

**SENATE . . . . . No. 01035**

**[LOCAL APPROVAL RECEIVED.]**

The Commonwealth of Massachusetts

PRESENTED BY:

***John F. Keenan***

*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 passage of the accompanying bill:

An act relative to urban redevelopment in the city of Quincy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Mayor Thomas Koch</i>	<i>City of Quincy</i>
	<input type="checkbox"/> <i>1305 Hancock Street</i>
	<input type="checkbox"/> <i>Quincy, MA 02169</i>

# SENATE . . . . . No. 01035

By Mr. Keenan, petition (accompanied by bill, Senate, No. 1035) of John F. Keenan and Tacky Chan for legislation relative to urban development in the city of Quincy [Local Approval Received] [Joint Committee on Municipalities and Regional Government].

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act relative to urban redevelopment in the city of Quincy.

*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. This act is intended to facilitate urban redevelopment in the City of Quincy.
- 2 SECTION 2. Unless a different meaning clearly appears from the context, the following terms,
- 3 wherever used in this act, shall have the following meanings:-
- 4 “City Parcels”, the two parcels of land currently owned by the City of Quincy in the Urban
- 5 Renewal District that the city will transfer to the designated redeveloper who will redevelop the
- 6 city parcels and other privately owned land.
- 7 “Land Disposition Agreement”, the agreement between the City of Quincy and the redeveloper
- 8 pursuant to which the City of Quincy will transfer two city parcels. The Land Disposition
- 9 Agreement is subject to the approval of the department of housing and community development
- 10 under chapter 121B of the General Laws.

11 “Urban Renewal District”, the area of downtown Quincy encompassed by that certain urban  
12 renewal plan known as the Quincy Center District Urban Revitalization and Development Plan  
13 dated May 7, 2007, as amended.

14 “Urban Renewal Plan”, the Quincy Center District Urban Revitalization and Development Plan  
15 dated May 7, 2007, as amended.

16 SECTION 3. Notwithstanding any general or special law to the contrary, a project  
17 authorized and approved by the City of Quincy under the Land Disposition Agreement, as  
18 approved by the Department of Housing and Community Development under chapter 121B of  
19 the General Laws, shall be deemed approved for the purposes of section 3 of chapter 121A of the  
20 General Laws.

21 SECTION 4. Notwithstanding any general or special law to the contrary, a project  
22 authorized and approved by the City of Quincy under the Land Disposition Agreement, as  
23 approved by the Department of Housing and Community Development under chapter 121B of  
24 the General Laws, shall be deemed approved for the purposes of section 5 of chapter 121A of the  
25 General Laws.

26 SECTION 5. Notwithstanding any general or special law to the contrary, a project  
27 authorized and approved by the City of Quincy under the Land Disposition Agreement, as  
28 approved by the Department of Housing and Community Development under chapter 121B of  
29 the General Laws, shall be deemed approved for the purposes of section 6 of chapter 121A of the  
30 General Laws.

31 SECTION 6. Notwithstanding any general or special law to the contrary, a project  
32 authorized and approved by the City of Quincy under the Land Disposition Agreement, as

33 approved by the Department of Housing and Community Development under chapter 121B of  
34 the General Laws, shall be deemed approved for the purposes of section 6A of chapter 121A of  
35 the General Laws.

36 SECTION 7. Notwithstanding any general or special law to the contrary, the Land  
37 Disposition Agreement, as approved by the Department of Housing and Community  
38 Development under chapter 121B of the General Laws, for a project authorized thereunder shall  
39 serve as the regulatory agreement set forth in subsection c of section 18C of chapter 121A of the  
40 General Laws.

41 SECTION 8. Notwithstanding any general or special law to the contrary, the Land  
42 Disposition Agreement, as approved by the Department of Housing and Community  
43 Development under chapter 121B of the General Laws, for a project authorized thereunder shall  
44 serve as the regulatory agreement set forth in subsection e of section 18C of chapter 121A of the  
45 General Laws.

