

HOUSE No. 20

By Mr. Bosley of North Adams, petition of Daniel E. Bosley relative to the development of underused state owned property and the disposition of state owned surplus real property. Bonding, Capital Expenditures and State Assets.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE DEVELOPMENT OF UNDERUSED STATE OWNED PROPERTY AND THE DISPOSITION OF STATE OWNED SURPLUS REAL PROPERTY.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to authorize forthwith the develop-
3 ment of underused state owned real property and the disposition
4 of certain surplus real property, therefore it is hereby declared to
5 be an emergency law, necessary for the immediate preservation of
6 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. Chapter 7 of the General Laws is hereby amended
2 by striking out section 1, as appearing in the 2004 Official Edi-
3 tion, and inserting in place thereof the following section:—

4 Section 1. As used in this chapter the following words shall,
5 unless the context clearly requires otherwise, have the following
6 meanings:—

7 “Commissioner”, the commissioner of administration.

8 “Eligibility”, written criteria established before a request for
9 applications that are used to determine if an application for an
10 award of grant program resources is acceptable.

11 “Finance committee”, the committee of the executive council
12 appointed to consider matters of finance.

13 “Grant program”, financial or technical assistance provided by
14 a state agency or state authority, as defined in section 1 of
15 chapter 29, available to a city, town or other public or private
16 entity otherwise eligible.

17 “Grant program fiscal statement”, shall include: (1) a descrip-
18 tion of the substance of the application; (2) the average expected
19 grant amount; (3) a listing of award recipients, including the
20 award amount, if any, the fiscal year of the award and the date of
21 award; (4) the estimated proportion of monies, in-kind match or
22 other monies to be supplied by the award recipient and any other
23 source from which such match will be required; (5) a description
24 of the allocation formula and matching requirements, including
25 whether the grant is distributed on the basis of a specified formula
26 or at the grantor’s discretion; (6) a description of any constraints
27 placed on the use of the grant; and (7) contact information,
28 including the telephone number, postal address and internet email
29 address to facilitate the application process.

30 “Grant program reference”, a description in electronic format
31 that is retrievable and printable that shall include: (1) the grant
32 program application; (2) the grant program eligibility criteria; (3)
33 the application due date; and (4) the grant program fiscal state-
34 ment.

35 For the purposes of sections 39B to 43J, inclusive, the
36 following words shall, unless the context clearly requires other-
37 wise, have the following meanings:—

38 “Agency”, the Massachusetts Development Finance Agency, a
39 body politic and corporate entity established by section 2 of
40 chapter 23G.

41 “Commissioner”, the commissioner of the division of capital
42 asset management and maintenance.

43 “Committee”, the state surplus land coordinating committee
44 established pursuant to section 40F.

45 “Affordable housing”, housing that is affordable for rental or
46 purchase by families or individuals whose income at initial occu-
47 pancy is equal to or less than 100 per cent of the median area
48 income as determined by the United States secretary of housing
49 and urban development for federal housing programs.

50 “Direct public use”, use of real property by a governmental or
51 quasi-governmental entity including, but not limited to, the com-
52 monwealth, any municipality within the commonwealth, or any
53 authority or district within the commonwealth, or any instrumen-
54 tality of any of the foregoing, and, with respect to any use of real
55 property by a private non-profit organization, any use of the real

56 property for affordable housing production, community economic
57 development, historic preservation or for open space acquisition
58 or preservation.

59 “Host municipality”, the municipality or municipalities within
60 which state owned real property conveyed, leased or otherwise
61 transferred pursuant to the provisions of this chapter is located.

62 “Net cash proceeds”, all payments paid to the commonwealth
63 as and when paid, less any transaction-related expenses incurred
64 by the division of capital asset management and maintenance, the
65 Massachusetts Development Finance Agency and the regional
66 planning agency for which it is not otherwise reimbursed,
67 including, but not limited to, costs associated with the disposal or
68 pre-development of the real property wherefrom the funds origi-
69 nated including, but not limited to, appraisals, surveys, site evalu-
70 ation, site preparation, plans, recordings, smart growth review and
71 feasibility and other marketing studies and any other expenses
72 relating to the disposal or project management services in connec-
73 tion with any reuse or redevelopment of the real property pursuant
74 to the provisions of this chapter, and less any amounts that may be
75 owing to the federal government as a result of the disposition.

76 “Real property”, as defined in section 39A.

77 “State agency”, as defined in said section 39A.

78 “Surplus real property”, real property of the commonwealth: (1)
79 previously determined to be surplus to current and foreseeable
80 state needs pursuant to this chapter, but excluding real property
81 for which there is an established local reuse plan; or (2) deter-
82 mined by the state surplus land coordinating committee to be sur-
83 plus to current and foreseeable state needs pursuant to the
84 provisions of this chapter.

1 SECTION 2. Said chapter 7 is hereby further amended by
2 striking out section 40E, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 40E. Real property, record title to which is held in the
5 name of a state agency or the board of trustees of a state agency or
6 similar board of a state agency, shall be deemed to be the real
7 property of the commonwealth. No deed or other instrument shall
8 be required to effect the transfer to the commonwealth of title to
9 such real property, but the land court department of the trial court

10 shall, upon petition of the division of capital asset management
11 and maintenance, issue in the name of the commonwealth a cer-
12 tificate of title to any real property, title to which is registered
13 under chapter 185 in the name of a state agency or the board of
14 trustees of a state agency or similar board of a state agency.
15 Notwithstanding any general or special law to the contrary, no
16 person shall acquire any rights by prescription or adverse posses-
17 sion in any lands or rights in lands held in the name of the com-
18 monwealth.

19 The commissioner and the committee shall exercise the powers
20 stated in this chapter, notwithstanding the delegations which the
21 general court has made pertaining to the acquisition, control, and
22 disposition of real property, including section 19 of chapter 16;
23 section 1 of chapter 19; section 7 of chapter 19A; sections 9A, 13,
24 and 30 of chapter 21; sections 2 and 9 of chapter 21A; sections 8
25 and 26 of chapter 23A; section 7 of chapter 23B; section 3 of
26 chapter 28A; section 41 of chapter 29; sections 4 and 5 of chapter
27 29A; sections 11, 12, 25, 26, and 27 of chapter 75; sections 7, 7A,
28 7C, 7D, 7E, 7G, 7H, 7L, 7M, 11, 13A, and 13B of chapter 81;
29 section 7 of chapter 82; section 4 of chapter 83; section 39B of
30 chapter 90; sections 2, 3, 5, and 6 of chapter 91; sections 9A, 13,
31 33, 34, 77 to 85, inclusive, 87, and 88 of chapter 92; sections 62R,
32 83, and 86 of chapter 111; section 5 of chapter 111B; section 8 of
33 chapter 115A; sections 1 and 2 of chapter 120; section 5 of
34 chapter 122; section 10 of chapter 124; section 2 of chapter 147;
35 sections 31 and 32 of chapter 184; provided, however, that the
36 commissioner shall acquire, control and dispose of real property
37 in accordance with the terms and purposes of the aforementioned
38 provisions. The commissioner shall not make any acquisition of
39 real property on behalf of a state agency by eminent domain or
40 make any such delegation of power to acquire real property by
41 eminent domain to any state agency unless such state agency is
42 otherwise authorized by law to exercise the power of eminent
43 domain. The commissioner may delegate to state agencies respon-
44 sibility for the acquisition and control of real property as provided
45 for in this chapter. When responsibility is delegated to a state
46 agency, the written approval of the commissioner shall be required
47 before the transaction is completed, and a copy of said written
48 approval shall be sent to the joint committee on bonding, capital
49 expenditures and state assets.

