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<b>Title:</b>	Massachusetts Housing & Urban Renewal Ordinance
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### ***Abstract***

Section twenty three of chapter one hundred and twenty-one B, titled "Housing And Urban Renewal," authorizes a municipality to do "any and all ... things necessary or convenient to aid and cooperate in the planning, construction or operation of a housing, clearance, relocation or urban renewal project within its limits." Such things include the adoption or modification of its zoning rules and regulations, the purchase of any of the bonds or notes of an operating agency and the selling, conveyance or leasing of any of its interests in any property to such agency. The chapter further grants diverse and broad authority to municipalities and their Urban Renewal Housing Authorities, Regional Housing Authorities, or Redevelopment authorities, collectively called urban renewal agencies or operating agencies, in the undertaking of urban redevelopment and affordable housing projects, etc.

### ***Resource***

MASS. GEN. LAWS ch. 121B, § 23 (2004)

§ 23. Permitted Municipal Acts and Activities in Aid of Operating Agencies.

For the purpose of complying with the conditions of federal legislation, or in lieu of a contribution, loan or grant in cash to an operating agency organized within its limits, or to aid and cooperate in the planning, construction or operation of any project of such an agency, a city or town, or the appropriate board or officer thereof on behalf of such city or town, may upon such terms, and with or without consideration, do or agree to do any or all of the following things, as such city, town, board or officer, as the case may be, may determine:--

(a) Sell, convey or lease any of its interests in any property, or grant easements, licenses or any other rights or privileges therein to such agency or to the federal government;

(b) Cause parks, playgrounds or schools, or water, sewer or drainage facilities, or any other public improvements which it is otherwise authorized to undertake, to be laid out,

constructed or furnished adjacent to or in connection with a housing, clearance, relocation or urban renewal project;

(c) Lay out and construct, alter, relocate, change the grade of, make specific repairs upon or discontinue, public ways and construct sidewalks, adjacent to or through a housing, clearance, relocation or urban renewal project;

(d) Adopt ordinances or by-laws under section twenty-five to thirty A, inclusive, of chapter forty or repeal or modify such ordinances or by-laws; establish exceptions to existing ordinances and by-laws regulating the design, construction and use of buildings; annul or modify any action taken or map adopted under sections eighty-one A to eighty-one J, inclusive, of chapter forty-one;

(e) Cause public improvements to be made and services and facilities to be furnished to or for the benefit of an operating agency for which betterments or special assessments may be levied or charges made, and assume or agree to assume such betterments, assessments or charges;

(f) Purchase and hold any of the bonds or notes of an operating agency and exercise all of the rights of a holder of such bonds or notes;

(g) Make available to an operating agency the services of its agencies, officers and employees;

(h) Cause private ways, sidewalks, footpaths, ways for vehicular travel, playgrounds, or water, sewer or drainage facilities and similar improvements to be constructed or furnished within the site of a project for the particular use of the project or of those dwelling therein;

(i) Enter into agreements with an operating agency, the term of which agreements may extend over the period of a loan to the operating agency by the federal government, respecting action to be taken by such city or town pursuant to any of the powers granted by this chapter; and

(j) Do any and all other things necessary or convenient to aid and cooperate in the planning, construction or operation of a housing, clearance, relocation or urban renewal project within its limits.

The entering of a contract under this section between a city or town and the federal government or between a city or town and an operating agency shall not be subject to any provision of law relating to publication or to advertising for bids.

MASS. GEN. LAWS ch. 121B, § 18 (2004)

§ 18. Planning Activities of Cities and Towns; Improvement and Rehabilitation Programs, etc.

Whether or not an operating agency has been created therein any city or town may undertake, itself or by or through any department, board, agency, authority, or office of the city or town, or by or through any operating agency, planning district, metropolitan district, or other public body any planning activities within such city or town for the preparation or completion of master or general plans, a workable program for development of the community, general neighborhood renewal plans, a community renewal project, any other planning study, project or program and a code enforcement project, including the voluntary or compulsory repair and rehabilitation of buildings and improvements, the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, and the provision and repair of streets, curbs, sidewalks, street lighting, tree planting and similar improvements in connection therewith and may authorize such department, board, agency, authority, office, operating agency, district or public body to act as the agent of such city or town in entering contracts for financial assistance for such purposes from the federal government or the commonwealth. Any such city or town may raise and appropriate or agree with such department, board, agency, authority, office, district, operating agency or public body or with the federal government or the commonwealth to raise and appropriate such sums as may be necessary for the purpose.

