

HOUSE No. 3770

By Mr. Flynn of Bridgewater, petition of David L. Flynn and others relative to further regulating the development of underused state-owned real property and the disposition of state-owned surplus real property. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

PETITION OF:

David L. Flynn	Robert K. Coughlin
James R. Miceli	Douglas W. Petersen
Christine E. Canavan	Kay Khan
Anthony J. Verga	Allen J. McCarthy

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE DEVELOPMENT OF UNDERUSED STATE OWNED REAL PROPERTY AND THE DISPOSITION OF STATE OWNED SURPLUS REAL 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 1. Chapter 7 of the General Laws is hereby amended
- 2 by striking out section 1, as appearing in the 2004 Official Edition,
- 3 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 award
- 10 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 a
- 14 state agency or state authority, as defined in Section 1 of Chapter 29,
- 15 available to a city, town or other public or private entity otherwise
- 16 eligible.
- 17 “Grant program fiscal statement”, shall include:—
- 18 (1) a description of the substance of the application;

- 19 (2) the average expected grant amount;
- 20 (3) a listing of award recipients, including the award amount, if
21 any, the fiscal year of the award and the date of award;
- 22 (4) the estimated proportion of monies, in-kind match or other
23 monies to be supplied by the award recipient and any other source
24 from which such match will be required;
- 25 (5) a description of the allocation formula and matching require-
26 ments, including whether the grant is distributed on the basis of a
27 specified formula or at the grantor's discretion;
- 28 (6) a description of any constraints placed on the use of the grant;
29 and
- 30 (7) contact information, including the telephone number, postal
31 address and internet email address to facilitate the application
32 process.
- 33 "Grant program reference", a description in electronic format that
34 is retrievable and printable that shall include:—
- 35 (1) the grant program application;
- 36 (2) the grant program eligibility criteria;
- 37 (3) the application due date; and
- 38 (4) the grant program fiscal statement.
- 39 For the purposes of Sections 39B to 43J, inclusive, the following
40 words shall, unless the context clearly requires otherwise, have the
41 following meanings:—
- 42 "Agency", the Massachusetts Development Finance Agency, a
43 body politic and corporate entity established by Section 2 of Chapter
44 23G.
- 45 "Commissioner", the commissioner of the division of capital asset
46 management and maintenance.
- 47 "Committee", the state surplus land coordinating committee
48 established pursuant to Section 40F.
- 49 "Affordable housing", housing that is affordable for rental or pur-
50 chase by families or individuals whose income at initial occupancy
51 is equal to or less than 100 per cent of the median area income as
52 determined by the United States secretary of housing and urban
53 development for federal housing programs.
- 54 "Direct public use", use of real property by a governmental or
55 quasi-governmental entity including, without limitation, the Com-
56 monwealth, any municipality within the Commonwealth, or any
57 authority or district within the Commonwealth, or any instrumen-

58 tality of any of the foregoing, and, with respect to any use of real
59 property by a private non-profit organization, any use of the real
60 property for affordable housing production, community economic
61 development, historic preservation or for open space acquisition or
62 preservation.

63 “Host municipality”, the municipality or municipalities within
64 which state owned real property conveyed, leased or otherwise trans-
65 ferred to the agency or declared surplus pursuant to the provisions of
66 this chapter is located.

67 “Net cash proceeds”, all payments paid to the Commonwealth as
68 and when paid, less any transaction-related expenses incurred by the
69 division of capital asset management and maintenance, the Massa-
70 chusetts Development Finance Agency and the regional planning
71 agency for which it is not otherwise reimbursed, including, but not
72 limited to, costs associated with the disposal or pre-development of
73 the real property where the funds originated including, but not lim-
74 ited to, appraisals, surveys, site evaluation, site preparation, plans,
75 recordings, smart growth review and any other expenses relating to
76 the disposal or pre-development of the real property pursuant to the
77 provisions of this chapter, and less any amounts that may be owing
78 to the federal government as a result of the disposition.

79 “Real property”, as defined in Section 39A.

80 “State agency”, as defined in said Section 39A.

81 “Surplus real property”, real property of the Commonwealth:—

82 (1) previously determined to be surplus to current and foreseeable
83 state needs pursuant to Section 40F or 40F½, but excluding real
84 property for which there is an established local reuse plan; or

85 (2) determined to be surplus to current and foreseeable state needs
86 pursuant to 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 real property
7 of the Commonwealth. No deed or other instrument shall be required
8 to effect the transfer to the Commonwealth of title to such real prop-
9 erty, but the land court department of the trial court shall, upon peti-

10 tion of the division of capital asset management and maintenance,
11 issue in the name of the Commonwealth a certificate of title to any
12 real property, title to which is registered under Chapter 185 in the
13 name of a state agency or the board of trustees of a state agency or
14 similar board of a state agency. Notwithstanding any general or
15 special law to the contrary, no person shall acquire any rights by pre-
16 scription or adverse possession in any lands or rights in lands held in
17 the name of the Commonwealth.

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

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

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

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

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

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

34 The committee shall annually submit a written report of its activi-
35 ties no later than December 31. Said report shall be submitted to the
36 president of the senate, the speaker of the house of representatives,
37 the house and senate chairs of the joint committee on bonding, cap-
38 ital expenditures and state assets, the house and senate chairs of the
39 joint committee on economic development and emerging technolo-
40 gies, the clerk of the senate and the clerk of the house of representa-
41 tives.