50 For the purposes of sections 40F to 40L, inclusive, the term
51 “emergency” shall mean any situation caused by unforeseen cir-
52 cumstances which render currently used real property unusable or
53 unavailable for the purposes intended and which creates an imme-
54 diate need for other real property to preserve the health or safety
55 of persons or real property.

1 SECTION 3. Said chapter 7 is hereby further amended by
2 striking out section 40F, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 40F. (a) There shall be established a state surplus land
5 coordinating committee, hereinafter the committee. The com-
6 mittee shall consist of 11 members, 1 of whom shall be the secre-
7 tary of the executive office of administration and finance or his
8 designee; 1 whom shall be the secretary of the executive office of
9 transportation and construction or his designee; 1 of whom shall
10 be the secretary of the executive office of economic development
11 or his designee, provided his designee is the director of the
12 Massachusetts office of business development; 1 of whom shall be
13 the secretary of the executive office of environmental affairs or
14 his designee; 1 of whom shall be the director of the department of
15 housing and community development or his designee; 1 of whom
16 shall be the commissioner of the division of capital asset manage-
17 ment and maintenance or his designee; 1 of whom shall be the
18 director of the Massachusetts municipal association or his
19 designee; 1 of whom shall be chair of the commonwealth develop-
20 ment coordinating council or his designee; and 1 of whom shall be
21 the chief executive officer of the Massachusetts development
22 finance authority or his designee; 1 of whom shall be the chair of
23 the board of directors of the Massachusetts association of regional
24 planning agencies or his designee; and 1 of whom shall be the
25 president of the Massachusetts association of community develop-
26 ment corporations or his designee.

27 The committee shall meet from time to time and shall advise
28 and direct the commissioner on all real property being considered
29 for surplus designation and on the appropriate disposition of such
30 real property, including but not limited to, whether the real prop-
31 erty should be declared surplus, the potential reuses for the real
32 property, including, but not limited to, its suitability for housing

33 development, economic development or preservation as open
34 space, and what restrictions, if any, should be placed on its use
35 and development.

36 The committee shall annually submit a written report of its
37 activities not later than December 31. Said report shall be sub-
38 mitted to the president of the senate, the speaker of the house of
39 representatives, the chairs of the joint committee on bonding, cap-
40 ital expenditures and state assets, the chairs of the joint committee
41 on economic development and emerging technologies, the clerk of
42 the senate and the clerk of the house of representatives.

43 (b) The commissioner, upon the approval of the committee,
44 shall be responsible for the disposition of real property in the
45 manner and to the extent provided in this chapter. The commis-
46 sioner may delegate such responsibility to an administrator who
47 has 10 years of experience in the management of commercial,
48 industrial, institutional or public real property. When responsi-
49 bility is delegated to an administrator the written approval of the
50 commissioner shall be required before such transaction is final-
51 ized.

52 (c) The commissioner shall, pursuant to the provisions of this
53 chapter, convey, lease for a term not to exceed 99 years, transfer
54 or otherwise dispose of real property to the agency or the host
55 municipality or, upon the approval of the committee, convey, lease
56 for a term not to exceed 99 years, transfer or otherwise dispose of
57 surplus real property as specified in this chapter.

58 The commissioner shall provide such administrative support to
59 the committee as the committee may request.

1 SECTION 4. Said chapter 7, is hereby further amended by
2 inserting after section 40F the following section:—

3 Section 40F¼. (a) The commissioner shall recommend to the
4 committee for surplus designation any real property owned by the
5 commonwealth that is not required for use by any state agency or
6 executive office and which in his judgment should be declared
7 surplus real property subject to disposition by the commonwealth
8 in accordance with the provisions of this chapter; provided, how-
9 ever, that prior to recommending that a parcel of real property be
10 declared surplus, the commissioner shall determine whether any
11 state agency or executive office has a current or foreseeable need

12 for the real property. In order to establish whether there exists a
13 current or foreseeable need, the commissioner shall provide
14 written notice and inquiry to the heads of state agencies and secre-
15 taries of the executive offices who shall have 30 days to submit a
16 written response indicating that the real property is necessary for a
17 specific current or foreseeable need of such agency or executive
18 office. If no agency or executive office submits such a response
19 within 30 days of receiving said notice, the commissioner shall
20 recommend to the committee that the real property be declared
21 surplus real property subject to disposal by the commonwealth in
22 a manner consistent with the provisions of this chapter. In the
23 event that a written response from a state agency or executive
24 office is timely received specifying a current or foreseeable need
25 for the real property, the commissioner shall, within 30 days and
26 in consultation with the secretary of administration and finance
27 and with any affirmatively responding state agency or executive
28 office: (1) determine whether the real property shall be made
29 available for the current use of a state agency or executive office;
30 (2) determine whether the real property shall be retained on
31 account of a foreseeable use by a state agency or executive office;
32 provided, however, upon a determination that a parcel of real
33 property is surplus to current state uses, but not to foreseeable
34 state uses, the commissioner shall take such action as is necessary
35 to ensure that any disposition of the real property is temporary and
36 said action shall maintain the commissioner's ability to make such
37 real property available to a state agency or executive office at
38 such time as it may be needed; or (3) notwithstanding the current
39 or foreseeable need of the responding state agency or executive
40 office, recommend to the committee that the real property should
41 be declared surplus real property subject to disposal by the com-
42 monwealth in a manner consistent with the provisions of this
43 chapter.

44 Within 10 days of providing written notice and inquiry to the
45 heads of state agencies and secretaries of the executive offices as
46 required by this section, the commissioner shall, for informational
47 purposes, provide written notification to the host municipality that
48 the real property may be declared surplus pursuant to the provi-
49 sions of this chapter. Said notice shall be sent to the city manager
50 in the case of a city under a Plan E form of government, the

51 mayor and city council in the case of all other cities, the chairman
52 of the board of selectmen in the case of a town, the county com-
53 missioners, the regional planning agency, and the representatives
54 to the general court representing said host municipality. The com-
55 missioner shall set forth in such notice a description of the real
56 property and a declaration that the real property is being consid-
57 ered for surplus designation.

58 (b) The commissioner shall file a report with the joint com-
59 mittee on bonding, capital expenditures and state assets which
60 shall include the commissioner's recommendation as to the pro-
61 posed designation of said real property as surplus. Within 30 days
62 of said filing, the joint committee shall hold a public hearing on
63 the commissioner's proposed designation. Thereafter, said joint
64 committee shall report its findings to the general court together
65 with legislation within 30 days of said public hearing, and shall
66 provide a copy of said findings and legislation to the commis-
67 sioner; provided, further, that prior to recommending to the com-
68 mittee that the real property be declared surplus to current and
69 foreseeable state uses, there shall be an affirmative vote of the
70 General Court enacting legislation.

71 The commissioner shall establish the value of real property
72 using customarily accepted appraisal methodologies. The value
73 shall be calculated both for (i) the highest and best use of the real
74 property as currently zoned, and (ii) subject to uses, restrictions
75 and encumbrances as may be defined by the general court and the
76 committee. Appraisals under this paragraph shall be conducted by
77 an independent licensed appraiser. In no instance in which the
78 commonwealth retains responsibility for maintaining the real
79 property shall the terms provide for payment of less than the
80 annual maintenance costs.

