

Acts (2018)

Chapter 99

AN ACT FINANCING THE PRODUCTION AND PRESERVATION OF HOUSING FOR LOW AND MODERATE INCOME RESIDENTS.

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

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

SECTION 1. 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 section 2, 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.

DEPARTMENT OF EARLY EDUCATION AND CARE

3000-0410.. 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..... \$45,000,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0049.. 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 economic development and the secretary of health and human services shall take all steps necessary to minimize the program's administrative costs; 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; 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

7004-0050.. 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 department of housing and community development 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 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 department shall consider a balanced geographic plan for such community-based housing or supportive housing when issuing the loans; provided further, that the department 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 department of housing and community development, the Massachusetts rehabilitation commission, 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 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; (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 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 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; (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 department, 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 department may, by agreement with the owner of the development, extend the loans for such periods, each period not to exceed 10 years, as the department shall determine; 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; 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 funds which would otherwise assist in the development of that project, the department 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 department, 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 department 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 department of housing and community development, 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 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 department 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 department; and provided further, that the department 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..... \$65,000,000

7004-0051.. 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 7004-0050; provided, that the loan program shall be

administered by the department of housing and community development, 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 department 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 department, 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 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; (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 department, 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 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; (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 department, in consultation with the executive office of health and human services, determines that there still exists a need for such housing, the department may, by agreement with the owner of the development, extend the loans for such periods, each period not to exceed 10 years, as the department shall determine; 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; 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 funds, which would otherwise assist in the development of that project, the department 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 department, 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 department 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; and 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..... \$55,000,000

7004-0052.. For the capitalization of the Affordable Housing Trust Fund established in section 2 of chapter 121D of the General Laws, provided, that not more than \$50,000,000 shall be provided to rehabilitate 1-unit to 4-unit housing in gateway cities, and other similarly-situated municipalities as determined by the department of housing and community development, 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.....

\$400,000,000

7004-0053.. 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 department of housing and community development 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 department 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 not less than \$5,000,000 shall be expended for the production or preservation of housing for people age 60 or over; provided further, that the department may expend an amount not to exceed \$10,000,000 to stabilize and promote reinvestment, through homeownership, in areas that the department has determined are weak markets as indicated by a high concentration of assisted rental housing, low-rate of homeownership, low median family income, low average sales prices, high levels of unpaid property taxes or vacant or abandoned buildings, by: (i) waiving the requirements of this item and said chapter 121F; and (ii) subsidizing the purchase price, borrowing costs or costs of renovation or new construction of 1 to 6 unit residential buildings for a person who owns the property and occupies any portion of the property as the person's primary residence for not less than 5

years from the date of purchase; provided further, that if more than 5 years, but less than 10 years, from the date the owner takes ownership of the property, the owner sells any of the owner's interest in the property, the new owner shall occupy 1 unit in the property for a period equal to the difference between 10 years and the amount of time the first owner occupied the property as the owner's primary residence; provided further, that if the owner fails to so occupy a unit on the property or ceases to be the owner of the property as required by this item, the department shall recoup the value of any subsidy provided to the owner; and provided further, that 10 years after the owner takes possession of the property pursuant to this item, all restrictions on the property established by this item shall be void..... \$150,000,000

7004-0054.. 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 department of housing and community development 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 department 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; and 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..... \$600,000,000

7004-0055.. For state financial assistance in the form of grants for a 5-year demonstration program, administered by the department of housing and community development 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 department shall establish an advisory committee, which shall consist of: the director of housing and community development or a designee; 3 persons to be appointed by the governor, 1 of whom shall be recommended by the Citizens' Housing and Planning Association, Inc., 1 of whom shall be recommended by the Massachusetts chapter of the National Association of Housing and Redevelopment Officials and 1 of whom shall be recommended by the Massachusetts Union of Public Housing Tenants, Inc.; and 3 persons to be selected by the department to provide advice and recommendations to the department regarding the program; provided further, that the department 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 department 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 shall 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 department'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; and provided further, that the department shall annually report 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 on the progress of the demonstration program..... \$50,000,000

7004-0056.. 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 the department may expend \$10,000,000 or more from this item for the production and preservation of housing for people in recovery from substance use disorder..... \$100,000,000