42 (b) The commissioner, upon the approval of the state surplus land
43 coordinating committee, shall be responsible for the disposition of
44 real property in the manner and to the extent provided in this
45 chapter. The commissioner may delegate such responsibility to an
46 administrator who has 10 years of experience in the management of
47 commercial, industrial, institutional or public real property and open
48 space preservation. When responsibility is delegated to an adminis-
49 trator the written approval of the commissioner shall be required
50 before such transaction is finalized.

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

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

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

3 Section 40F¹/₄. (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 and
6 which in his judgment should be declared surplus real property sub-
7 ject to disposition by the Commonwealth in accordance with the
8 provisions of this chapter; provided, however, that prior to recom-
9 mending that a parcel of real property be declared surplus, the com-
10 missioner shall determine whether any state agency has a current or
11 foreseeable need for the real property. In order to establish whether

12 there exists a current or foreseeable need, the commissioner shall
13 provide written notice and inquiry to the executive heads of state
14 agencies and secretaries of the executive offices who shall have 30
15 days to submit a written response indicating that the real property is
16 necessary for a specific current or foreseeable need of such agency
17 or executive office. If no agency or executive office submits such a
18 response within 30 days of receiving notice, the commissioner shall
19 recommend to the committee that the real property be declared sur-
20 plus and disposed of in accordance with the provisions of this
21 chapter. In the event that a written response from a state agency or
22 executive office is timely received specifying a current or foresee-
23 able need for the real property, the commissioner shall, within 30
24 days and in consultation with the secretary of administration and
25 finance and with any affirmatively responding agency or executive
26 office:—

27 (1) determine whether the real property shall be made available
28 for current use by a state agency or executive office;

29 (2) determine whether the real property shall be retained on
30 account of a foreseeable use by a state agency or executive office;
31 provided, however, upon a determination that a parcel of real prop-
32 erty is surplus to current state uses, but not to foreseeable state uses,
33 the commissioner shall take such action as is necessary to ensure
34 that any disposition of the real property is temporary and said action
35 shall maintain the commissioner's ability to make such real property
36 available to a state agency or executive office at such time as it may
37 be needed; or

38 (3) notwithstanding the current or foreseeable need of the
39 responding state agency or executive office, recommend to the com-
40 mittee that the real property should be declared surplus real property
41 subject to disposal by the Commonwealth in a manner consistent
42 with the provisions of this chapter.

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

51 of selectmen in the case of a town, the county commissioners, the
52 regional planning agency, and the members of the general court rep-
53 resenting said host municipality. The commissioner shall set forth in
54 such notice a description of the real property and a declaration that
55 the real property is being considered for surplus designation.

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

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

78 (c) Prior to recommending to the committee that the real property
79 be declared surplus to current and foreseeable state uses the commis-
80 sioner shall, within 10 days of the general court's action as required
81 by subsection (b), provide simultaneous written notification to the
82 host municipality, the agency and the regional planning agency for
83 the region where the real property is located indicating that the real
84 property is available. For parcels of real property larger than 2 acres
85 as delineated as of _____ or valued at more than \$1,000,000
86 the commissioner shall commission the regional planning agency for
87 the region where the real property is located to conduct a smart
88 growth reuse review. Said review shall consider a need for a variety
89 of housing options, including but not limited to the development of

90 supportive and affordable housing for the physically and cognitively
91 disabled and the mentally ill, economic development and open
92 space; current and prospective zoning of the site; the need for
93 municipal capital facilities and public uses; impact of traffic and
94 transit; impact on the environment and natural resources and on agri-
95 cultural lands; existence of historically significant structures; avail-
96 ability of infrastructure, including water supply, waste water and
97 store water run-off; fiscal impact of the development on the host
98 municipality; remediation of contamination; and other smart growth
99 implications. The regional planning agency shall complete the
100 review within 60 days.

101 (d) Upon receipt of the notification pursuant to subsection (c) the
102 host municipality shall have a right of first refusal to purchase the
103 real property on the conditions established in this section. The host
104 municipality shall have the right of first refusal to purchase the real
105 property for a direct public use at 85 per cent of the fair market value
106 of the real property as established pursuant to this chapter. The host
107 municipality shall have the right of first refusal to purchase the real
108 property for a purpose other than a direct public use at fair market
109 value as established pursuant to this chapter. Such right of first
110 refusal must be exercised, if at all, by the host municipality within
111 210 days of receipt of such notice by giving written notification to
112 the commissioner of the host municipality's intent to purchase the
113 real property. The host municipality shall then have an additional
114 180 days from its exercise of its right of first refusal to close on the
115 purchase of the real property.

116 In the event that a host municipality fails to close on the purchase
117 of the real property within such time, the sole remedy of the Com-
118 monwealth against the host municipality for such failure is to pro-
119 ceed with the disposition of the real property without further right of
120 purchase by the host municipality; provided, however, that if said
121 failure to close on the purchase of the real property was in bad faith,
122 the Commonwealth shall not be required to share proceeds of the
123 sale of said real property with the host municipality as required by
124 Section 2000 of Chapter 29. The commissioner, at his discretion,
125 may negotiate with a host municipality exercising its right of first
126 refusal flexible financing arrangements to facilitate the purchase of
127 the real property under this section; provided, however, that no such
128 arrangements shall provide for a period of more than 5 years for all

129 payments due under this section. A host municipality exercising a
130 right of first refusal as provided herein may engage the services of
131 the agency to perform planning, feasibility, marketing, and other
132 studies or to provide project management services in connection
133 with any reuse or redevelopment of the real property.

134 If a city or town has held a vote for debt exclusion pursuant to
135 Section 21C of Chapter 59 of the General Laws to finance the sur-
136 plus real property purchase the date by which the host municipality
137 shall exercise its option to purchase will be extended until 7 days
138 after the vote.