81 (c) Prior to recommending to the committee that the real prop-
82 erty be declared surplus to current and foreseeable state uses the
83 commissioner shall, within 10 days of the general court's action as
84 required by subsection (b), provide simultaneous written notifica-
85 tion to the host municipality, the agency and the regional planning
86 agency for the region where the real property is located indicating
87 that the real property is available. For parcels of real property
88 larger than 2 acres or valued at more than \$1,000,000 the commis-
89 sioner shall commission the regional planning agency for the

90 region where the real property is located to conduct a smart
91 growth reuse review. Said review shall consider a need for a
92 variety of housing options, economic development and open
93 space; current and prospective zoning of the site; the need for
94 municipal capital facilities and public uses; impact of traffic and
95 transit; impact on the environment and natural resources and on
96 agricultural lands; existence of historically significant structures;
97 availability of infrastructure, including water supply, waste water
98 and store water run-off; fiscal impact of the development on the
99 host municipality; remediation of contamination; and other smart
100 growth implications. The regional planning agency shall complete
101 the review within 60 days.

102 (d) Upon receipt of the notification pursuant to subsection (c)
103 the host municipality shall have a right of first refusal to purchase
104 the real property pursuant to the conditions established in this
105 section. The host municipality shall have the right of first refusal
106 to purchase the real property for a direct public use at 85 per cent
107 of the fair market value of the real property as established pur-
108 suant to this chapter. The host municipality shall have the right of
109 first refusal to purchase the real property for a purpose other than
110 a direct public use at fair market value as established pursuant to
111 this chapter. Such right of first refusal must be exercised, if at all,
112 by the host municipality within 210 days of receipt of such notice
113 by providing written notification to the commissioner of the host
114 municipality's intent to purchase the real property. The host
115 municipality shall then have an additional 180 days from its exer-
116 cise of its right of first refusal to close on the purchase of the real
117 property. In the event that a host municipality fails to close on the
118 purchase of the real property within such time, the sole remedy of
119 the commonwealth against the host municipality for such failure
120 is to proceed with the disposition of the real property without fur-
121 ther right of purchase by the host municipality; provided, how-
122 ever, that if said failure to close on the purchase of the real
123 property was in bad faith, the commonwealth shall not be required
124 to share proceeds of the sale of said real property with the host
125 municipality as required by section 2000 of chapter 29. The
126 commissioner, at his discretion, may negotiate with a host munici-
127 pality exercising its right of first refusal flexible financing
128 arrangements to facilitate the purchase of the real property under

129 this section; provided, however, that no such arrangements shall
130 provide for a period of more than 5 years for all payments due
131 under this section. A host municipality exercising a right of first
132 refusal as provided herein may engage the services of the agency
133 to perform planning, feasibility, marketing, and other studies or to
134 provide project management services in connection with any reuse
135 or redevelopment of the real property.

136 A host municipality shall be permitted to assign its right of first
137 refusal to purchase the real property for a direct public use at 85
138 per cent of the fair market value of the real property as established
139 pursuant to this chapter to a non-profit organization for a direct
140 public use of said organization. Such assignment must be made by
141 the host municipality, if at all, within 210 days of receipt of notifi-
142 cation pursuant to subsection (c), the assignee non-profit organi-
143 zation must exercise said right, if at all, within 90 days of
144 assignment of such right by the host municipality by providing
145 written notification to the commissioner of the assignee non-profit
146 organization's intent to purchase the real property. The assignee
147 non-profit organization shall then have an additional 90 days from
148 its exercise of said assignment by the host municipality to close
149 on the purchase of the real property. In the event that the assignee
150 non-profit organization fails to close on the purchase of the real
151 property within such time, the sole remedy of the commonwealth
152 against the host municipality for such failure is to proceed with
153 the disposition of the real property without further right of pur-
154 chase by the host municipality; provided, however, that if said
155 failure to close on the purchase of the real property was in bad
156 faith, the commonwealth shall not be required to share proceeds
157 of the sale of said real property with the host municipality as
158 required by section 2000 of chapter 29.

159 If the host municipality or its assignee acquires any portion of
160 the real property for open space purposes, or if any of the real
161 property is restricted for open space purposes, a conservation
162 restriction pursuant to chapter 184 of the general laws shall be
163 retained by the commonwealth on such parcels.

164 (e) Upon receipt of the notification required pursuant to subsec-
165 tion (c) the agency shall have 180 days to determine whether the
166 agency will acquire title to, or another interest in, said real prop-
167 erty and to provide such notice to the commissioner; provided,

168 however, that the agency shall send preliminary notification to the
169 commissioner within 30 days of its receipt of such notice stating
170 its intention to decline title to, or other interest in, said real prop-
171 erty or to undertake a due diligence review within such 180 day
172 period. The preliminary notification shall not be binding upon the
173 agency. The agency's determination whether to accept title to, or
174 an interest in, said real property shall be based on an analysis as to
175 the feasibility and need for the development, operation or mainte-
176 nance of the real property, in whole or in part, substantially for
177 institutional, governmental, industrial, or commercial uses which
178 will prevent or eliminate blight, economic dislocation, economic
179 distress, or unemployment, or for such other public purposes as
180 the agency may determine. The agency shall, within 21 days of
181 receipt of a request from the host municipality or the regional
182 planning agency, provide said host municipality and the regional
183 planning agency any information acquired from its analysis of the
184 real property, including but not limited to, appraisals, surveys, site
185 evaluations, site preparation, plans, recordings, smart growth
186 review and any other work product relating to pre-development or
187 development of the real property pursuant to the provisions of this
188 chapter.

189 If the agency elects to acquire title to, or another interest in, the
190 real property through a conveyance, a lease not to exceed 99
191 years, a rental or transfer, the agency shall so notify the commis-
192 sioner within said 180 day time period by providing an offer to
193 acquire such real property. The offer shall include a proposed
194 redevelopment plan and a purchase or lease price for the real
195 property determined by using customarily accepted appraisal
196 methodologies and subject to uses, restrictions and encumbrances
197 as may be determined by the general court and the commissioner.
198 The agency shall also send its proposed redevelopment plan to the
199 host municipality and the regional planning agency serving the
200 area where the real property is located.

201 The agency and commissioner shall execute a mutually accept-
202 able land disposition agreement not sooner than 35 days after the
203 expiration of its 180 day option to purchase as provided for in this
204 section or not sooner than 10 days and not later than 90 days,
205 unless extended by a mutual agreement of the parties, after the
206 host municipality declines to exercise or assign its right of first

207 refusal to purchase the real property. Such land disposition agree-
208 ment shall be subject to the agency securing all necessary state
209 and local permits and approvals, and subject to a satisfactory envi-
210 ronmental review. If the agency and the commissioner do not exe-
211 cute a mutually acceptable land disposition agreement in such
212 time period, or at the conclusion of an arbitrator's review, as
213 applicable, the commissioner may dispose of the real property in a
214 manner consistent with the provisions of this chapter; provided,
215 however, that the commissioner shall not unreasonably withhold
216 his acceptance of a bona fide offer from the agency. If the agency
217 is aggrieved by a decision of the commissioner, it may appeal to
218 the committee within 15 days. The committee shall, within 15
219 days appoint an independent arbitrator to review the proposal. The
220 arbitrator shall have 30 days to conduct said review. The decision
221 of the arbitrator shall be binding upon the commissioner and the
222 agency.

