 4000-8200 of section 2 of chapter 52 of the acts of 1993, as amended by chapter 244 of the acts of 2002, is hereby further amended by striking out, in clause (3) the words “provided, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan is repaid in full or until a mortgage foreclosure deed is recorded” and inserting in place thereof the following words:- provided, that the property shall not be released from such restrictions unless: (i) the balance of the principal and interest for the loan has been repaid in full; (ii) a mortgage foreclosure deed has been recorded; or (iii) there has been a disposition of the property, provided that the department of housing and community development, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property

SECTION 54. Said item 4000-8200 of said section 2 of said chapter 52, as amended, is hereby further amended by striking out, in clause (4), the words “that the project shall continue to remain affordable housing for the duration of the loan term” and inserting in place thereof the following:- that the project, whether at the original property, or at an alternative property pursuant to clause (3) of this item, shall remain affordable housing for the duration of the loan term.

SECTION 55. Said item 4000-8200 of said section 2 of said chapter 52, as amended, is hereby further amended by striking out clauses (6) to (9), inclusive, and inserting in place thereof the following two clauses:-

(6) said loans shall be provided only for projects conforming to the provisions of this act;
and

(7) said loans shall be issued in accordance with a facilities consolidation plan prepared by the secretary of health and human services, reviewed and approved by the secretary of communities and development and filed with the secretary for administration and finance and the house and senate committees on ways and means; provided, that no expenditures shall be made pursuant to this item without the prior approval of the secretary for administration and finance; provided further, that not more than ten million dollars may be expended from this item for a pilot program of community-based housing loans to serve mentally ill homeless individuals in the current or former care of said department of mental health; provided further, that in implementing said pilot program, said department shall take due consideration of a balanced geographic plan when establishing community-based residences; provided further, that said housing services made available pursuant to such loans shall not be construed as a right or an entitlement for any individual or class of persons to the benefits of said pilot program; provided that eligibility for said pilot program shall be established by regulations promulgated by the said department.

SECTION 56. Said item 3722-8899 of said section 2 of said chapter 494 is hereby further amended by striking out, in clause (4), the words “provided, that the project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department;” and inserting in place thereof the following words:- provided, that that the project, whether at the original property, or at an alternative property pursuant to clause (2) of this item, continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department;

SECTION 57. Said item 3722-8899 of said section 2 of said chapter 494, as amended is hereby further amended by striking out clause (6) to (8), inclusive, and inserting in place thereof the following clause:-

and (6) said department shall take due consideration of a balanced geographic plan for such alternative forms of housing when issuing said loans;

SECTION 58. Section 16 of chapter 179 of the acts of 1995 is hereby amended by striking out, in the first paragraph, the words “in the form of mobile vouchers” and inserting in place thereof the following words:- in the form of either mobile vouchers or project based vouchers.

SECTION 59. Section 12 of chapter 257 of the acts of 1998 is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) such loans shall only be issued when a contract or agreement for the use of the property for the purposes of such housing provides for the recording of a restriction in the registry of deeds or the registry district of the land court in the county in which the affected real property is located, for the benefit of said department, running with the land, that the land be used for the purpose of providing alternative forms of rental and ownership housing. Such property shall not be released from such restriction until: (i) the balance of the principal and interest for any such loan shall be repaid in full; (ii) a mortgage foreclosure deed shall be recorded; or (iii) there has been a disposition of the property, provided that the department of housing and community development determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 60. Said section 12 of said chapter 257 is hereby further amended by striking out, in clause (3), the words “provided, that the project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department;” and inserting in place thereof the following words:- provided, that the project, whether at the original property, or at an alternative property pursuant to clause (2) of this item, continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department.

SECTION 61. Said section 12 of said chapter 257 is further hereby amended by striking out clause (5) to (7), inclusive, and inserting in place thereof the following clause:-

and (5) said department shall take due consideration of a balanced geographic plan for such alternative forms of housing when issuing such loans.

SECTION 62. Section 5 of chapter 244 of the acts of 2002 is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) such loans shall only be issued when a contract or agreement for the use of the property for the purposes of such housing provides for the recording of a restriction in the registry of deeds or the registry district of the land court in the county in which the affected real property is located, for the benefit of said department, running with the land, that the land be used for the purpose of providing alternative forms of rental and ownership housing. Such property shall not be released from such restriction until: (i) the balance of the principal and interest for any such loan shall be repaid in full; (ii) a mortgage foreclosure deed shall be recorded; or (iii) there has been a disposition of the property, provided that the department of housing and community development determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 63. Said section 5 of said chapter 244 is hereby further amended by striking out, in clause (3), the words “provided that the project continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the

department” and inserting in place thereof the following words:- provided that the project, whether at the original property, or at an alternative property pursuant to clause (2) of this item, continues to remain affordable housing as set forth in the contract or agreement entered into for the duration of the project by the department.

SECTION 64. Said section 5 of said chapter 244 is hereby further amended by striking out clause (5) to (7), inclusive, and inserting in place thereof the following clause:-

and (5) said department shall take due consideration of a balanced geographic plan for such alternative forms of housing when issuing such loans.