139 A host municipality shall be permitted to assign its right of first
140 refusal to purchase the real property for a direct public use at 85 per
141 cent of the fair market value of the real property as established pur-
142 suant to this Chapter to a non-profit organization for a direct public
143 use of said organization. Such assignment must be made by the host
144 municipality, if at all, within 210 days of receipt of notification pur-
145 suant to subsection (c), the assignee non-profit organization must
146 exercise said right, if at all, within 90 days of assignment of such
147 right by the host municipality by giving written notification to the
148 commissioner of the assignee non-profit organization's intent to pur-
149 chase the real property. The assignee non-profit organization shall
150 then have an additional 90 days from receipt of assignment by the
151 host municipality to close on the purchase of the real property.

152 In the event that the assignee non-profit organization fails to close
153 on the purchase of the real property within such time, the sole
154 remedy of the Commonwealth against the host municipality for such
155 failure is to proceed with the disposition of the real property without
156 further right of purchase by the host municipality; provided, how-
157 ever, that if said failure to close on the purchase of the real property
158 was in bad faith, the Commonwealth shall not be required to share
159 proceeds of the sale of said real property with the host municipality
160 as required by Section 2000 of Chapter 29.

161 If the host municipality or its assignee acquires any portion of the
162 real property for open space purposes, or if any of the real property
163 is restricted for open space purposes, a conservation restriction pur-
164 suant to Chapter 184 of the general laws shall be retained by the
165 Commonwealth on such parcels.

166 (e) Upon receipt of the notification required pursuant to subsec-
167 tion (c) the agency shall have 180 days from receipt of such notice to

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

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

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

207 municipality declines to exercise or assign its right of first refusal to
208 purchase the real property. Such land disposition agreement shall be
209 subject to the agency securing all necessary state and local permits
210 and approvals, and subject to a satisfactory environmental review. If
211 the agency and the commissioner do not execute a mutually accept-
212 able land disposition agreement in such time period, or at the conclu-
213 sion of an arbitrator's review, as applicable, the commissioner may
214 dispose of the real property in a manner consistent with the provi-
215 sions of this chapter; provided, however, that the commissioner shall
216 not unreasonably withhold his acceptance of a bona fide offer from
217 the agency. If the agency is aggrieved by a decision of the commis-
218 sioner, it may appeal to the committee within 15 days. The com-
219 mittee shall, within 15 days appoint an independent arbitrator to
220 review the proposal. The arbitrator shall have 30 days to conduct
221 said review. The decision of the arbitrator shall be binding upon the
222 commissioner and the 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 board
225 of directors of the agency; provided, however, that prior to the sub-
226 mission of said redevelopment plan to the board for approval, the
227 agency shall conduct a public hearing in the host municipality to
228 allow for local input on the redevelopment plan and as to the poten-
229 tial reuses for the real property, including, but not limited to, its suit-
230 ability for economic development, job creation, or preservation as
231 open space, and what reuse restrictions, if any, should be imposed on
232 its use and development. The agency shall publish notice of the
233 hearing in the central register published by the state secretary pur-
234 suant to Section 20A of Chapter 9 within 30 days of the date of the
235 hearing. Notification of the public hearing shall also be sent to the
236 host municipality. Said notice shall be sent to the city manger in the
237 case of a city under a Plan E form of government, the mayor and city
238 council in the case of all other cities, the chairman of the board of
239 selectmen in the case of a town, the county commissioners, the
240 regional planning agency, and the representatives to the general
241 court representing said host municipality. The agency shall set forth
242 in such notice a description of the real property, a copy of the pro-
243 posed redevelopment plan and the date of the public hearing. A
244 notice of the public hearing shall also be placed, at least once each
245 week for the 4 consecutive weeks preceding the hearing, in newspa-

246 pers with sufficient circulation to inform the people of the host
247 municipality. The hearing shall be held in the host municipality no
248 sooner then 30 days and no later then 35 days after the notice is pub-
249 lished in the central register.

250 Notwithstanding any other general or special law to the contrary,
251 any real property transferred to the agency through either a con-
252 veyance or lease shall be designated by the economic assistance
253 coordinating council as an economic target area, an economic oppor-
254 tunity area, and a certified project, as those terms are defined in
255 Section 3A of Chapter 23A, and such real property shall be eligible
256 for all the incentives and benefits provided by the economic devel-
257 opment incentive program.

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

267 The acquisition, procurement, planning, design, construction,
268 reconstruction, improvement, renovation, enlargement, expansion,
269 remodeling, alteration, repair, build-out, development, financing,
270 management, maintenance, operation or leasing of all or any portion
271 of a redevelopment project undertaken by the agency in furtherance
272 of this chapter and any contract for construction and design or other
273 consulting services for or relating to, the construction, reconstruc-
274 tion, improvement, renovation, enlargement, expansion, remodeling,
275 alteration, repair, build-out, development, financing, management,
276 maintenance, operation or leasing of all or any portion of real prop-
277 erty by the agency pursuant to this chapter shall be exempt from the
278 provisions of Section 38A½ to 38O, inclusive, of this chapter,
279 Section 44A to 44J, inclusive, of Chapter 149, and Section 39M of
280 Chapter 30 or any other special or general law or rule or regulation
281 providing for the advertising or bidding of construction, develop-
282 ment, financing, management, leasing or improvements to, or the
283 acquisition or disposition of interests in real or personal property, but
284 the provisions of Sections 26 to 27F, inclusive, and Section 29, all of

285 said Chapter 149 shall apply to those elements of redevelopment
286 project undertaken by the agency in furtherance of this chapter that,
287 but for the exemptions provided herein, would be subject to such
288 sections.