223 The agency may acquire an interest in real property only after
224 approval of a redevelopment plan for such real property by the
225 board of directors of the agency; provided, however, that prior to
226 the submission of said redevelopment plan to the board for
227 approval, the agency shall conduct a public hearing in the host
228 municipality to allow for local input on the redevelopment plan
229 and as to the potential reuses for the real property, including, but
230 not limited to, its suitability for economic development, job cre-
231 ation, or preservation as open space, and what reuse restrictions, if
232 any, should be imposed on its use and development. The agency
233 shall publish notice of the hearing in the central register published
234 by the state secretary pursuant to section 20A of chapter 9 within
235 30 days of the date of the hearing. Notification of the public
236 hearing shall also be sent to the host municipality. Said notice
237 shall be sent to the city manager in the case of a city under a
238 Plan E form of government, the mayor and city council in the case
239 of all other cities, the chairman of the board of selectmen in the
240 case of a town, the county commissioners, the regional planning
241 agency, and the representatives to the general court representing
242 said host municipality. The agency shall set forth in such notice a
243 description of the real property, a copy of the proposed redevel-
244 opment plan and the date of the public hearing. A notice of the
245 public hearing shall also be placed, at least once each week for the

246 4 consecutive weeks preceding the hearing, in newspapers with
247 sufficient circulation to inform the people of the host municipality.
248 The hearing shall be held in the host municipality not sooner than
249 30 days and not later than 35 days after the notice is published in
250 the central register.

251 Notwithstanding any other general or special law to the con-
252 trary, any real property transferred to the agency through either a
253 conveyance or lease shall be designated by the economic assis-
254 tance coordinating council as an economic target area, an eco-
255 nomic opportunity area, and a certified project, as those terms are
256 defined in section 3A of chapter 23A, and such real property shall
257 be eligible for all the incentives and benefits provided by the eco-
258 nomic development incentive program.

259 (f) Notwithstanding any other general or special law to the con-
260 trary, the agency is authorized to employ alternative methods of
261 procurement relative to the planning, design, demolition, con-
262 struction, reconstruction, improvement, renovation, enlargement,
263 expansion, remodeling, repair or build-out of any and all facilities,
264 as may be useful or necessary from time to time in connection
265 with the redevelopment of such real property by the agency in fur-
266 therance of this chapter, including, without limitation, turnkey,
267 design-build, lease, lease purchase or utilization of modular build-
268 ings.

269 The acquisition, procurement, planning, design, construction,
270 reconstruction, improvement, renovation, enlargement, expansion,
271 remodeling, alteration, repair, build-out, development, financing,
272 management, maintenance, operation or leasing of all or any por-
273 tion of a redevelopment project undertaken by the agency in fur-
274 therance of this chapter and any contract for construction and
275 design or other consulting services for or relating to, the construc-
276 tion, reconstruction, improvement, renovation, enlargement,
277 expansion, remodeling, alteration, repair, build-out, development,
278 financing, management, maintenance, operation or leasing of all
279 or any portion of real property by the agency pursuant to this
280 chapter shall be exempt from the provisions of section 38A½ to
281 38O, inclusive, of this chapter, section 44A to 44J, inclusive, of
282 chapter 149, and section 39M of chapter 30 or any other general
283 or special law or rule or regulation providing for the advertising or
284 bidding of construction, development, financing, management,

285 leasing or improvements to, or the acquisition or disposition of
286 interests in real or personal property, but the provisions of sections
287 26 to 27F, inclusive, and section 29, of said chapter 149 shall
288 apply to those elements of redevelopment project undertaken by
289 the agency in furtherance of this chapter that, but for the exemp-
290 tions provided herein, would be subject to such sections.

291 Notwithstanding such exemptions, the procedures to be fol-
292 lowed and the terms and conditions of such procurement
293 processes, including written procedures for the selection of con-
294 struction, design, and other professionals for the redevelopment of
295 real property by the agency pursuant to this chapter, shall be
296 determined by the agency in consultation with, and subject to
297 review by, the inspector general of the commonwealth as set forth
298 in this section, and the procedures shall also be approved by the
299 board of directors of the agency. The inspector general shall com-
300 mitment in writing on such procurement process and shall submit
301 such comments to the agency, the chairs of the joint committee on
302 bonding, capital expenditures and state assets, the chairs of the
303 joint committees on economic development and emerging tech-
304 nologies, the clerk of the senate and the clerk of the house of rep-
305 resentatives not less than 30 days before the agency begins the
306 procurement of design and construction services.

307 In order to effectuate an open, competitive and fair procure-
308 ment and an effective contracting process, the agency shall, not
309 less than 45 days prior to the advertisement of the invitation for
310 competitive bids using the procurement process, submit to the
311 inspector general all procedures and criteria developed for the
312 implementation of the alternative method, including a description
313 of the project, the construction bid package, and evaluation cri-
314 teria. The inspector general shall submit written comments on the
315 procedures to the agency not less than 30 days prior to the adver-
316 tisement. The agency shall submit the procedures and criteria and
317 the comments of the inspector general to the chairs of the joint
318 committee on bonding, capital expenditures and state assets, the
319 chairs of the joint committees on economic development and
320 emerging technologies, the clerk of the senate and the clerk of the
321 house of representatives at least 15 days prior to the advertisement
322 for any contract to be awarded on the basis of an alternative
323 method. Such procedures and criteria shall be approved by a vote

324 of the board of directors of the agency. The agency shall submit to
325 the chairs of said joint committees a report of the results of such
326 procurement. If the agency awards the contract to other than the
327 lowest responsive bidder, the agency shall submit to said commit-
328 tees and to the inspector general a written justification describing
329 in detail why such award is in the best interests of the agency.

330 Notwithstanding any other general or special law to the con-
331 trary, each state agency or executive office responsible for the per-
332 mitting, development or financing of economic development
333 projects in the commonwealth is hereby authorized and directed to
334 develop a coordinated one-stop program for businesses, institu-
335 tions and private parties that may intend to locate on the real prop-
336 erty in order to enable development activities on such real
337 property to be more effectively promoted by the commonwealth.

338 Notwithstanding any other general or special law to the con-
339 trary, real property, and any personal property located thereon,
340 acquired by the agency, or of real property so acquired by the
341 agency and leased by it, shall be subject to local taxation to the
342 same extent and in the same manner as other lands are taxed; pro-
343 vided, however, that if said agency or other individual, person,
344 firm, corporation, or other entity creates a minimum of 100 new
345 jobs on the real property they shall not incur said tax liability for a
346 period of 5 years; provided, further, that nothing in this section
347 shall prohibit the municipality from entering into an agreement
348 with said lessee relative to providing incentives and benefits pur-
349 suant to section 3A of chapter 23A.

350 Notwithstanding any other general or special law to the con-
351 trary, if the agency acquires title to, or another interest in, real
352 property formerly used as a department of mental health state hos-
353 pital or department of mental retardation in-patient care facility,
354 the agency shall ensure that at least 15 per cent of any housing
355 units developed on the real property be affordable supported
356 housing for individuals who are clients, or former clients of the
357 respective department; provided, however, that such housing shall
358 be made affordable and available to such individuals with incomes
359 of 15 per cent of the average median income or below; and pro-
360 vided, further, that said restriction shall be recorded in the registry
361 of deeds or the registry district of the land court of the county in
362 which the effected real property is located, as running with the

363 land, and that said real property shall not be released from such
364 restriction until after the expiration of 99 years from the date of
365 initial occupancy by such eligible individuals.

