

HOUSE No. 4065

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel J. Ryan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve and modernize planning and community development in the city of Boston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>6/8/2023</i>

HOUSE No. 4065

By Representative Ryan of Boston, a petition (subject to Joint Rule 12) of Daniel J. Ryan (with the approval of the mayor and city council) for legislation to improve and modernize planning and community development in the city of Boston. Community Development and Small Businesses. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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:

1 Section 1. Statement of Purpose. It is the intent and purpose of this act to provide the
2 city of Boston, in this act called the city, with the tools and powers necessary to guide certain
3 public and private investments, and to otherwise address the issues and achieve the goals
4 expressed further in this act, all of which are designed to make the city a more resilient,
5 affordable and equitable community. It is further the intent of this act to encourage, to the
6 maximum extent practicable, the increased cooperation and coordination between the city and
7 the Boston Planning & Development Agency, in this act called the agency, through additional
8 and comprehensive planning citywide, through increased transparency and public participation in
9 the activities of the agency, and through the sharing, transfer and efficient deployment of
10 personnel, funds, land and other resources. The powers and duties to be carried out in
11 accordance with the provisions of this act shall be carried out in a manner to promote equity

12 amongst all, and that is, to the maximum extent practicable, fair, and equitable to all of the city's
13 residents and businesses.

14 Section 2. Declaration of Necessity. It is hereby declared that there exists in the city
15 (a) areas that suffer disproportionately from historically inequitable treatment and lack of access
16 to opportunities afforded to the city as a whole, creating wide disparities with respect to equality
17 of economic opportunity, health, safety and quality of life; (b) a crisis created by the lack of
18 affordability in the city for the city's businesses and residents measured against continual and
19 high demand; and (c) threats to large areas of the city brought about by the effects of the changes
20 to climate; that each of these issues has been extensively documented in studies and reports
21 contributing to the passage of this act; that resiliency, affordability and equity are issues that
22 require governmental intervention to be properly and comprehensively addressed; that each of
23 these issues presents a threat, and contributes substantially, to the safety, health, and quality of
24 life of the residents of and companies doing business in the city, necessitating excessive and
25 disproportionate expenditure of public funds for the preservation of the public health and safety
26 and quality of life and for the maintenance of adequate public spaces, services and facilities; that
27 the city requires additional tools that are adaptable for today's economy and the economy of the
28 future and the technology that is available today and that will be further advanced in the future;
29 that these tools are necessary to create additional opportunities and guide the types of public and
30 private investments deemed necessary to achieve the objectives of this act; that each of these
31 issues constitute an economic and social liability which substantially impairs the city; that each
32 of these issues decrease the value of private investments and threatens the sources of public
33 revenue and the financial stability of communities within the city; that because of the economic
34 and social interdependence of different communities and of different areas within the city and

35 because of the critical need to address the needs of all of the city's citizens in an equitable
36 manner, the redevelopment of land in accordance with one or more plans to address the issues
37 that are the subject of this act are necessary; that, while some actions may be accomplished
38 through existing means and law and through the operations of private action, through publicly
39 initiated action, or through a combination of both private and public action, in cases where it is
40 found that private actions taken alone are unlikely to remedy the conditions that lead to these
41 issues, the actions authorized by this act, including but not limited to, the construction, financing,
42 restoration, renovation, rehabilitation, preservation, or removal of structures and the acquisition
43 and disposition of property as circumstances may warrant, and the general improvement of sites
44 for these purposes is necessary to accomplish these objectives; the disposition of the property for
45 the purpose of the foregoing, the exercise of powers consistent with this act and any assistance
46 which may be given by the city and the agency created by this act are public uses and purposes
47 for which public money may be expended and the power of eminent domain exercised; and that
48 the acquisition, planning, clearance, conservation, restoration, renovation, rehabilitation,
49 preservation or rebuilding of such areas for such purposes, including the provision of multi-
50 modal and complete streets, enhancements and improved access to transit facilities, parks, flood
51 control structures, greenways, technological infrastructure, recreational areas and other spaces
52 and improvements in housing and commercial properties, are public uses and benefits for which
53 private property may be acquired by eminent domain or regulated by reasonable orders, laws and
54 directions and for which public funds may be expended for the betterment of the city.