289 Notwithstanding such exemptions, the procedures to be followed
290 and the terms and conditions of such procurement processes,
291 including written procedures for the selection of construction,
292 design, and other professionals for the redevelopment of real prop-
293 erty by the agency pursuant to this chapter, shall be determined by
294 the agency in consultation with, and subject to review by, the
295 inspector general of the Commonwealth as set forth in this section,
296 and the procedures shall also be approved by the board of directors
297 of the agency. The inspector general shall comment in writing on
298 such procurement process and shall submit such comments to the
299 agency, the chairs of the joint committee on bonding, capital expen-
300 ditures and state assets, the chairs of the joint committees on eco-
301 nomic development and emerging technologies, the clerk of the
302 senate and the clerk of the house of representatives not less than 30
303 days before the agency begins the procurement of design and con-
304 struction services.

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

324 lowest responsive bidder, the agency shall submit to said committees
325 and to the inspector general a written justification describing in
326 detail why such award is in the best interests of the agency.

327 Notwithstanding any other general or special law to the contrary,
328 each public or state agency in the Commonwealth involved in the
329 permitting, development or financing of economic development pro-
330 jects is hereby authorized and directed to develop a coordinated one-
331 stop program for businesses, institutions and private parties that may
332 intend to locate on the real property in order to enable development
333 activities within such real property to be more effectively promoted
334 by the Commonwealth.

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

347 Notwithstanding any other general or special law to the contrary,
348 if the agency acquires title to, or another interest in, real property
349 formerly used as a department of mental health state hospital or
350 department of mental retardation in patient care facility, the agency
351 shall ensure that at least 15 per cent of any housing units developed
352 on the real property be affordable supported housing for individuals
353 who are clients, or former clients of the respective department; pro-
354 vided, however, that such housing shall be made affordable and
355 available to such individuals with incomes of 15 percent of average
356 median income or below; and provided, further, that said restriction
357 shall be recorded in the registry of deeds or the registry district of
358 the land court of the county in which the affected real property is
359 located, as running with the land, and that said real property shall
360 not be released from such restriction until after the expiration of 99
361 years from the date of initial occupancy by such eligible individuals.
362 If there is no plan to develop housing on the real property formerly

363 used as a department of mental health state hospital or department of
364 mental retardation in-patient care facility, not more than 15% of the
365 sale price shall be used to support the development of affordable and
366 supportive housing at another location for individuals who are
367 clients or former clients of the department of mental health or the
368 department of mental retardation.

369 Notwithstanding any other general or special law to the contrary,
370 real property acquired by the agency shall remain to the extend
371 affordable, accessible to the public, including but not limited to, the
372 use of trails, pedestrian walkways, open spaces, or recreational facil-
373 ities.

374 (g) If the host municipality and the agency decline to accept title
375 to, or another interest in, the real property within the time proscribed
376 by this section, the commissioner shall, within 30 days of being noti-
377 fied of said rejection by the host municipality and the agency, for-
378 mally recommend to the committee that said real property be
379 officially declared surplus to state uses. Upon receipt of the commis-
380 sioner's official recommendation that the real property should be
381 declared surplus, the committee shall:—

382 (i) within 10 days provide written notice, for each city or town in
383 which the real property is located, to the city manager in the case of
384 a city under Plan E form of government, the mayor and city council
385 in the case of all other cities, the chairman of the board of selectmen
386 in the case of a town, the county commissioners, the regional plan-
387 ning agency, and the members of the general court representing the
388 host municipality. The committee shall set forth in such notice a
389 description of the real property and a declaration that the real prop-
390 erty is being considered for surplus designation. The committee shall
391 also inform the municipality that it may elect to adopt the provisions
392 of Chapter 43D and designate the real property a priority develop-
393 ment site pursuant to said Chapter 43D;

394 (ii) within 45 days conduct a public hearing in the host munici-
395 pality to allow for local input as to whether the real property should
396 be officially declared surplus, the potential reuses for the real prop-
397 erty if it is officially declared surplus, including, but not limited to,
398 its suitability for housing development, economic development, job
399 creation, or preservation as open space, and what reuse restrictions,
400 if any, should be imposed on its use and development; provided,
401 however, that in the case of real property formerly used as a depart-

402 ment of mental health state hospital or department of mental retarda-
403 tion in patient care facility, the committee shall place a reuse restric-
404 tion on land ensuring that at least 15% of any housing units
405 developed on the real property be affordable supported housing for
406 individuals who are clients, or former clients of the respective
407 department; provided further, that such housing shall be made
408 affordable and available to such individuals with incomes of 15% of
409 average median income or below; and provided further that said
410 restriction shall be recorded in the registry of deeds or the registry
411 district of the land court of the county in which the affected real
412 property is located, as running with the land, and that said real prop-
413 erty shall not be released from such restriction until after the expira-
414 tion of ninety-nine years from the date of initial occupancy by such
415 eligible individuals. The committee shall publish notice of the
416 hearing in the central register published by the state secretary pur-
417 suant to Section 20A of Chapter 9 within 30 days of the date of the
418 hearing. A notice of the public hearing shall also be placed, at least
419 once each week for the 4 consecutive weeks preceding the hearing,
420 in newspapers with sufficient circulation to inform the people of the
421 affected locality. The hearing shall be held in the host municipality
422 no sooner than 30 days and no later than 35 days after the notice is
423 published in the central register.

