

**HOUSE . . . . . No. 2855**

By Ms. Callahan of Sutton, petition of Jennifer M. Callahan and others relative to the sale or conversion of certain tax exempt property. Revenue.

**The Commonwealth of Massachusetts**

PETITION OF:

Jennifer M. Callahan                      Cleon H. Turner  
Barbara A. L'Italien

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO TAX EXEMPT PROPERTY.

*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 5 of Chapter 59 of the General Laws, as appearing in the  
2 1996 Official Edition, is hereby amended by adding the following  
3 paragraph:—  
4 Real property exempted from taxation by the provisions of this  
5 section shall not be sold or converted to residential, industrial or  
6 commercial use while so exempted unless the city or town in which  
7 such land is located has been notified of intent to sell for or convert  
8 to such other use. For a period of 120 days subsequent to such notifi-  
9 cation, said city or town shall have, in the case of an intended sale, a  
10 first refusal option to meet a bona fide offer to purchase said land,  
11 or, in the case of an intended conversion not involving sale, an  
12 option to purchase said land at full and fair market value to be deter-  
13 mined by impartial appraisal. After a public hearing, said city or  
14 town may assign either of said options to a nonprofit organization  
15 under such terms and conditions as the mayor or board of selectmen  
16 deem appropriate. Notice of intent shall be sent by the real property  
17 owner, or the property owner's authorized agent, via certified mail to  
18 the mayor and city council of a city, or the board of selectmen of a  
19 town, to its board of assessors and to its planning board, if any, and  
20 said option period shall run from the day following the last date of

21 deposit of any such of such notices in the United States mails. No  
22 sale or conversion of such land shall be consummated unless and  
23 until either said option period shall have expired or the property  
24 owner shall have been notified by written notice signed by the  
25 mayor or board of selectmen of said city or town in question that  
26 said option will not be exercised. Such option may be exercised only  
27 by written notice signed by the mayor or board of selectmen, mailed  
28 to the property owner by certified mail at such address as may be  
29 specified in his notice of intention and recorded with the registry of  
30 deeds, within the option period. An affidavit by a notary public that  
31 he has so mailed such a notice of intent on behalf of a landowner  
32 shall conclusively establish the manner and time of the giving of  
33 such notice; and such an affidavit, and such a notice that the option  
34 will not be exercised, shall be recorded with the registry of deeds.  
35 Each such notice of intention, notice of exercise of the option and  
36 notice that the option will not be exercised shall contain the name of  
37 the record owner of the land and a description of the premises so to  
38 be sold or converted adequate for identification thereof; and each  
39 such affidavit by a notary public shall have attached to it a copy of  
40 the notice of intention to which it relates. Such notices of intention  
41 shall be deemed to have been duly mailed to the parties above speci-  
42 fied if addressed to them in care of the town or city clerk; and in the  
43 case of notice to a city council or a board or commission, addressed  
44 to it as such entity. The provisions of this section shall not be applic-  
45 able with respect to a mortgage foreclosure sale; but the holder of a  
46 mortgage shall, at least ninety days before a foreclosure sale, send  
47 written notice of the time and place of such sale to the parties and in  
48 the manner above provided in this section for notice of intent to sell  
49 or convert, and the giving of such notice may be established by an  
50 affidavit of a notary public as set forth above.