55 It is hereby further declared that there is a serious issue of affordability in the city,
56 including a shortage of housing in the city that can be afforded by persons and families of low
57 and moderate income and including other issues of affordability in many forms including the

58 ability for Bostonians to incubate, launch and grow businesses; that it is in the best interest of the
59 commonwealth to encourage programs to provide jobs, opportunities, housing and other
60 assistance for such persons without imposing on them undue financial hardship; and that in
61 undertaking such programs and assistance using the tools and the powers set forth in this act, the
62 agency will be able to promote the health and prosperity of all citizens of the city, and thereby
63 serve a public purpose for the benefit of the general public.

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

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

78 Section 3. Definitions.

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

81 “agency,” the Boston Planning & Development Agency.

82 “authority,” the Boston Redevelopment Authority.

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

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

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

93 “city,” the city of Boston.

94 “community development,” actions, projects, or activities that develop and improve the
95 city or its neighborhoods in ways consistent with the powers and duties of the agency and the
96 objectives of this act, including but not limited to (i) creating or expanding economic,
97 educational, transportation, or housing opportunities for low and moderate income people; (ii)
98 creating or expanding economic opportunities for new or existing local businesses; (iii)
99 establishing, improving, or enhancing public facilities, public social services, or physical or

100 technological infrastructure; or (iv) improving, revitalizing, preserving, conserving, or
101 rehabilitating the built environment or the natural environment.

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

103

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

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

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

112 “zoning commission,” the Boston Zoning Commission.

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

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

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

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

123 (a) There shall be a public body politic and corporate to be known as the Boston
124 Planning & Development Agency, in this act called the agency. The agency is hereby constituted
125 as a public instrumentality of the city and the exercise by the agency of the powers conferred by
126 this act shall be considered to be the performance of an essential governmental function.

127 (b) Subject to the limitations set forth in this act, the agency is hereby constituted as a
128 redevelopment authority of the city, and shall have all of the powers and duties conferred on
129 redevelopment authorities pursuant to chapter 121B.

130 (c) The agency shall also have all of the powers and duties of the Boston
131 Redevelopment Authority as set forth in chapter 652 of the acts of 1960, as amended.

132 (d) The agency shall also have all of the powers and duties of the economic
133 development and industrial corporation of Boston as set forth in chapter 1097 of the acts of 1971,
134 as amended, and all of the powers and duties conferred on economic development and industrial
135 corporations pursuant to chapter 121C .

136 (e) The agency shall be managed, controlled and governed by a board of five
137 members who shall be appointed and shall serve in accordance with the requirements of chapter
138 121B.

139 (f) Until such time as the authority and the corporation are abolished pursuant to
140 sections 5 and 6 of this act, the agency shall work with the authority and the corporation toward
141 the completion of an orderly transition of all matters detailed in section 15 of this act.

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

143 (a) Section 12 of chapter 652 of the acts of 1960, as most recently amended by
144 section one of chapter 341 of the acts of 1993, is hereby amended by deleting the final
145 paragraph.

146 (b) Section 3 of the boston zoning enabling act is hereby further amended by striking
147 the second sentence of that section and replacing it with the following:-

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

155 (c) Section 8 of said enabling act is hereby further amended by striking the words
156 “Boston Redevelopment Authority” where they appear in the seventh and ninth paragraphs of
157 that section and replacing them with the words:- “Boston Planning & Development Agency.”

158 (d) Section 16 of said enabling act is hereby further amended by striking the words
159 “Boston Redevelopment Authority hereinafter referred to as BRA,” as they appear in the second

160 paragraph of that section and replacing them with the words:- Boston Planning & Development
161 Agency hereinafter referred to as the BPDA.”

162 (e) Sections 16, 17, 18, 21 and 22 of said enabling act is hereby further amended by
163 replacing the letters “BRA” each time they appear in said sections with:- “BPDA.”

164 (f) Section 21 of said enabling act is hereby further amended by striking the words
165 “Boston Redevelopment Authority” as they appear in said section and replacing them with:-
166 “Boston Planning & Development Agency.”