424 (iii) within 120 days report in writing to the commissioner on the
425 real property being considered for surplus designation on the appro-
426 priate disposition for such real property. Said report shall include a
427 determination of whether the real property should be declared sur-
428 plus, the potential reuses for the real property if it is declared by the
429 committee to be surplus, including its suitability for housing devel-
430 opment, economic development or preservation as open space, and
431 what restrictions, if any, should be imposed on its use and develop-
432 ment. The report shall also include the recommendation of the host
433 municipality, if any, and the smart growth report of the regional
434 planning council, if applicable.

435 The determination of the committee shall be binding upon the
436 commissioner.

1 SECTION 5. Said Chapter 7 is hereby further amended by
2 striking out Section 40F¹/₂ as appearing in the 2004 Official Edition,
3 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 the
7 disposition of the real property in accordance with the provisions of
8 this section. Notwithstanding any other general or special law to the
9 contrary, any real property officially declared surplus by the com-
10 mittee 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 officially
16 declared surplus by the committee shall, upon local approval, auto-
17 matically qualify as a priority development site for the purposes of
18 Chapter 43D.

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

34 (ii) place a notice in the central register published by the state sec-
35 retary pursuant to Section 20A of Chapter 9 stating the availability
36 of the real property and requesting proposals from any public or pri-
37 vate entity, agency, individual partnership, or joint venture regarding
38 the use, reuse, rehabilitation, renovation, reconstruction, purchase,
39 ownership, lease, construction, or development of the real property.
40 Said notice shall also include the time and location for submission of
41 bids and proposals and the opening thereof, and other information
42 the commissioner may deem relevant; provided, however, that said

43 notice shall simultaneously be filed with the chairs of the joint com-
44 mittee on bonding, capital expenditures and state assets and the
45 chairs of the joint committee on economic development and
46 emerging technologies.

47 All responses to the request for proposals issued pursuant to this
48 section shall be submitted to the commissioner within 60 days after
49 the publishing of the notice in the central register. The commissioner
50 shall, within 30 days, review all the proposals received and shall rec-
51 ommend to the committee what he deems to be the 3 proposals
52 which represent the highest and best use of the real property. The
53 commissioner shall simultaneously send notice to each city or town
54 in which the real property is located, to the city manager in the case
55 of a city under Plan E form of government, the mayor and city
56 council in the case of all other cities, the chairman of the board of
57 selectmen in the case of a town, the county commissioners, the
58 regional planning agency, and the members of the general court rep-
59 resenting the host municipality of the proposals selected by the com-
60 missioner and recommended to the committee. The committee shall,
61 with 21 days of receiving a recommendation from the commissioner,
62 conduct a public hearing in the host municipality on the proposals
63 recommended by the commissioner. The committee by a majority
64 vote shall, within 60 days of the public hearing in the host munici-
65 pality, select the proposal which it deems represents the highest and
66 best use of the real property. In determining the highest and best use
67 of the real property as required by this section, the commissioner and
68 the committee shall pay due consideration to the impact upon the
69 host municipality, including, but not limited to, impact to housing,
70 infrastructure, natural resources, open space and economic develop-
71 ment.

72 If no proposals are received by the commissioner pursuant to the
73 request for proposals issued pursuant to this section, or if the com-
74 mittee determines that the proposals received and recommended by
75 the commissioner do not represent the highest and best use of the
76 real property, or if the committee fails to secure a majority vote, the
77 commissioner shall dispose of the real property using appropriate
78 alternative competitive processes and procedures. Such alternative
79 competitive processes and procedures may include, but shall not be
80 limited to, absolute auction, sealed bids and requests for price and
81 development proposals. The commissioner shall dispose of the real

82 property within 90 days of receiving notification from the com-
83 mittee; provided, further, that the commissioner shall, 30 days prior
84 to disposition of the real property pursuant to an alternative competi-
85 tive process, notify the host municipality and the committee of the
86 alternative competitive process to be used. The commissioner shall,
87 at least 30 days prior to the disposition of the surplus real property
88 using an alternative competitive process, place notice in the central
89 register published by the state secretary pursuant to Section 20A of
90 Chapter 9 stating the availability of such real property, the nature of
91 the competitive process and other information deemed relevant,
92 including the time and location of the auction, the submission of
93 bids or proposals and the opening thereof.

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

107 The commissioner shall ensure that any rental agreement, and in
108 the case of a conveyance, a deed or separate disposition agreement
109 as deemed appropriate by the commissioner, shall set forth all such
110 reuse restrictions; shall provide for effective remedies on behalf of
111 the Commonwealth, including that title to the real property, or such
112 lesser interest as is the subject of the disposition agreement, shall
113 revert to the Commonwealth in the event of a violation of any such
114 reuse restrictions; and shall provide, in the case of a disposition to
115 the host municipality or a non-profit organization for a direct public
116 use, that the title to the real property, or such lesser interest as is the
117 subject of the disposition agreement, shall revert to the Common-
118 wealth in the event the real property is no longer utilized for such
119 direct public use.

120 No agreement for the conveyance, lease or rental or other disposi-
121 tion of state-owned real property pursuant to this chapter, and no
122 deed, executed by or on behalf of the Commonwealth pursuant to
123 this chapter, shall be valid unless such agreement or deed contains
124 the following declaration, signed by the commissioner:—

125 The undersigned certifies under penalties of perjury that I have
126 fully complied with the provisions of Sections 40F, 40F¹/₄, 40F¹/₂,
127 40F³/₄, 40H, and 40J of Chapter 7 of the General Laws in connection
128 with the real property described herein.