366 (g) If the host municipality and the agency decline to accept
367 title to, or another interest in, the real property within the time
368 prescribed by this section, the commissioner shall, within 30 days
369 of being notified of said rejection by the host municipality and the
370 agency, formally recommend to the committee that said real prop-
371 erty be officially declared surplus to state uses. Upon receipt of
372 the commissioner's official recommendation that the real property
373 should be declared surplus, the committee shall:

374 (i) within 10 days provide written notice, for each city or town
375 in which the real property is located, to the city manager in the
376 case of a city under Plan E form of government, the mayor and
377 city council in the case of all other cities, the chairman of the
378 board of selectmen in the case of a town, the county commis-
379 sioners, the regional planning agency, and the representatives to
380 the general court representing the host municipality. The com-
381 mittee shall set forth in such notice a description of the real prop-
382 erty and a declaration that the real property is being considered for
383 surplus designation. The committee shall also inform the munic-
384 ipality that it may elect to adopt the provisions of chapter 43D and
385 designate the real property a priority development site pursuant to
386 said chapter 43D;

387 (ii) within 45 days conduct a public hearing in the host munici-
388 pality to allow for local input as to whether the real property
389 should be officially declared surplus, the potential reuses for the
390 real property if it is officially declared surplus, including, but not
391 limited to, its suitability for housing development, economic
392 development, job creation, or preservation as open space, and
393 what reuse restrictions, if any, should be imposed on its use and
394 development; provided, however, that in the case of real property
395 formerly used as a department of mental health state hospital or
396 department of mental retardation in-patient care facility, the com-
397 mittee shall place a reuse restriction on the land ensuring that at
398 least 15 per cent of any housing units developed on the real prop-
399 erty be affordable supported housing for individuals who are
400 clients, or former clients, of the respective department; provided,
401 further, that such housing shall be made affordable and available

402 to such individuals with incomes of 15 per cent of average median
403 income or below; and provided, further that said restriction shall
404 be recorded in the registry of deeds or the registry district of the
405 land court of the county in which the affected real property is
406 located, as running with the land, and that said real property shall
407 not be released from such restriction until after the expiration of
408 99 years from the date of initial occupancy by such eligible indi-
409 viduals. The committee shall publish notice of the hearing in the
410 central register published by the state secretary pursuant to section
411 20A of chapter 9 within 30 days of the date of the hearing. A
412 notice of the public hearing shall also be placed, at least once each
413 week for the 4 consecutive weeks preceding the hearing, in news-
414 papers with sufficient circulation to inform the people of the
415 effected locality. The hearing shall be held in the host municipi-
416 pality no sooner than 30 days and no later than 35 days after the
417 notice is published in the central register.

418 (iii) within 120 days report in writing to the commissioner on
419 the real property being considered for surplus designation on the
420 appropriate disposition for such real property. Said report shall
421 include a determination of whether the real property should be
422 declared surplus, the potential reuses for the real property if it is
423 declared by the committee to be surplus, including its suitability
424 for housing development, economic development or preservation
425 as open space, and what restrictions, if any, should be imposed on
426 its use and development. The report shall also include the recom-
427 mendation of the host municipality, if any, and the smart growth
428 report of the regional planning council, if applicable.

429 The determination of the committee shall be binding upon the
430 commissioner.

1 SECTION 5. Said chapter 7 is hereby further amended by
2 striking out section 40F¹/₂, as appearing in the 2004 Official Edi-
3 tion, and inserting in place thereof the following section:—

4 Section 40F¹/₂. (a) If, pursuant to section 40F¹/₄, the committee
5 determines that a parcel of real property is surplus to both current
6 and foreseeable state uses the commissioner shall proceed with
7 the disposition of the real property in accordance with this section.
8 Notwithstanding any other general or special law to the contrary,
9 any real property officially declared surplus by the committee

10 shall be designated by the economic assistance coordinating
11 council as an economic target area, an economic opportunity area,
12 and a certified project, as those terms are defined in section 3A of
13 chapter 23A, and such real property shall be eligible for all the
14 incentives and benefits provided by the economic development
15 incentive program; provided, further, that any real property offi-
16 cially declared surplus by the committee shall, upon local
17 approval, automatically qualify as a priority development site for
18 the purposes of chapter 43D.

19 The commissioner shall establish the value of surplus real prop-
20 erty using customarily accepted appraisal methodologies. The
21 value shall be calculated both for (i) the highest and best use of
22 the real property as currently zoned, and (ii) subject to uses,
23 restrictions and encumbrances as may be defined by the general
24 court and the committee. Appraisals under this paragraph shall be
25 conducted by an independent licensed appraiser. In no instance in
26 which the commonwealth retains responsibility for maintaining
27 the real property shall the terms provide for payment of less than
28 the annual maintenance costs.

29 (b) The commissioner, within 60 days of receipt of notice from
30 the committee, shall:—

31 (i) publicly declare the real property available for disposition
32 and identify any restrictions on its use and development imposed
33 by the general court or the committee; and

34 (ii) place a notice in the central register published by the state
35 secretary pursuant to section 20A of chapter 9 stating the avail-
36 ability of the real property and requesting proposals from any
37 public or private entity, agency, individual partnership, or joint
38 venture regarding the use, reuse, rehabilitation, renovation, recon-
39 struction, purchase, ownership, lease, construction, or develop-
40 ment of the real property. Said notice shall also include the time
41 and location for submission of bids and proposals and the opening
42 thereof, and other information the commissioner may deem rele-
43 vant; provided, however, that said notice shall simultaneously be
44 filed with the chairs of the joint committee on bonding, capital
45 expenditures and state assets and the chairs of the joint committee
46 on economic development and emerging technologies.

47 All responses to the request for proposals issued pursuant to
48 this section shall be submitted to the commissioner within 60 days

49 after the publishing of the notice in the central register. The com-
50 missioner shall, within 30 days of receiving said proposals, review
51 all the proposals received and recommend to the committee what
52 he deems to be the 3 proposals which represent the highest and
53 best use of the real property. The commissioner shall simultane-
54 ously send notice to each city or town in which the real property is
55 located, to the city manager in the case of a city under Plan E
56 form of government, the mayor and city council in the case of all
57 other cities, the chairman of the board of selectmen in the case of
58 a town, the county commissioners, the regional planning agency,
59 and the representatives to the general court representing the host
60 municipality of the proposals selected by the commissioner and
61 recommended to the committee. The committee shall, within 21
62 days of receiving a recommendation from the commissioner, con-
63 duct a public hearing in the host municipality on the proposals
64 recommended by the commissioner. The committee by a majority
65 vote shall, within 60 days of the public hearing in the host muni-
66 cipality, select the proposal which it deems represents the highest
67 and best use of the real property. In determining the highest and
68 best use of the real property as required by this section, the com-
69 missioner and the committee shall pay due consideration to the
70 impact upon the host municipality, including, but not limited to,
71 impact to housing, infrastructure, natural resources, open space
72 and economic development.

73 If no proposals are received by the commissioner pursuant to
74 the request for proposals issued pursuant to this section, or if the
75 committee determines that the proposals received and recom-
76 mended by the commissioner do not represent the highest and best
77 use of the real property, or if the committee fails to secure a
78 majority vote within 60 days of the public hearing in the host
79 municipality required by this section, the commissioner shall dis-
80 pose of the real property using appropriate alternative competitive
81 processes and procedures. Such alternative competitive processes
82 and procedures may include, but shall not be limited to, absolute
83 auction, sealed bids and requests for price and development pro-
84 posals. The commissioner shall dispose of the real property within
85 90 days of receiving notification from the committee; provided,
86 further, that the commissioner shall, 30 days prior to disposition
87 of the real property pursuant to an alternative competitive process,

88 notify the host municipality and the committee of the alternative
89 competitive process to be used. The commissioner shall, at least
90 30 days prior to the disposition of the surplus real property using
91 an alternative competitive process, place notice in the central reg-
92 ister published by the state secretary pursuant to section 20A of
93 chapter 9 stating the availability of such real property, the nature
94 of the competitive process and other information deemed relevant,
95 including the time and location of the auction, the submission of
96 bids or proposals and the opening thereof.

