

**HOUSE . . . . . No. 3004**

The Commonwealth of Massachusetts

PRESENTED BY:  
**Kay Khan**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
An Act 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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	11th Middlesex
Barbara A. L'Italien	18th Essex
Joyce A. Spiliotis	12th Essex
William Lantigua	16th Essex
John W. Scibak	2nd Hampshire
Timothy J. Toomey, Jr.	26th Middlesex
Ruth B. Balser	12th Middlesex
James B. Eldridge	Middlesex and Worcester
Mary E. Grant	6th Essex
David B. Sullivan	6th Bristol
Jennifer M. Callahan	18th Worcester
Susan C. Tucker	Second Essex and Middlesex
Bruce E. Tarr	First Essex and Middlesex
Thomas M. Stanley	9th Middlesex
Mark C. Montigny	Second Bristol and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 37 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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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:*

SECTION 1. Chapter 7 of the General Laws as so appearing in the 2004 Official Edition, is hereby amended by inserting after section 40F<sup>1</sup>/<sub>2</sub> the following section:--

Section 40F<sup>3</sup>/<sub>4</sub>. Notwithstanding the provisions of section 40F or any other general or special law to the contrary, when the commissioner of the division of capital asset management and maintenance requests from the general court authorization to dispose of state real property formerly used as a department of mental health state hospital, or a department of mental retardation facility for individuals with mental retardation, the request shall include a restriction that requires a) not less than twenty-five per cent of the disposition proceeds from the transferred property be used to develop decent, safe, sanitary, affordable, community-based housing pursuant to applicable federal guidelines, for individuals who are clients of the department which operated such real property, if housing is not going to be developed on the site, or b) if housing is to be developed on the site, not less than twenty-five percent of the housing so developed, to be decent, safe, sanitary, affordable, community-based housing pursuant to applicable federal guidelines, for individuals who are clients of the department which operated such real property. Housing developed or funded under this section shall be affordable to eligible individuals with incomes at or below fifteen per cent of the area median income; provided, that the development may include scattered site, integrated independent living apartments; provided further that said restriction shall be recorded in the registry of deeds or the registry district of the land court of the county in which the affected property is located, running with the land, that the land be used for the purpose of providing housing for eligible individuals as determined by the department of mental health or the department of mental retardation, as the case may be; provided further, that said property shall not be released from such restriction until after the expiration of ninety-nine years from the date of initial occupancy by such eligible individuals. If disposition proceeds from the transferred property are to be used for development of housing on property other than that formerly used as a department of mental health state hospital, or a department of mental

retardation facility for individuals with mental retardation, said proceeds shall be placed within a dedicated account under control of the appropriate agency as the case may be prior to their disposition into the General Fund.