
Chapter 237. AN ACT RELATIVE TO FREEDOM OF EMPLOYMENT IN THE BROADCASTING INDUSTRY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 149 of the General Laws is hereby amended by adding the following section:-

Section 186. Any contract or agreement which creates or establishes the terms of employment for an employee or individual in the broadcasting industry, including, television stations, television networks, radio stations, radio networks, or any entities affiliated with the foregoing, and which restricts the right of such employee or individual to obtain employment in a specified geographic area for a specified period of time after termination of employment of the employee by the employer or by termination of the employment relationship by mutual agreement of the employer and the employee or by termination of the employment relationship by the expiration of the contract or agreement, shall be void and unenforceable with respect to such provision. Whoever violates the provisions of this section shall be liable for reasonable attorneys' fees and costs associated with litigation of an affected employee or individual.

SECTION 2. This act shall apply to contracts entered into on or after its effective date.

Approved August 7, 1998.

Chapter 238. AN ACT PROHIBITING THE DISCLOSURE OF THE NAMES AND TELEPHONE NUMBERS OF DEPARTMENT OF SOCIAL SERVICE PERSONNEL.

Be it enacted, etc., as follows:

Section 10 of chapter 66 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word "services", in line 65, the following words:- , department of social services.

Approved August 7, 1998.

Chapter 239. AN ACT FURTHER REGULATING THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (g) of section 1 of chapter 708 of the acts of 1966, as amended by section 1 of chapter 855 of the acts of 1970, is hereby further amended by inserting after the word "rehabilitated", in line 2, the following words:- , refinanced for continued use.

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SECTION 2. Paragraph (*h*) of said section 1 of said chapter 708, as amended by section 2 of chapter 264 of the acts of 1982, is hereby further amended by striking out, in line 5, the word "twenty-five" and inserting in place thereof the following figure:- 30.

SECTION 3. Said section 1 of said chapter 708 is hereby further amended by adding the following two paragraphs:-

(*m*) "Community based residence", a residential unit constructed or rehabilitated to accommodate clients under the care, treatment or supervision of an agency of the commonwealth including, but not limited to, the departments of mental health, mental retardation and public health or any successors thereto.

(*n*) "Elderly housing", housing that is specifically intended, designed or operated to assist persons 62 years of age or older or otherwise designated as housing for older persons pursuant to the provisions of the Federal Fair Housing Act, 42 USC 3601, et seq.

SECTION 4. Section 2 of said chapter 708, as most recently amended by section 32 of chapter 722 of the acts of 1989, is hereby further amended by adding the following paragraph:-

It is hereby further found that there is insufficient housing which is accessible to and suited for physically and mentally handicapped persons who are otherwise capable of living in community settings. Persons of low and moderate income frequently do not have the resources to finance the acquisition or construction of new housing or the necessary accommodations or modifications and adaptations of existing housing and there is a shortage of decent, safe and sanitary housing that offers the necessary supportive services for persons with mental disabilities or other special needs. Such shortage of decent, safe and sanitary housing results in the continued hospitalization or institutionalization of a number of mentally disabled and other persons who desire to and can live independently in the community and who will benefit substantially from placement in a private, community based residence. Private enterprise, without the assistance contemplated by this act, cannot achieve the modification or adaptation of existing housing into community based residences nor the construction of community based residences. To address such problems, the Massachusetts Housing Finance Agency shall have the power to: (*i*) raise funds from private investors in order to make low interest rate funds available for the acquisition, construction, adaptation and rehabilitation of housing designed to meet the needs of physically or mentally handicapped individuals and their families, (*ii*) insure residential or construction or permanent or rehabilitation loans for community based residences; and (*iii*) provide technical assistance to low income persons and families applying for residential loans and to sponsors of community based residences.

SECTION 5. Paragraph (*a*) of section 4 of said chapter 708 is hereby amended by inserting after the word "acquisition", inserted by section 2 of chapter 679 of the acts of 1989, the following words:- , continued use.

SECTION 6. Said section 4 of said chapter 708 is hereby further amended by adding the following paragraph:-

(*z*) Notwithstanding any provision herein to the contrary, make loans for the purpose

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of financing the construction or acquisition and rehabilitation of community based residences. In conjunction therewith, the MHFA is authorized to make low interest loans including, but not limited to, construction or permanent loans for community based residences. The MHFA shall publish regulations governing the making of such loans.

SECTION 7. Section 4A of said chapter 708, as inserted by section 12 of chapter 679 of the acts of 1989, is hereby amended by inserting after the word "housing", in line 4, the following words:- not less than 25 per cent of which is.