97 (c) The commissioner shall place a notice in the central register,
98 and provide written notice to the host municipality; provided said
99 notice shall be sent to the city manager in the case of a city under
100 Plan E form of government, the mayor and city council in the case
101 of all other cities, the chairman of the board of selectmen in the
102 case of a town, the county commissioners, the regional planning
103 agency, and the representatives to the general court representing
104 said host municipality. Said notice shall identify the individual or
105 firm selected as party to such real property transaction, along with
106 the amount of such transaction. If the commissioner accepts an
107 amount below the value calculated pursuant to this section he
108 shall include the justification therefore, specifying the difference
109 between the calculated value and the price received.

110 The commissioner shall ensure that any rental agreement, and
111 in the case of a conveyance, a deed or separate disposition agree-
112 ment as deemed appropriate by the commissioner, shall set forth
113 all such reuse restrictions; shall provide for effective remedies on
114 behalf of the commonwealth, including that title to the real prop-
115 erty, or such lesser interest as is the subject of the disposition
116 agreement, shall revert to the commonwealth in the event of a vio-
117 lation of any such reuse restrictions; and shall provide, in the case
118 of a disposition to the host municipality or a non-profit organiza-
119 tion for a direct public use, that the title to the real property, or
120 such lesser interest as is the subject of the disposition agreement,
121 shall revert to the commonwealth in the event the real property is
122 no longer utilized for such direct public use.

123 No agreement for the conveyance, lease or rental or other dis-
124 position of state-owned real property pursuant to this chapter, and
125 no deed, executed by or on behalf of the commonwealth pursuant
126 to this chapter, shall be valid unless such agreement or deed con-
127 tains the following declaration, signed by the commissioner:

128 The undersigned certifies under penalties of perjury that I have
129 fully complied with the provisions of sections 40F, 40F¹/₄, 40F¹/₂,
130 40F³/₄, 40H, and 40J of chapter 7 in connection with the real prop-
131 erty described herein.

132 _____
133 Commissioner, DCAMM

134 Date: _____

135 The commissioner shall maintain, for a period of at least 6
136 years, a file containing a copy of each document necessary to
137 establish fulfillment of the requirements of this chapter as it
138 relates to the disposition of surplus real property. Such file shall
139 be open to public inspection.

140 (d) All net cash proceeds from the conveyance, lease or other
141 transfer of real property pursuant to this chapter shall be deposited
142 by the commissioner, upon receipt, in the Surplus Real Property
143 Proceeds Fund established pursuant to section 2000 of
144 chapter 29.

1 SECTION 6. Said chapter 7 is hereby further amended by
2 inserting after section 40F¹/₂ the following section:—

3 Section 40F³/₄. The commissioner shall be responsible for the
4 acquisition and control of real property in the manner and to the
5 extent provided in this chapter. The commissioner may delegate
6 such responsibility to an administrator who has 10 years of experi-
7 ence in the management of commercial, industrial, institutional or
8 public real property. When responsibility is delegated to an
9 administrator the written approval of the commissioner shall be
10 required before such transaction is finalized.

11 The commissioner shall acquire an interest in real property on
12 behalf of the commonwealth for the use of state agencies and
13 executive offices by gift, purchase, devise, grant, eminent domain,
14 rental, lease, rental-purchase or otherwise.

15 In acquiring buildings for the use of state agencies or executive
16 offices, first consideration shall be given to any structures that
17 have been certified as historic landmarks as provided by
18 sections 26 to 27C, inclusive, of chapter 9, that have been listed in

19 the National Register of Historic Places as provided by 16 U.S.C.
20 section 470a (1974) or that have been designated historic land-
21 marks by local historic commissions, unless use of such buildings
22 would not be feasible in terms of costs and requirements when
23 compared with other available properties.

24 Notwithstanding any other general or special law to the con-
25 trary, real property acquired for the use of state agencies or execu-
26 tive offices shall be held in the name of the commonwealth.

27 The commissioner shall assist in the preparation and shall
28 approve of plans for the organization of all space within and
29 around buildings and appurtenant structures used by state agencies
30 and executive offices, and shall assign the use of space within and
31 around the state house, subject to such rules as the committee on
32 rules of the 2 branches acting concurrently may adopt, in accor-
33 dance with the provisions of sections 10, 16A and 17 of chapter 8;
34 the John W. McCormack state office building; the Leverett Salton-
35 stall state office building; the Springfield office building; the
36 Pittsfield office building; the Erich Lindemann building; the
37 Charles F. Hurley building; any real property acquired for the use
38 of state agencies or executive offices, the greater part of which is
39 not needed by any one state agency or executive office; and any
40 other real property assigned by law to the division of capital asset
41 management and maintenance.

42 The commissioner, with the written approval of the commis-
43 sioner of administration, may transfer use of, and responsibility
44 for maintenance of, buildings, including equipment therein, within
45 or between state agencies and executive offices. No such transfer
46 within or between state agencies or executive offices which
47 involves either a change in the purposes for which such building
48 is currently used or a change in use in excess of 50 per cent of the
49 usable floor space, shall be made without the prior approval of the
50 general court. Any such transfer shall be based on a determina-
51 tion, made by the commissioner with the advice of the executive
52 heads of effected agencies and secretaries of the executive offices
53 in which such agencies are located, that such real property is not
54 needed, is under utilized, or is not being put to optimum use under
55 current conditions. The commissioner shall notify the chairs of
56 house and senate committees on ways and means, the chairs of the
57 joint committee on bonding, capital expenditures and state assets

58 and the representatives to the general court from the city or town
59 in which such real property is located not less than 30 days prior
60 to the final authorization of any transfer which does not require
61 the approval of the general court, and such transfer shall only be
62 made when the general court is in session except as provided
63 hereafter. Such transfer may be made when the general court is
64 not in session, and the thirty day notification requirement may be
65 waived, only if the commissioner certifies in writing that an emer-
66 gency exists; provided, however, that any such transfer may be
67 authorized for a period not to exceed 6 months; and provided, fur-
68 ther, that the commissioner shall submit his certification to and
69 notify the chairs of house and senate ways and means committees
70 and the chairs of the joint committee on bonding, capital expendi-
71 tures and state assets, and the representatives to the general court
72 from the city or town in which such real property is located of
73 such transfer at the earliest possible opportunity.

1 SECTION 7. Section 40H of said chapter 7, as appearing in the
2 2004 Official Edition, is hereby amended by striking out, in
3 lines 23 and 24, the words “state administration” and inserting in
4 place thereof the following words:— bonding, capital expendi-
5 tures and state assets.

1 SECTION 8. Said chapter 7 is hereby further amended by
2 striking out section 40I, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 40I. The clerk of the house of representatives and the
5 clerk of the senate shall, within 10 days of the filing of any legis-
6 lation authorizing the conveyance, lease, transfer, or other disposi-
7 tion of any state-owned real property forward a copy of said bill
8 to the commissioner. Within 90 days of the receipt of said copy,
9 the commissioner shall submit in writing a report to the commis-
10 sioner of administration, the legislative committee before which
11 the bill is pending, and the joint committee on bonding, capital
12 expenditures and state assets together with a recommendation for
13 either the approval or the disapproval of the bill and his reasons
14 therefor.