129

130 _____
Commissioner, DCAMM

131 Date: _____

132 The commissioner shall maintain, for a period of at least 6 years,
133 a file containing a copy of each document necessary to establish ful-
134 fillment of the requirements of this chapter as it relates to the dispo-
135 sition of surplus real property. Such file shall be open to public
136 inspection.

137 (d) All net cash proceeds from the conveyance, lease or other
138 transfer of real property pursuant to this chapter shall be allocated,
139 upon receipt, to the Surplus Land Proceeds Fund established pur-
140 suant to Section 2000 of Chapter 29 of the General Laws.

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 such
6 responsibility to an administrator, who has 10 years of experience in
7 the management of commercial, industrial, institutional or public
8 real property. When responsibility is delegated to an administrator
9 the written approval of the commissioner shall be required before
10 such transaction is finalized.

11 The commissioner shall acquire interest in real property on behalf
12 of the Commonwealth for the use of state agencies by gift, purchase,
13 devise, grant, eminent domain, rental, lease, rental-purchase or oth-
14 erwise.

15 In acquiring buildings for the use of state agencies, first consider-
16 ation shall be given to any structures that have been certified as his-
17 toric landmarks as provided by Sections 26 through 27C inclusive of

18 Chapter 9, that have been listed in the National Register of Historic
19 Places as provided by 16 U.S.C. Section 470a (1974) or that have
20 been designated historic landmarks by local historic commissions,
21 unless use of such buildings would not be feasible in terms of costs
22 and requirements when compared with other available properties.

23 Notwithstanding any other general or special law to the contrary,
24 real property acquired for the use of state agencies shall be held in
25 the name of the Commonwealth.

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

40 The commissioner, with the written approval of the commissioner
41 of administration, may transfer use of, and responsibility for mainte-
42 nance of, buildings, including equipment therein, within or between
43 state agencies. No such transfer within or between state agencies
44 which involves either a change in the purposes for which such
45 building is currently used or a change in use in excess of 50 per cent
46 of the usable floor space, shall be made without the prior approval of
47 the general court. Any such transfer shall be based on a determina-
48 tion, made by the commissioner with the advice of the executive
49 heads of affected agencies and secretaries of the executive offices in
50 which such agencies are located, that such real property is not
51 needed, is under utilized, or is not being put to optimum use under
52 current conditions. The commissioner shall notify the house and
53 senate committees on ways and means, the chairs of the joint com-
54 mittee on bonding, capital expenditures and state assets and the rep-
55 resentatives to the general court from the city or town in which such
56 real property is located not less than 30 days prior to the final autho-

57 rization of any transfer which does not require the approval of the
58 general court, and such transfer shall only be made when the general
59 court is in session except as provided hereafter. Such transfer may be
60 made when the general court is not in session, and the thirty day
61 notification requirement may be waived, only if the commissioner
62 certifies in writing that an emergency exists; provided, however, that
63 any such transfer may be authorized for a period not to exceed 6
64 months, and provided, further, that the commissioner shall submit
65 his certification to and notify the house and senate ways and means
66 committees, the chairs of the joint committee on bonding, capital
67 expenditures and state asset, and the representatives to the general
68 court from the city or town in which such real property is located of
69 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 lines 23
3 and 24, the words “state administration” and inserting in place
4 thereof the following words:— bonding, capital expenditures and
5 state assets

1 SECTION 8. Said Chapter 7 is hereby further amended by
2 striking out Section 40I and inserting in place thereof the following
3 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 legisla-
6 tion authorizing the conveyance, lease, transfer, or other disposition
7 of any state-owned real property forward a copy of said bill to the
8 commissioner. Within 90 days of the receipt of said copy, the com-
9 missioner shall submit in writing a report to the commissioner of
10 administration, the legislative committee before which the bill is
11 pending, and the joint committee on bonding, capital expenditures
12 and state assets together with a recommendation for either the
13 approval or the disapproval of the bill and his reasons therefor.

14 If the commissioner is recommending the approval of a bill
15 proposing the disposition of a parcel exceeding 2 acres, said report
16 shall include:—

17 (1) a description of the real property including its current use,
18 structures, and approximate metes and bounds;

19 (2) the value of the real property, determined through procedures
20 customarily accepted by the appraising profession as valid for such
21 purposes, calculated both for (a) the highest and best use of the real
22 property as currently encumbered and (b) uses and encumbrances
23 that would be imposed by the bill if enacted;

24 (3) all current and foreseeable direct public uses identified by
25 following the division's procedures for such purposes as they apply
26 to the real property to be disposed

27 (4) other potential public and private uses of the real property;
28 and

29 (5) any other information the general court may require.

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

35 The provisions of this section shall not apply to recommendations
36 filed by the commissioner with the joint committee on bonding, capital
37 expenditures and state assets pursuant to the provisions of subsection
38 (b) of Section 40F¼.

1 SECTION 9. Chapter 29 of the General Laws is hereby amended
2 by inserting after Section 2NNN the following sections:—

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

10 (i) to reimburse host municipalities for bona fide costs incurred by
11 said municipalities for the maintenance and upkeep of the surplus
12 real property wherein the funds originated;

13 (ii) a minimum of 10 per cent of the remaining net cash proceeds
14 after funding the costs identified in clause (i) to a host municipality;
15 provided, however, upon certification by the commissioner of the
16 division of capital asset management and maintenance that a host
17 municipality expedited permitting in accordance with part (i) of sub-
18 section (g) of Section 40F¼ or took other affirmative actions, which

19 at the discretion of the Commissioner, furthered the Common-
20 wealth's objectives for the parcel, shall be entitled to 20 per cent of
21 the remaining net cash proceeds after funding the costs identified in
22 clause (i) of this section. If said municipality exercises its right of
23 first refusal as authorized pursuant to subsection (d) of Section 40F¹/₄
24 it shall not receive a percentage of the sale proceeds; provided, how-
25 ever, that if a municipality assigns its right of first refusal pursuant to
26 said subsection (d) of said Section 40F¹/₄ to a non-profit organization
27 for a direct public use, it shall receive 10 per cent of the net cash
28 proceeds remaining after funding the costs identified in clause (i);

29 If a city or town fails to close on a surplus property due solely to a
30 failure to receive an affirmative vote on a debt exclusion to raise
31 funds for the purchase of the particular parcel pursuant to Section
32 21C of Chapter 59 of the General Laws, the city or town shall
33 remain eligible to receive its share of proceeds of the sale as pro-
34 vided in this section.

