



City of Boston, Massachusetts
Office of the Mayor
MICHELLE WU

January 30, 2023

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit two pieces of legislation for your consideration and approval: *Act to Improve and Modernize Planning and Community Development in the City of Boston*; and *Order Temporarily Extending Urban Renewal Until March 31, 2025 or Passage of a Proposed Relevant Home Rule Petition*.

As we chart the future of the Boston Planning and Development Agency, we must update our state laws to reflect today's needs. This home rule petition will formally end the decades-old urban renewal mission of eradicating so-called "blight and urban decay," and rededicate our resources toward Boston's urgent needs: resiliency, affordability, and equity. Establishing these tenets as the guiding principles for planning decisions—while jettisoning the outdated notion of improvement through Urban Renewal—will enhance the safety, health, and quality of life of our residents and the opportunities for companies doing business in the city. We are also seeking an interim extension of the current urban renewal zones to allow for passage of the home rule petition at the state house and ensure that current affordable housing, open spaces and other land uses for civic benefit do not lapse.

AN ACT TO IMPROVE AND MODERNIZE PLANNING AND COMMUNITY DEVELOPMENT IN THE CITY OF BOSTON

Major provisions of the Act include:

Creation of the Boston Planning and Development Agency. This Act formally abolishes the Boston Redevelopment Authority (BRA) and the Economic Development and Industrial Corporation (EDIC) of Boston. This Act transfers the powers and duties of those entities to an agency newly created by this Act, and adopts as its formal name the Boston Planning & Development Agency ("the agency"). This action modernizes the agency while setting up the



further actions below. Consolidating the agency will also assist with current and future efforts to administratively align and integrate the agency with the City of Boston.

End of Urban Renewal. This Act terminates and sunsets Urban Renewal powers by, in part, eliminating the legal authority for the agency to adopt any new Urban Renewal plans or to make new findings or takings pertaining to blighted, decadent, or substandard conditions in the city. It also entitles the agency, notwithstanding the termination of any urban renewal plan, to enforce any conditions and restrictions in existing plans that protect important community benefits such as affordable housing, open space, and community uses.

Scope of the New Boston Planning & Development Agency. The Act directs the agency to prepare and implement plans that address three key planning principles: 1) resiliency, including climate change mitigation and adaptation; 2) affordability, including the creation and retention of affordable housing and support for local businesses; and 3) equity, in the form of community development plans that ensure the equitable distribution of benefits derived from development in the city, and redress historical inequitable policies that may have led to inequities in the city's growth. The Act requires that all plans be approved by the mayor, subject to the requirements of the Act. The Act also authorizes the agency to act as a public economic development agency, to fund worthy projects, to make confirmatory eminent domain takings, and to manage related property matters so long as they are in accordance with these new overarching principles.

AN ORDER TEMPORARILY EXTENDING URBAN RENEWAL PLANS IN THE CITY OF BOSTON UNTIL MARCH 31, 2025 OR PASSAGE OF A PROPOSED RELEVANT HOME RULE PETITION

With this proposed Order, I am requesting a two-year extension of the remaining Urban Renewal plans in alignment with the timeline for legislative consideration of the Home Rule Petition. I am requesting that the extension be granted for the shorter of either (a) two (2) additional years (i.e., to March 31, 2025), or (b) until such time that the Home Rule petition passes.

In April 2016, the City Council granted approval of a six (6) year extension of Boston's fourteen (14) Urban Renewal plans, which was subsequently approved by the Department of Housing and Community Development. In March 2022, the BPDA, Council and DHCD sunset two (2) additional Urban Renewal plans.

An expiration of the twelve active Urban Renewal plans before the home rule petition is adopted with protections for transferring existing land use protections would risk dissolution of the affordable housing, open space, and other community-oriented land use restrictions currently enforced under the plans. In seeking this temporary extension, the BPDA shall focus its Urban Renewal-related efforts solely on (a) enforcing existing land use restrictions that protect

community values (e.g., income restrictions, elderly preferences, open space, and other community uses) and (b) advancing the resiliency, affordability, and equity goals of the city.