46 SECTION 9. Notwithstanding any general or special law to the contrary, the Land  
47 Disposition Agreement, as approved by the Department of Housing and Community  
48 Development under chapter 121B of the General Laws, for a project authorized thereunder shall  
49 serve as the regulatory agreement set forth in subsection f of section 18C of chapter 121A of the  
50 General Laws.

51 SECTION 10. For purposes of this act, and notwithstanding any general or special law to  
52 the contrary, chapter 898 of the acts and resolves of 1973 is hereby amended by adding the  
53 following Section 12A, Section 12B, Section 12C and Section 12D after Section 12 as appearing  
54 therein:

55           “SECTION 12A. Subject to the provisions of paragraphs (h) and (i) of section eighteen  
56 of chapter 121 A of the General Laws, the department shall, in addition to its other powers and  
57 duties, have the powers and perform the duties from time to time conferred or imposed upon the  
58 state housing board by the provisions of sections six A, seven, seven A, eight, nine, ten, eleven,  
59 twelve, thirteen, fifteen, sixteen, sixteen A, eighteen, eighteen B and eighteen C of said chapter  
60 121A with respect to a project thereunder in the Urban Renewal District of the City of Quincy  
61 developed pursuant to the Land Disposition Agreement, as defined in section two of An Act  
62 Relative to Urban Redevelopment in the City of Quincy, and the words “housing board” or  
63 “board” as used in said sections shall be deemed to mean the department in the case of all such  
64 projects; provided, however, that no decision of the department approving a project or any  
65 change therein or making or amending any rule, regulation or standard therefor shall be in force  
66 until approved by the mayor of said city. The department shall make, and from time to time may  
67 amend, reasonable rules and regulations for securing its approval of projects in said Urban  
68 Renewal District under said chapter 121A, and no rule, regulation or standard of the state  
69 housing board shall apply to such a project. The department shall have the powers and perform  
70 the duties conferred or imposed by this paragraph notwithstanding that it may have made a  
71 contract directly or indirectly affecting the project.

72           Notwithstanding the foregoing, any authority to approve eminent domain under section  
73 11 of chapter 121A shall be exercised by the mayor and the city council of the City of Quincy,  
74 not the department.

75           A condominium may be organized in said Urban Renewal District for any purpose  
76 allowed by chapter 183A of the General Laws and the provisions of section 18D of chapter 121A  
77 of the General Laws shall not apply thereto. The provisions of section 9 of chapter 121A of the

78 General Laws shall not apply to the sale or resale of any condominium unit within a secondary  
79 condominium.

80 SECTION 12B. Persons intending to associate themselves by written agreement of  
81 association with intent to form a corporation under chapter 121A of the General Laws for the  
82 purpose of undertaking and carrying out under said chapter a project in said Urban Renewal  
83 District before so associating themselves, or an insurance company, savings bank or group of  
84 savings banks intending to carry out under said chapter a project in said Urban Renewal District  
85 before undertaking such project, shall submit to the department and to the mayor an application  
86 for its approval of such project and for its consent to the formation of such corporation. Such  
87 application shall specify the location of the proposed project, shall state the reasons why the  
88 project is necessary or desirable and the uses to which the project is to be put, shall contain, in  
89 general terms a description of the buildings, structures or facilities which it is proposed to  
90 furnish, and shall be accompanied by a site plan and drawings of the proposed buildings and  
91 other improvements adequate to show the nature and extent of the project.