SECTION 65. Item 4000-8200 of section 2E of chapter 290 of the acts of 2004 is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) said loans shall be issued only when any contract or agreement for the use of said property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (3) of this item; provided, however, that such repayment shall be an amount equal to the commonwealth's proportional contribution from the Facilities Consolidation Fund to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the department of housing and community development, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 66. Said item 4000-8200 of said section 2E of said chapter 290 is hereby further amended by striking out, in clause (3), the words “provided, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan is repaid in full or until a mortgage foreclosure deed is recorded” and inserting in place thereof the following words:- provided, that the property shall not be released from such restrictions unless: (i) the balance of the principal and interest for the loan is repaid in full; (ii) a mortgage foreclosure deed is recorded; or (iii) the department of housing and community development has determined, pursuant to clause (2) of this item, that repayment to the commonwealth is not required.

SECTION 67. Said item 4000-8200 of said section 2E of said chapter 290 is hereby further amended by striking out, in clause (4), the words “provided, however, that the project shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the department” and inserting in place thereof the following words:- provided, however, that the project, whether at the original property, or at an alternative property pursuant to clause (3) of this item, shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the department.

SECTION 68. Said item 4000-8200 of said section 2E of said chapter 290 is hereby amended by striking out clause (6) and clause (7).

SECTION 69. Said item 4000-8200 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(8)” and inserting in place thereof the following figure:- (6).

SECTION 70. Said item 4000-8200 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(9)” and inserting in place thereof the following figure:- (7).

SECTION 71. Said item 4000-8200 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(10)” and inserting in place thereof the following figure:- (8).

SECTION 72. Item 4000-8201 of said section 2E of said chapter 290 is hereby amended by striking out clause (2) and inserting in place thereof the following:-

(2) said loans shall be issued only when any contract or agreement for the use of said property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (3) of this item; provided, however, that such repayment shall be an amount equal to the commonwealth's proportional contribution from this item to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the department of housing and community development, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property

SECTION 73. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out in clause (3) the words “provided further, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan is repaid in full or until a mortgage foreclosure deed is recorded” and inserting in place thereof the following:- provided further, that the property shall not be released from such restrictions unless: (A) the balance of the principal and interest for the loan is repaid in full; (B) a mortgage foreclosure deed is recorded; or (C) the department of housing and community development has determined, pursuant to clause (2) of this item, that repayment to the commonwealth is not required

SECTION 74. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out, in clause (4), the words “provided, however, that the project shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the department” and inserting in place thereof

the following:- provided, however, that the project, whether at the original property, or at an alternative property pursuant to clause (2) of this item, shall continue to remain affordable housing for the duration of the loan term, as extended, as set forth in the contract or agreement entered into by the department

SECTION 75. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out clause (6) and (7).

SECTION 76. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(8)” and inserting in place thereof the following figure:- (6)

SECTION 77. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(9)” and inserting in place thereof the following figure:- (7)

SECTION 78. Said item 4000-8201 of said section 2E of said chapter 290 is hereby further amended by striking out the figure “(10)” and inserting in place thereof the following figure:- (8)

SECTION 79. Item 7004-7013 of section 2E of chapter 290 of the acts of 2004 is hereby amended by inserting after figure “2002” the following words:- , as amended.

SECTION 80. Item 7004-0029 of section 2 of chapter 119 of the acts of 2008 is hereby amended by striking out clause (2) and inserting in place thereof the following:-

(2) be issued only when a contract or agreement for the use of the property for such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (3) of this item; provided, however, that such repayment shall be in an amount equal to the commonwealth's proportional contribution from the Facilities Consolidation Fund to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the department of housing and community development, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property

SECTION 81. Said item 7004-0029 of said section 2 of said chapter 119 is hereby further amended by striking out, in clause (3), the words “provided, that the property shall not be released from such restriction until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded” and inserting in place thereof the following words:- provided, that the property shall not be released from such restriction unless: (i) the balance of the principal and interest for the loan has been repaid in

full; (ii) a mortgage foreclosure deed has been recorded; or (iii) the department of housing and community development has determined, pursuant to clause (2) of this item, that repayment to the commonwealth is not required.

SECTION 82. Said item 7004-0029 of said section 2 of said chapter 119 is hereby further amended by striking out, in clause (4), the words “provided, however, that the project shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department” and inserting in place thereof the following words:- provided, however, that the project, whether at the original property, or at an alternative property pursuant to clause (3) of this item, shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department.

SECTION 83. Said item 7004-0029 of said section 2 of said chapter 119 is hereby further amended by striking out, in clause (5), the words "; provided further, that expenditures from this item shall not be made for the purpose of refinancing outstanding mortgage loans for community-based housing in existence prior to the effective date of this act; provided further, that community-based housing projects developed pursuant to this item shall not be refinanced during the term of any loan issued pursuant to this item unless the balance of the principal and interest for such loan has been repaid in full at the time of such refinancing; provided further, that the community-based housing projects may be refinanced if the refinancing would result in a reduction of costs paid by the commonwealth; provided further, that a refinanced loan shall be due and payable on a date not later than the date on which the original loan was due and payable, except in accordance with clause (4) when necessary to effect extraordinary repairs or maintenance which shall be approved by the commissioner of mental retardation or the commissioner of mental health, as the case may be, and the department;"

SECTION 84. Said item 7004-0030 of said section 2 of said chapter 119 is hereby further amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) be issued only when a contract or agreement for the use of the property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (3) of this item; provided, however, that such repayment shall be in an amount equal to the commonwealth’s proportional contribution from community based housing to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the department of housing and community development, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 85. Said item 7004-0030 of said section 2 of said chapter 119 is hereby further amended by striking out, in clause (3), the words “provided further, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan has been

repaid in full or until a mortgage foreclosure deed has been recorded;” and inserting in place thereof the following words:- provided further, that the property shall not be released from such restrictions unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the department of housing and community development has determined, pursuant to clause (2) of this item, that repayment to the commonwealth is not required