167 Section 9. Cooperation Between Agency and City.

168 (a) To the maximum extent determined to be practicable by the agency and the city:

169 (i) the agency shall make use of the services of the agencies, officers and employees
170 of the city and the city shall, if requested, make available such services, all in accordance with
171 the provisions of section 7 of chapter 121B;

172 (ii) the city shall make use of the services of the agency and the agency shall, if
173 requested, make available such services;

174 (iii) property owned by the agency determined by the agency to be no longer
175 necessary in undertaking its statutory and other responsibilities may be transferred to the city,
176 provided that the city shall accept such property subject to any existing lease.

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

181 (a) To prepare and implement plans to address issues pertaining to affordability in the
182 entire city or in such areas of the city as it determines to be necessary, including the creation of
183 new affordable housing and retention of existing affordable housing, and the development of
184 methods to address business incubation and affordability in the city, subject, however, to the
185 requirements of section 11 of this act;

186 (b) To prepare and implement plans to provide for resiliency and to combat the
187 impacts of climate change in the entire city or in such areas of the city as it determines to be
188 necessary, subject, however, to the requirements of section 11 of this act;

189 (c) To prepare and implement community development plans in the entire city or in
190 such areas of the city as it determines to be necessary, subject, however, to the requirements of
191 section 11 of this act;

192 (d) To take necessary action and create policies and programs as needed to ensure the
193 equitable distribution across the city of benefits from development.

194 (e) To create and implement programs to address any historically inequitable
195 distribution of agency resources or historically inequitable policies that may have led to
196 inequities in the growth of the city.

197 (f) To prepare plans to develop and test methods and techniques and to carry out
198 demonstrations to implement projects and programs in furtherance of the objectives of this act;

199 (g) To provide recommendations, advice, technical assistance and staffing to the
200 zoning commission as may be requested by the director from time to time;

201 (h) To create such internal offices, divisions, or departments as it may deem
202 necessary to carry out the provisions of this act;

203 (i) To act as a public economic development agency for the purposes of chapter 30B
204 and to dispose of by sale or lease or to acquire by purchase, lease, eminent domain or otherwise
205 residential, institutional, industrial or commercial real property for purposes in furtherance of this
206 act in accordance with a plan approved by the members of the agency;

207 (j) To enter into, administer, extend, amend and enforce cooperation and other
208 agreements with the city, state and federal agencies and other public and private organizations
209 and persons to further the objectives of this act, subject, however, to the provisions of applicable
210 law;

211 (k) To conduct research, issue reports and engage in similar activities consistent with
212 its powers as detailed in this act; and

213 (l) To perform any of the following acts in any location in the city irrespective of
214 whether such location is included within an area covered by a plan adopted in accordance with
215 this act: to make confirmatory eminent domain takings in order to confirm title to real estate; to
216 make and receive loans to or from any party, to receive gifts from any party, and to make
217 investments all for purposes consistent with this act; to acquire and transfer property
218 discontinued by the public improvement commission or other city entity; to grant or receive
219 utility easements; and to acquire or transfer a property interest to or from another public entity.

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

222 The following requirements shall apply to plans proposed pursuant to sections
223 10(a), 10(b) and 10(c) of this act.

224 (a) Whenever the agency determines that such a plan should be implemented, it shall
225 first submit said plan to the mayor of the city for approval. Such application shall be
226 accompanied by the plan, a statement of the proposed method for financing the activities
227 contemplated in the plan, and any such other information as the agency in its discretion deems
228 advisable.

229 (b) Whenever a public hearing on a plan is held, notice thereof shall be sent to the
230 Boston Landmarks Commission together with a map indicating the area included in such plan.

231 (c) No such plan shall be implemented until a public hearing on such plan has been
232 held after notice provided in the manner required by section 20 of chapter 30A before the agency
233 and the plan has been approved by the members of the agency and the mayor.

234 (d) Every plan submitted to the mayor for approval shall include a description of the
235 goals of the plan, the areas to be impacted by the plan and a statement describing how the plan is
236 consistent with the planning conducted in those areas, the proposed public and private
237 improvements proposed as a part of the plan, and a financial plan associated with the plan
238 together with findings by the members of the agency that the plan is consistent with this act and
239 will further the agency's public purposes, and shall include a relocation plan prepared in
240 accordance with the requirements of chapter seventy-nine A to the extent required by applicable
241 law.