MASS. GEN. Laws ch. 121B, § 1 (2004)

§ 1. Definitions.

The following words, whenever used in this chapter shall, unless a different meaning clearly appears from the context, have the following meanings:--

"Acquisition cost", the amount prudently required to be expended by an operating agency in acquiring a housing or clearance project.

"Blighted open area", a predominantly open area which is detrimental to the safety, health, morals, welfare or sound growth of a community because it is unduly costly to develop it soundly through the ordinary operations of private enterprise by reason of the existence of ledge, rock, unsuitable soil, or other physical conditions, or by reason of the necessity for unduly expensive excavation, fill or grading, or by reason of the need for unduly expensive foundations, retaining walls or unduly expensive measures for waterproofing structures or for draining the area or for the prevention of the flooding thereof or for the protection of adjacent properties and the water table therein or for unduly expensive measures incident to building around or over rights-of-way through the area, or for otherwise making the area appropriate for sound development, or by reason of obsolete, inappropriate or otherwise faulty platting or subdivision, deterioration of site improvements or facilities, division of the area by rights-of-way, diversity of ownership of plots, or inadequacy of transportation facilities or other utilities, or by reason of tax and special assessment delinquencies, or because there has been a substantial change in business or economic conditions or practices, or an abandonment or cessation of a previous use or of work on improvements begun but not feasible to complete without the aids provided by this chapter, or by reason of any combination of the foregoing or other condition; or a predominantly open area which by reason of any condition or combination of conditions

which are not being remedied by the ordinary operations of private enterprise is of such a character that in essence it is detrimental to the safety, health, morals, welfare or sound growth of the community in which it is situated.

"Clearance project", the demolition and removal of buildings from any substandard, decadent or blighted open area by an operating agency in accordance with subsection (d) of section twenty-six.

"Community development project", a work or undertaking on property which is publicly owned or managed for the installation, improvement, construction, alteration, enlargement, repair, rehabilitation, remodeling or reconstruction of buildings or other structures, facades, streets, roadways, thoroughfares, sidewalks, rail spurs, utility distribution system, water and sewer lines, parks, playgrounds, for site preparation and improvements, including demolition of existing structures, relocation assistance and for other like improvements necessary or desirable for the revitalization of the area in which the project is located or the acquisition of property on which any of the foregoing is being or will be undertaken.

"Community renewal program", any planning work or other undertaking (1) to identify substandard, decadent, and blighted open areas and other deteriorated or deteriorating areas, (2) to measure the nature and degree of blight and blighting factors within such areas, (3) to determine the financial, relocation, and other resources needed and available to restore and renew such areas, (4) to identify potential project areas and, where feasible, types of action proposed within such areas, and (5) scheduling or programming of urban renewal projects and other renewal activities in the community.

"Decadent area", an area which is detrimental to safety, health, morals, welfare or sound growth of a community because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation, or obsolete, or in need of major maintenance or repair, or because much of the real estate in recent years has been sold or taken for nonpayment of taxes or upon foreclosure of mortgages, or because buildings have been torn down and not replaced and under existing conditions it is improbable that the buildings will be replaced, or because of a substantial change in business or economic conditions, or because of inadequate light, air, or open space, or because of excessive land coverage or because diversity of ownership, irregular lot sizes or obsolete street patterns make it improbable that the area will be redeveloped by the ordinary operations of private enterprise, or by reason of any combination of the foregoing conditions.

"Department", the division of housing and community development.

"Development cost", the cost of construction or acquisition of a housing project, as determined by the department, including the costs of planning, engineering, surveying and studies; of acquisition of real estate, including the buildings thereon, site preparation, construction, reconstruction, alteration and repair; of interest on notes issued to temporarily finance the project; and of all other fees and expenses reasonably necessary and incurred or to be incurred in connection with construction or acquisition of a housing

project.

"Elderly persons of low income", persons having reached the age of sixty or over whose annual income is less than the amount necessary to enable them to maintain decent, safe and sanitary housing.

"Families of low income", families and persons whose net annual income is less than the amount necessary to enable them to obtain and maintain decent, safe and sanitary housing.

"Federal government", the United States of America, and any agency or instrumentality corporate or otherwise of the United States of America.

"Federal legislation", any legislation of the Congress of the United States relating to federal assistance for urban renewal, clearance of substandard, decadent or blighted open areas, city or regional planning, rehabilitation, code enforcement, housing, relocation or any related matters, and any regulations authorized thereunder.