7004-0057.. For state financial assistance in the form of grants or loans for the Capital Improvement and Preservation Trust Fund established in section 2 of chapter 121G of the General Laws for expiring use properties..... \$125,000,000

7004-0058.. To provide financial support for developing residential housing units and mixed use developments that include both residential housing units and commercial or retail space and are located within neighborhood commercial areas including, but not limited to, those areas designated as main street areas by providing necessary financial assistance to the commercial components of these projects; provided, that the developments may include projects which have residential units above commercial space and shall be 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 further, 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 \$15,000,000 shall be used to fund transit-oriented housing developments in proximity to public transit nodes; provided further, that eligible activities for transit-oriented development shall include, but not be limited to, planning grants, financing subsidies and environmental assessment; and provided further, that not less than 50 per cent of the beneficiaries of housing in projects assisted by this item shall be persons whose income is not more than 80 per cent of the area median income, as defined by the United States

Department of Housing and Urban
Development..... \$50,000,000

7004-0060.. For the Workforce Housing Fund administered by the Massachusetts Housing Finance Agency..... \$100,000,000

SECTION 3. Section 18 of chapter 15D of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 6, the figure “25” and inserting in place thereof the following figure:- 50.

SECTION 4. Said section 18 of said chapter 15D, as so appearing, is hereby further amended by inserting after the word “interest”, in lines 16 and 17, the following words:- and such corporation or organization is, at the time of its initial application, providing early care and education or out-of-school-time care for low-income families who are eligible for a public subsidy.

SECTION 5. Section 6 of chapter 62 of the General Laws is hereby amended by striking out, in line 281, as so appearing, the figure “2018” and inserting in place thereof the following figure:- 2023.

SECTION 6. Said section 6 of said chapter 62, is hereby further amended by striking out, in line 287, as so appearing, the figure “2019” and inserting in place thereof the following figure:- 2024.

SECTION 7. Said section 6 of said chapter 62, is hereby further amended by striking out, in line 297, as so appearing, the figure “40.00” and inserting in place thereof the following figure:- 40.0000.

SECTION 8. Section 6I of said chapter 62, as so appearing, is hereby amended by striking out, in lines 112 to 115, inclusive, the words “; provided further, that no credit shall be authorized related to a project that receives state financial assistance authorized under section 7A of chapter 244 of the acts of 2002.”

SECTION 9. Said section 6I of said chapter 62, as so appearing, is hereby further amended by inserting after the word “project”, in line 73, the following words:- ; and (iv) \$5,000,000 to preserve and improve existing state or federally-assisted housing.

SECTION 10. Section 6J of said chapter 62, as so appearing, is hereby amended by striking out, in line 41, the figure “\$50,000,000” and inserting in place thereof the following figure:- \$55,000,000.

SECTION 11. Subsection (c) of section 6M of said chapter 62, as appearing in section 29 of chapter 238 of the acts of 2012, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:-

(4) no community partner shall receive a community investment tax credit allocation of less than \$50,000 or more than 2 1/2 per cent of the total credits available in any 1 taxable year; provided, however, that the department may waive this cap if it determines that it would be unable to otherwise fully allocate the credits available during that calendar year to eligible community partners; provided, however, that no community partner shall receive a subsequent allocation unless the department has determined that it has made satisfactory progress toward utilizing any prior allocation.

SECTION 12. Subsection (e) of said section 6M of said chapter 62, as so appearing, is hereby amended by striking out the first sentence.

SECTION 12A. Subsection (i) of said section 6M of said chapter 62, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The total value of the tax credits authorized in this

section, together with those authorized in section 38EE of chapter 63, shall not exceed: (i) \$3,000,000 in taxable year 2014; (ii) \$6,000,000 in each of taxable years 2015 to 2018, inclusive; (iii) \$8,000,000 in each of taxable years 2019 and 2020; (iv) \$10,000,000 in each of taxable years 2021 and 2022; and (v) \$12,000,000 in each of taxable years 2023 to 2025, inclusive.

SECTION 13. Section 31H of chapter 63 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word “project”, in line 74, the following words:- ; and (iv) \$5,000,000 to preserve and improve existing state or federally-assisted housing.