I urge your Honorable Body to act favorably on the two proposals, the Act and the Order, to improve and modernize planning and community development in the City of Boston while working to advance resiliency, affordability, and equity.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Wu". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michelle Wu
Mayor of Boston

**CITY OF BOSTON
IN CITY COUNCIL**

**AN ACT TO IMPROVE AND MODERNIZE PLANNING AND
COMMUNITY DEVELOPMENT IN THE CITY OF BOSTON**

WHEREAS, the City of Boston is committed to seeking and obtaining every means available to improve and modernize comprehensive, city-wide planning and community development in a manner that advances today's challenges of climate resiliency, affordability, and equity;

NOW, THEREFORE BE IT ORDERED

That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

PETITION FOR A SPECIAL LAW RE:

**AN ACT TO IMPROVE AND MODERNIZE PLANNING AND COMMUNITY
DEVELOPMENT IN THE CITY OF BOSTON**

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. Statement of Purpose. It is the intent and purpose of this act to provide the city of Boston, in this act called the city, with the tools and powers necessary to guide certain public and private investments, and to otherwise address the issues and achieve the goals expressed further in this act, all of which are designed to make the city a more resilient, affordable and equitable community. It is further the intent of this act to encourage, to the maximum extent practicable, the increased cooperation and coordination between the city and the Boston Planning & Development Agency, in this act called the agency, through additional and comprehensive planning citywide, through increased transparency and public participation in the activities of the agency, and through the sharing, transfer and efficient deployment of personnel, funds, land and other resources. The powers and duties to be carried out in accordance with the provisions of this act shall be carried out in a manner to promote equity amongst all, and that is, to the

maximum extent practicable, fair, and equitable to all of the city's residents and businesses.

Section 2. Declaration of Necessity. It is hereby declared that there exists in the city (a) areas that suffer disproportionately from historically inequitable treatment and lack of access to opportunities afforded to the city as a whole, creating wide disparities with respect to equality of economic opportunity, health, safety and quality of life; (b) a crisis created by the lack of affordability in the city for the city's businesses and residents measured against continual and high demand; and (c) threats to large areas of the city brought about by the effects of the changes to climate; that each of these issues has been extensively documented in studies and reports contributing to the passage of this act; that resiliency, affordability and equity are issues that require governmental intervention to be properly and comprehensively addressed; that each of these issues presents a threat, and contributes substantially, to the safety, health, and quality of life of the residents of and companies doing business in the city, necessitating excessive and disproportionate expenditure of public funds for the preservation of the public health and safety and quality of life and for the maintenance of adequate public spaces, services and facilities; that the city requires additional tools that are adaptable for today's economy and the economy of the future and the technology that is available today and that will be further advanced in the future; that these tools are necessary to create additional opportunities and guide the types of public and private investments deemed necessary to achieve the objectives of this act; that each of these issues constitute an economic and social liability which substantially impairs the city; that each of these issues decrease the value of private investments and threatens the sources of public revenue and the financial stability of communities within the city; that because of the economic and social interdependence of different communities and of different areas within the city and because of the critical need to address the needs of all of the city's citizens in an equitable manner, the redevelopment of land in accordance with one or more plans to address the issues that are the subject of this act are necessary; that, while some actions may be accomplished through existing means and law and through the operations of private action, through publicly initiated action, or through a combination of both private and public action, in cases where it is found that private actions taken alone are unlikely to remedy the conditions that lead to these issues, the actions authorized by this act, including but not limited to, the construction, financing, restoration, renovation, rehabilitation, preservation, or removal of structures and the acquisition and disposition of property as circumstances may warrant, and the general improvement of sites for these purposes is necessary to accomplish these objectives; the disposition of the

property for the purpose of the foregoing, the exercise of powers consistent with this act and any assistance which may be given by the city and the agency created by this act are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the acquisition, planning, clearance, conservation, restoration, renovation, rehabilitation, preservation or rebuilding of such areas for such purposes, including the provision of multi-modal and complete streets, enhancements and improved access to transit facilities, parks, flood control structures, greenways, technological infrastructure, recreational areas and other spaces and improvements in housing and commercial properties, are public uses and benefits for which private property may be acquired by eminent domain or regulated by reasonable orders, laws and directions and for which public funds may be expended for the betterment of the city.