"Handicapped persons of low income", persons whose annual net income is less than the amount necessary to enable them to maintain decent, safe and sanitary housing and who have been determined, pursuant to regulations issued by the director of housing and community development to have an impairment which is expected to be of long continued and indefinite duration, which substantially impedes the ability to live independently in conventional housing and which is of such a nature that such ability could be improved by more suitable housing conditions. Except as required by federal law, and notwithstanding any other law to the contrary, a history of alcohol or substance use shall not constitute a qualifying impairment. Eligibility for protection as a handicapped or disabled person under state or federal anti-discrimination laws does not constitute a guarantee of eligibility for housing as a handicapped person of low income as defined herein. A person who has a handicap as defined in paragraph seventeen of section one of chapter one hundred and fifty-one B shall still meet the definition set out herein in order to be eligible for housing as a handicapped person of low income.

"Housing authority", a public body politic and corporate created pursuant to section three or corresponding provisions of earlier laws.

"Housing project", such projects for housing as a housing authority is authorized to undertake under sections twenty-five to thirty-three, inclusive.

"Low rent housing", decent, safe and sanitary dwellings within the financial reach of families or elderly persons of low income, and developed and administered to promote serviceability, efficiency, economy and stability; together with all necessary appurtenances of such dwellings.

"Low rent housing project", (1) a clearance project; or (2) any work or undertaking to provide decent, safe and sanitary dwellings, apartments or other living accommodations for families of low income, which work or undertaking may include buildings, land,

equipment, facilities, and other real or personal property for necessary, convenient and desirable appurtenances, public or private ways, sewers, water supply, parks, site preparation or improvement, or administrative, community, health, recreational, welfare, or other facilities; or (3) the purchase of, or acquisition, otherwise than by eminent domain, of the right to use, completed dwelling units which have been recently constructed, reconstructed or remodeled (whether condominium units, individual buildings part of a larger development, or a portion of the units in a multifamily development); or (4) any combination of the foregoing. Such a project may include the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and other work performed in connection therewith, but construction activity in connection with a project may be confined to the reconstruction, remodeling or repair of existing buildings.

"Mayor", the city manager of the city in all cities having a Plan D or Plan E charter and the duly elected mayor of the city in all other cities. The mayor is hereby designated as the chief executive of the locality for purposes of any approval or action of such officer required by federal legislation.

"Municipal officers", in the case of all cities, the city council with the approval of the mayor, and in the case of all towns, the board of selectmen with the approval of the town manager, if any. The municipal officers are hereby designated as the local governing body for purposes of any approval or action of such body required by federal legislation.

"Operating agency", a housing authority or redevelopment authority.

"Redevelopment authority", a public body politic and corporate created pursuant to section four or corresponding provisions of earlier laws.

"Relocation payments", voluntary payments whether or not required by federal legislation made by an operating agency as reimbursement or compensation for the reasonable moving expenses necessarily incurred and any actual, direct loss of property, except good will or profit, suffered by individuals, families, business concerns and nonprofit organizations, resulting from displacement on or after August twelfth, nineteen hundred and sixty-five, if such displacement is reasonably required to carry out an urban renewal plan or because of the acquisition of property by an operating agency.

Such relocation payments shall not include reimbursement or compensation for any expenses or losses for which reimbursement or compensation would be otherwise made, nor shall any person have any right of action for relocation payments, except as provided by federal legislation or chapter seventy-nine A.

"Relocation project", any work or undertaking for providing decent, safe and sanitary dwellings for persons or families displaced by any urban renewal project or other public improvement by the commonwealth or any city, town or other body politic and corporate of the commonwealth.

"Substandard area", any area wherein dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities or any combination of these factors are detrimental to safety, health or morals.

"Urban renewal agency", the agency described in section nine.