SECTION 86. Said item 7004-0030 of said section 2 of said chapter 119 is hereby further amended by striking out, in clause (4), the words “provided, however, that the project shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the department;” and inserting in place thereof the following words:- provided, however, that the project, whether at the original property, or at an alternative property pursuant to clause (2) of this item, shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the department;

SECTION 87. Said item 7004-0030 of said section 2 of said chapter 119 is hereby further amended by striking out clause (5) and inserting in place thereof the following clause:-

(5) have interest rates fixed at a rate, to be determined by the department, in consultation with the state treasurer; provided further, that the loans shall be issued in accordance with an enhancing community-based services plan prepared by the secretary of health and human services, in consultation with the department and filed with the secretary for administration and finance and the house and senate committees on ways and means and the joint committee on housing; provided further, that no expenditure shall be made from this item without the prior approval of the secretary for administration and finance; provided further, that the department shall promulgate regulations pursuant to chapter 30A of the General Laws for the implementation, administration and enforcement of this item, consistent with the enhancing community-based services plan prepared by the secretary of health and human services after consultation with the secretary and the commissioner of capital asset management and maintenance

SECTION 88. Sections 30, 36 and 98 of chapter 238 of the acts of 2012 are hereby repealed.

SECTION 89. Item 7004-0040 of section 2 of chapter 129 of the acts of 2013 is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

(ii) be issued only when a contract or agreement for the use of the property for such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii) of this item; provided, however, that such repayment shall be in an amount equal to the commonwealth's proportional contribution from the Facilities Consolidation Fund to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the department of housing and community development in consultation with the department of mental health and the department of

developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 90. Said item 7004-0040 of said section 2 of said chapter 129 is hereby further amended by striking out, in clause (iii) the words “provided, however, that the property shall not be released from such restriction until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded” and inserting in place thereof the following words:- provided, however, that the property shall not be released from such restriction unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the department of housing and community development has determined, pursuant to clause (ii) of this item, that repayment to the commonwealth is not required.

SECTION 91. Said item 7004-0040 of said section 2 of said chapter 129 is hereby further amended by striking out in clause (iv) the words “provided further, that the project shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department” and inserting in place thereof the following words:- provided further, that the project, whether at the original property, or at an alternative property pursuant to clause (iii) of this item, shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department.

SECTION 92. Said item 7004-0041 of said section 2 of said chapter 129 is hereby further amended by striking out clause (ii) and inserting in place thereof the following clause:-

(ii) be issued only when a contract or agreement for the use of the property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii) of this item; provided, however, that such repayment shall be in an amount equal to the commonwealth’s proportional contribution from community based housing to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the department of housing and community development, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 93. Said item 7004-0041 of said section 2 of said chapter 129 is hereby further amended by striking out, in clause (iii), the words “provided, however, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded;” and inserting in place thereof the following words:- provided however, that the property shall not be released

from such restrictions unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the department of housing and community development has determined, pursuant to clause (ii) of this item, that repayment to the commonwealth is not required

SECTION 94. Said item 7004-0041 of said section 2 of said chapter 129 is hereby further amended by striking out, in clause (iv), the words “provided, however, that the project shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the department;” and inserting in place thereof the following words:- provided, however, that the project, whether at the original property, or at an alternative property pursuant to clause (ii) of this item, shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the department;

SECTION 95. Item 7004-0050 of section 2 of chapter 99 of the acts of 2018 is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

(ii) not be issued unless a contract or agreement for the use of the property for such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii) of this item; provided, however, that such repayment shall be in an amount equal to the commonwealth's proportional contribution from the Facilities Consolidation Fund to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the department of housing and community development, in consultation with the department of mental health and the department of developmental services, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 96. Said item 7004-0050 of said section 2 of said chapter 99 is hereby further amended by striking out, in clause (iii), the words “provided, however, that the property shall not be released from such restriction until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded” and inserting in place thereof the following words:- provided, however, that the property shall not be released from such restriction unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the department of housing and community development has determined, pursuant to clause (ii) of this item, that repayment to the commonwealth is not required.

SECTION 97. Said item 7004-0050 of said section 2 of said chapter 99 is hereby further amended by striking out, in clause (iv), the words “provided further, that the project shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department” and inserting in place thereof the following words:- provided further, that the project, whether at the original property, or at an

alternative property pursuant to clause (iii) of this item, shall remain affordable housing for the duration of the loan term, including any extension thereof, as set forth in the contract or agreement entered into by the department.

SECTION 98. Said item 7004-0051 of said section 2 of said chapter 99 is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

(ii) not be issued unless a contract or agreement for the use of the property for the purposes of such housing provides for repayment to the commonwealth at the time of disposition of the property if such property will no longer be subject to a recorded deed restriction pursuant to clause (iii) of this item; provided, however, that such repayment shall be in an amount equal to the commonwealth's proportional contribution from community based housing to the cost of the development through payments made by the state agency making the contract; provided, further, that such repayment shall not be required if the department of housing and community development, in consultation with the Massachusetts rehabilitation commission, determines that relevant clients will be better served at an alternative property and the proceeds from the disposition of the property will be used, to the extent necessary for replacement of the housing at the property, for one or more of the following purposes: (A) to acquire such alternative property and (B) to rehabilitate such alternative property;

