

# HOUSE . . . . . No. 37

By Ms. Khan of Newton, petition of Kay Khan and others for legislation to create a hospital disposition fund from the proceeds of sales of state hospitals and the crediting of such proceeds to accounts of the Department of Mental Health and the Department of Mental Retardation. Bonding, Capital Expenditures and State Assets.

## The Commonwealth of Massachusetts

### PETITION OF:

Kay Khan	Carl M. Sciortino, Jr.
Ruth B. Balser	Bruce E. Tarr
Timothy J. Toomey, Jr.	James B. Eldridge
Jennifer L. Flanagan	Angelo M. Scaccia
William N. Brownsberger	David B. Sullivan
Barbara A. L'Italien	Susan C. Tucker
Patricia D. Jehlen	Thomas M. Stanley
Gloria L. Fox	Alice Hanlon Peisch
Joyce A. Spiliotis	Anthony J. Verga
Mary E. Grant	Theodore C. Speliotis
David Paul Linsky	Douglas W. Petersen
Stephen M. Brewer	Denise Provost
Frank I. Smizik	Richard T. Moore
Michael E. Festa	Ellen Story
William Lantigua	

In the Year Two Thousand and Seven.

AN ACT FACILITATING THE DEVELOPMENT OF UNDERUTILIZED PROPERTIES FORMERLY OPERATED BY THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF MENTAL RETARDATION FOR SUPPORTED HOUSING FOR PEOPLE DEEMED ELIGIBLE FOR SERVICES BY THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF MENTAL RETARDATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter 7 of the General Laws as so appearing in the 2004 Offi-
- 2 cial Edition, is hereby amended by inserting after section 40F<sup>1</sup>/<sub>2</sub> the
- 3 following section:—
- 4 Section 40F<sup>3</sup>/<sub>4</sub>. Notwithstanding the provisions of section 40F or
- 5 any other general or special law to the contrary, when the commis-

6 sioner of the division of capital asset management and maintenance  
7 requests from the general court authorization to dispose of state real  
8 property formerly used as a department of mental health state hos-  
9 pital, or a department of mental retardation facility for individuals  
10 with mental retardation, the request shall include a restriction that  
11 requires a) not less than twenty-five per cent of the disposition pro-  
12 ceeds from the transferred property be used to develop decent, safe,  
13 sanitary, affordable, community-based housing pursuant to applic-  
14 able federal guidelines, for individuals who are clients of the depart-  
15 ment which operated such real property, if housing is not going to be  
16 developed on the site, or b) if housing is to be developed on the site,  
17 not less than twenty-five percent of the housing so developed, to be  
18 decent, safe, sanitary, affordable, community-based housing pur-  
19 suant to applicable federal guidelines, for individuals who are clients  
20 of the department which operated such real property. Housing  
21 developed or funded under this section shall be affordable to eligible  
22 individuals with incomes at or below fifteen per cent of the area  
23 median income; provided, that the development may include scat-  
24 tered site, integrated independent living apartments; provided further  
25 that said restriction shall be recorded in the registry of deeds or the  
26 registry district of the land court of the county in which the affected  
27 property is located, running with the land, that the land be used for  
28 the purpose of providing housing for eligible individuals as deter-  
29 mined by the department of mental health or the department of  
30 mental retardation, as the case may be; provided further, that said  
31 property shall not be released from such restriction until after the  
32 expiration of ninety-nine years from the date of initial occupancy by  
33 such eligible individuals. If disposition proceeds from the trans-  
34 ferred property are to be used for development of housing on prop-  
35 erty other than that formerly used as a department of mental health  
36 state hospital, or a department of mental retardation facility for indi-  
37 viduals with mental retardation, said proceeds shall be placed within  
38 a dedicated account under control of the appropriate agency as the  
39 case may be prior to their disposition into the General Fund.