15 If the commissioner is recommending the approval of a bill
16 proposing the disposition of a parcel exceeding 2 acres, said

17 report shall include: (1) a description of the real property
18 including its current use, structures, and approximate metes and
19 bounds; (2) the value of the real property, determined through pro-
20 cedures customarily accepted by the appraising profession as valid
21 for such purposes, calculated both for (a) the highest and best use
22 of the real property as currently encumbered and (b) uses and
23 encumbrances that would be imposed by the bill if enacted; (3) all
24 current and foreseeable direct public uses identified by following
25 the division's procedures for such purposes as they apply to the
26 real property to be disposed (4) other potential public and private
27 uses of the real property; and (5) any other information the
28 general court may require.

29 The commissioner shall expeditiously review and recommend
30 approval or disapproval of any proposal to the general court for
31 the sale, rental or other disposition of real property acquired on
32 behalf of state agencies, and shall dispose of real property as man-
33 dated by the general court.

34 The provisions of this section shall not apply to recommenda-
35 tions filed by the commissioner with the joint committee on
36 bonding, capital expenditures and state assets pursuant to the pro-
37 visions of subsection (b) of section 40F¹/₄.

1 SECTION 9. Chapter 29 of the General Laws is hereby
2 amended by inserting after section 2NNN the following two sec-
3 tions:—

4 Section 2000. There shall be established and set upon the
5 books of the commonwealth a separate fund to be known as the
6 Surplus Real Property Proceeds Fund, hereinafter called the fund.
7 The fund shall be administered by the department of housing and
8 community development. All monies deposited into the fund
9 shall, within 90 days of receipt, be distributed by the fund in the
10 following order of priority:—

11 (i) to reimburse host municipalities for bona fide costs incurred
12 by said municipalities for the maintenance and upkeep of the sur-
13 plus real property wherefrom the funds originated;

14 (ii) a maximum of 10 per cent of the remaining net cash pro-
15 ceeds after funding the costs identified in clause (i) to the host
16 municipality; provided, however, upon certification by the com-
17 missioner of the division of capital asset management and mainte-

18 nance that a host municipality expedited permitting in accordance
19 with part (i) of subsection (g) of section 40F¼ of chapter 7 or took
20 other affirmative actions, which at the discretion of the commis-
21 sioner, furthered the commonwealth's objectives for the parcel,
22 shall be entitled to 20 per cent of the remaining net cash proceeds
23 after funding the costs identified in clause (i). If said municipality
24 exercises its right of first refusal as authorized pursuant to subsec-
25 tion (d) of section 40F¼ it shall not receive a percentage of the
26 sale proceeds; provided, however, that if the host municipality
27 assigns its right of first refusal pursuant to said subsection (d) of
28 said section 40F¼ to a nonprofit organization for a direct public
29 use, it shall receive a maximum of 10 per cent of the net cash pro-
30 ceeds remaining after funding the costs identified in clause (i);

31 (iii) after distribution of net cash proceeds pursuant to clauses
32 (i) and (ii), not more than \$2,800,000 annually shall be deposited
33 in the District Local Technical Assistance Fund established pur-
34 suant to section 2PPP; and

35 (iv) after distribution of net cash proceeds pursuant to clauses
36 (i), (ii), and (iii) the remaining net cash proceeds shall be
37 deposited in Smart Growth Housing Trust fund established pur-
38 suant to section 35AA of chapter 10.

39 Section 2PPP. There shall be established and set upon the books
40 of the commonwealth a separate fund to be known as the District
41 Local Technical Assistance Fund. Amounts credited to the fund
42 shall be administered by the bureau of municipal assistance within
43 the department of revenue which shall ensure that the funds are
44 used for activities consistent with the purpose of this section and
45 the Massachusetts management and accounting reporting system,
46 so-called. Said amounts shall be used solely for the administration
47 and implementation of the provisions of this section.

48 Recipients of said funds shall provide matching resources of
49 not less than 10 per cent, no more than ½ of which may be in-kind
50 services, and shall report such annually on their expenses and pro-
51 gram activities to the commonwealth and local governments. Each
52 regional planning district created under chapter 40B or by special
53 act shall be granted a fixed annual base award of \$150,000 from
54 said fund, with the exception of the Metropolitan Area Planning
55 Council, which shall receive a base appropriation of \$200,000, the
56 Martha's Vineyard commission which shall receive a full annual

57 appropriation of \$100,000 and the Nantucket planning and eco-
58 nomic development commission, which shall receive a full annual
59 appropriation of \$50,000 as its full annual appropriation. One-half
60 of the remainder of the annual appropriation to said fund shall be
61 apportioned among said entities based on the percentage of the
62 commonwealth's population served by each entity, with the other
63 half apportioned based on the percentage of the commonwealth's
64 communities served by each entity.

1 SECTION 10. Section 9 of chapter 40A of the General Laws,
2 as so appearing, is hereby amended by striking out the fifteenth
3 paragraph and inserting in place thereof the following para-
4 graph:—

5 Zoning ordinances or by-laws shall also provide that research
6 and development uses, whether or not such uses are currently per-
7 mitted as a matter of right, may be permitted in any non-residen-
8 tial zoning district upon the issuance of a special permit; provided,
9 however, that the granting authority finds that such uses do not
10 substantially derogate from the public good. "Research and
11 development uses" may include any 1 or more of the following:
12 investigation; development; laboratory and similar research uses;
13 any related office uses; limited manufacturing uses; and uses
14 accessory to any of the foregoing in any field of science. "Limited
15 manufacturing" shall, subject to the issuance of such special
16 permit, be an allowed use provided that the following require-
17 ments are satisfied: (1) such manufacturing activity is directly
18 related to research and development uses; (2) no limited manufac-
19 turing activity occurs within 50 feet of a residential district; and
20 (3) substantially all limited manufacturing activity occurs inside
21 of buildings with any limited manufacturing activities occurring
22 outside of buildings subject to such conditions as may be imposed
23 by the granting authority.

1 SECTION 11. Chapter 40B of the General Laws is hereby
2 amended by adding the following section:—

3 Section 30. There shall be established within each regional
4 planning district created under this chapter or by special act a
5 technical assistance center for the delivery of coordinated, com-
6 prehensive, and continuing technical services to and among local

7 governments. Technical assistance services may be provided in
8 any subject area within the capability of each technical assistance
9 center that improves local government capacity, efficiency, knowl-
10 edge and ability to respond to issues, opportunities, laws and
11 requirements including, but not limited to: permitting; required
12 municipal asset inventory and management; communication sys-
13 tems including broadband, wireless and related facilities; emer-
14 gency and incident response systems; electronic government
15 opportunities; remote image and data collection; digital data man-
16 agement and archiving; geographic information systems; geo-
17 location of infrastructure; internet and internet-related
18 technologies; data sharing and regional backup; computer system
19 evaluation and networking; intelligent transportation systems; sta-
20 tistical trends and modeling; digital recordation of accidents, fires
21 and crime; technical specifications relating to management of the
22 sanitary code, water supplies, air quality, storm water and natural
23 resource area; and other land use and smart growth zoning issues.

