

By Mr. Paleologos of Woburn, petition of Nicholas A. Paleologos for legislation relative to assisting cities and towns in financing the construction of off-street parking facilities in commercial area revitalization districts. Transportation.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-One.

AN ACT TO ASSIST 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. Clause (1) of section 1 of chapter 40D of the  
2 General Laws, as appearing in section 1 of chapter 495 of the acts of  
3 1978, is hereby amended by striking out the second sentence and  
4 inserting in place thereof the following sentence: — In any city or in  
5 a town with a population exceeding fourteen thousand according  
6 to the last most recent national census or in a city or town which in  
7 the opinion of the secretary of communities and development is a  
8 regional center, subject to the provisions of clause (k) of subsection  
9 (2) of section twelve, industrial enterprise shall also include com-  
10 mercial enterprise, which shall mean the conduct of a trade or  
11 business.

1 SECTION 2. Chapter 40D of the General Laws is hereby  
2 amended by adding after section 22 the following two sections: —

3 *Section 23.* Any city or any town having a population exceed-  
4 ing fourteen thousand according to the last national census of any  
5 city or town which in the opinion of the secretary of communities  
6 and development is a regional center may undertake a project for  
7 the purpose of providing sufficient public off-street parking facili-  
8 ties within a predominantly commercial area as set forth in a

9 commercial area revitalization plan established pursuant to clause  
10 (k) of subsection (2) of section twelve, hereinafter called a commer-  
11 cial area revitalization district.

12 The mayor of any city, or in a city with a Plan D or Plan E  
13 charter, the city manager, or the board of selectmen, or the town  
14 council in a town may designate or establish an agency, board,  
15 commission, department, or authority in the city or town, hereinaf-  
16 ter called the agency, to act on behalf of the city or town to develop  
17 and implement said project. Upon such designation or establish-  
18 ment, the city or town, acting by and through the agency, shall have  
19 all the powers necessary to carry out the purpose of this section.  
20 Such powers shall include: —

21 a. The power to acquire by purchase, gift, or otherwise, or by  
22 eminent domain under chapter seventy-nine and chapter eighty A,  
23 and to hold such property, real or personal, or any interest therein  
24 located in a commercial area revitalization district within the city  
25 or town, as the agency 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 section, and to own,  
29 construct, reconstruct, operate, and maintain thereon such facili-  
30 ties for public off-street parking as are determined necessary for  
31 said district, and to annually set such rates to be charged for use of  
32 such facility by the public as the agency determines appropriate.

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

43 d. The power to lease all or part of any public off-street parking  
44 facility to be used, operated, and maintained by the lessee, or  
45 lessees, for public parking and other compatible uses, upon such  
46 terms as the agency shall determine provided, however, that any

47 rate schedule shall be reviewed and approved annually by the  
48 agency, and also set forth regulations with respect to the use,  
49 operation, and occupancy of the property demised.

50 e. The power to operate and maintain on behalf of a city, if so  
51 designated by the mayor thereof, all other parking facilities, on-  
52 street or off-street, or any portion thereof operated and maintained  
53 by such city.

54 *Section 24.* The secretary of communities and development, in  
55 consultation with the secretary of transportation and construction,  
56 is hereby authorized to establish a program to assist cities and  
57 towns in undertaking any project to provide public off-street park-  
58 ing facilities in commercial area revitalization districts pursuant to  
59 a section twenty-three. The secretary of communities and develop-  
60 ment may, from funds provided, provide grant funds to any city or  
61 town in an amount determined equitable by said secretary of  
62 communities and development, to undertake such a project, pro-  
63 vided, however, that said project has been approved by said secre-  
64 tary of communities and development in consultation with the  
65 secretary of transportation and construction and provided that the  
66 amount of such grant shall not exceed seventy percent of the cost of  
67 undertaking a project. In determining whether to approve a pro-  
68 ject, and in determining the level of the grant, said secretary of  
69 communities and development shall consider, among others, the  
70 following factors: whether the project is consistent with the com-  
71 mercial area revitalization plan for the district, the extent to which  
72 the project will have a beneficial impact upon revitalization efforts  
73 within the district, the extent to which the project is integral to the  
74 success of such efforts, the extent of firm private financial commit-  
75 ment to the district, the percentage of the population of the city or  
76 town which is below the poverty level, and the percent by which the  
77 equalized tax rate of the city or town exceeds the statewide average.

1 SECTION 3. Section 7 of chapter 44 of the General Laws is  
2 hereby amended by adding after clause (25), added by chapter 121  
3 of the acts of 1977, the following clause: —

4 (26) For the construction of off-street parking facilities in pre-  
5 dominantly commercial areas as set forth in a commercial area  
6 revitalization plan as defined in clause (k) of subsection (2) of

7 section twelve of chapter forty D, twenty years, but the indebted-  
8 ness shall not exceed three percent of the last preceding equalized  
9 valuation of the city or town.

1 SECTION 4. To meet the expenditures necessary in carrying  
2 out the provisions of this act, the state treasurer shall, upon the  
3 request of the secretary of communities and development, with the  
4 approval of the governor, issue and sell at public or private sale,  
5 bonds or notes of the commonwealth, registered or with interest  
6 coupons attached, as he may deem best, to an amount specified by  
7 the governor from time to time, but not exceeding in the aggregate  
8 twenty-five million dollars. All bonds or notes issued by the com-  
9 monwealth as aforesaid shall be designated on their face as Parking  
10 Facilities Reimbursement Loan Act of 1979, and shall be on the  
11 serial payment plan for such maximum term of years, not exceed-  
12 ing forty years as the governor may recommend to the general  
13 court pursuant to section three of Article LXII of the Amendments  
14 to the Constitution of the commonwealth, the maturities thereof to  
15 be so arranged that the amounts payable in the several years of the  
16 period of amortization, other than the final year, shall be as nearly  
17 equal as in the opinion of the state treasurer it is practicable to  
18 make them. Said bonds or notes shall bear interest semi-annually  
19 at such rate as the state treasurer, with the approval of the gover-  
20 nor, shall fix. The initial maturities of such bonds or notes shall be  
21 payable not later than one year from the date of issue thereof and  
22 the entire issue not later than December thirty-first, two thousand  
23 nineteen.