

Legislative Planning Session

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189th Legislative Session Recap

Budget Summary

District Local Technical Assistance* (DLTA)

FY2016: \$2.8 million

MAPC Request: \$3.4 million

Final FY2017: \$2.8 million

*The DLTA line item was vetoed by the Governor, but that veto was overridden by the Legislature.

Senator Charles Shannon Community Safety Initiative

FY2016: \$7 million

MAPC Request: \$10 million

Final FY2017: \$6 million

Community Compact Grants

FY2016: \$2.65 million

MAPC Request: \$2.65 million

Final FY2017: \$1 million

Community Innovation Challenge (CIC)

FY2016: \$2 million*

MAPC Request: N/A

Final FY2017: \$2 million

*The Governor did not expend the 2016 CIC funds and eventually cut it through a 9C reduction

Community Preservation Act

The FY2017 budget would direct half of any budget surplus, up to \$10 million, to the Community Preservation Trust Fund.

Local Aid

Unrestricted General Government Aid (UGGA): \$1.02 billion

Chapter 70: \$3.93 billion

Bond Authorizations

These are 5-year authorizations that passed as part of the Economic Development Legislation:

MassWorks: \$500 million

Brownfields: \$45 million

Site Readiness Fund: \$15 million

Innovation Fund: \$15 million

Smart Growth Housing Trust Fund: \$15 million

As part of the transportation bond bill, the legislature also authorized \$200 million in **Chapter 90** funding.

Legislative Summary

In this past Legislative Session, the Metropolitan Area Planning Council had five legislative priorities:

An Act to Promote Municipal Collaboration and Regionalization throughout the Commonwealth

- Given the ongoing fiscal climate of declining state and local revenues, it is clear that the “business as usual” model of operating local governments cannot be sustained. One important way to enhance revenue and contain expenses at the local level is through regional collaboration. This legislation would promote regional collaboration by prioritizing regional applications for existing grant funds and establishing a joint powers act that would further enable regionalization initiatives through a streamlined process.
- **Outcome - Passed as part of the Municipal Modernization bill and signed into law by Governor Baker**

An Act relative to Parking Advancements for the Revitalization of Communities

- Passage of this legislation would make it clear that cities and towns have the tools they need to use parking strategies to revitalize neighborhoods and spur economic development. Many communities are looking at their parking policies as tools for economic development, and this bill would ensure that state law does not interfere with these goals and strategies.
- **Outcome - Passed as part of the Municipal Modernization bill and signed into law by Governor Baker**

An Act relative to Regional Transportation Ballots

- Across much of the U.S., regional ballot initiatives are regularly used to finance transportation investments. These initiatives have high rates of passage (70-80%) and can supplement other transportation revenue to fund operations and capital projects. This bill would enable a municipality or a group of municipalities to have the option to raise additional local revenue for transportation projects via ballot initiatives, giving voters a direct role in the process
- **Outcome - Adopted as an amendment to Municipal Modernization legislation by the Senate, but not included in Conference Committee**

An Act relative to Utility Data Transparency and Access

- As cities and towns across Massachusetts examine ways to reduce their energy consumption, it has become increasingly important for them to have access to accurate and timely energy usage data from utilities. While utilities have provided this data on a case-by-case basis in the past, the process for gaining access to the data has often been confusing, time-intensive, and unpredictable. Creating a clear, simple, predictable system that allows municipalities to request this information and receive it in a consistent manner and a timely fashion would be beneficial to municipalities across Massachusetts.
- **Outcome - Reported favorably by the Joint Committee on Telecommunications, Utilities and Energy, but did not move further along the Legislative Process**

An Act Promoting the Planning and Development of Sustainable Communities

- This streamlined zoning reform bill authorizes new zoning techniques for municipalities, provides more certainty to land owners and developers, and authorizes strong financial and regulatory incentives for creating walkable, vibrant centers, housing development, and protecting open space. Master planning requirements are modernized by giving communities the ability to tailor planning to local circumstances including linking public health and planning. Additionally, the bill grants cities and towns the option to substitute a minor subdivision process for Approval Not Required (ANR) developments, which are a primary driver of inefficient, low density growth.
- **Outcome - Passed by the Senate, but not the House of Representatives**

Other Legislative Highlights

H.4568 *An Act to promote energy diversity*

<https://malegislature.gov/Bills/189/House/H4568>

This legislation requires that utilities solicit contracts for 1600 megawatts of offshore wind energy by 2017, which is the largest procurement of offshore in the United States to date. It also requires the procurement of hydropower and requires that preference is given to proposals that include both hydroelectric generation and other Class 1 renewables.

The legislation includes Property Assessed Clean Energy (PACE), which will make clean energy upgrades more accessible to home and building owners by removing the barrier of high up-front costs. It addresses gas leaks by requiring the Department of Public Utilities to identify and repair environmentally significant leaks and requires DOER to study energy storage procurement targets for electric utilities, which will hopefully increase the amount of clean energy consumed.