SECTION 99. Said item 7004-0051 of said section 2 of said chapter 99 is hereby further amended by striking out, in clause (iii), the words "provided, however, that the property shall not be released from such restrictions until the balance of the principal and interest for the loan has been repaid in full or until a mortgage foreclosure deed has been recorded;" and inserting in place thereof the following words:- provided however, that the property shall not be released from such restrictions unless: (A) the balance of the principal and interest for the loan has been repaid in full; (B) a mortgage foreclosure deed has been recorded; or (C) the department of housing and community development has determined, pursuant to clause (ii) of this item, that repayment to the commonwealth is not required

SECTION 100. Said item 7004-0051 of said section 2 of said chapter 99 is hereby further amended by striking out, in clause (iv), the words "provided, however, that the project shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the department;" and inserting in place thereof the following words:- provided, however, that the project, whether at the original property, or at an alternative property pursuant to clause (ii) of this item, shall continue to remain affordable housing for the duration of the loan term, including any extensions thereof, as set forth in the contract or agreement entered into by the department;

SECTION 101. Notwithstanding any general law or special law, or any rule or regulation to the contrary, the architectural access board, established pursuant to section 13A of chapter 22 of the General Laws, shall determine the value of any multiple dwelling, as defined in 521 CMR 5.00, that is owned, constructed or renovated by a housing authority, as defined in section 1 of chapter 121B of the General Laws, by a replacement cost that is determined by and reflected in the executive office of housing and livable communities' Capital Planning System survey and database for state-funded public housing. For such buildings that are not included in such survey

and database, the replacement costs shall be calculated by the executive office based on the replacement costs for comparable facilities that are included in such survey and database. The executive office shall supplement the survey and database on file with the architectural access board, for any such building, by preparing and filing documentation identifying the replacement cost for the building and how it was calculated.

SECTION 102. Notwithstanding any general or special law to the contrary, there shall be established a special commission to make recommendations on expanding the supply of housing available and affordable to tenants with a household income of not more than 30 per cent of the area median income, adjusted for household size, as periodically determined by the United States Department of Housing and Urban Development. The commission shall review and evaluate federal, state and local subsidies that support the creation of housing for such tenants and make policy recommendations to increase the supply of housing that is available and affordable to households earning not more than 30 per cent of the area median income.

(a) Without limitation, the commission shall consider the following: (i) the number of deeply subsidized rental units targeted at families with incomes at or below 30 per cent of the area median income and the percentage of those units that are accessible to persons with disabilities; (ii) the number of families with such incomes per deeply subsidized rental unit; (iii) the gap between median rents and the rent affordable to families with such incomes, and analysis of whether housing subsidies are sufficient to bridge such gap; (iv) the ratio of households with such incomes to unsubsidized units available at rents up to 50 per cent of such income; (v) housing market factors such as vacancy rates, rate of rent increases, conversion of rental housing to homeownership units; and (vi) the impact of non-housing subsidies such as earned income tax credit on cost burden for working families; and barriers to accessing available housing, including racial and ethnic disparities in housing access.

(b) The commission shall consist of the secretary of housing and livable communities or their designee, who shall serve as chair; the house and senate chairs of the joint committee on housing or their designees; the minority leader of the house of representatives or a designee; the minority leader of the senate or a designee; the secretary of administration and finance or a designee; the secretary of health and human services or a designee; a representative of the Citizens' Housing and Planning Association; a representative of the Massachusetts Housing Partnership; a representative of the Massachusetts Housing Finance Agency; a representative of the Community Economic Development Assistance Corporation; a representative of the Massachusetts Law Reform Institute; a representative of the Massachusetts Association of Community Development Corporations; a representative of the Regional Housing Network; ; and 5 members appointed by the governor: 1 of whom shall be a representative of a local housing authority; 1 of whom shall be a representative of an advocacy organization representing tenants; 1 of whom shall have expertise in affordable housing finance; 1 of whom shall have expertise in nonprofit affordable housing development; and 1 of whom shall have expertise in development of permanent supportive housing.

(c) Not later than June 30, 2025, the commission shall file its recommendations with the clerks of the senate and house of representatives and the joint committee on housing not later than June 30, 2025.

SECTION 103. (a) Notwithstanding any general or special law to the contrary, there shall be a special commission to study and make recommendations on creating affordable and healthy senior housing in the commonwealth. The commission's review shall include, at a minimum, recommending strategies to better align housing, homecare and healthcare policy and programs to increase access and opportunity for residents of the commonwealth to age in community.

(b) The commission shall consist of the secretary of housing and livable communities or a designee, who shall serve as chair; the secretary of the executive office of elder affairs or a designee; the chairpersons of the joint committee on elder affairs or their designees; the chairpersons of the joint committee on housing or their designees; 1 member who shall be appointed by the minority leader of the house of representatives; 1 member who shall be appointed by the minority leader of the senate; 1 member shall be a representative of Citizens' Housing and Planning Association, Inc.; 4 members shall be representatives of statewide organizations focusing on aging concerns; and 2 members shall be representatives of nonprofit housing developers with experience developing affordable senior rental housing.