It is hereby further declared that there is a serious issue of affordability in the city, including a shortage of housing in the city that can be afforded by persons and families of low and moderate income and including other issues of affordability in many forms including the ability for Bostonians to incubate, launch and grow businesses; that it is in the best interest of the commonwealth to encourage programs to provide jobs, opportunities, housing and other assistance for such persons without imposing on them undue financial hardship; and that in undertaking such programs and assistance using the tools and the powers set forth in this act, the agency will be able to promote the health and prosperity of all citizens of the city, and thereby serve a public purpose for the benefit of the general public.

It is hereby further found that there is a need in the city to improve energy and water efficiency in both new and existing buildings, to enhance indoor air quality and sustainability, to facilitate the implementation of zero-emission electricity generation, to further the use and proliferation of electric and other vehicles fueled by alternatives to fossil fuels, to further the use of low-emission and/or sustainable building materials and processes, to promote, support, and incentivize energy storage, building electrification, adaptive reuse of existing structures, urban cooling strategies, the conservation, restoration, and protection of coastal and marine habitats, greenhouse gas emission reduction activities, and to advance other projects in the city that address and implement climate resilience strategies, and that in undertaking such programs and assistance using the tools and the authorities set forth in this act the agency will promote the health and prosperity of all citizens of the city and thereby serve a public purpose for the benefit of the general public.

The provisions of this act relating to the issues addressed in this act are hereby declared as a matter of legislative determination.

Section 3. Definitions.

As used in this act, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

“agency,” the Boston Planning & Development Agency.

“authority,” the Boston Redevelopment Authority.

“affordable” or “affordability,” the ability of persons and families of low and moderate income to procure and retain within the city safe and secure housing that provides reasonable access to transportation, employment, and educational opportunities without the imposition of undue financial hardship, and the ability of persons seeking to incubate, launch and grow businesses within the city to pursue such opportunities without the imposition of undue financial hardship.

“affordable housing” the same meaning as set forth in section 17 of the boston zoning enabling act.

“boston zoning enabling act,” chapter 665 of the acts of 1956, as most recently amended by chapter 365 of the acts of 2020, and as may be further amended from time to time.

“city,” the city of Boston.

“community development,” actions, projects, or activities that develop and improve the city or its neighborhoods in ways consistent with the powers and duties of the agency and the objectives of this act, including but not limited to (i) creating or expanding economic, educational, transportation, or housing opportunities for low and moderate income people; (ii) creating or expanding economic opportunities for new or existing local businesses; (iii) establishing, improving, or enhancing public facilities, public social services, or physical or technological infrastructure; or (iv) improving, revitalizing, preserving, conserving, or rehabilitating the built environment or the natural environment.

“corporation,” the Economic Development and Industrial Corporation of Boston.

“department,” the Department of Housing and Community Development or its successor.

“effective date,” the date set forth in section 4 of this act.

“resilient” or “resiliency,” actions, projects, or activities that anticipate, assess, prepare for, respond to, reduce, mitigate, manage, or adapt to either the risks or the adverse impacts of climate change (including but not limited to extreme weather events, drought, coastal and inland flooding, sea level rise and increased storm surge, wildfires, and extreme temperatures), as such risks or adverse impacts may affect the city’s natural environment, the city’s built environment, the city’s economy, the city’s populace, or any combination thereof.

“zoning commission,” the Boston Zoning Commission.

Section 4. Effective Date. In order to provide the necessary time to plan for the implementation of this act, the provisions of this act shall be effective on a date that is one hundred eighty days from the date it is approved by the Governor.

Section 5. Abolition of the Boston Redevelopment Authority. The Boston Redevelopment Authority, doing business as the Boston Planning & Development Agency, referred to in this act as the authority, is hereby abolished.

Section 6. Abolition of the Economic Development and Industrial Corporation of Boston. The Economic Development and Industrial Corporation of Boston, referred to in this act as the corporation, is hereby abolished.