"Urban renewal plan", a detailed plan, as it may exist from time to time, for an urban renewal project, which plan may comply with all requirements from time to time prescribed by federal legislation in order to qualify an urban renewal project for federal financial assistance and which plan shall (1) conform to the general plan for the municipality as a whole and be consistent with any definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational, educational and community facilities and other public improvements; (2) be sufficiently complete to indicate the boundaries of the area, such land acquisition, such demolition, removal, and rehabilitation of structures, and such redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning changes, if any, and proposed land uses, maximum densities and building requirements; and (3) indicate or be accompanied by materials indicating the proposed method for relocation of persons and organizations to be displaced by the project and the availability of and means by which there will be provided dwelling units for such persons substantially equal in number to the number of dwelling units to be rendered temporarily or permanently uninhabitable as a result of carrying out the project. In any case where an educational institution or a hospital is located in or near an urban renewal project area, the urban renewal plan for such project, or a development plan prepared by the hospital or educational institution and approved by the urban renewal agency after due notice and public hearing, may include plans for the development of land, buildings and structures adjacent to or in the immediate vicinity of the project area acquired or to be acquired and redeveloped or rehabilitated by such educational institution for educational uses or by such hospital for hospital uses. Such plans may comply with all requirements of federal legislation as they may exist from time to time relating to noncash grant-in-aid credits for expenditures of such hospitals or educational institutions. After its approval by the urban renewal agency, as aforesaid, any development plan which is not part of an urban renewal plan shall be approved by the planning board, the municipal officers and the department in the same manner as urban renewal plans, except that no further public hearing shall be required.

"Urban renewal project", a project to be undertaken in accordance with an urban renewal plan (1) for acquisition by an urban renewal agency of the land and all improvements thereon, if any, within a decadent, substandard or blighted open area covered by an urban renewal plan and for assembly or clearance by such agency of the land so acquired; or a project (2) for the elimination and for the prevention of the development or spread of a substandard, decadent or blighted open area covered by an urban renewal plan by means of rehabilitation or conservation work, which work may include the promulgation and enforcement of building and other codes within such area or the restoration and renewal of any such area or portion thereof, including the preservation, restoration or relocation of

historical buildings, by carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements or by the acquisition by gift, purchase or eminent domain of land and all improvements thereon, if any, and demolition, removal, or rehabilitation of any such improvements whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, provide land for needed public facilities or otherwise remove or prevent the spread of blight and deterioration; or a project (3) involving any combination of the foregoing types of project. "Urban renewal project" may also include the provision of financial and other assistance in the relocation of persons and organizations displaced as a result of carrying out a project, the installation, construction or reconstruction of public and private ways, public utilities and services, parks, playgrounds, off street parking lots, traffic or fire control and police communications systems and other like improvements necessary for carrying out the objectives of the urban renewal project together with such site improvements as are necessary for the preparation of any sites for uses in accordance with the urban renewal plan, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise or public charitable agencies, including sale, initial leasing or retention by the urban renewal agency itself for residential, recreational, educational, hospital, commercial, industrial, public, charitable or other uses in accordance with the urban renewal plan. "Urban renewal project" may also include the construction by a housing authority of any of the buildings, for residential use, contemplated by the urban renewal plan and the repair, removal or rehabilitation by an operating agency of any of the buildings, structures or other improvements located in the area covered by the urban renewal plan and which, under such plan, are to be repaired, moved or rehabilitated. "Urban renewal project" may also include acquisition by any means other than eminent domain and not involving public expenses of land outside of but adjacent to or in the immediate vicinity of an urban renewal project to be developed for hospital or educational uses under the urban renewal plan, whenever such acquisition is for the purpose of making such land subject to the urban renewal plan and the hospital or educational institution involved consents thereto. The term "redevelopment" shall include "development".

"Urban Revitalization and Development Project", any urban renewal project undertaken after January first, nineteen hundred and eighty-six for such residential, commercial, or industrial redevelopment projects as the department deems appropriate.

"Veteran", any person who is a veteran as defined in clause Forty-third of section seven of chapter four. The word "veteran" as used herein shall also include the spouse, surviving spouse, parent or other dependent of such person.

MASS. GEN. LAWS ch. 121B, § 3 (2004)

### §3. Urban Renewal Housing Authorities in Cities and Towns

There is hereby created, in each city and town in the commonwealth, a public body politic and corporate to be known as the "Housing authority" of such city or town; provided, that no such authority shall transact any business or exercise any powers until the need for a



housing authority has been determined and until a certificate of organization has been issued to it by the state secretary, both as hereinafter provided.

Whenever the municipal officers of a city or an annual or special town meeting shall determine that a housing authority is needed therein for the purpose of the clearance of substandard, decadent or blighted open areas or the provision of housing for families or elderly persons of low income or engaging in a land assembly and redevelopment project, including the preservation, restoration or relocation of historical buildings, it may by vote provide for the organization of such an authority. In determining the need for a housing authority, the city council or the town shall take into consideration the need for relieving congestion of population, the existence of substandard, decadent or blighted open areas or unsanitary or unsafe inhabited dwellings, and the shortage of safe or sanitary dwellings available for families or elderly persons of low income at rentals which they can afford.