(c) The study shall include, but not be limited to:

- i. Mapping out the economic profile of our older adults and determine the gaps in services.
- ii. Identifying best practices for creating supportive senior housing with sustainable funding.
- iii. Determining strategies for bridging silos for supporting elders in community, including identifying federal waivers or other actions to support integration.
- iv. Identifying partners to create opportunities for supportive housing development with health care built in.
- v. Estimating the costs and potential impact of programs and recommend comprehensive strategies.
- vi. Recommendations for creating academic partnerships to document and evaluate program innovations.
- vii. An analysis of the projected demand for senior housing over the next 5 years.
- viii. Recommendations to ensure senior housing is physically accessible and ADA compliant.
- ix. A review of barriers to necessary housing modifications and potential funding sources.
- x. Recommendations to encourage development of senior housing in walkable areas near community amenities and public transportation.
- xi. An evaluation of age-restricted housing and intergenerational housing with respect to costs, tenant preferences, accessibility, and safety.
- xii. Design and infrastructure recommendations, such as increased ventilation and functional outdoor space, with the intention of preventing the spread of contagious diseases.

(d) Not later than June 30, 2025, the commission shall file a report with the clerks of the senate and house of representatives, the senate and house chairs of the joint committee on elder affairs and the senate and house chairs of the joint committee on housing.

SECTION 104. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Affordable housing purposes”, development of multi-family housing, of which either: (i) not less than 25 per cent shall be affordable to households with incomes at or below 80 per cent of the area median income, adjusted for household size; or (ii) not less than 20 per cent shall be affordable to households with incomes at or below 50 per cent of the area median income, adjusted for household size; provided, that affordable housing purposes may include subsequent conveyance by a public agency, as defined in section 1 of chapter 7C of the General Laws, other than a state agency, with a restriction for affordable housing purposes.

“Commissioner”, the commissioner of capital asset management and maintenance.

“Housing purposes”, development of housing for use as the primary residence of the occupant, including, but not limited to: market rate housing, affordable housing and public housing; provided, that housing purposes may include subsequent conveyance by a public agency, as defined in section 1 of chapter 7C of the General Laws, other than a state agency, with a restriction for housing purposes; and provided, further that housing purposes shall include affordable housing purposes.

“Public agency”, as defined in section 1 of chapter 7C of the General Laws; provided, however, that for the purposes of this section, public agency shall not include cities, towns or counties, or any boards, committees, commissions or other instrumentalities thereof.

“Real property”, as defined in said section 1 of said chapter 7C.

“Secretary”, the secretary of administration and finance.

“State agency”, as defined in said section 1 of said chapter 7C; provided, however, that for the purposes of this section, state agency shall not include counties.

“Surplus real property”, (i) real property of the commonwealth that has been determined: (1) by the commissioner to be surplus to the current and foreseeable needs of the commonwealth pursuant to paragraph (2) of subsection (b) or (2) to be surplus to current and foreseeable needs of any state agency pursuant to section 33 or 34 of said chapter 7C or (ii) real property of a public agency determined to be surplus to current and foreseeable needs of said public agency, as determined by said public agency; provided, however, that surplus real property shall not include property subject to Article XCVII of the amendments to the constitution of the commonwealth.

(b)(1) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, or any other general or special law to the contrary, the commissioner may sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of surplus real property of the commonwealth or a public agency for housing purposes, in accordance with this section.

(2) The commissioner may, in consultation with the secretary and the secretary of housing and livable communities, determine that real property of the commonwealth is surplus and shall be disposed of for housing purposes; provided that, prior to determining that said real property is surplus to the current and foreseeable needs of the commonwealth, the commissioner shall provide a suitable written notice and inquiry to the state agency with care and control of said real property, with a date certain for any response. If no written response is timely received from said state agency specifying a current or foreseeable need for such real property, the commissioner shall declare such real property as surplus real property and dispose of such real property for housing purposes pursuant to this section. If a written response is timely received from such state agency specifying a current or foreseeable need for the real property, the commissioner shall, in consultation with the secretary, the secretary of housing and livable communities and such state agency, determine whether the real property shall be declared surplus real property and disposed of for housing purposes pursuant to this section.

The chancellor or president of any public institution of higher education as defined in said section 5 of said chapter 15A may, with the approval of the commissioner of higher education, determine that property of such public institution of higher education is surplus to the current and foreseeable needs of such institution and the commissioner may dispose of such property for housing purposes without approval by such institution's board of trustees.

(3) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, or any other general or special law to the contrary, if real property of the commonwealth is determined to be surplus to current needs of any state agency but not to foreseeable needs of any state agency, the commissioner shall take such necessary action to ensure that any disposition of the real property is temporary and maintains the commissioner's ability to make such real property available to a state agency, as needed.

(4) The commissioner may, in consultation with the secretary and the secretary of housing and livable communities, enter into agreements with a public agency to dispose of surplus real property of the public agency for housing purposes, in accordance with this section; provided, that the commissioner shall not be required to determine if the real property of the public agency is surplus to the current and foreseeable needs of the commonwealth and shall not be required to provide written notice and inquiry to any state agency or public agency.

(5) Within 30 days of a receipt of a request by the governor identifying a parcel of land, and any buildings or improvements thereon, as potentially surplus real property, a public agency, including without limitation the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority and the University of Massachusetts Building Authority, shall determine whether such real property is surplus to its current and foreseeable needs. If the public agency determines that the real property is not surplus to its current and foreseeable needs, such public agency shall respond in writing within the 30 day period, specifying the reason for its determination.

(6) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, or any other general or special law to the contrary, the commissioner may amend a use restriction held by the commonwealth for general municipal purposes or any other purpose, except those

purposes subject to Article XCVII of the amendments to the constitution of the commonwealth, to include housing purposes.