92 Whenever the department is so asked to approve the formation of such a corporation or the  
93 carrying out of a project by an insurance company, savings bank or group of savings banks, it  
94 shall, after a public hearing of which reasonable notice shall be given, make such determinations  
95 as may be required by the provisions of said chapter 121A, and shall determine whether  
96 conditions exist which warrant the carrying out of the proposed project, whether such project is  
97 consistent with the terms and requirements of the Land Disposition Agreement as defined in  
98 section two of An Act Relative To Urban Redevelopment in the City of Quincy, whether such  
99 project is consistent with the urban renewal plan, whether such project would be in any way  
100 detrimental to the best interests of the public or the city or to the public safety and convenience,

101 and whether the project will constitute a public use and benefit. If the department finds that the  
102 proposed project does not meet the requirements of said chapter 121A, or that conditions  
103 warranting the carrying out of the project do not exist, or that the project will not be practicable,  
104 or conflicts with the Land Disposition Agreement as defined in section two of An Act Relative  
105 To Urban Redevelopment in the City of Quincy or the urban renewal plan as defined in section  
106 two of An Act Relative To Urban Redevelopment in the City of Quincy, or is detrimental or  
107 inconsistent as aforesaid, or will not constitute a public use and benefit, it shall disapprove the  
108 project.

109           The department shall prepare, adopt and make open to public inspection a report  
110 approving or disapproving the project and setting forth its reasons for approval or disapproval. If  
111 the department disapproves the project, it may suggest changes in the project, or in the plans  
112 therefor, which, if adopted, would meet its objections. If the persons intending to associate as  
113 aforesaid or an insurance company, savings bank or group of savings banks intending to carry  
114 out a project in said Urban Renewal District determine to proceed in accordance with the  
115 changes suggested, they shall amend their application accordingly. If the proposed change is not  
116 a major one under the Land Disposition Agreement as defined in section two of An Act Relative  
117 To Urban Redevelopment in the City of Quincy, the mayor of the City of Quincy and the  
118 department may approve or disapprove the application as amended without further hearing or  
119 report; otherwise the department shall proceed as if it were a new application.

120 Whenever the department approves a project, it shall make and embody in its report reasonable  
121 rules and regulations setting minimum standards for the financing, construction, maintenance  
122 and management of such project in so far as the same are not specified in the application for the

123 approval thereof, and shall submit the report to the mayor. Approval of the project shall not be  
124 final until the department receives the mayor's approval.

125         As soon as conveniently may be after the mayor of Quincy approves the project, the  
126 department shall issue a certificate of the approval of the project and of its consent, if any, to the  
127 formation of a corporation to carry it out. An agreement of association to form a corporation for  
128 the purposes of carrying out in said Urban Renewal District a project under said chapter 121A  
129 shall not be presented to the state secretary for filing, nor shall he file it, unless it is accompanied  
130 by such a certificate.

131 After the approval of a project by the department and the mayor, the corporation, insurance  
132 company, savings bank or group of savings banks carrying out such project may apply to the  
133 department for leave to change the type and character of the buildings in such project. The  
134 department shall transmit to the mayor of the City of Quincy a copy of such application. The  
135 department, if it receives a certificate evidencing the approval of the application by the mayor,  
136 shall approve such application, and the corporation may act in accordance with such approval.  
137 In the event that the change amounts to a major change under the Land Disposition Agreement as  
138 defined in section two of An Act Relative To Urban Redevelopment in the City of Quincy, the  
139 change must be approved by the mayor and the city council.

140         When any decision under this or the preceding section becomes final, the department  
141 shall file with the city clerk of the City of Quincy a copy of such decision attested by such  
142 department with, in cases where approval of such decision by the mayor or city council is  
143 required, a copy of such approval likewise attested. Within 30 days after such filing, any person,  
144 whether previously a party to the proceeding or not, who is aggrieved by such decision, or any



145 municipal officer or board, may file a petition in the supreme judicial or superior court sitting in  
146 Norfolk County for a writ of certiorari against the department to correct errors of law therein and  
147 the provisions of section four of chapter two hundred and forty-nine of the General Laws shall  
148 apply to said petition except as herein provided with respect to the time for the filing thereof.  
149 The remedy provided by this paragraph shall be exclusive.

150           SECTION 12C. In said Urban Renewal District, the City of Quincy shall have a lien  
151 under chapter 60 of the General Laws for all amounts payable under a contract or agreement  
152 executed under section 6A of chapter 121A, and such lien shall continue in effect for three (3)  
153 years after the date on which the last installment is due and payable under such contract or  
154 agreement.