Whenever a housing authority determines that there is no further need for its existence, that it has no property to administer, and that all outstanding obligations of the authority have been satisfied, it may by a majority vote of the five members submit the question of its dissolution, in a town, to the voters at an annual town meeting or, in a city, to the municipal officers. If a city or town votes for such dissolution in accordance herewith and the department is satisfied of the existence of the facts required herein it shall so certify to the state secretary and said housing authority shall be dissolved forthwith subject to the applicable provisions of section fifty-one of chapter one hundred and fifty-five.

MASS. GEN. LAWS ch. 121B, § 3A (2004)

§ 3A. Regional Housing Authority in Place of Several Authorities of Cities or Towns; Contract; Resolution of Disputes.

Any number of cities or towns may, with the approval of their respective municipal officers and of the department, create or disband by a contract subject to the approval of the department a regional housing authority, with all of the powers and obligations of the constituent authorities, to act in the place of the several housing authorities, if any, theretofore existing. Such contract shall set forth the rights, powers and obligations of the regional housing authority within the several cities or towns in which it is to operate. Any unresolved dispute which may arise as to the rights, powers or obligations conferred by such contract shall be referred to the department for resolution.

MASS. GEN. LAWS ch. 121B, § 4 (2004)

§ 4. Redevelopment Authorities in Cities and Towns; Organization upon Determination of Necessity; Dissolution.

There is hereby created, in each city and town in the commonwealth, a public body politic and corporate to be known as the "Redevelopment authority" of such city or town; provided, that no such authority shall transact any business or exercise any powers until the need for such an authority has been determined and a certificate of organization has been issued to it by the state secretary, both as hereinafter provided.

Whenever the municipal officers of a city, or the voters at an annual or special town meeting determine that there is a need for a redevelopment authority in such city or town for the purpose of engaging in urban renewal projects or other work under this chapter and that it is in the public interest that such an authority be organized in such city or town, a redevelopment authority shall be organized in such city or town.

Whenever a redevelopment authority determines that there is no further need for its existence, and that all outstanding obligations of the authority have been satisfied, it may by a majority vote of the five members submit the question of its dissolution, in a town, to the voters at an annual town meeting or, in a city, to the municipal officers. If a city or town votes for such dissolution in accordance herewith and the department is satisfied of the existence of the facts required herein, it shall so certify to the state secretary and said redevelopment authority shall be dissolved forthwith subject to the applicable provisions of section fifty-one of chapter one hundred and fifty-five.

MASS. GEN. LAWS ch. 121B, § 9 (2004)

§ 9. Urban Renewal Agencies.

The operating agencies having the powers and subject to the limitations provided in sections forty-five to fifty-seven, inclusive, to be known as urban renewal agencies, shall be:--

(a) each redevelopment authority;

(b) each housing authority of a city or town in which no redevelopment authority has been organized; provided, however, that no housing authority shall initiate an urban renewal project until the municipal officers of a city or an annual or special town meeting shall have determined that there exists in such city or town a need for urban renewal;

(c) each housing authority of a city or town in which a redevelopment authority has been organized, but only with respect to projects initiated by such authority before the organization of a redevelopment authority and subject to section fifty-one.

MASS. GEN. LAWS ch. 121B, § 11 (2004)

§ 11. Powers of Operating Agencies, Generally.

Each operating agency shall have the powers and be subject to the limitations provided in sections one to sixteen, inclusive, shall have the powers necessary or convenient to carry out and effectuate the purposes of the relevant provisions of the General Laws and shall have the following powers in addition to those specifically granted in this chapter:--

(a) To sue and be sued; to have a seal; to have corporate succession;

(b) To act as agent of, or to cooperate with the federal government in any clearance, housing, relocation, urban renewal or other project which it is authorized to undertake;

(c) To receive loans, grants and annual or other contributions from the federal government or from any other source, public or private;

(d) To take by eminent domain under chapter seventy-nine or chapter eighty A, or to purchase or lease, or to acquire by gift, bequest or grant, and hold, any property, real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of this chapter, or any of its sections, and to sell, exchange, transfer, lease or assign the same; provided, that in case of a taking by eminent domain under said chapter seventy-nine, the provisions of section forty of said chapter shall be applicable, except that the security therein required shall be deposited with the mayor of the city or the selectmen of the town in which the property to be taken is situated. Except as herein otherwise provided, the provisions of chapters seventy-nine and eighty A relative to counties, cities, towns and districts, so far as pertinent, shall apply to operating agencies, and the members of a housing or redevelopment authority shall act on its behalf under those chapters.

