



July 17, 2020

Representative Antonio F. D. Cabral, Chair  
House Committee on Bonding, Capital Expenditures and State Assets  
State House, Room 466  
Boston, MA 02133

Dear Chairman Cabral,

On behalf of the Greater Boston Chamber of Commerce, I am writing to offer testimony on *H.4854, An Act enabling partnerships for growth*. The economic toll of the COVID-19 pandemic and associated economic shutdown is unparalleled. This bill offers a vehicle for much-needed investments in our workforce and reforms to begin the first phase of economic recovery. Just as important, we urge the Legislature to avoid policies that would discourage or hinder economic activity.

We respectfully urge the committee to consider the following provisions and their impact on the state's economy both during the ongoing economic recovery as well as in the future:

**Section 122: Bad Faith Assertions of Patent Infringement**

The Chamber supports legislation targeting bad faith patent demand letters, but a crucial clarification to Section 122 is necessary to protect good actors from unintended consequences. Specifically, language in section 5 exposes original patent owners to lawsuits if someone in the future acts in bad faith. The phrases "otherwise, directly or indirectly, arranged" and "any person who otherwise caused," mean that a patent owner may be responsible for whatever happens with a patent even after it is sold or licensed. For example, if a patent owner sells their patent to a company which then sells it to a patent assertion entity, the entity receiving the bad faith demand letter may be able to argue that the original patent owner is responsible.

In addition, the Chamber urges the committee to retain the provision exempting operating entities, research institutions, higher education institutions, and other legitimate entities in section 2. Language that specifically excludes such entities is important, and without it there could be long-term effects on the willingness of legitimate entities to do the kind of work in Massachusetts that generates patents.

**Reinsert Sections 76-84 and 199 of H.4259: Housing Choice**

The high cost of living in Greater Boston, including the cost of housing, affects the ability of regional employers to attract and retain a talented workforce. Because of this, the Chamber urges the Committee to reinsert Sections 76-84 and 199 from H.4259 which allows local authorities to adopt certain zoning changes that promote best practices in housing production with a simple majority instead of the two-thirds supermajority currently needed. By loosening the supermajority requirement, this bill can spark the momentum needed to solve the state's housing crisis while still balancing existing municipal authority.

The Chamber also supports the following four provisions in H.4854 that aid employers during the recovery from the COVID-19 pandemic and can further stimulate and incentivize economic activity across the state.

**Section 190: Regulatory Approval Extensions**

Section 190 extends certain regulatory approvals in effect between March 10, 2020 and March 10, 2021 for one additional year beyond the lawful term of approval. By reducing this administrative burden, this section grants businesses much-needed flexibility during the economic recovery.

**Sections 117 and 121: Expansion of the Apprenticeship Tax Credit**

Sections 117 and 121 allow the Secretary of Labor and Workforce Development to expand the state's apprenticeship tax credit program to growth industries new to the apprenticeship model and deemed critical to the regional economy.

Work-based trainings, including apprenticeships, are valuable investments in the state's workforce because they offer hands-on learning and develop essential employability skills.

**Section 77 and line-item 7002-8004: Technology Research and Development and Innovation Fund**

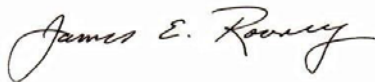
Section 77 replaces the Scientific and Technology Research and Development Matching Grant Fund with a new Technology Research and Development and Innovation Fund. This fund uses grants and loans, provided for through the \$45 million authorization in line-item 7002-8004, to support the growth of the state's innovation and technology ecosystem and long-term research and development activities. By prioritizing initiatives with the greatest potential to stimulate economic and employment opportunities, this new fund will aid the Commonwealth's recovery from the COVID-19 pandemic and strategically position the state for future success.

**Sections 97-110 and 118-120: Expansion of the Housing Development Incentive Program**

Sections 97-110 and 118-120 increase from \$10 million to \$30 million the amount of Housing Development Incentive Program tax credits that the Department of Housing and Community Development (DHCD) may authorize each year. Among other changes, these sections create a new definition for gateway-like municipalities to provide DHCD further flexibility in dispersing funding to communities with a need for increased housing production.

Thank you for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "James E. Rooney".

James E. Rooney  
President & CEO

CC:

Representative Robert A. DeLeo, Speaker  
Representative Aaron Michlewitz, Chair, House Committee on Ways and Means  
Members of the House Committee on Bonding, Capital Expenditures and State Assets