

SENATE No. 1941

The Commonwealth of Massachusetts

SENATE, June 7, 1979.

The committee on Transportation, to whom was referred the petition (accompanied by bill, House, No. 2505) of Thomas P. O'Neill III (Lieutenant-Governor) and John F. Cusack for legislation to assist cities and towns in financing the construction of off-street parking facilities in commercial area revitalization districts, reports the accompanying bill (Senate, No. 1941).

For the Committee,

JOSEPH B. WALSH

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

AN ACT TO ASSIST THE CITIES AND TOWNS TO FINANCE THE CONSTRUCTION OF OFF-STREET PARKING FACILITIES IN COMMERCIAL AREA REVITALIZATION DISTRICTS.

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

1 SECTION 1. It is hereby found and declared that existing
2 sources of funding for transportation-related facilities do not
3 provide adequate means for the financing of off-street park-
4 ing in city and town centers; and that without sufficient park-
5 ing, it is extremely difficult for downtown businesses to draw
6 customers, notwithstanding the substantial state and local
7 economic development efforts now underway in many cities
8 and towns.

9 It is further found and declared that state assistance to
10 municipalities for the construction of parking facilities would
11 provide a significant public stimulus to private investment in
12 the Commonwealth's commercial areas thereby, helping to
13 ensure successful revitalization projects wherein jobs are
14 created, sales and property tax revenues increased, and exist-
15 ing public facilities are used more efficiently.

1 SECTION 2. Any city in the Commonwealth or any towns
2 having a population of twenty thousand or greater according
3 to the last national census, may establish a program for the
4 purpose of providing sufficient public off-street parking facil-
5 ities within a predominantly commercial area as set forth in
6 a commercial area revitalization plan established pursuant to
7 subsection (k) of section 12 of chapter 40D of the General
8 Laws, hereinafter called a commercial area revitalization dis-
9 trict.

10 The mayor of any city, except a city with a Plan E form of
11 government in which case it shall be the city manager or the
12 board of selectmen or the town council in a town may desig-
13 nate or establish any agency, board, commission, department,

14 or authority in the city or town, hereinafter called the au-
15 thority, to act on behalf of the city or town as the authority
16 responsible for the preparation, development, and implementa-
17 tion of said program. Upon such designation, said authority
18 shall have all the powers necessary and convenient to carry
19 out the purposes of this act. Such powers shall include:

20 a. The power to acquire by purchase, gift, or other devise,
21 or by eminent domain under chapter seventy-nine and chap-
22 ter eighty A of the General Laws, and to hold such property,
23 real or personal, or any interest therein located in a com-
24 mercial area revitalization district within the city or town,
25 as the authority determines necessary to provide sufficient
26 public off-street parking facilities within said district.

27 b. The power to clear, grade, surface, and resurface land
28 acquired or used for the purpose of this act, and to construct,
29 reconstruct, operate, and maintain thereon such facilities for
30 public off-street parking as are determined necessary for said
31 district, and to annually set such rates to be charged for use
32 of such facility by the public as the authority determines ap-
33 propriate.

34 c. The power to contract for service for a maximum period
35 not exceeding five years. The power to lease for a period not
36 exceeding ninety-nine years, as lessee, or to purchase air
37 space about any real property within the boundaries of any
38 commercial area revitalization district located within the city
39 or town, and to construct said public off-street parking facil-
40 ities within such air space. Said authority may also similarly
41 lease or purchase such parts of real property below such air
42 space as may be necessary for structural supports and means
43 of ingress and egress to and from the public off-street parking
44 facility to be constructed within such air space.

45 d. The power to lease all or part of any public off-street
46 parking facility to be used, operated, and maintained by the
47 lessee, or lessees, for public parking and other compatible
48 uses, upon such terms as the authority shall determine pro-
49 vided, however, that any rate schedule shall be reviewed and
50 approved annually by the authority, and also set forth regu-
51 lations with respect to the use, operation, and occupancy of
52 the property demised.

1 SECTION 3. The secretary of the executive office of com-
2 munities and development, hereinafter the Secretary, in con-
3 sultation with the secretary of the executive office of trans-
4 portation and construction, is hereby authorized to establish
5 a program to assist cities and towns in implementing any
6 program to provide public off-street parking facilities in com-
7 mercial area revitalization districts pursuant to section one of
8 this act. Said Secretary may, from funds provided in section
9 five of this act, provide grant funds to any city or town in an
10 amount determined equitable by the Secretary, for implement-
11 ing such a program; provided, however, that said program has
12 been approved by the Secretary in consultation with the sec-
13 retary of transportation and construction and provided that
14 the amount of such grant shall not exceed eighty percent of
15 the cost of undertaking a project pursuant to such a program.
16 In determining whether to approve a program, and in de-
17 termining the level of reimbursement, the Secretary shall
18 consider, among others, the following factors: the extent to
19 which the program will have a beneficial impact upon revitali-
20 zation efforts within the district, the extent to which the pro-
21 gram is integral to the success of such efforts, the extent of
22 firm private financial commitment to the district, the per-
23 centage of the population of the city or town which is below
24 the poverty level, and the percent by which the equalized tax
25 rate of the city or town exceeds the statewide average.

1 SECTION 4. To meet the expenditures necessary in carry-
2 ing out the provisions of section three of this act, the State
3 Treasurer shall, upon the request of the Secretary of the Ex-
4 ecutive Office of Communities and Development, with the ap-
5 proval of the Governor, issue and sell at public or private
6 sale, bonds or notes of the Commonwealth, registered or with
7 interest coupons attached, as he may deem best, to an amount
8 specified by the Governor from time to time, but not exceed-
9 ing in the aggregate \$50,000,000. All bonds or notes issued
10 by the Commonwealth as aforesaid shall be designated on
11 their face as Parking Facilities Reimbursement Loan Act of
12 1979, and shall be on the serial payment plan for such maxi-
13 mum term of years, not exceeding 40 years as the Governor

14 may recommend to the General Court pursuant to section
15 three of Article LXII of the Amendments to the Constitution
16 of the Commonwealth, the maturities thereof to be so ar-
17 ranged that the amounts payable in the several years of the
18 period of amortization, other than the final year, shall be as
19 nearly equal as in the opinion of the State Treasurer it is
20 practicable to make them. Said bonds or notes shall bear in-
21 terest semi-annually at such rate as the State Treasurer, with
22 the approval of the Governor, shall fix. The initial maturities
23 of such bonds or notes shall be payable not later than one year
24 from the date of issue thereof and the entire issue not later
25 than December 31, 2019.

1 SECTION 5. Chapter 44, Section 7 is amended by adding a
2 new subsection (20) as follows: —

3 For the construction of off-street parking facilities in pre-
4 dominantly commercial areas as set forth in a commercial
5 area revitalization plan as defined in subsection (k) of section
6 12 of Chapter 40D of the General Laws, twenty years, but the
7 indebtedness shall not exceed three percent of the last pre-
8 ceding equalized valuation of the city or town.

1 SECTION 6. Chapter 40D of the General Laws, as most re-
2 cently amended by Chapter 495 of the Acts of 1978, is hereby
3 amended by striking out in paragraph (2) of section 1 the
4 words "thirty-five" and inserting in place thereof the follow-
5 ing word: — twenty.

