



ORDER NO. 2021-037-001  
REQUEST OF ORDINANCE AND RULES SUBCOMMITTEE

UPON THE REQUEST OF THE ORDINANCE AND RULES SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

*Be it ordained by the Framingham Council, as follows:*

SECTION 1.

Article X of the Framingham Ordinances is hereby amended by adding at the end thereof the following new section:

Section 7. Disclosure of Beneficial Interests.

7.1 Purpose.

The purposes of the disclosure requirements of this Section shall include, without limitation, the following:

- a) to inform public decision-makers and the public at-large of the identity of, and extent of the interest held by, all persons having any beneficial interest in significant development projects, large contracts, and marijuana licenses that are subject to review and approval by the Mayor, Council, the Planning Board, the Zoning Board of Appeal, in order to improve municipal land use decisions, public contracting, and foster public understanding of, and trust in, such review and approval processes; and
- b) to provide a process under which officials making land use, licensing, and contracting decisions can identify and avoid conflicts of interest.

7.2 Applicability.

This Section shall apply to any:

7.2.1 Proposed Project that requires a Special Permit or Zoning Relief and that falls into any of the following categories:

- a) construction of a building, buildings, or structure having a total gross floor area of one hundred thousand (100,000) or more square feet;
- b) enlargement or extension of a building or structure so as to increase its gross floor area by one hundred thousand (100,000) or more square feet; or
- c) establishment or change of the uses of a gross floor area of one hundred thousand (100,000) or more square feet.

7.2.2 one or more contracts in a fiscal year totaling \$100,000 or more.

7.2.3 person or entity holding a license to sell, manufacture, or distribute marijuana.

7.3 Definitions

For the purposes of this Section only, the following words and phrases shall have the meanings indicated:

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- a) "Applicant" means any Person having a Beneficial Interest in a Proposed Project, contract, or license subject to the provisions of this article or the authorized agent of any such Person.
- b) "Beneficial Interest" means any legal or equitable direct or indirect ownership interest, whether as an individual or through a partnership, corporation, trust, or other legal entity, or otherwise, or a contractual right to any such ownership interest, whether or not contingent, other than a mortgage in favor of or a commitment, standby or otherwise, for mortgage financing, from:
  - i. a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country;
  - ii. a mutual insurance company or other entity owned by its policy holders; or
  - iii. a pension fund or other employee benefit plan; or
  - iv. an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country.
- c) "Disclosure Statement" means the statement required by this section.
- d) "Person" means an individual, partnership, corporation, trust, or other legal entity.

## 7.4 Disclosure Statements of Persons Having Beneficial Interests in Proposed Projects, Contracts, and Licenses

- a) **Disclosure of Beneficial Interests in Proposed Projects.**

The Mayor, Council, Planning Board or Zoning Board of Appeal may grant relief for a Proposed Project, sign a contract, or award a license that is subject to this Section only if the Applicant for such Proposed Project, party to contract, or awardee of license, has filed a statement (the "Disclosure Statement"), signed under penalties of perjury, with the City Clerk.

The Disclosure Statement shall disclose:

  - i. the true names and addresses of all Persons who have a Beneficial Interest in the Proposed Project, contract, or license, the amount of their Beneficial Interest accurate to within one-tenth of one percent if such interest exceeds one percent (1%); and
  - ii. for the initial Disclosure Statement only (unless such initial Disclosure Statement is subsequently modified), the names and addresses of all firms and professional corporations employed as attorneys, real estate brokers, architects, engineers, planners, or surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application for the relief, contract, or license, provided that the disclosure of the names and addresses of such firms and professional corporations shall not be required if the compensation for acting on behalf of the application for the relief.

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The provisions of this paragraph (a) of this Section shall not apply to:

- i. owners of 10% or less of the ownership interest in:
  - a) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country;
  - b) a mutual insurance company or other entity owned by its policy holders;
  - c) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country;
- ii. shareholders of a limited equity or nonprofit housing cooperative;
- iii. a pension fund or other employee benefit plan.

b) Form of Disclosure Statement.

The Disclosure Statement shall be in a form proscribed by the City Clerk. If the Applicant filing the Disclosure Statement is a corporation, the Disclosure Statement shall be signed by a duly authorized officer thereof.

c) Circulation of Disclosure Statement.

Once filed by the Applicant, the Disclosure Statement shall be circulated to all members of the Council, Zoning Board of Appeal and Planning Board who are eligible to vote upon the application for relief, Mayor or her designee, Council, or Board of License Commissioners approving contract or license.

#### 7.5 Public Records.

The City Clerk shall make all Disclosure Statements required by this Section available to the public upon request.

#### 7.6 Updating Disclosure Statements.

If at any time during the period of two (2) years from the date of the first filing of a Disclosure Statement pursuant to this Section there is a significant change in the identity of Persons having a Beneficial Interest in the Proposed Project, contract, or license, as disclosed in the previous Disclosure Statement filed, the Applicant shall file with the City Clerk an updated Disclosure Statement within thirty (30) days after such change has occurred. The updated Disclosure Statement shall contain all the information required by subsection 4 of this Section and shall specifically identify the differences in such information from that provided in the immediately preceding Disclosure Statement filed in connection with such Proposed Project, contract, or license.

#### 7.7 Penalties.

##### 7.7.1 Failure to File Updated Disclosure Statement.

If the Applicant of a Proposed Project, contract, or license, that has received relief fails subsequently to file an updated Disclosure Statement as required by subsection 6 of this Section, the Director of Inspectional Services, or other appropriate municipal officer may take any action provided in law or equity to enforce the provisions of this Section.