24 Said regional planning districts shall annually consult with each
25 member city and town to ensure locally needed technical assis-
26 tance services that: (i) aid communities in evaluating new tech-
27 nologies, equipment and systems; (ii) aid communities in
28 improving the efficiency of local government; (iii) reduce costs
29 incurred by local governments for performing duties required
30 thereof; (iv) build capacity and provide needed skills; (v) aid com-
31 munities in meeting new state or federal regulations or require-
32 ments; (vi) provide specific services or initiate demonstration
33 projects; (vii) facilitate sharing of information or best practices
34 among and between communities; (viii) facilitate inter-municipal
35 cooperation or cost sharing; (ix) provide training and skill devel-
36 opment of community employees; (x) aid in improvement of local
37 standards, procedures and regulations; and (xi) promote smart
38 growth zoning, regulations, or standards.

39 Said regional planning districts shall coordinate and focus their
40 programs to augment the services of the local technical assistance
41 centers. A core program of technical services shall be maintained
42 in the fields of management and data, environment, transportation
43 and community development. Other fields may be covered as
44 appropriate and as resources allow. Agencies of the common-
45 wealth initiating or following through on programs or regulations

46 requiring outreach or technical assistance shall first consider uti-
47 lizing the local technical assistance centers while seeking the serv-
48 ices previously enumerated and may enter directly into contracts
49 with the regional planning agencies or their technical assistance
50 centers as they would with any city or town. This provision shall
51 not limit the ability of state agencies to work directly with indi-
52 vidual communities.

1 SECTION 12. Notwithstanding the provisions of sections 40F,
2 40F $\frac{1}{4}$, 40F $\frac{1}{2}$, 40F $\frac{3}{4}$, 40H and 40I of chapter 7 of the General
3 Laws, the commissioner of the division of capital asset manage-
4 ment and maintenance shall, upon the execution of a mutually
5 acceptable agreement between the commissioner and the
6 Worcester Business Development Corporation, convey a certain
7 parcel of state owned land to the Worcester Business Develop-
8 ment Corporation. Said parcel is described by the city of
9 Worcester assessor's office as being at a point on the westerly
10 sideline of Plantation street at the most southeasterly corner of the
11 parcel to be described; said point also being the most northeast-
12 erly corner of land now or formerly known as Parcel 10 of the
13 Amended Definitive Subdivision Plan for Worcester Business
14 Development Corporation, dated January 3, 1990 and recorded in
15 the Worcester county registry of deeds, Plan Book 633, Page 78;

16 THENCE N. 71° 47' 26" W. along land known as Parcel 10, a
17 distance of nine hundred twenty-one and 45/100 (921.45) feet to a
18 point on a stone wall;

19 THENCE N. 15° 38' 45" W. following a stone wall, a distance
20 of four hundred seventy-five and 09/100 (475.09) feet to a point at
21 the end of a stone wall;

22 THENCE N. 83° 00' 00" W., a distance of four hundred sixty-
23 one and 28/100 (461.28) feet to a point at the end of a stone wall;

24 THENCE N. 21° 04' 00" W. along a stone wall, a distance of
25 two hundred eighty-seven and 35/100 (287.35) feet to an angle in
26 the stone wall;

27 THENCE N. 52° 10' 50" W. continuing along the stone wall, a
28 distance of two hundred forty-seven and 05/100 (247.05) feet to
29 an angle in the stone wall;

30 THENCE N. 34° 56' 10" E. continuing along the stone wall, a
31 distance of twenty-two and 29/100 (22.29) feet to an angle in the
32 stone wall;

33 THENCE N. 66° 40' 00" E. continuing along the stone wall, a
 34 distance of eight hundred thirty-three and 90/100 (833.90) feet to
 35 an angle in the stone wall;
 36 THENCE S. 43° 22' 40" E. continuing along the stone wall, a
 37 distance of seven hundred thirty-nine and 50/100 (739.50) feet to
 38 an angle in the stone wall;
 39 THENCE S. 67° 21' 50" E. continuing along the stone wall, a
 40 distance of seven hundred thirty and 17/100 (730.17) feet to a
 41 point on the westerly sideline of Plantation street;
 42 THENCE along the westerly sideline of Plantation Street, in
 43 part by a stone wall, the following four (4) courses:
 44 S. 18° 21' 30" W., a distance of eighty-seven and 41/100
 45 (87.41) feet to a point;
 46 S. 15° 19' 30" W., a distance of two hundred thirty-eight and
 47 20/100 (238.20) feet to a point;
 48 S. 10° 37' 00" W., a distance of two hundred seventy-one and
 49 77/100 (271.77) feet to a point; and
 50 S. 19° 17' 00", a distance of one hundred eighty-one and 70/100
 51 (181.70) feet to the point of beginning.
 52 Containing 32.4086 acres, more or less.

1 SECTION 13. The sums set forth in section 13, for the pur-
 2 poses set forth in this act and subject to the conditions specified
 3 under the provisions of this act, are hereby authorized for expen-
 4 diture unless specifically designated otherwise, subject to the pro-
 5 visions of law regulating the disbursement of public funds and
 6 approval thereof.

ECONOMIC DEVELOPMENT.

1599-2001	For a reserve to supplement funding provided by section 2 of chapter 132 of the acts of 1993, as most recently amended by section 17 of chapter 86 of the acts of 1994, for selected demolition and asbestos and hazardous waste removal and abatement, for planning, marketing, surveying, site evaluation and site preparation at Northampton State Hospital; provided that said demolition and asbestos and hazardous waste removal and abatement, planning, marketing, surveying, site evaluation and site preparation process shall be managed by the Massachusetts Development Finance Agency.....	7,000,000
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1 SECTION 14. Notwithstanding any general or special law to
2 the contrary, the state comptroller shall, within 10 days of the
3 effective date of this act, transfer \$2,800,000 from the General
4 Fund to the District Local Technical Assistance Fund established
5 pursuant to section 2PPP of chapter 29 of the General Laws.

1 SECTION 15. Notwithstanding any general or special law to
2 the contrary, for each parcel of real property acquired pursuant to
3 the provisions of chapter 7 of the General Laws the Massachusetts
4 Development Finance Agency shall file with the house and senate
5 committees on ways and means a written disclosure detailing any
6 personal or professional relationships between any officer,
7 director or employee of the Agency and any party involved with
8 the development or redevelopment of the real property including,
9 but not limited to, any outside legal counsel and other professional
10 services. The Agency shall within 30 days of receiving a request
11 by the house or senate committee on ways and means, provide the
12 committee with a detailed summary of all fees and expenditures
13 incurred relative to the development or redevelopment of real
14 property acquired pursuant to the provisions of said chapter 7
15 including, but not limited to, any fees paid to any outside legal
16 counsel and other professionals retained by, or on behalf of, the
17 Agency.

1 SECTION 16. Notwithstanding the provisions of this act, or
2 any other general or special law to the contrary, the town of North
3 Reading and the town of Wilmington shall receive 20 per cent of
4 the net cash proceeds, as that term is defined in this act, from the
5 sale of real property pursuant to chapter 271 of the acts of 1998,
6 as most recently amended by chapter 7 of the acts of 2001. The
7 percentage of the net cash proceeds shall be divided between the
8 towns based on the percentage of the real property within each
9 town.

1 SECTION 17. Sections 1 to 9, inclusive, shall not be effective
2 as to the disposition of any real property designated surplus by the
3 commissioner of the division of capital asset management and
4 maintenance prior to the effective date of this act, or as to the dis-

5 position of any real property owned by the commonwealth and
6 subject to a special act for the conveyance, lease or other disposi-
7 tion of such real property with an effective date prior to the effec-
8 tive date of this act.