

Save Our State

**Please vote against: H. 159 / S. 146
“40T: An Act Authorizing Special Development Districts”**

Introduction:

40T (H. 159/ S. 146) allows cities and towns to establish “development districts” aimed at constructing or acquiring capital improvements such as parking facilities, public safety buildings, transportation infrastructure, performing arts facilities, etc.

The districts would be able to issue tax-exempt government bonds, have the authority to tax the property to fund the repayment of the bonds, and would subsequently control the facilities as independent mini-governments.

Concerns:

- ▶ In order to issue tax-exempt government bonds, **the districts will have governmental status**, meaning they will have the following sovereign powers: **taxing power, police power, and/or eminent domain power**. The districts explicitly have the taxing and police powers, and – while the bill does not explicitly mention eminent domain – there is language that suggests eminent domain-like powers. **Thus, this bill privatizes government, creating “mini developer governments” in Massachusetts.**
- ▶ These districts will be political entities of the Commonwealth. Thus, towns will be able to create political subdivisions of the Commonwealth without case-by-case approval by the Commonwealth.
- ▶ There is neither a limit on how many districts can be constructed, nor a limit how long they will last.
- ▶ If 100% of the affected landowners support a project, there is no need for a town meeting vote, only board of selectmen approval. **Thus, a major development in town can go forward in creating its own government if the developers manage to convince three people that it is worthwhile.**
- ▶ **The development districts would be exempt from the following laws:** civil service laws, all laws governing public construction projects, the commonwealth’s conflict of interest laws are limited in their application and the districts also are free from Department of Revenue regulation.
- ▶ It is unclear if the districts could apply for local aid or Chapter 70 funding, and whether the districts’ employees would be eligible for state health care and retirement benefits.

These are just a few of the problems enacting Chapter 40T would bring. Please take action immediately!

If you think 40B is bad, wait until 40T passes. Please contact your local officials about this scary piece of legislation. Ask your friends, family members and neighbors to do the same. Send your feedback to:

Rep. David L. Flynn, House Chair, Joint Committee on Bonding, Capital Expenditures, and State Assets

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