The legislation includes language that will allow utilities receive a remuneration of 2.75% of the annual value of the long term contracts for offshore wind and hydro. It did not include language to increase the Renewable Portfolio Standard growth rate or create a residential dwelling energy rating and label system.

H.4565 *An Act modernizing municipal finance and government*

<https://malegislature.gov/Bills/189/House/H4565>

The Municipal Modernization bill included myriad updates to the Massachusetts General Laws that govern how municipalities operate. Among these updates were four items that MAPC either authored or has played an active role in advancing:

PARC: The bill includes language that mirrors S.1094/H.1855 *An Act relative to parking advancements for the revitalization of communities* (PARC). This language allows cities and towns to designate Parking Benefits Districts, and use the parking revenue generated within those districts for improvements beyond just maintaining the parking infrastructure, such as streetscaping or Complete Streets infrastructure. The language also allows municipalities to use demand based pricing to manage their parking supply.

Regionalization: The bill includes all of the provisions of MAPC's regionalization bill (S.1077/H.1849 *An act promoting municipal collaboration and regionalization throughout the Commonwealth*). This language creates a Joint Powers Act that will allow municipalities of all sizes to regionalize a wide variety of services. It also incentivizes municipalities to apply for certain state grant programs regionally by giving regional applications priority, when appropriate, and tasks the Administration with looking for other opportunities to encourage regionalization through existing state grant programs.

Double Poles: The municipal modernization bill does not require that utilities remove all double poles immediately. Rather, the bill would require utilities to identify all of their double poles and create a timeline for the removal thereof. The utilities would be required to submit this information as a report to the legislature, and once the legislature has received the report, it will consider what an appropriate fine structure would be to penalize utilities that fail to remove double poles.

Speed Limits: The bill includes 2 provisions that allow municipalities to set their own speed limits. The first allows a city or town to set a speed limit of 25 miles per hour on a non-state roadway in a business district or thickly settled area. The second allows a city or town to designate certain areas as safety zones with speed limits of 20 miles per hour. These changes amend the current process of a city or town requesting to lower a speed limit,

which requires a speed study to be conducted with the new speed being 80% of the average speed during the study. The existing process can, and often has, resulted in speed limits increasing instead of decreasing, so these changes will allow communities to actively lower the prevailing speed limit in certain areas.

H.4569 An Act relative to job creation and workforce development

<https://malegislature.gov/Bills/189/House/H4569>

The new “Starter Home Zoning District” allows for the creation of a new zoning overlay district. Within these districts, a “starter home” would be defined as a single-family home that does not exceed 1,850 square feet. The zoning district has to include at least 3 acres of developable land, with a density of at least 4 units per acre. The proposed language emphasizes smart growth principles, such as cluster development and low-impact development techniques, and requires that at least 50% of the starter homes must contain 3 or more bedrooms.

H.4570 An Act Regulating Transportation Network Companies

<https://malegislature.gov/Bills/189/House/H4570>

The legislation sets up a new division in the Department of Public Utilities to regulate services like Uber and Lyft, with its work financed by a surcharge on revenues earned by the transportation companies. It establishes minimum disqualifying offenses for drivers, and requires companies to maintain active rosters of their drivers who must undergo a full state Criminal Offender Record Information (CORI) background check, including sex offender registry status, and a bi-annual national commercial background check conducted by the TNC.

Drivers will be required to pay commercial toll rates and to display decals on their cars that identify them as rides-for-hire. The legislation sets insurance thresholds for ride-hailing companies and leaves it up to Massport and the Boston Convention Center Authority to develop their own regulations for how ride-hailing companies can operate on their properties.

It creates a new fee, charging the transportation network companies 20 cents per ride. Of that money, 10 cents will go back to the municipality where a passenger is picked up, five cents to the state Department of Transportation and five cents to MassDevelopment for grants to help the taxi and livery industries improve technology and provide workforce development for drivers.

The law allows one year for the gradual implementation of the new regulations in order to ensure service by the companies is not interrupted. It also establishes a ride for hire task force consisting of state transportation, regulatory and public safety officials, legislators, local officials, law enforcement, accessibility advocates, and industry representatives to actively review ride-for-hire regulations and make recommendations to ensure consumer protection, public safety and economic competitiveness

H.4424 An Act providing for the financing of certain improvements to municipal roads and bridges

<https://malegislature.gov/Bills/189/House/H4424>

This legislation includes a \$50 million Municipal Small Bridge Program, broadens the Complete Streets Funding Program to support projects in more municipalities, and authorizes \$750 million for federal highway aid.

The Municipal Small Bridge Program targets small bridge projects not eligible for federal aid under existing replacement or rehabilitation programming and are at high risk for full or partial closure due to present condition, at up to \$500,000 per year, per municipality for administration, design and construction.