SECTION 14. Said section 31H of said chapter 63, as so appearing, is hereby further amended by striking out, in lines 114 to 117, inclusive, the words “; provided further, that no credit shall be authorized related to a project that receives state financial assistance authorized under section 7A of chapter 244 of the acts of 2002.”

SECTION 15. Section 38Q of said chapter 63, as so appearing, is hereby amended by striking out, in line 3, the figure “2018” and inserting in place thereof the following figure:- 2023.

SECTION 16. Said section 38Q of said chapter 63, as so appearing, is hereby further amended by striking out, in line 9, the figure “2019” and inserting in place thereof the following figure:- 2024.

SECTION 17. Said section 38Q of said chapter 63, as so appearing, is hereby further amended by striking out, in line 17, the figure “40.00” and inserting in place thereof the following figure:- 40.0000.

SECTION 18. Section 38R of said chapter 63, as so appearing, is hereby amended by striking out, in line 40, the figure “\$50,000,000” and inserting in place thereof the following figure:- \$55,000,000.

SECTION 19. Subsection (c) of section 38EE of said chapter 63, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:-

(4) no community partner shall receive a community investment tax credit allocation of less than \$50,000 or more than 2 1/2 per cent of the total credits available in any 1 taxable year; provided, however, that the department may waive this cap if it determines that it would be unable to otherwise fully allocate the credits available during that calendar year to eligible community partners; provided, however, that no community partner shall receive a subsequent allocation unless the department has determined that it has made satisfactory progress toward utilizing any prior allocation;

SECTION 20. Subsection (e) of said section 38EE of said chapter 63, as so appearing, is hereby amended by striking out the first sentence.

SECTION 21. Subsection (i) of said section 38EE of said chapter 63, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The total value of the tax credits authorized in this section, together with those authorized in section 6M of chapter 62, shall not exceed: (i) \$3,000,000 in taxable year 2014; (ii) \$6,000,000 in each of taxable years 2015 to 2018, inclusive; (iii) \$8,000,000 in each of taxable years 2019 and 2020; (iv) \$10,000,000 in each of taxable years 2021 and 2022; and (v) \$12,000,000 in each of taxable years 2023 to 2025, inclusive.

SECTION 22. Subsection (a) of section 2 of chapter 121G of the General Laws, as so appearing, is hereby amended by adding the following sentence:- An eligible property 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.

SECTION 23. Section 4 of chapter 708 of the acts of 1966, as most recently amended by section 6 of chapter 239 of the acts of 1998, is hereby further amended by adding the following subsection:-

(aa) Take any and all actions necessary and appropriate, directly or through an affiliate or subsidiary entity: (i) to provide contract administration services in or for any state of the United States of America or the District of Columbia, in

connection with any multifamily rental subsidy program of the United States Department of Housing and Urban Development; (ii) to provide loan servicing services with respect to 1-family to 4-family residential mortgage loans secured by mortgages on real property located in any state of the United States or the District of Columbia; provided the MHFA shall not enter into any agreement for such loan servicing unless the majority of loans to be serviced are mortgage loans secured by mortgages on real property located within the commonwealth; and (iii) to provide any loan servicing, master servicing, mortgage insurance and other commercial services and products related to residential mortgage loans in partnership with a governmental or quasi-governmental agency in any state or the District of Columbia; in each case unless and to the extent prohibited by the laws of any such state or the District of Columbia.

SECTION 24. Section 100 of chapter 142 of the acts of 2011 is hereby amended by striking out the figure “2020”, inserted by section 14 of chapter 129 of the acts of 2013, and inserting in place thereof the following figure:- 2025.

SECTION 25. Section 98 of chapter 238 of the acts of 2012 is hereby amended by striking out the figure “2019” and inserting in place thereof the following figure:- 2025.

SECTION 26. Chapter 287 of the acts of 2014 is hereby amended by inserting after section 124 the following section:-

SECTION 124A. Sections 46, 48, 61, and 63 shall take effect on January 1, 2024.

SECTION 27. Section 125 of said chapter 287, as amended by section 65 of chapter 359 of the acts of 2014, is hereby further amended by striking out the words “46, 48, 56A, 61, 63 and 124” and inserting in place thereof the following words:- 56A and 124.