(c) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, or any other general or special law to the contrary, if the commissioner, in consultation with the secretary and the secretary of housing and livable communities, determines that real property is surplus real property pursuant to paragraph (2) of subsection (b) or the commissioner enters into an agreement with a public agency pursuant to paragraph (4) of said subsection (b), the commissioner shall: (i) provide written notice, for each city or town in which the property is located, to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chair of the board of selectmen in the case of a town, the county commissioners, the chair of the zoning board of appeals, the chair of the planning board, the regional planning agency and the members of the general court representing the city or town in which the property is located; provided that such notice shall include a statement that the proposed reuse of the property is for housing purposes, with a date certain for any response that shall be not less than 30 days from the date of such notice; (ii) following the date certain set forth in such notice, declare said real property available for disposition and identify all reuse restrictions, including, but not limited to, a restriction for housing purposes; and (iii) ensure that any deed, lease or other disposition agreement shall set forth all reuse restrictions, including but not limited to, a restriction for housing purposes, provide for effective remedies on behalf of the commonwealth and provide, in the event of a failure to comply with the reuse restrictions by the grantee, lessee or other recipient, that title or such lesser interest as may have been conveyed, may revert to the commonwealth. The commissioner shall, in identifying reuse restrictions for such property, consider in good faith any comments presented by local officials and members of the general court representing each city or town in which the property is located. The commissioner may, in consultation with the secretary of housing and livable communities, include a reversionary clause in any deed that stipulates that if the parcel ceases at any time to be used for housing purposes, title to the parcel shall, at the election of the commonwealth, revert to the commonwealth, which clause may be enforceable notwithstanding the time limit set forth in section 7 of chapter 184A of the General Laws.

(d)(1) The commissioner shall establish the value of surplus real property using customarily accepted appraisal methodologies. The value shall be calculated both for: (i) the highest and best use of the property as may be encumbered, and (ii) subject to uses, restrictions and encumbrances defined by the commissioner. In no instance in which the commonwealth retains responsibility for maintaining the said property shall the terms provide for payment of less than the annual maintenance costs.

(2) Notwithstanding paragraph (1), the commissioner may, in consultation with the secretary and the secretary of housing and livable communities, dispose of surplus real property for nominal consideration; provided, that the surplus real property shall be conveyed with a restriction for affordable housing purposes. The deed or other instrument conveying the surplus real property shall provide that said property shall be used solely for affordable housing purposes and may include a reversionary clause that stipulates that if the parcel ceases at any time to be used for affordable housing purposes, title to the parcel shall, at the election of the

commonwealth, revert to the commonwealth. The reversionary clause may be enforceable notwithstanding the time limit set forth in section 7 of chapter 184A of the General Laws.

(3) Notwithstanding paragraph (1), the commissioner may, in consultation with the secretary and the secretary of housing and livable communities, amend a use restriction held by the commonwealth to include housing purposes in accordance with paragraph (6) of subsection (b) for nominal consideration.

(4) Notwithstanding paragraph (1), sections 32 to 37, inclusive, of chapter 7C of the General Laws, or any other general or special law to the contrary, the commissioner may, in consultation with the secretary and the secretary of housing and livable communities, make real property of the commonwealth that has been determined to be surplus to current needs of any state agency but not to foreseeable needs of any state agency pursuant to paragraph (3) of subsection (b) available for a period of time not to extend beyond the foreseeable need of any state agency for housing and related purposes to municipalities, public agencies, as defined in section 1 of said chapter 7C, and non-profit organizations for nominal consideration.

(5) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, or any other general or special law to the contrary, the commissioner may, in consultation with the secretary, the secretary of housing and livable communities and the state agency with care and control of the real property, transfer care and control of real property between state agencies for housing and related purposes.

(e) The commissioner shall, in consultation with the secretary of housing and livable communities, dispose of surplus real property: (1) utilizing appropriate competitive processes and procedures; or (2) through a sales-partnership agreement with the municipality wherein said real property is located; provided, that said agreement shall require the municipality to utilize appropriate competitive processes and procedures; provided, further, that said agreement may require the municipality to conduct said competitive process and select a developer prior to disposition of the real property; provided, further, that the commissioner may transfer the real property directly to the selected developer pursuant to said agreement; and provided, further, that the agreement may provide for payment to the municipality in an amount not to exceed 50 per cent of the net sales price paid to the commonwealth, as determined by the commissioner. Such competitive processes may include, but shall not be limited to, absolute auction, sealed bids and requests for price and development proposals. The commissioner may accept any consideration for surplus real property disposed of pursuant to this section deemed appropriate by the commissioner and the secretary of housing and livable communities. The commissioner shall prioritize disposition of surplus real property for affordable housing purposes.

At least 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease surplus real property are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof. The commissioner shall not be required to place said notice if the property is conveyed: (1) to a municipality or developer

selected by a municipality in accordance with the first paragraph; or (2) for nominal consideration in accordance with subsection (d).

(f) The commissioner shall place a notice in the central register identifying the municipality, public agency, as defined in section 1 of chapter 7C of the General Laws, individual or firm selected as party to such real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated pursuant to subsection (d), the commissioner shall include the justification therefore, specifying the difference between the calculated value and the price received.

(g) No agreement for the sale, lease, transfer or other disposition of surplus real property and no deed, executed by or on behalf of the commonwealth, shall be valid unless such agreement or deed contains the following certification, signed by the commissioner:

“The undersigned certifies under penalties of perjury that I have fully complied with section XX of chapter ___ of the acts of 2024 in connection with the property described herein.”