The bill broadens the authorization of the Complete Streets Funding Program. Launched with \$12.5 million in funding by the Baker-Polito Administration earlier this year, Complete Streets provides up to \$50,000 for technical assistance and up to \$400,000 in construction costs for communities to plan and incorporate best practices into the design and build of safe modes of travel for the public, including pedestrians, cyclers, drivers and users of mass transit. Nearly 80 communities have adopted Complete Streets policies that make them eligible to receive funding through the program.

The legislation includes a \$750 million authorization request for the federal aid highway program of which the Commonwealth will be responsible for \$135 million and a change bringing bonds issued for the Rail Enhancement Program in line with similar projects like the Accelerated Bridge Program by making them exempt from the statutory debt limit.

An Act relative to Solar Energy - Chapter 75, Acts of 2016

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter75>

This legislation provides immediate relief to the solar industry by raising the public and private net metering caps from 5% of utilities' peak load to 8% and from 4% of utilities' peak load to 7%, respectively. Additionally, the bill allows the Department of Energy Resources (DOER) and the Department of Public Utilities (DPU) to gradually transition the solar industry to a more self-sustaining model. This approach includes robust stakeholder outreach, and will establish the next generation solar incentive program at a reduced cost.

In an effort to lower the cost of net metering for non-participant ratepayers, the legislation sets the new credit value for all solar projects, except residential, small commercial, municipal and government-owned, to 60% of the full retail rate. To facilitate continued solar growth within communities around the Commonwealth, the bill preserves retail rate credits for municipal and government-owned projects and continues to exempt residential and small commercial projects from the net metering cap and any net metering credit reductions.

Moving Forward

Next legislative session, the Government Affairs team will continue to advocate for our priorities that are aligned with the agency's priorities and benefit the communities within our region.

Likely A-Level Priorities for Next Session

- Transportation Finance
 - Value Capture/Transportation assessments
 - Regional Ballot Initiatives
 - Vehicle-miles Traveled (VMT)
 - Innovative Mobility
 - Other
- Zoning Reform/Housing Production
- Data Transparency, including utility data transparency

Likely B-Level Priorities for Next Session

- Double Poles
- Liquor Licenses
- Local Aid (UGGA, Chapter 90)
- Community Benefit Districts
- Arts funding

We are also considering new areas where legislation can benefit the region. Based on our discussions to date, there appears to be an appetite to make progress on issues concerning:

- Clean Energy
- Environment
- Public Health

Explanation of A- and B-Level Priorities

A-Level: Top Priorities. These are typically bills that MAPC takes the lead on, including researching, drafting, and soliciting sponsors and cosponsors. Approximately 5-7 bills. These are listed with brief descriptions on our one pager for the session, and we have one pager on each individual bill.

B-Level: Support. These are bills that MAPC supports but is not typically the lead advocate; we may be part of a group or coalition pushing for the passage of the legislation. These may be bills we know about in advance, but they may also be bills filed by outside parties that we need to take a position on as they relate to the Agency's work.

Legislative Calendar

The Legislative Session lasts two years, beginning in January of the first year and ending on July 31st of the second year.

First Year of the Legislative Session, January 2017–November 2017

- First Wednesday of January - The House and Senate convene
- Third Friday of January - Deadline to file Legislation
- March - Governor submits budget to House Ways and Means
- Second Wednesday of May - Last day for House Ways and Means to report budget
- June 30th - FY18 budget due
- Third Wednesday of November - Last day of Formal Sessions for Year

Second Year of the Legislation Session, January 2018–July 2018

- First Wednesday of January - House and Senate reconvene
- End of January - Governor submits budget to House Ways and Means
- Third Wednesday of March - Joint Rule 10 Day: Last day for reports to be made by Joint Committees
- Second Wednesday in May - Last day for House Ways and Means to report budget
- June 30th - FY19 budget due
- July 31st - Legislative Session Ends

Legislative Process

1. Legislation is filed, given a bill number and referred to a Committee.
2. The Committee holds a public hearing where testimony is heard. After the hearing, the Committee issues a report recommending the bill “out to pass,” “ought not to pass,” or the Committee sends the bill to another Committee or to a study order.
3. If a bill is reported favorably (“ought to pass”), it receives its first reading in the House or Senate. At this point, it is common for a bill to be sent to another Committee.
4. The bill then receives a second reading, where debate occurs and amendments can be filed.
5. After debate, if the bill receives a favorable vote, it is ordered to a third reading and referred to the Committee on Bills in the Third Reading, where it is reviewed for technical corrections (i.e. legality, duplication).
6. If discharged from Bills in the Third Reading, it is read a third time in the chamber and again subject to debate. Once debate ends, a vote is taken on engrossment.
7. If a bill is passed to be engrossed, it is sent to the other Legislative Branch, where it needs to once again go through all three readings.
8. If the bill is amended by the second branch, it needs to return to the original branch for a vote of concurrence. If concurrence is rejected, a bi-partisan conference committee is formed to reach a compromise between the two different bills. If the bill is not amended by the second branch, it is sent to the Governor’s desk for signature.
9. Once the Conference Committee reaches an agreement, the compromise bill is voted on in each branch and sent the Governor for signature.