Section 7. Creation of the Boston Planning & Development Agency.

- (a) There shall be a public body politic and corporate to be known as the Boston Planning & Development Agency, in this act called the agency. The agency is hereby constituted as a public instrumentality of the city and the exercise by the agency of the powers conferred by this act shall be considered to be the performance of an essential governmental function.
- (b) Subject to the limitations set forth in this act, the agency is hereby constituted as a redevelopment authority of the city, and shall have all of the powers and duties conferred on redevelopment authorities pursuant to chapter 121B.

- (c) The agency shall also have all of the powers and duties of the Boston Redevelopment Authority as set forth in chapter 652 of the acts of 1960, as amended.
- (d) The agency shall also have all of the powers and duties of the economic development and industrial corporation of Boston as set forth in chapter 1097 of the acts of 1971, as amended, and all of the powers and duties conferred on economic development and industrial corporations pursuant to chapter 121C .
- (e) The agency shall be managed, controlled and governed by a board of five members who shall be appointed and shall serve in accordance with the requirements of chapter 121B.
- (f) Until such time as the authority and the corporation are abolished pursuant to sections 5 and 6 of this act, the agency shall work with the authority and the corporation toward the completion of an orderly transition of all matters detailed in section 15 of this act.

Section 8. Planning and Zoning Functions in the City of Boston.

- (a) Section 12 of chapter 652 of the acts of 1960, as most recently amended by section one of chapter 341 of the acts of 1993, is hereby amended by deleting the final paragraph.
- (b) Section 3 of the boston zoning enabling act is hereby further amended by striking the second sentence of that section and replacing it with the following:-

“No zoning regulation originally establishing the boundaries of a district or the regulations and restrictions to be enforced therein, and no such regulation amending the same as aforesaid, shall be adopted until the Boston Planning & Development Agency shall have submitted a report with recommendations concerning such regulation or amendment or allowed twenty days to elapse after receipt from the zoning commission of a request for such a report without making such a report, nor until after the zoning commission shall have given notice and held public hearing with respect to such regulation or amendment.”

- (c) Section 8 of said enabling act is hereby further amended by striking the words “Boston Redevelopment Authority” where they appear in the seventh and

ninth paragraphs of that section and replacing them with the words:- “Boston Planning & Development Agency.”

- (d) Section 16 of said enabling act is hereby further amended by striking the words “Boston Redevelopment Authority hereinafter referred to as BRA,” as they appear in the second paragraph of that section and replacing them with the words:- Boston Planning & Development Agency hereinafter referred to as the BPDA.”
- (e) Sections 16, 17, 18, 21 and 22 of said enabling act is hereby further amended by replacing the letters “BRA” each time they appear in said sections with:- “BPDA.”
- (f) Section 21 of said enabling act is hereby further amended by striking the words “Boston Redevelopment Authority” as they appear in said section and replacing them with:- “Boston Planning & Development Agency.”

Section 9. Cooperation Between Agency and City.

- (a) To the maximum extent determined to be practicable by the agency and the city:
 - (i) the agency shall make use of the services of the agencies, officers and employees of the city and the city shall, if requested, make available such services, all in accordance with the provisions of section 7 of chapter 121B;
 - (ii) the city shall make use of the services of the agency and the agency shall, if requested, make available such services;
 - (iii) property owned by the agency determined by the agency to be no longer necessary in undertaking its statutory and other responsibilities may be transferred to the city, provided that the city shall accept such property subject to any existing lease.

Section 10. Additional Powers and Duties of the Agency. The agency shall have all the powers necessary or convenient to carry out and effectuate the purposes of relevant provisions of the General Laws, and shall have the following powers in addition to those specifically granted in this act:—