35 (iii) after distribution of net cash proceeds pursuant to clauses (i)
36 and (ii), not more than \$2,800,000 shall be deposited in District
37 Local Technical Assistance Fund established pursuant to Section
38 2PPP; and

39 (iv) after distribution of net cash proceeds pursuant to clauses (i),
40 (ii), and (iii) the remaining net cash proceeds shall be deposited in
41 smart growth housing trust fund established pursuant to Section
42 35AA of Chapter 10.

43 Section 2PPP. There shall be established and set upon the books
44 of the Commonwealth a separate fund to be known as the District
45 Local Technical Assistance Fund. Amounts credited to the fund shall
46 be administered by the Bureau of Municipal Assistance within the
47 Department of Revenue which shall ensure that the funds are used
48 for activities consistent with the purpose of this act and the Massa-
49 chusetts management and accounting reporting system, so-called.
50 Said amounts shall be used solely for the administration and imple-
51 mentation of the provisions of this section.

52 Recipients of said funds shall provide matching resources of not
53 less than 10%, no more than ½ of which may be in-kind services,
54 and shall report such annually on their expenses and program activi-
55 ties to the Commonwealth and local governments. Each regional
56 planning district created under Chapter 40B or by special act shall be
57 granted a fixed annual base award of \$150,000 from said fund, with

58 the exception of the Metropolitan Area Planning Council, which
59 shall receive a base appropriation of \$200,000, the Martha's Vine-
60 yard commission which shall receive a full annual appropriation of
61 \$100,000 and the Nantucket planning and economic development
62 commission, which shall receive a full annual appropriation of
63 \$50,000 as its full annual appropriation. One-half of the remainder
64 of the annual appropriation to said fund shall be apportioned among
65 said entities based on the percentage of the Commonwealth's popu-
66 lation served by each entity, with the other half apportioned based on
67 the percentage of the Commonwealth's communities served by each
68 entity.

1 SECTION 10. Section 9 of Chapter 40A of the General Laws is
2 hereby amended by striking out the fifteenth paragraph and inserting
3 in place thereof the following paragraph:—

4 Zoning ordinances or by-laws shall also provide that research and
5 development uses, whether or not such uses are currently permitted
6 as a matter of right, may be permitted in any non-residential zoning
7 district upon the issuance of a special permit; provided, however,
8 that the granting authority finds that such uses do not substantially
9 derogate from the public good.

10 "Research and development uses" may include any 1 or more of
11 the following:— investigation, development, laboratory and similar
12 research uses; any related office uses; limited manufacturing uses;
13 and uses accessory to any of the foregoing in any field of science.
14 "Limited manufacturing" may, subject to the issuance of such
15 special permit, be an allowed use provided that the following
16 requirements are satisfied:—

17 (1) such manufacturing activity is directly related to research
18 uses;

19 (2) no manufacturing activity occurs within 50 feet of a residen-
20 tial district; and

21 (3) substantially all manufacturing activity occurs inside of build-
22 ings with any manufacturing activities occurring outside of buildings
23 subject to such conditions as may be imposed by the granting
24 authority.

1 SECTION 11. Chapter 40B of the General Laws, as so appearing,
2 is hereby amended by inserting the following section:—

3 Section 30. There shall be established within each regional plan-
4 ning district created under this chapter or by special act a technical
5 assistance center for the delivery of coordinated, comprehensive, and
6 continuing technical services to and among local governments.
7 Technical assistance services may be provided in any subject area
8 within the capability of each technical assistance center that
9 improves local government capacity, efficiency, knowledge and
10 ability to respond to issues, opportunities, laws and requirements
11 including, but not limited to,;— required municipal asset inventory
12 and management; communication systems including broadband,
13 wireless and related facilities; emergency and incident response sys-
14 tems; electronic government opportunities; remote image and data
15 collection; digital data management and archiving; geographic infor-
16 mation systems; geo-location of infrastructure; internet and internet-
17 related technologies; data sharing and regional backup; computer
18 system evaluation and networking; intelligent transportation sys-
19 tems; statistical trends and modeling; digital recordation of acci-
20 dents, fires and crime; technical specifications relating to
21 management of the sanitary code, water supplies, air quality, storm
22 water and natural resource area; and other land use and smart growth
23 zoning issues.

24 Said regional planning districts shall annually consult with each
25 member city and town to ensure locally needed technical assistance
26 services that:—

- 27 (i) aid communities in evaluating new technologies, equipment
28 and systems;
- 29 (ii) aid communities in improving the efficiency of local govern-
30 ment;
- 31 (iii) reduce costs incurred by local governments for performing
32 duties required thereof; (
- 33 iv) build capacity and provide needed skills;
- 34 (v) aid communities in meeting new state or federal regulations or
35 requirements; (vi) provide specific services or initiate demonstration
36 projects;
- 37 (vii) facilitate sharing of information or best practices among and
38 between communities;
- 39 (viii) facilitate inter-municipal cooperation or cost sharing;
- 40 (ix) provide training and skill development of community
41 employees;

42 (x) aid in improvement of local standards, procedures and regula-
43 tions; and

44 (xi) promote smart growth zoning, regulations, or standards.