(h) No agreement for the sale, lease, transfer or other disposition of surplus real property shall be valid unless the purchaser or lessee has executed and filed with the commissioner the statement required by section 38 of chapter 7C of the General Laws.

(i) The grantee or lessee of any surplus real property shall be responsible for all costs relating to the conveyance including, but not limited to, appraisals, surveys, plans, recordings and any other expenses, as shall be deemed necessary by the commissioner.

(j) The authority granted pursuant to this section shall expire on June 30, 2030; provided, however, that the commissioner may complete any transaction for which agreements have been signed and delivered on or before June 30, 2030.

(k) The commissioner shall deposit the proceeds realized from any disposition of real property pursuant to this section into the surplus real property disposition fund established pursuant to section 106.

(l) The commissioner may, in consultation with the secretary of housing and livable communities, promulgate regulations to implement this section.

SECTION 105. Notwithstanding chapter 40A of the General Laws, or any other general or special law, or any local zoning ordinance or by-law or any municipal ordinance or by-law to the contrary, a city or town shall permit the residential use of real property conveyed by the commissioner pursuant to this section for housing purposes as of right, as defined in section 1A of chapter 40A of the General Laws, notwithstanding any use limitations otherwise applicable in the zoning district in which the real property is located including, but not limited to, commercial, mixed-use development or industrial uses; provided, however, that such city or town may impose reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space and building coverage requirements; provided, further, that the city or town may require site plan review; and provided, further, that the city or town shall permit no

fewer than 4 units of housing per acre. Real property conveyed by the commissioner pursuant to this section shall include, without limitation, the amendment of use restrictions held by the commonwealth to allow for the use of such property for housing purposes. The secretary of housing and livable communities may promulgate regulations to implement this section.

SECTION 106. Notwithstanding any general or special law to the contrary, there shall be a surplus real property disposition fund to retain the proceeds realized from property dispositions pursuant to section 104 to be administered by the secretary of administration and finance.

(a) The fund shall be credited with: (i) the proceeds realized from the disposition of real property and the amendment of use restrictions pursuant to section 104; (ii) any appropriation, grant, gift or other contribution made to the fund; and (iii) any interest earned on money in the fund. Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

(b) Amounts credited to the fund may be: (i) transferred by the secretary to the state agency which had care and control of the land conveyed pursuant to section 104 if the real property was conveyed for fair market value consideration in amount equal to the net proceeds of the disposition; (ii) transferred by the secretary to the state agency which had care and control of the real property conveyed pursuant to section 104 if the real property was conveyed for consideration less than fair market value in amount equal to \$10,000 per unit of housing permitted by the city or town in which the real property is located or the net proceeds of the disposition, whichever is greater; (iii) transferred by the secretary to a municipality in accordance with a sales partnership agreement pursuant to said section 104; or (iv) expended for costs associated with the disposition of real property pursuant to said section 104, including, but not limited to, demolition, site preparation and environmental remediation; provided, that, all money transferred to a state agency pursuant to clauses (i) and (ii) shall be expended by said agency for capital facility projects, as defined in section 1 of chapter 7C of the General Laws; and provided, however, that all net proceeds from the disposition of surplus real property of a public agency other than a state agency, as determined by the commissioner of capital asset management and maintenance, shall be transferred to such public agency.

SECTION 107. Notwithstanding any general or special law to the contrary, not later than 120 days after the expiration of affordability restrictions on housing units assisted under items 7004-0070 and 7004-0071 of said section 2, the executive office of housing and livable communities or its assignee, who shall be a qualified developer selected pursuant to the terms of said items 7004-0700 and 7004-0071 under the guidelines of the executive office, shall have an option to purchase any such housing units at their current appraised value, reduced by any remaining obligation of the owner, upon the expiration of the affordability restrictions. The executive office or its assignee shall only purchase or acquire such housing units to preserve or provide affordable housing. The executive office or its assignee shall hold such purchase option for the first 120 days after the expiration of the affordability restrictions. Failure to exercise the purchase option within 120 days after the expiration of the affordability restriction shall constitute a waiver of the purchase option by the executive office or its assignee. Not later than 30 days after the expiration of an affordability restriction, the owner and the executive office

shall each designate a professional in the field of multi-unit residential housing. Each professional shall select an impartial appraiser. Not later than 60 days after the expiration of the affordability restriction, the 2 impartial appraisers shall determine the current appraised value in accordance with recognized professional standards. If there is a difference in the valuations, the valuations shall be added together and divided by 2 to determine the current appraised value of the units. No sale, transfer or other disposition of the property shall be completed until either the purchase option period expires or the owner has been notified, in writing, by the executive office or its assignee that the option will not be exercised. The option shall be exercised only by written notice signed by a designated representative of the executive office or its assignee, mailed to the owner by certified mail at the address specified in the notice of intention and recorded with the registry of deeds or the registry district of the land court of the county in which the affected real property is located, within the option period. If the purchase option has been assigned to a qualified developer selected pursuant to said items 7004-0070 and 7004-7071 of said section 2, the written notice shall state the name and address of the developer and the terms and conditions of the assignment.