SECTION 8. Said section 4A of said chapter 708 is hereby further amended by adding the following two paragraphs:-

(o) Establish a lead paint abatement loan program throughout the commonwealth in consultation with the department of public health or such agency as the governor shall designate, the purpose of which shall be to assist residential property owners in financing the abatement and containment of lead paint hazards. Not less than one-half of funds allocated for this program shall be distributed to agencies and organizations serving high risk areas and communities designated by the department of public health or by such agency as the governor shall designate.

(p) Administer on behalf of any agency of the commonwealth a program of rehabilitation or home improvement for the benefit of low and moderate income persons or families.

SECTION 9. Paragraph (b) of section 5 of said chapter 708, as amended by section 3 of chapter 632 of the acts of 1979, is hereby further amended by inserting after the word "profit", in line 4, the following words:- and federal, state or local agencies or departments.

SECTION 10. Paragraph (g) of said section 5 of said chapter 708 is hereby amended by striking out clause (1), as appearing in section 1 of chapter 546 of the acts of 1982, and inserting in place thereof the following clause:- (1) that low income persons and families can afford the adjusted rentals, including the provision of heat, electricity and hot water, set for 20 per cent of the units in the project on the basis of the use of not more than 30 per cent of the qualifying income for such housing or such greater portion of their annual income as required by laws, regulations or guidelines applicable to any affordable housing program of an agency of the United States government, or the commonwealth or any agency thereof, to be used in connection with the proposed project;

SECTION 11. Paragraph (i) of said section 5 of said chapter 708, as amended by section 18 of chapter 679 of the acts of 1989, is hereby further amended by adding the following two sentences:- The MHFA and its successors and assigns also may release a disposition agreement at any time if the MHFA determines that such release will preserve affordable housing that would otherwise be converted to market rate housing or if it otherwise finds that such release will further the specific purposes of this act. Notwithstanding the foregoing, the provisions of this section shall not apply to mortgages purchased by the MHFA from the United States or any agency thereof.

SECTION 12. Paragraph (a) of section 6 of said chapter 708, as most recently amended by section 22 of chapter 574 of the acts of 1983, is hereby further amended by striking out clause (3) and inserting in place thereof the following clause:- (3) adjusted rental,

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which is the below market rate rental, further adjusted downward so that such adjusted rental, including the provision of heat, electricity and hot water, will be affordable by low-income persons and families without such persons and families having to expend more than 30 per cent of the maximum income amount which would make them eligible for units owned or leased by the housing authority in the city or town in which the development or the residence is located or, in the event that there is no housing authority, no more than 30 per cent of that amount which is established as the maximum for eligibility for low-rent units by the department of housing and community development. In the event, however, that housing is provided under an affordable housing program of an agency of the United States government, or the commonwealth or any agency thereof, the adjusted rental may exceed 30 per cent of the income limits set forth above, provided it shall not exceed the maximum percentage allowed by the applicable laws, regulations, or guidelines of such affordable housing program.

SECTION 13. The fourth sentence of section 7 of said chapter 708, as most recently amended by section 4 of chapter 259 of the acts of 1985, is hereby further amended by striking out, in lines 10 and 11, the words "community affairs" and inserting in place thereof the following words:- housing and community development.

SECTION 14. Paragraph (b) of section 8 of said chapter 708 is hereby amended by striking out the last sentence, as most recently amended by chapter 366 of the acts of 1992, and inserting in place thereof the following sentence:- The aggregate principal amount of notes and bonds of the MHFA issued to make loans pursuant to section 5A outstanding at any one time shall not exceed the sum of \$2,200,000,000.

SECTION 15. Said section 8 of said chapter 708 is hereby further amended by striking out paragraph (f), added by section 14 of chapter 264 of the acts of 1982.

SECTION 16. Section 9C of said chapter 708, as most recently amended by section 7 of chapter 259 of the acts of 1985, is hereby further amended by striking out the last paragraph.

SECTION 17. The first paragraph of section 10 of said chapter 708 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In the discretion of the MHFA bonds and notes issued by it shall be secured by a trust agreement by and between the MHFA and a trustee, which may be any trust company or bank doing business within the commonwealth having the powers of a trust company.

SECTION 18. The second paragraph of said section 10 of said chapter 708 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- It shall be lawful for any bank or trust company doing business within the commonwealth to act as depository of the proceeds of bonds and notes or of revenues and to furnish such indemnifying bonds or to pledge such securities as may be required by the MHFA.

Approved August 7, 1998.