SECTION 28. Notwithstanding any general or special law to the contrary, the secretary of housing and economic development and the secretary of administration and finance shall jointly submit a report on the progress of all projects and expenditures related to the funds available in this act or any outstanding authorizations from a prior authorization act for housing projects that were undertaken by the executive office of housing and economic development or any of its constituent agencies 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. This report shall include, but not be limited to: (i) the address and the nature and scope of the work for each project funded in this act; (ii) the total amount allocated for each project, broken down by fiscal year during which the allocation occurred and the total estimated cost of each project; (iii) the amount expended for the planning and design of each project up to the time the report is filed; (iv) the amount expended on construction of each project up to the time the report is filed;

(v) the total amount currently expended on each project; (vi) a schedule of life cycle standards for each completed project; (vii) the original estimated completion date of each project; (viii) the current anticipated completion date of each project; and (ix) if the project has been deauthorized, the reason for and date of the deauthorization. The information required in this report shall be current as of 30 days before the submission of the report and the report shall be submitted biannually for 6 years after the effective date of this act.

SECTION 29. To meet the expenditures necessary in carrying out section 2, 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, \$1,800,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Housing Production, Preservation, Modification and Neighborhood Development Loan Act of 2018, 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 April 24, 2017 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, 2053. 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 department of housing and community development for administrative costs directly attributable to the purposes of this act, including costs of clerical and support personnel. The director of housing and community development 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 30. 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 7004-0050 and 7004-0051 of said section 2, the department of housing and community development or its assignee, who shall be a qualified developer selected pursuant to the terms of said items 7004-0050 and 7004-0051 under the guidelines of the department, 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 department or its assignee shall only purchase or acquire such housing units to preserve or provide affordable housing. The department 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 department or its assignee. Not later than 30 days after the expiration of an affordability restriction, the owner and the department 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 department 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 department 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 7004-0050 and 7004-0051 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 department has not previously exercised an option to purchase, an owner shall offer the department or its assignee, who shall be a qualified developer selected pursuant to said items 7004-0050 and 7004-0051 of said section 2, a first refusal option to meet a bona fide offer to purchase the units. The owner shall provide to the department 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 department 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 department. 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 department 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 department 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 7004-0050 and 7004-0051 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 department 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 department 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 department or its assignee any information that is reasonably necessary for the department to exercise its option.

SECTION 31. Notwithstanding any general or special law to the contrary, not later than July 1, 2018, and annually thereafter, the director of housing and community development shall submit to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on housing and the house and senate committees on bonding, capital expenditures and state assets a capital plan for fiscal years 2019 to 2023, inclusive, for the capital funds authorized in section 2.

SECTION 32. 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 33. (a) Notwithstanding any special or general law, there shall be established a special commission to: (i) determine the level of need for additional adult disabled housing in the commonwealth; (ii) create a portfolio accounting for all occupied and available housing for individuals with disabilities; and (iii) determine best practices and costs to increase the stock of adult disabled housing to meet the level of need.

(b) The special commission shall consist of: 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; the secretary of housing and economic development, or a designee; the undersecretary of housing and community development, or a designee; the commissioner of developmental services, or a designee; 1 representative of the Massachusetts Housing Partnership; 1 representative of the Citizens' Housing and Planning Association, Inc.; 1 representative of the Arc of Massachusetts;

2 parents or guardians of adult disabled children; 2 representatives from local housing authorities who shall be appointed by the secretary of housing and economic development; and 1 representative of the Massachusetts developmental disabilities council. The first meeting of the commission shall take place not later than December 1, 2018.

(c) The special commission shall submit its recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives, and the chairs of the joint committee on mental health and substance abuse not later than July 1, 2019.

SECTION 34. 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: 3000-0400, 7004-0039, 7004-0040, 7004-0041, 7004-0042, 7004-0043, 7004-0044, 7004-0045, 7004-0046, 7004-0047, 7004-0048.

SECTION 35. Sections 10 and 15 shall be effective for tax years beginning on or after January 1, 2018.

SECTION 36. Sections 11, 12, 13, 17, 18 and 26 shall be effective for tax years beginning on or after January 1, 2018.

Approved, May 31, 2018