- (a) To prepare and implement plans to address issues pertaining to affordability in the entire city or in such areas of the city as it determines to be necessary, including the creation of new affordable housing and retention of existing affordable housing, and the development of methods to address business incubation and affordability in the city, subject, however, to the requirements of section 11 of this act;
- (b) To prepare and implement plans to provide for resiliency and to combat the impacts of climate change in the entire city or in such areas of the city as it determines to be necessary, subject, however, to the requirements of section 11 of this act;
- (c) To prepare and implement community development plans in the entire city or in such areas of the city as it determines to be necessary, subject, however, to the requirements of section 11 of this act;
- (d) To take necessary action and create policies and programs as needed to ensure the equitable distribution across the city of benefits from development.
- (e) To create and implement programs to address any historically inequitable distribution of agency resources or historically inequitable policies that may have led to inequities in the growth of the city.
- (f) To prepare plans to develop and test methods and techniques and to carry out demonstrations to implement projects and programs in furtherance of the objectives of this act;
- (g) To provide recommendations, advice, technical assistance and staffing to the zoning commission as may be requested by the director from time to time;
- (h) To create such internal offices, divisions, or departments as it may deem necessary to carry out the provisions of this act;
- (i) To act as a public economic development agency for the purposes of chapter 30B and to dispose of by sale or lease or to acquire by purchase, lease, eminent domain or otherwise residential, institutional, industrial or commercial real property for purposes in furtherance of this act in accordance with a plan approved by the members of the agency;
- (j) To enter into, administer, extend, amend and enforce cooperation and other agreements with the city, state and federal agencies and other public and

private organizations and persons to further the objectives of this act, subject, however, to the provisions of applicable law;

- (k) To conduct research, issue reports and engage in similar activities consistent with its powers as detailed in this act; and
- (l) To perform any of the following acts in any location in the city irrespective of whether such location is included within an area covered by a plan adopted in accordance with this act: to make confirmatory eminent domain takings in order to confirm title to real estate; to make and receive loans to or from any party, to receive gifts from any party, and to make investments all for purposes consistent with this act; to acquire and transfer property discontinued by the public improvement commission or other city entity; to grant or receive utility easements; and to acquire or transfer a property interest to or from another public entity.

Section 11. Additional Requirements for Resiliency, Affordability, and Community Development Plans.

The following requirements shall apply to plans proposed pursuant to sections 10(a), 10(b) and 10(c) of this act.

- (a) Whenever the agency determines that such a plan should be implemented, it shall first submit said plan to the mayor of the city for approval. Such application shall be accompanied by the plan, a statement of the proposed method for financing the activities contemplated in the plan, and any such other information as the agency in its discretion deems advisable.
- (b) Whenever a public hearing on a plan is held, notice thereof shall be sent to the Boston Landmarks Commission together with a map indicating the area included in such plan.
- (c) No such plan shall be implemented until a public hearing on such plan has been held after notice provided in the manner required by section 20 of chapter 30A before the agency and the plan has been approved by the members of the agency and the mayor.
- (d) Every plan submitted to the mayor for approval shall include a description of the goals of the plan, the areas to be impacted by the plan and a statement describing how the plan is consistent with the planning conducted in those

areas, the proposed public and private improvements proposed as a part of the plan, and a financial plan associated with the plan together with findings by the members of the agency that the plan is consistent with this act and will further the agency's public purposes, and shall include a relocation plan prepared in accordance with the requirements of chapter seventy-nine A to the extent required by applicable law.

(e) The mayor shall not approve any such plan except upon a determination that the plan will further the purposes of this act, giving due consideration to the findings of the members of the agency set forth in Section 11(d) above.

(f) Every plan approved by the mayor that seeks financial assistance from any agency or authority of the commonwealth shall be subject to the further approval of the department and shall be submitted to the department together with such other material as the department may require.

(i) The department shall not approve any such plan unless the agency has made the findings required by this section, the mayor has approved the plan, and the department concurs in the findings made by the agency.

(ii) Within sixty days after submission of the plan, the department shall give written notice to the agency of its decision with respect to the plan. If the department disapproves any such plan, it shall state in writing in such notice its reasons for disapproval. A plan which has not been approved by the department when submitted may be submitted to the department again with such modifications, supporting data or arguments as are necessary to meet the department's objections. The department may hold a public hearing upon any plan submitted to it and shall do so if requested in writing within ten days after submission of the plan by the agency, the mayor, or twenty-five or more residents of the city.