(e) To clear and improve any property acquired by it;

(f) To engage in or contract for the construction, reconstruction, alteration, remodeling or repair of any clearance, housing, relocation, urban renewal or other project which it is authorized to undertake or parts thereof;

(g) To make relocation payments to persons and businesses displaced as a result of carrying out any such project;

(h) To borrow money for any of its purposes upon the security of its bonds, notes or other evidences of indebtedness, and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenue, including without limitation grants or contributions by the federal government, or in any other lawful manner, and in connection with the incurrence of any indebtedness to covenant that it shall not thereafter mortgage the whole or any specified part of its property or pledge the whole or any specified part of its revenues;

(i) To invest in securities legal for the investment of funds of savings banks any funds held by it and not required for immediate disbursement;

(j) To enter into, execute and carry out contracts with any person or organization undertaking a project under chapter one hundred and twenty-one A;

(k) To enter, with the approval of the mayor or board of selectmen and the department, into agreements with the federal government relative to the acceptance or borrowing of funds for any project it is authorized to undertake and containing such covenants, terms and conditions as the operating agency, with like approval, may deem desirable; provided, however, that nothing herein shall be construed to require approval by the mayor or selectmen or the department of requisition agreements and similar contracts between an

agency and the federal government which are entered into pursuant to an agreement approved by them;

(l) To enter into, execute and carry out contracts and all other instruments necessary or convenient to the exercise of the powers granted in this chapter;

(m) To make, and from time to time amend or repeal, subject to the approval of the department, by-laws, rules and regulations, not inconsistent with pertinent rules and regulations of the department to govern its proceedings and effectuate the purposes of this chapter;

(n) To join or cooperate with one or more other operating agencies in the exercise, either jointly or otherwise, of any of their powers for the purpose of financing, including the issuance of bonds, notes or other obligations and the giving of security therefor, planning, undertaking, owning, constructing, operating or contracting with respect to any project or projects authorized by this chapter located within the area within which one or more of such authorities are authorized to exercise their powers; and for such purpose to prescribe and authorize, by resolution, any operating agency so joining and cooperating with it to act in its behalf in the exercise of any of such powers; and

(o) To lease energy saving systems that replace non-renewable fuels with renewable energy such as solar powered systems.

FORMS Agreement for Professional or Technical Services Relating to Planning Agreement made [-----] [date], between [-----] [housing or redevelopment authority], a public corporation organized under the laws of the Commonwealth of Massachusetts, having its office at [-----] [address], City of [-----] , Commonwealth of Massachusetts, referred to as authority, and [-----] , an individual doing business as [-----] [business name] at [-----] [address], City of [-----] , Commonwealth of Massachusetts, referred to as contractor.

The parties stipulate and recite that:

A. Authority is undertaking certain activities necessary for the planning or execution of a project, situated in the project area described below.

B. Authority desires to engage contractor to render certain technical advice and assistance in connection with such undertakings by authority.

For the reasons set forth above, and in consideration of the mutual covenants and promises of the parties, authority and contractor covenant and agree as follows:

## 1. SCOPE OF SERVICES

Contractor shall perform all the necessary services provided under this contract in connection with and respecting the following project area: [-----] [identify area involved]. Contractor shall do, perform, and carry out, in a satisfactory and proper manner, as

determined by authority, the following: [-----] [specify the character and extent of the professional or technical services to be performed by contractor with clarity and with sufficient detail to preclude questions as to the scope of the services covered by the contract; state the extent and character of any surveys, tests, explorations, studies, investigations, experiments, canvasses, and analyses to be made and, where appropriate, the method to be employed in the collection of the data, and the sources of information prescribed to be used; identify and specify the types of any designs, drawings, estimates, tabulations, reports, recommendations, or other documents to be prepared, indicating the number of copies of any such documents to be submitted; clearly state whether and to what extent the professional or technical services include the review, inspection, coordination, or supervision of work performed by others, and whether consultations, conferences, and other services are included and their nature.]

Authority shall furnish the following data and information to contractor: [-----] [specify data to be furnished, and when and in what manner it will be provided].

## 2. TIME OF PERFORMANCE

The services of contractor are to commence on [-----] [date], and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this contract; but in any event all services required by contract shall be completed within [-----] consecutive calendar days from the date of this contract.