155 Payments made by the redeveloper under the provisions of the Land Disposition Agreement as  
156 defined in section two of An Act Relative To Urban Redevelopment in the City of Quincy, the  
157 City of Quincy Affordable Housing Trust, so called, shall satisfy any displaced dwelling  
158 requirements of chapter 121A of the General Laws. Said payments shall be deemed to provide a  
159 feasible method of relocation and shall be deemed to establish the existence or availability of  
160 dwellings required by chapter 121A of the General Laws.

161           SECTION 12D. The provisions and requirements of the foregoing Sections 12A, 12B  
162 and 12C shall apply in lieu of the provisions and requirements of section 6, section 6B and  
163 section 6C of chapter 121A of the General Laws with respect to projects in said Urban Renewal  
164 District approved under the Land Disposition Agreement as defined in section two of An Act  
165 Relative To Urban Redevelopment in the City of Quincy.”

166 SECTION 11. Notwithstanding chapter 40Q of the General Laws or any other general or  
167 special law to the contrary, the first installment of principal on an issue of bonds or notes issued  
168 to pay costs of any project within the Urban Renewal District of the City of Quincy shall be  
169 made not later than ten years following the original date of issue of such bonds or notes.  
170 Notwithstanding section 17 of chapter 44 of the General Laws or any other general or special law  
171 to the contrary, the City of Quincy may issue temporary loans, including temporary loans issued  
172 to refund prior temporary loans, in anticipation of the issuance of bonds to pay costs of any  
173 project within an Urban Renewal District of the City of Quincy for a period of not more than ten  
174 years from the date of issue of the original temporary loan. No part of these temporary loans  
175 shall be paid from revenue funds during such ten year period. Notwithstanding any general or  
176 special law to the contrary, bonds issued by the City of Quincy to pay costs of any project within  
177 an Urban Renewal District of the City of Quincy shall be payable over a term not in excess of 30  
178 years, without regard to the term of any temporary loans issued by the City of Quincy in  
179 anticipation of any such bonds.

180 SECTION 12. Notwithstanding the provisions of sections 6A and 10 of chapter 121A of  
181 the General Laws or any other general or special law to the contrary, for projects located within  
182 the Urban Renewal District in the City of Quincy, urban renewal corporations organized under  
183 chapter 121A of the General Laws shall pay quarterly to the city the amount specified by the  
184 formulas set forth in the Land Disposition Agreement. Said formulas shall be considered  
185 specific and ascertainable amounts.

186 The City of Quincy shall provide the department of housing and community development and  
187 the division of local services of the department of revenue a copy of the quarterly payments and

188 methodologies employed in the calculation therefore, not more than 30 days after the receipt of  
189 such payments.

190           The 15 year period of exemption from taxation may be terminated by the City of Quincy  
191 at the end thereof or in any subsequent year following the expiration thereof, subject to the terms  
192 of the Land Disposition Agreement. The terms of this section shall apply to all project  
193 components, regardless of funding source.

194 Personal property of urban renewal corporations organized under chapter 121A of the General  
195 Laws located within the Urban Renewal District in the City of Quincy shall not be exempt from  
196 taxation.

197           SECTION 13. Notwithstanding the provisions of sections 22-22E of chapter 40 of the  
198 General Laws or any other general or special law to the contrary, the City of Quincy is hereby  
199 authorized to apply receipts from the operation of parking facilities constructed in the Urban  
200 Renewal District for payments specified in the Land Disposition Agreement. The City of  
201 Quincy may lease or sell air rights above city-owned land and discontinued roads and ways in  
202 the Urban Renewal District pursuant to the Land Disposition Agreement.