(iii) Any provision in this subsection to the contrary notwithstanding, when the location of a proposed plan has been determined, the agency may, without awaiting the approval of the department, proceed to acquire or otherwise obtain control of such property within the plan area as is necessary to carry out the objectives of the plan; but it shall not, without the approval of the department if such approval is required by this subsection, unconditionally obligate itself to purchase or otherwise acquire any such property except as provided in section forty-seven of chapter 121B.

- (g) When the plan has been approved by the mayor, and to the extent required by this act, the department, and notice of such approvals has been given to the agency, the agency may proceed at once to take any and all actions to implement the plan including, without limitation, to acquire and dispose of real estate within the location of the plan area, either by eminent domain or by sale, grant, purchase, lease, gift, exchange or otherwise.

Section 12. Termination and Sunsetting of Urban Renewal Powers.

- (a) From and after the effective date, notwithstanding any provisions of chapter 121B to the contrary, the agency shall not be authorized to adopt any new urban renewal plan, nor to make any findings pertaining to blighted open, decadent or substandard conditions in the city, but shall, to the extent determined to be necessary or convenient for the agency as determined by its members, remain obligated to perform such actions, to enforce such conditions or to benefit from any restrictions or other provisions as such actions, conditions, restrictions, or other provisions are set forth in any contract or plan in effect as of the effective date
- (b) To the extent necessary to take an action, to enforce a condition, or to benefit from a restriction or other provision in such plan, the agency is hereby authorized to extend, terminate or amend such urban renewal and other plans that may be in existence as of the effective date subject to the requirements of applicable law and this section, and such additional terms as it may determine to be appropriate.
- (c) Notwithstanding the provisions of any general or special law, contract or urban renewal plan to the contrary, prior to and upon the termination of any urban renewal plan, the agency shall be entitled to continue to enforce such conditions or to benefit from any restrictions or other provisions, as such actions, conditions, restrictions, or other provisions are set forth in any contract or plan in effect as of the effective date provided that the agency shall be authorized to terminate, extend, modify or amend any such condition, restriction or other provision by agreement.
- (d) In preparing, adopting and implementing any resiliency, affordability, community development or other plans authorized by this act, the agency shall, except as modified by the provisions of this act, be subject to the requirements and shall have all of the powers set forth in chapter 121B.

Section 13. Cooperation With Local, State and Federal Agencies and Programs.

The agency is authorized, with the approval of the mayor of the city, to enter into loans, grants, contracts and other agreements with the local, state, federal, or other government entity relative to the acceptance or borrowing of funds or other assistance for any project it is authorized to undertake in accordance with this act and to secure such local, state, federal and other funds and assistance as may be available, including, without limitation, funding and other assistance made available through chapters 43D and 40R of the general laws, the Community Renewal Tax Relief Act of 2000, the Tax Reform Act of 1986, the Disaster Mitigation Act of 2000, the Bipartisan Infrastructure Investment and Jobs Act of 2021, the CHIPS and Science Act of 2022, the Inflation Reduction Act of 2022 and other laws or programs providing funding or other assistance consistent with the provisions of this act, as those laws and programs may be amended and revised from time to time, which loans, grants, contracts and other agreements shall contain such covenants, terms and conditions as the agency and such agency of the government may deem desirable.

Section 14. Matters Pertaining to Urban Redevelopment Corporations.

- (a) Projects undertaken by any entity approved under chapter 652 of the acts of 1960, as amended, and chapter 121A of the general laws shall, in addition to the types of projects authorized by said laws, also include projects authorized under section 10 of this act; provided, that each such project shall be accompanied by a plan and shall be otherwise subject to the requirements of section 11 of this act.
- (b) The agency shall be authorized to review, improve, approve and monitor any such project or plan in the same manner as provided by chapter 652, as amended, and said chapter 121A.

Section 15. Transfer of Personnel and Obligations.