Before any sale or transfer or other disposition of housing that the executive office has not previously exercised an option to purchase, an owner shall offer the executive office or its assignee, who shall be a qualified developer selected pursuant to said items- 7004-0070 and 7004-0071 of said section 2, a first refusal option to meet a bona fide offer to purchase the units. The owner shall provide to the executive office or its assignee written notice by regular and certified mail, return receipt requested, of the owner's intention to sell, transfer or otherwise dispose of the property. The executive office or its assignee shall hold the first refusal option for the first 120 days after receipt of the owner's written notice of intent to transfer the property. Failure to respond to the written notice of intent to sell, transfer or otherwise dispose of the property within the 120 day period shall constitute a waiver of the right of first refusal by the executive office. No sale, transfer or other disposition of the property shall be completed until either this first refusal option period has expired or the owner has been notified in writing by the executive office or its assignee that the option will not be exercised. The option shall be exercised only by written notice signed by a designated representative of the executive office or its assignee, mailed to the owner by certified mail at the address specified in the notice of intention and recorded with the registry of deeds or the registry district of the land court of the county in which the affected real property is located, within the option period. If the first refusal option has been assigned to a qualified developer selected pursuant to said items 7004-0070 and 7004-0071 of said section 2, the written notice shall state the name and address of the developer and the terms and conditions of the assignment.

An affidavit before a notary public that the notice of intent was mailed on behalf of an owner shall conclusively establish the manner and time of the giving of notice to sell, transfer or otherwise dispose of the property. The affidavit and notice that the option shall not be exercised shall be recorded with the registry of deeds or the registry district of the land court in the county in which the affected real property is located. Each notice of intention, notice of exercise of the purchase option or first refusal option and notice that the purchase option or first refusal option shall not be exercised shall contain the name of the recorded owner of the property and a reasonable description of the premises to be sold or converted. Each affidavit signed before a notary public shall have attached to it a copy of the notice of intention to which it relates. The notices of intention shall be mailed to the relevant parties in the care of the keeper of the records

for the party in question. Upon notifying the owner in writing of its intention to exercise its purchase option or first refusal option during the 120 day period, the executive office or its assignee shall have an additional 120 days, beginning on the date the purchase option period or first refusal option period expires, to purchase the units. Those time periods may be extended by mutual agreement between the executive office or its assignee and the owner of the property. Any extension agreed upon shall be recorded in the registry of deeds or the registry district of the land court of the county in which the affected real property is located. Within a reasonable time after requesting an extension, the owner shall make available to the executive office or its assignee any information that is reasonably necessary for the executive office to exercise its option.

SECTION 108. Notwithstanding any general or special law to the contrary, a private entity engaged in a construction, development, renovation, remodeling, reconstruction, rehabilitation or redevelopment project receiving funds pursuant to this act shall properly classify individuals employed on the project and shall comply with all laws concerning workers' compensation insurance coverage, unemployment insurance, social security taxes and income taxes with respect to all such employees. All construction contractors engaged by an entity on any such project shall furnish documentation to the appointing authority showing that all employees employed on the project have hospitalization and medical benefits that meet the minimum requirements of the connector established in chapter 176Q of the General Laws.

SECTION 109. Notwithstanding any general or special law to the contrary, the unexpended and unencumbered balances of the bond-funded authorizations in the following accounts shall cease to be available for expenditure 180 days after the effective date of this act: 3000-0410, 7002-8032, 7004-0049, 7004-0050, 7004-0051, 7004-0052, 7004-0053, 7004-0055, 7004-0056, 7004-0057, 7004-0058, 7004-0059, 7004-0060, 7004-0061, 7004-0062, 7004-0064, 7004-0065, 7004-0066, 7004-0067, 7004-8016, 7004-8026.

SECTION 110. To meet the expenditures necessary in carrying out sections 2 through 4, inclusive, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$4,070,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, The Affordable Homes Act of 2023, and shall be issued for a maximum term of years, not exceeding 30 years, as recommended by the governor in a message to the general court dated October 18, 2023 under section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2059. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth. An amount not to exceed 2 per cent of the authorizations may be expended by the executive office of housing and livable communities for administrative costs directly attributable to the purposes of this act, including costs of clerical and support personnel. The secretary of housing and livable communities shall file an annual spending plan with the fiscal affairs division, the house and senate committees on ways and means, the house and senate committees on bonding, capital expenditures and states assets and the joint committee on housing which details, by subsidiary, all personnel costs and any administrative costs charged to expenditures made pursuant to this act.

SECTION 111. To meet the expenditures necessary in carrying out section 5, the state may elect to issue Commonwealth bonds or utilize future appropriations for this express purpose, subject to the conditions specified in this act and subject to the laws regulating the disbursement of public funds for the fiscal year in which the sums are disbursed. The state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$50,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face The Affordable Homes Act of 2023, and shall be issued for a maximum term of years, not exceeding 30 years, as recommended by the governor in a message to the general court dated October 18, 2023 under section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2059. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth. An amount not to exceed 2 per cent of the authorizations may be expended by the executive office of housing and livable communities for administrative costs directly attributable to the purposes of this act, including costs of clerical and support personnel. The secretary of housing and livable communities shall file an annual spending plan with the fiscal affairs division, the house and senate committees on ways and means, the house and senate committees on bonding, capital expenditures and states assets and the joint committee on housing which details, by subsidiary, all personnel costs and any administrative costs charged to expenditures made pursuant to this act.

SECTION 112. Section 13, 27 and 47 shall take effect 180 days from the effective date of this act.

SECTION 113. Sections 21, 22, 24 and 25 shall take effect on January 1, 2025.

SECTION 114. Sections 23 and 26 shall take effect on January 1, 2030.

SECTION 115 Section 106 shall be repealed upon the expiration of section 104, as described in subsection (j) of said section 104, and the expenditure or transfer of all funds from the surplus real property disposition fund. The secretary of administration and finance shall file with the state secretary a notice which shall state the effective date of the repeal.