203           SECTION 14. Notwithstanding any general or special law to the contrary, the following  
204 definition of “lot” shall apply to redevelopment activities in the Urban Renewal District in the  
205 City of Quincy for purposes of the subdivision control law, sections 81K- 81GG of chapter 41 of  
206 the General Laws and in lieu of the definition contained in section 81L of said chapter 41. The  
207 following definition shall also apply to any city ordinance or by-law enacted pursuant to the  
208 subdivision control law.

209 “Lot” shall mean an area of land, or space above land, in one ownership, with definite  
210 boundaries, used, or available for use, as the site of one or more buildings or portions(s) thereof.  
211 The term “Lot” shall expressly include the vertical space above the land so as to create air rights  
212 parcels.

213 SECTION 15. Notwithstanding any general or special law to the contrary, for projects in  
214 the Urban Renewal District of the City of Quincy, the Land Disposition Agreement shall be a  
215 contract and all the provisions of section fourteen of chapter 121A of the General Laws shall  
216 apply to that contract. In addition to the specific items set forth in clauses (a) (b) and (c) of the  
217 first paragraph in said section fourteen, the contract may obligate the City of Quincy to cause the  
218 construction of parking garages by the corporation or its redeveloper and to subsequently acquire  
219 them from the corporation or its redeveloper in accordance with the terms of the Land  
220 Disposition Agreement. Without limiting the generality of the foregoing, the construction of a  
221 project under the Land Disposition Agreement shall not be subject to any provision of law  
222 relating to publication or advertising for bids but shall be subject to the provisions of the Land  
223 Disposition Agreement and sections 26 to 27F, inclusive, of chapter 149 of the General Laws.

224 SECTION 16. Notwithstanding any general or special law to the contrary, compliance  
225 with the notice requirements pertaining to the execution by the City of Quincy of the Land  
226 Disposition Agreement and the procedural requirements pertaining to such execution is deemed  
227 to constitute compliance with all notice and procedural requirements of section fifteen 15A of  
228 chapter 40 of the General Laws or any other general or special law with regard to the transfer of  
229 land held by the City of Quincy from one municipal purpose to another municipal purpose for  
230 the city parcels and the land beneath the discontinued roads and ways as part of the urban  
231 renewal plan and located within the Urban Renewal District, pursuant to the Land Disposition

232 Agreement or otherwise. Upon the execution by the City of the Land Disposition Agreement, the  
233 City of Quincy shall be deemed to hold all such land for urban renewal purposes.  
234 Notwithstanding such land being transferred and held for said purposes, until such time as the  
235 City of Quincy actually conveys such lands, the City of Quincy is authorized to continue to use  
236 such lands for the purposes for which they are used immediately prior to the effective date of this  
237 act.

238           SECTION 17. Notwithstanding any general or special law to the contrary, whenever any  
239 successor interest acquires through sale, assignment or transfer any project or portion of a project  
240 approved under the Land Disposition Agreement, such successor interest shall retain the powers,  
241 rights, privileges, benefits, and exemptions set forth in chapter 121A of the General Laws, and  
242 shall be bound by all agreements executed with the City of Quincy pursuant to chapter 121A of  
243 the General Laws. Where such successors are unit purchasers in a condominium, the obligations  
244 under any contract executed under section 6A of chapter 121A for such project shall be allocated  
245 to the individual unit owners in accordance with their percentage interest in the common areas of  
246 such condominium and shall be enforced and collected on such basis. Where a corporation  
247 executes separate contracts under Section 6A of chapter 121A, as modified by this act, for  
248 individual portions of a project, such contract shall be enforceable as against such portion as if a  
249 separate corporation in each case executed such a contract. Subject to the provisions of this act,  
250 the period of 15 years or such further time as may be provided herein shall be computed from the  
251 date of organization of the urban renewal corporation which initiated the project.

252           SECTION 18. Whenever a project is undertaken pursuant to this act, the City of Quincy  
253 shall be authorized to execute and deliver a parking management agreement with the redeveloper

254 for a term not in excess of 30 years, executed and delivered pursuant to the Land Disposition  
255 Agreement.

256 SECTION 19. This act shall take effect upon its passage.