- (a) Notwithstanding any general or special law to the contrary, as of the effective date: -
 - (i) all personnel employed by the authority or the corporation shall become employees of the agency consistent with and subject to the requirements of this act;

(ii) all assets, accounts, liabilities, obligations, real and personal property and debt of the authority and the corporation are hereby transferred to the agency, and, without further conveyance or other act, all the assets, accounts liabilities, obligations, real and personal property and debt, as well as all rights, powers and duties of the authority and the corporation shall be transferred to, and assumed by, the agency;

(iii) ownership, possession and control of all personal property, including, but without limitation, all equipment, books, maps, papers, plans, records and documents of whatever description then belonging to the authority and the corporation shall pass to, and be vested in, the agency without consideration or further evidence of transfer and shall thereafter be in the possession and control of the agency;

(iv) ownership, possession and control of all real property, including, without limitation, all land, buildings, easement, restrictions and other interests in land and other property that are owned or held by the authority or the corporation shall pass to, and be vested in, the agency without consideration or further evidence of transfer and shall thereafter be in the possession and control of the agency; and

(v) all duly existing contracts, leases, land disposition agreements, collective bargaining agreements and obligations of the authority and the corporation which are in force immediately before the effective date shall be deemed to be the obligations of the agency but shall otherwise be unaffected by this act, and no existing right or remedy with respect to any such matter shall be lost, impaired or affected by this act.

(b) The agency shall be authorized to establish such bylaws, systems, procedures, accounts, and processes as it determines to be necessary or desirable in connection with the assumption, management, operation and administration of the personnel, assets, accounts, liabilities, obligations, real and personal property and debt of the authority and the corporation.

(c) The agency shall have authority to exercise all rights and enjoy all interests conferred upon the authority and the corporation by any such contracts, leases, land disposition agreement or other obligation, including any collective bargaining agreement in existence as of the effective date.

- (d) The transfer provided by this act shall be effective upon the effective date and shall bind the agency and all other persons with or without notice and without any further action or documentation.
- (e) Without derogating from the foregoing, the agency may, from time to time, execute and record and file for registration with any registry of deeds or the land court or with the secretary of the commonwealth, as appropriate, a certificate confirming the agency's ownership of any interest in real or personal property formerly held by the authority or the corporation and transferred pursuant to the provisions of this act and establishing and confirming the rights so transferred.
- (f) This act shall not limit or impair the rights, remedies, or defenses of the agency, the authority or the corporation in or to any such action including, without limitation, chapter 258 of the General Laws; provided, however, that from and after the effective date any action pending related to such rights, remedies or defenses shall continue unabated and may be completed against or by the agency.
- (g) No existing rights of the holders of the bonds issued by the authority or the corporation shall be impaired, and the agency, as successor in interest to the authority and the corporation, shall maintain the covenants of the trust indentures pertaining to such bonds so long as such bonds shall remain outstanding.

Section 16. Survival of Existing Rules and Matters. Notwithstanding any general or special law to the contrary, any order, rule, or regulation duly promulgated, or any license, permit, certificate, right or approval duly granted or held, by or on behalf of the authority or the corporation shall continue in effect from and after the effective date and shall be enforced by the agency until superseded, revised, rescinded or cancelled. Any proceeding before the authority or the corporation pending as of the effective date shall be assumed by the agency and shall continue unaffected and without need to be re-noticed or recommenced.

Section 17. Other Personnel Matters Related to Transfer of Employees.

- (a) Notwithstanding any other general or special law to the contrary, the agency may enter into contracts to create and permit employee contributions to individual retirement accounts for employees of the agency pursuant to sections 64A to 64C, inclusive, of chapter 29 of the General Laws.