## 3. COMPENSATION

(a) Authority shall pay to contractor the sum of [-----] Dollars (\$ [---] ), which shall constitute full and complete compensation for contractor's services under this contract. Such sum will be paid in the following manner, in every case subject to receipt of a requisition for payment from contractor specifying performance of the work under this contract in conformance with the contract and entitlement to receive the amount requisitioned under the terms of the contract: [-----] [clearly indicate when and in what amounts the compensation is to be paid, specifying what portions will be retained by authority until particular services have been satisfactorily completed as determined by it].

(b) In addition to the compensation provided above, authority shall reimburse contractor [-----] [monthly] for travel and subsistence expenses in connection with the performance of duties under this contract outside the City of [-----] as follows: [-----] [the actual cost of transportation by common carrier or the sum of [-----] cents ( cents) per mile if the travel is performed by privately owned automobile, and not to exceed [-----] Dollars (\$ [---] ) per day for subsistence expenses].

(c) It is expressly understood and agreed that in no event shall the total compensation and reimbursement, if any, to be paid under the contract exceed the maximum sum of [-----] Dollars (\$ [---] ) for all of the services required.

#### 4. LABOR STANDARDS

The following labor standards provisions are applicable to this contract under federal, state, or local law: [-----] [set forth applicable labor standards].

#### 5. TERMINATION

(a) If, through any cause, contractor fails to fulfill, in a timely and proper manner, any obligations under this contract, or if contractor shall violate any of the covenants, agreements, or stipulations of this contract, authority shall have the right to terminate this contract by giving written notice to contractor of such termination specifying the effective date of termination, at least [-----] [number] days before the effective date. In such event, all finished or unfinished documents, data, studies, and reports prepared by contractor under this contract, at the option of authority, shall become its property and contractor will be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

(b) In addition, authority may terminate this contract for its convenience at any time by notice from authority to contractor. If the contract is so terminated by authority, contractor shall be paid an amount that bears the same ratio to the total compensation as the services actually performed bear to the total services of contractor covered by this contract, less payments of compensation previously made.

#### 6. CHANGES IN SCOPE OF SERVICES

Authority, from time to time, may request changes in the scope of the services of contractor to be performed under this contract. Such changes, including any increase or decrease in the amount of contractor's compensation, as are mutually agreed upon by and between authority and contractor, shall be incorporated in written amendments to this contract.

#### 7. SUBCONTRACTING

None of the services covered by this contract shall be subcontracted without the prior written consent of authority. Contractor shall be fully responsible to authority for the acts and omissions of subcontractors, and of persons either directly or indirectly employed by them, as contractor is for the acts and omissions of persons directly employed by [-----] [him or her]. Contractor shall insert in each subcontract appropriate provisions requiring compliance with the labor standards provisions of this contract.

#### 8. ASSIGNABILITY

Contractor shall not assign any interest in this contract, and shall not transfer any interest in the same, whether by assignment or novation, without the prior written approval of authority; provided, however, that claims for money due or to become due contractor from authority under this contract may be assigned to a bank, trust company, or other financial institution, or to a trustee in bankruptcy, without such approval. Notice of any such assignment or transfer will be furnished promptly to authority.

#### 9. INTEREST OF MEMBERS OF AUTHORITY

No member of the governing body of authority, and no other officer, employee, or agent of authority who exercises any functions or responsibilities in connection with the carrying

out of the project to which this contract pertains, shall have any personal interest, direct or indirect, in this contract.

#### 10. INTEREST OF CONTRACTOR

Contractor covenants that [-----] [he or she] presently has no interest and will not acquire any interest, direct or indirect, in the above-described project area or any parcels therein or any other interest that would conflict in any manner or degree with the performance of services under this contract. Contractor further covenants that in the performance of this contract no person having any such interest will be employed.

In witness whereof, the parties have executed this agreement at [-----] [designate place of execution] the day and year first above written.

