

**HOUSE . . . . . No. 4390**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Peter V. Kocot*

*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 relating to land in Northampton.

PETITION OF:

NAME:

*Peter V. Kocot*

DISTRICT/ADDRESS:

*1st Hampshire*

**HOUSE . . . . . No. 4390**

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By Mr. Kocot of Northampton, a petition (subject to Joint Rule 12) of Peter V. Kocot that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of Northampton to said city for affordable housing purposes. State Administration and Regulatory Oversight.

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The Commonwealth of Massachusetts

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

An Act relating to land in Northampton.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of certain parcels of land in the city of Northampton, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 15 of chapter 86 of the acts of 1994 is hereby amended by striking  
2 out the first two paragraphs and inserting the following in place thereof:-

3 The commissioner of the division of capital asset management and maintenance is hereby  
4 authorized to convey by release deed to the city of Northampton, in the name and on behalf of  
5 the commonwealth, one or more parcels of land located in the city of Northampton, hereinafter  
6 referred to as “the parcels”, for the purpose of providing affordable housing. The city of  
7 Northampton shall be authorized to convey any or all of the parcels to one or more non-profit  
8 entity or entities whose mission is the construction of affordable housing. Such conveyance shall

9 comply with the provisions of section sixteen of chapter thirty B, the Uniform Procurement Act,  
10 and such other procurement laws that may be applicable.

11 In the event that any of the parcels conveyed to the city pursuant to this section are not  
12 used for the purposes described in this act on or before December 31, 2021, title to such parcel or  
13 parcels shall revert to the commonwealth upon notice by the commissioner of capital asset  
14 management and maintenance. If the city of Northampton conveys one or more of the parcels in  
15 accordance with the preceding paragraph and its grantee fails to use such parcel or parcels for the  
16 purposes set forth in this act within three years of the conveyance or ceases to use any of the  
17 parcels for such purposes, title to such parcel or parcels shall revert to the city of Northampton  
18 and may be reconveyed in accordance with this act.

19 SECTION 2. Said section 2 is hereby further amended by striking out the last paragraph  
20 and inserting the following in place thereof:-

21 For further reference, see a plan entitled “89 WIBI Northampton Housing Authority”  
22 dated November sixteenth, nineteen hundred and eighty-nine and prepared by TWM Northeast  
23 E.J. Flynn Engineers, Inc. The precise configuration shall be described in a land survey to be  
24 prepared by the city of Northampton. The city of Northampton shall be responsible for costs and  
25 expenses including, but not limited to, costs associated with deed preparation and recording fees  
26 related to the conveyance of the parcel or parcels to the city as may be determined by the  
27 commissioner. The city of Northampton or its grantee or grantees shall assume the cost of  
28 appraisals, surveys and other expenses associated with the development of affordable housing as  
29 provided in the preceding paragraph.

30 In the event that the city of Northampton by majority vote of its city council, does not  
31 elect to purchase all of the parcels on or before December 31, 2017, or in the event that title to  
32 any of the parcels reverts to the commonwealth, then, notwithstanding sections 33 to 38,  
33 inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary,  
34 the commissioner may sell, lease for terms up to 99 years, including all renewals and extensions,  
35 or otherwise grant, convey or transfer to purchasers or lessees an interest in said parcel or parcels  
36 on such terms and conditions that the commissioner considers appropriate. The commissioner  
37 shall dispose of said parcel or parcels using appropriate competitive bidding processes and  
38 procedures. At least 30 days before the date on which bids, proposals or other offers to purchase  
39 or lease a parcel or parcels are due, the commissioner shall place a notice in the central register  
40 published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating  
41 the availability of the property, the nature of the competitive bidding process and other  
42 information that the commissioner considers relevant, including the time, place and manner for  
43 the submission of bids and proposals and the opening of the bids or proposals.

44 SECTION 3. Said chapter 86 is hereby further amended by striking out section 16 and  
45 inserting the following in place thereof:-

46 SECTION 16. The commissioner of the division of capital asset management and  
47 maintenance is hereby authorized to convey by deed, to the city of Northampton a parcel of land  
48 located at 91 Grove street. Said parcel is to be used by the city or its assigns for the purpose of  
49 providing an emergency shelter for the homeless. Said parcel contains approximately one acre  
50 of land, the precise configuration of which may be determined in a survey. Conveyance of said  
51 parcel shall be without consideration and shall not be subject to the provisions of chapter seven  
52 of the General Laws. The city of Northampton shall be responsible for costs and expenses

53 including, but not limited to, costs associated with deed preparation and recording fees related to  
54 the conveyance of the parcel to the city as may be determined by the commissioner.

55           Upon the conveyance of said parcel to the city of Northampton, the city of Northampton  
56 is authorized to reconvey said parcel to a non-profit operator of such emergency shelter for the  
57 homeless provided that the deed shall contain a provision by which title to such parcel or parcels  
58 shall revert to the city of Northampton if its grantee ceases to operate an emergency shelter for  
59 the homeless. Upon reversion, the city of Northampton may reconvey such parcel to a non-profit  
60 operator of the emergency shelter for the homeless or for affordable housing for the homeless,  
61 the formerly homeless and/or for those at risk of homelessness in accordance with this act.