- (b) The provisions of section 52 of chapter 121B shall not apply to employees of the agency; provided, however, that such section shall continue to apply to any employee of the authority subject to the requirements of such section as of the effective date.
- (c) All members, officers and employees of the authority and the corporation transferred to the service of the agency shall be transferred without impairment of seniority, retirement or other statutory rights of employees, without loss of accrued rights to benefits, holidays, sick leave, vacation pension, and all other benefits, except as otherwise provided in this act. All employees of the agency shall be eligible for group insurance benefits provided by the group insurance commission or otherwise. Terms of service of employees of the authority and the corporation shall not be deemed to be interrupted by virtue of transfer to the agency.
- (d) Notwithstanding any general or special law to the contrary, retired employees of the authority and the corporation and the surviving spouses of active or retired employees who are eligible for group insurance coverage pursuant to this section and said chapter 32A shall have said eligibility and coverage transferred to the group insurance commission and shall receive the full extent of benefits provided to employees of the agency. Such persons shall cease to be eligible or insured by the authority or corporation, as applicable. The commission shall provide uninterrupted coverage for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental and other health insurance benefits to the extent authorized under said chapter 32A. All questions relating to group insurance rights, obligations, costs and payments shall be determined solely by the group insurance commission, and shall include the manner and method for the payment of all required premiums applicable to all such coverage.
- (e) Nothing in this act shall be construed to affect the eligibility and coverage of retired authority or corporation employees and the surviving spouses of active or retired employees who are eligible for group insurance coverage under a plan offered by the authority or corporation or who are insured under a plan offered by the authority or the corporation.
- (f) Notwithstanding the provisions of any general or special law to the contrary, employees of the agency shall be eligible to become members of the Boston

retirement system, and notwithstanding the provisions of any general or special law to the contrary including, but not limited to, paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws, said system shall be responsible for all liability attributable to the service of such employees. The liabilities attributable to the service of such employees shall be recoverable by the city pursuant to the terms of said section 8.

- (g) Any employee of the corporation on the effective date may elect: (i) to join the Boston retirement system by written notification to the system of his or her intention in a manner according to a process adopted by the system and otherwise consistent with applicable law; and (ii) to increase his or her years of creditable service in the system by purchasing time up to an amount represented by his or her years of creditable service with the corporation according to a payment schedule and process adopted by the system and otherwise consistent with applicable law.

- (h) The agency, in cooperation with the city, shall complete a study of job titles in the authority and the corporation and shall determine the appropriate job titles for employees transferred to the agency and the appropriate job titles for employees to be transferred to the city. Employees transferred to the agency shall be placed in job titles as determined by the agency, in consultation with the city, and shall be paid wages and receive benefits consistent with the collective bargaining agreement governing such job title(s) (if any) or if no collective bargaining agreement exists for such employees, then consistent with the existing pay and benefits governing such job title(s). Employees transferred to the city shall be placed in job titles as determined by the city, in consultation with the agency, and shall be paid wages and receive benefits consistent with the collective bargaining agreement governing such job title(s) (if any) or if no collective bargaining agreement exists for such employees, then consistent with the existing pay and benefits governing such job title(s).

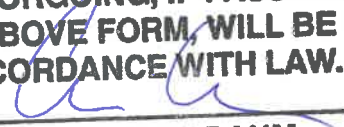
Section 18. Requirement for Audit. Not later than one year from the effective date, the city auditor shall complete and file with the agency, city council, mayor, and office of the state auditor a closeout audit of the authority and the corporation. The audit shall include a catalogue of the status of the authority's and corporation's finances, operations, revenues, debt structure, and internal policies and procedures and the transfer of such matters to the agency.

Section 19. Relationship to Other Laws. This act shall provide additional, alternative and complete methods for accomplishing the purpose of this act and shall be construed to be supplemental and additional to, and not in derogation of any powers conferred upon the agency by law; provided, however, that insofar as the provisions of this act are inconsistent with any general or special law, administrative order or regulation, the provisions of this act shall be controlling.

Section 20. Evidence of Abolition of Authority and Corporation. Sections 5 and 6 of this act shall be effective as of a date that is not more than ninety days from the effective date, and shall be evidenced by the filing of a certificate with the secretary of the commonwealth executed by authority and the corporation and acknowledged by the agency as the successor to the authority and the corporation.

Section 21. Severability. The provisions of this act are hereby declared to be severable and if any such provision or the application of such provision to any person or circumstances shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions of said chapter or the application of such provision to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that said chapter would have been adopted had such invalid or unconstitutional provisions not been included therein.

Filed in Council: January 30, 2023

**I HEREBY CERTIFY
THE FORGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.**
BY 
**ADAM CEDERBAUM
CORPORATION COUNSEL**