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

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

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

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

260 (iii) Any provision in this subsection to the contrary notwithstanding, when the
261 location of a proposed plan has been determined, the agency may, without awaiting the approval
262 of the department, proceed to acquire or otherwise obtain control of such property within the
263 plan area as is necessary to carry out the objectives of the plan; but it shall not, without the

264 approval of the department if such approval is required by this subsection, unconditionally
265 obligate itself to purchase or otherwise acquire any such property except as provided in section
266 forty-seven of chapter 121B.

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

272 Section 12. Termination and Sunsetting of Urban Renewal Powers.

273 (a) From and after the effective date, notwithstanding any provisions of chapter 121B
274 to the contrary, the agency shall not be authorized to adopt any new urban renewal plan, nor to
275 make any findings pertaining to blighted open, decadent or substandard conditions in the city,
276 but shall, to the extent determined to be necessary or convenient for the agency as determined by
277 its members, remain obligated to perform such actions, to enforce such conditions or to benefit
278 from any restrictions or other provisions as such actions, conditions, restrictions, or other
279 provisions are set forth in any contract or plan in effect as of the effective date

280 (b) To the extent necessary to take an action, to enforce a condition, or to benefit
281 from a restriction or other provision in such plan, the agency is hereby authorized to extend,
282 terminate or amend such urban renewal and other plans that may be in existence as of the
283 effective date subject to the requirements of applicable law and this section, and such additional
284 terms as it may determine to be appropriate.

285 (c) Notwithstanding the provisions of any general or special law, contract or urban
286 renewal plan to the contrary, prior to and upon the termination of any urban renewal plan, the
287 agency shall be entitled to continue to enforce such conditions or to benefit from any restrictions
288 or other provisions, as such actions, conditions, restrictions, or other provisions are set forth in
289 any contract or plan in effect as of the effective date through December 31, 2060, provided that
290 the agency shall be authorized to terminate, extend, modify or amend any such condition,
291 restriction or other provision by agreement.

292 (d) In preparing, adopting and implementing any resiliency, affordability, community
293 development or other plans authorized by this act, the agency shall, except as modified by the
294 provisions of this act, be subject to the requirements and shall have all of the powers set forth in
295 chapter 121B.

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

297 The agency is authorized, with the approval of the mayor of the city, to enter into loans,
298 grants, contracts and other agreements with the local, state, federal, or other government entity
299 relative to the acceptance or borrowing of funds or other assistance for any project it is
300 authorized to undertake in accordance with this act and to secure such local, state, federal and
301 other funds and assistance as may be available, including, without limitation, funding and other
302 assistance made available through chapters 43D and 40R of the general laws, the Community
303 Renewal Tax Relief Act of 2000, the Tax Reform Act of 1986, the Disaster Mitigation Act of
304 2000, the Bipartisan Infrastructure Investment and Jobs Act of 2021, the CHIPS and Science Act
305 of 2022, the Inflation Reduction Act of 2022 and other laws or programs providing funding or
306 other assistance consistent with the provisions of this act, as those laws and programs may be

307 amended and revised from time to time, which loans, grants, contracts and other agreements
308 shall contain such covenants, terms and conditions as the agency and such agency of the
309 government may deem desirable.

310 Section 14. Matters Pertaining to Urban Redevelopment Corporations.

311 (a) Projects undertaken by any entity approved under chapter 652 of the acts of 1960,
312 as amended, and chapter 121A of the general laws shall, in addition to the types of projects
313 authorized by said laws, also include projects authorized under section 10 of this act; provided,
314 that each such project shall be accompanied by a plan and shall be otherwise subject to the
315 requirements of section 11 of this act.

316 (b) The agency shall be authorized to review, improve, approve and monitor any such
317 project or plan in the same manner as provided by chapter 652, as amended, and said chapter
318 121A.