[Signatures]

MASS. GEN. LAWS ch. 121B, § 46 (2004)

#### §46. Powers of Urban Renewal Agencies

An urban renewal agency shall have all the powers necessary or convenient to carry out and effectuate the purposes of relevant provisions of the General Laws, and shall have the following powers in addition to those specifically granted in section eleven or elsewhere in this chapter:--

(a) to determine what areas within its jurisdiction constitute decadent, substandard or blighted open areas;

(b) to prepare plans for the clearance, conservation and rehabilitation of decadent, substandard or blighted open areas, including plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of laws, codes and regulations relating to the use of land and the use or occupancy of buildings and improvements, plans for the compulsory repair and rehabilitation of buildings and improvements, and plans for the demolition and removal of buildings and improvements;

(c) to prepare or cause to be prepared urban renewal plans, master or general plans, workable programs for development of the community, general neighborhood renewal plans, community renewal programs and any plans or studies required or assisted under federal law;

(d) to engage in urban renewal projects, and to enforce restrictions and controls contained in any approved urban renewal plan or any covenant or agreement contained in any contract, deed or lease by the urban renewal agency notwithstanding that said agency may no longer have any title to or interest in the property to which such restrictions and controls apply or to any neighboring property;

(e) to conduct investigations, make studies, surveys and plans and disseminate information relative to community development, including desirable patterns for land use and community growth, urban renewal, relocation, and any other matter deemed by it to be material in connection with any of its powers and duties, and to make such studies, plans and information available to the federal government, to agencies or subdivisions of the commonwealth and to interested persons;

(f) to develop, test and report methods and techniques and carry out demonstrations for the prevention and elimination of slums and urban blight;

(g) to receive gifts, loans, grants, contributions or other financial assistance from the federal government, the commonwealth, the city or town in which it was organized or any other source; and

(h) In any city whose population exceeds one hundred and fifty thousand, to own, construct, finance and maintain intermodal transportation terminals within an urban renewal project area. As used in this clause an "intermodal transportation terminal" shall mean a facility modified as necessary to accommodate several modes of transportation which may include, without limitation, inter-city mass transit service, rail or rubber tire, motor bus transportation, railroad transportation, and airline ticket offices and passenger terminal providing direct transportation to and from airports. FORMS Basic Agreement for Demolition, Site Preparation, or Rehabilitation Agreement made [-----] [date] between [-----] , an urban renewal agency organized under the laws of the Commonwealth of Massachusetts, having its office at [-----] [address], City of [-----] , County of [-----] , Commonwealth of Massachusetts, referred to as agency, and [-----] [contractor], a corporation organized under the laws of the Commonwealth of Massachusetts, having its principal office at [-----] [address], City of [-----] , County of [-----] , Commonwealth of Massachusetts, referred to as contractor.

For the consideration stated in this agreement, agency and contractor agree as follows:

#### 1. STATEMENT OF WORK

Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation and security services, and perform and complete all work required for [-----] [demolition and site clearance or construction of improvements for site preparation or rehabilitation of real property] with respect to [-----] [identify project] in an efficient and workmanlike manner, as follows: [-----] [describe work], all in strict accordance with the contract documents, referred to in Section 3, including all addenda thereto [-----] [identify addenda by number and date], all as prepared by [-----] , and on file in the office of agency.

#### 2. CONTRACT PRICE

Agency shall pay contractor for performance of the contract, subject to additions and deductions as provided in change orders made in accordance with the terms of the



contract, the sum of [-----] Dollars (], [-----] [if appropriate, add: in addition to and above the value of salvaged materials specified to become the property of contractor].

### 3. CONTRACT

The executed contract documents shall consist of the following:

- (a) This agreement.
- (b) Addenda.
- (c) Invitation for bids.
- (d) Instructions to bidders.
- (e) Signed copy of bid.
- (f) General conditions.
- (g) Special conditions.
- (h) Technical specifications.
- (i) Drawings (as listed in the schedule of drawings).

This agreement, together with the other documents enumerated above, which other documents are as fully a part of the contract as if attached to or repeated in this agreement, forms the contract between the parties, in the event that any provision in any component part of this contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this section shall govern, except as otherwise specifically stated.

In witness whereof, the parties have executed this agreement [-----] [in triplicate] at [-----] [designate place of execution] the day and year first above written.

[Signatures]

<http://www.mass.gov/legis/laws/mgl/121b-23.htm>  
<http://www.mass.gov/legis/laws/mgl/121b-18.htm>  
<http://www.mass.gov/legis/laws/mgl/121b-1.htm>  
<http://www.mass.gov/legis/laws/mgl/121b-3.htm>  
<http://www.mass.gov/legis/laws/mgl/121b-3a.htm>  
<http://www.mass.gov/legis/laws/mgl/121b-4.htm>  
<http://www.mass.gov/legis/laws/mgl/121b-9.htm>  
<http://www.mass.gov/legis/laws/mgl/121b-11.htm>  
<http://www.mass.gov/legis/laws/mgl/121b-46.htm>  
Current as of: November 19, 2004