

HOUSE No. 2756

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes

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 facilitate disposition of surplus property for the development of affordable and workforce housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>

HOUSE No. 2756

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 2756) of Russell E. Holmes and others for legislation to facilitate disposition of surplus property for the development of affordable and workforce housing. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to facilitate disposition of surplus property for the development of affordable and workforce housing.

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. Section 20 of chapter 6C of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the first sentence of the second paragraph
3 the following sentences:-

4 A municipality may petition the department to determine that lands or rights or interest in
5 lands or other real property taken or purchased for the purposes of this chapter cease to be
6 needed for such purpose. A municipality may further petition the department to sell any such
7 real property subject to reuse restrictions, including affordable housing restrictions as defined by
8 section 31 of chapter 184 or low or middle income restrictions for households whose income is
9 not more than 120 per cent of median income as determined by the federal Department of
10 Housing and Urban Development, consistent with the municipality’s planning purposes. If the
11 property is sold subject to an affordable housing restriction or other restriction serving a public
12 purpose, the property shall be sold at a price below fair market value.

13 SECTION 2. Section 34 of chapter 7C of the General Laws, as so appearing, is hereby
14 amended by inserting before the first sentence of the fifth paragraph the following sentence:-

15 A municipality may petition the commissioner to determine that real property located
16 within the municipality is surplus to both current and foreseeable direct public uses of public
17 agencies.

18 SECTION 3. Section 34 of chapter 7C of the General Laws, is hereby amended by
19 striking out the seventh paragraph and inserting in place thereof the following paragraph:-

20 In determining reuse restrictions, the commissioner shall conform to all such restrictions
21 pertaining to the property which may have been mandated by the general court, and may adopt
22 additional restrictions, taking account of established state and local plans and policies. The
23 commissioner shall conduct a public hearing to consider reuse restrictions if the property exceeds
24 2 acres, if the commissioner determines that a hearing should be held for a smaller parcel, or if
25 the commissioner receives a request for a public hearing from the municipality in which the
26 property is located. Whether through public hearing or written request, a municipality may
27 further petition the commissioner to convey the property subject to reuse restrictions, including
28 affordable housing restrictions as defined by section 31 of chapter 184 or low or middle income
29 restrictions for households whose income is not more than 120 per cent of median income as
30 determined by the federal Department of Housing and Urban Development, consistent with the
31 municipality's planning purposes. If the property is conveyed subject to an affordable housing
32 restriction or other restriction serving a public purpose, the property shall be sold at a price
33 below fair market value. Notice of the public hearing shall be placed at least once each week for
34 4 consecutive weeks preceding the hearing, in newspapers with sufficient circulation to inform

35 the people of the affected locality. The hearing shall be held in the locality in which the property
36 is located no sooner than 30 days and no later than 35 days after notice thereof is published in the
37 central register.

38 SECTION 4. Section 7E of chapter 81, as so appearing, is hereby amended by inserting
39 after the first paragraph the following paragraph:-

40 A municipality may petition the board of commissioners to determine that land located
41 within the municipality is no longer necessary for state highway purposes. A municipality may
42 further petition the board of commissioners to order that any public or private sale of land within
43 the municipality authorized under paragraph one of this section be subject to reuse restrictions,
44 including affordable housing restrictions as defined by section 31 of chapter 184 or low or
45 middle income restrictions for households whose income is not more than 120 per cent of
46 median income as determined by the federal Department of Housing and Urban Development,
47 consistent with the municipality's planning purposes. If the property is sold subject to an
48 affordable housing restriction or other restriction serving a public purpose, the property shall be
49 sold at a price below fair market value.