319 Section 15. Transfer of Personnel and Obligations.

320 (a) Notwithstanding any general or special law to the contrary, as of the effective
321 date: -

322 (i) all personnel employed by the authority or the corporation shall become
323 employees of the agency consistent with and subject to the requirements of this act;

324 (ii) all assets, accounts, liabilities, obligations, real and personal property and debt of
325 the authority and the corporation are hereby transferred to the agency, and, without further
326 conveyance or other act, all the assets, accounts liabilities, obligations, real and personal property

327 and debt, as well as all rights, powers and duties of the authority and the corporation shall be
328 transferred to, and assumed by, the agency;

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

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

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

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

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

352 (d) The transfer provided by this act shall be effective upon the effective date and
353 shall bind the agency and all other persons with or without notice and without any further action
354 or documentation.

355 (e) Without derogating from the foregoing, the agency may, from time to time,
356 execute and record and file for registration with any registry of deeds or the land court or with
357 the secretary of the commonwealth, as appropriate, a certificate confirming the agency's
358 ownership of any interest in real or personal property formerly held by the authority or the
359 corporation and transferred pursuant to the provisions of this act and establishing and confirming
360 the rights so transferred.

361 (f) This act shall not limit or impair the rights, remedies, or defenses of the agency,
362 the authority or the corporation in or to any such action including, without limitation, chapter
363 258 of the General Laws; provided, however, that from and after the effective date any action
364 pending related to such rights, remedies or defenses shall continue unabated and may be
365 completed against or by the agency.

366 (g) No existing rights of the holders of the bonds issued by the authority or the
367 corporation shall be impaired, and the agency, as successor in interest to the authority and the
368 corporation, shall maintain the covenants of the trust indentures pertaining to such bonds so long
369 as such bonds shall remain outstanding.

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

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

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

382 (b) The provisions of section 52 of chapter 121B shall not apply to employees of the
383 agency; provided, however, that such section shall continue to apply to any employee of the
384 authority subject to the requirements of such section as of the effective date.

385 (c) All members, officers and employees of the authority and the corporation
386 transferred to the service of the agency shall be transferred without impairment of seniority,
387 retirement or other statutory rights of employees, without loss of accrued rights to benefits,
388 holidays, sick leave, vacation pension, and all other benefits, except as otherwise provided in this
389 act. All employees of the agency shall be eligible for group insurance benefits provided by the
390 group insurance commission or otherwise. Terms of service of employees of the authority and
391 the corporation shall not be deemed to be interrupted by virtue of transfer to the agency.

392 (d) Notwithstanding any general or special law to the contrary, retired employees of
393 the authority and the corporation and the surviving spouses of active or retired employees who
394 are eligible for group insurance coverage pursuant to this section and said chapter 32A shall have
395 said eligibility and coverage transferred to the group insurance commission and shall receive the
396 full extent of benefits provided to employees of the agency. Such persons shall cease to be
397 eligible or insured by the authority or corporation, as applicable. The commission shall provide
398 uninterrupted coverage for group life and accidental death and dismemberment insurance and
399 group general or blanket insurance providing hospital, surgical, medical, dental and other health
400 insurance benefits to the extent authorized under said chapter 32A. All questions relating to
401 group insurance rights, obligations, costs and payments shall be determined solely by the group
402 insurance commission, and shall include the manner and method for the payment of all required
403 premiums applicable to all such coverage.

404 (e) Nothing in this act shall be construed to affect the eligibility and coverage of
405 retired authority or corporation employees and the surviving spouses of active or retired
406 employees who are eligible for group insurance coverage under a plan offered by the authority or
407 corporation or who are insured under a plan offered by the authority or the corporation.

408 (f) Notwithstanding the provisions of any general or special law to the contrary,
409 employees of the agency shall be eligible to become members of the Boston retirement system,
410 and notwithstanding the provisions of any general or special law to the contrary including, but
411 not limited to, paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws,
412 said system shall be responsible for all liability attributable to the service of such employees. The
413 liabilities attributable to the service of such employees shall be recoverable by the city pursuant
414 to the terms of said section 8.

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

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

434 Section 18. Requirement for Audit. Not later than one year from the effective date,
435 the city auditor shall complete and file with the agency, city council, mayor, and office of the
436 state auditor a closeout audit of the authority and the corporation. The audit shall include a

437 catalogue of the status of the authority's and corporation's finances, operations, revenues, debt
438 structure, and internal policies and procedures and the transfer of such matters to the agency.

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

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

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