45 Said regional planning districts shall coordinate and focus their
46 programs to augment the services of the local technical assistance
47 centers. A core program of technical services shall be maintained in
48 the fields of management and data, environment, transportation and
49 community development. Other fields may be covered as appro-
50 priate and resources allow. Agencies of the Commonwealth initi-
51 ating or following through on programs or regulations requiring
52 outreach or technical assistance shall first consider utilizing the local
53 technical assistance centers while seeking the services previously
54 enumerated and may enter directly into contracts with the regional
55 planning agencies or their technical assistance centers as they would
56 with any city or town. This provision shall not limit the ability of
57 state agencies to work directly with individual communities.

1 SECTION 12. Notwithstanding the provisions of Sections 40F,
2 40F¹/₄ 40F¹/₂, 40F³/₄, 40H and 40I of Chapter 7 of the General Laws,
3 the commissioner of the division of capital asset management and
4 maintenance shall, upon the execution of a mutually acceptable
5 agreement between the commissioner and the Worcester Business
6 Development Corporation, convey a certain parcel of state owned
7 land to the Worcester Business Development Corporation. Said
8 parcel is described by the city of Worcester assessor's office as being
9 at a point on the westerly sideline of Plantation street at the most
10 southeasterly corner of the parcel to be described; said point also
11 being the most northeasterly corner of land now or formerly known
12 as Parcel 10 of the Amended Definitive Subdivision Plan for
13 Worcester Business Development Corporation, dated January 3,
14 1990 and recorded in the Worcester county registry of deeds, Plan
15 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 of
20 four hundred seventy-five and 09/100 (475.09) feet to a point at the
21 end of a stone wall;

22 THENCE N. $83^{\circ} 00' 00''$ W. a distance of four hundred sixty-one
23 and $28/100$ (461.28) feet to a point at the end of a stone wall;

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

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

30 THENCE N. $34^{\circ} 56' 10''$ 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. $66^{\circ} 40' 00''$ E. continuing along the stone wall, a
34 distance of eight hundred thirty-three and $90/100$ (833.90) feet to an
35 angle in the stone wall;

36 THENCE S. $43^{\circ} 22' 40''$ E. continuing along the stone wall, a dis-
37 tance of seven hundred thirty-nine and $50/100$ (739.50) feet to an
38 angle in the stone wall;

39 THENCE S. $67^{\circ} 21' 50''$ E. continuing along the stone wall, a dis-
40 tance of seven hundred thirty and $17/100$ (730.17) feet to a point on
41 the westerly sideline of Plantation street;

42 THENCE along the westerly sideline of Plantation Street, in part
43 by a stone wall, the following four (4) courses:—

44 S. $18^{\circ} 21' 30''$ W. a distance of eighty-seven and $41/100$ (87.41)
45 feet to a point;

46 S. $15^{\circ} 19' 30''$ W. a distance of two hundred thirty-eight and
47 $20/100$ (238.20) feet to a point;

48 S. $10^{\circ} 37' 00''$ W. a distance of two hundred seventy-one and
49 $77/100$ (271.77) feet to a point; and

50 S. $19^{\circ} 17' 00''$ a distance of one hundred eighty-one and $70/100$
51 (181.70) feet to the point of beginning. Containing 32.4086 acres,
52 more or less.

1 SECTION 13. The sums set forth in Section 13, for the purposes
2 set forth in this act and subject to the conditions specified under the
3 provisions of this act, are hereby authorized for expenditure unless
4 specifically designated otherwise, subject to the provisions of law
5 regulating the disbursement of public funds and 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 the
 2 contrary, the state comptroller shall, within 10 days of the effective
 3 date of this act, transfer \$2,800,000 from the General Fund to the
 4 District Local Technical Assistance Fund established pursuant to
 5 Section 2PPP of Chapter 29 of the General Laws.

1 SECTION 15. Notwithstanding any general or special law to the
 2 contrary, for each parcel of real property acquired pursuant to the
 3 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, director
 7 or employee of the agency and any party involved with the develop-
 8 ment or redevelopment of the real property including, but not limited
 9 to, any outside legal counsel and other professional services. The
 10 agency shall, within 30 days of receiving a request by the house or
 11 senate committee on ways and means, provide the committee with a
 12 detailed summary of all fees and expenditures incurred relative to
 13 the development or redevelopment of real property acquired pur-
 14 suant to the provisions of said Chapter 7 including, but not limited
 15 to, any fees paid to any outside legal counsel and other professionals
 16 retained by, or on behalf of, the agency.

1 SECTION 16. Notwithstanding the provisions of this act, or any
 2 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 the
 4 net cash proceeds, as that term is defined in this act, from the sale of
 5 real property pursuant to Chapter 271 of the acts of 1998, as most
 6 recently amended by Chapter 7 of the acts of 2001. The percentage

7 of the net cash proceeds shall be divided between the towns based on
8 the percentage of the real property within each town.

1 SECTION 17. Sections 1 to 9, inclusive, shall not be effective as
2 to the disposition of any real property designated surplus by the
3 commissioner of the division of capital asset management and main-
4 tenance prior to the effective date of this act, or as to the disposition
5 of any real property owned by the Commonwealth and subject to a
6 special act for the conveyance, lease or other disposition of such real
7 property with an effective date prior to the effective date of this act..