



## Office of the Inspector General Commonwealth of Massachusetts

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### Reviews Spark Changes in Legislation, February 2005

The Office of the Inspector General reviewed and commented on hundreds of pieces of legislation during the 2003-2004 legislative session. In many instances, lawmakers redrafted bills following our recommendations. Here are some of the changes sparked by our reviews:

- **DIVISION OF CAPITAL ASSET MANAGEMENT**

**House Bill 3595** would have authorized the Division of Capital Asset Management to waive the planning and disclosure requirements of the state's real property law when it conveyed a certain parcel of land to the town of Westfield.

This Office wrote a letter to the Joint Committee on State Administration on June 16, 2003 recommending that the legislation be amended to add safeguards, including a provision that the property revert to the commonwealth if Westfield fails to use it for the intended purpose.

The committee amended the bill with the Office's recommendations and it became law, Chapter 403 of the Acts of 2004.

**House Bill 3700** would have waived the Ward Commission safeguards in the state's real property law in order to direct DCAM to convey a certain parcel of land to private named parties. On June 16, 2003, this Office wrote a letter to the Joint Committee on State Administration recommending changes to the bill, including adding a requirement that DCAM obtain an independent appraisal to determine the property's fair market value and that the buyer pay the commonwealth no less than that price.

The committee incorporated our recommendations and the amended bill became law, Chapter 340 of the Acts of 2004.

- **FITCHBURG HOUSING AUTHORITY**

**House Bill 4242** would have authorized the Fitchburg Housing Authority to convey a certain parcel of land located in the city to Habitat North Central Massachusetts, without following the requirements of M.G.L. c. 30B, the Uniform Procurement Act. The Housing Authority no longer needed the parcel and planned to convey the parcel so it could be used for affordable housing.

This Office wrote a letter to the Joint Committee on Local Affairs on November 18, 2003 saying that the Housing Authority could achieve its intended public purpose for the use of the property by complying with M.G.L. c. 30B §16 (a), (b) and (g). These sections of the law require the Housing Authority to publicly disclose its plans for the property, determine the value of the property and, if the Housing Authority plans to dispose of it for less than market value, publish a

notice in the Central Register explaining the reasons for its decision and disclosing the market value and the planned price.

The bill was amended to incorporate the Office's recommendations and it became law, Chapter 84 of the Acts of 2004.

- **TOWN OF HULL**

**Senate Bill 1154** would have authorized the town of Hull to lease town-owned property at Pemberton Pier without following the requirement of Chapter 30B. The legislation would have eliminated all requirements for public advertising and competition for the lease.

In a December 16, 2003 letter to the Joint Committee on Local Affairs, the Office explained the requirements municipalities are required to follow to foster open and fair competition for leases of publicly-owned property. Section 16 of Chapter 30B requires that in making public property available to private tenants, a municipality establish reasonable selection rules, announce those rules publicly, and allow all who believe they merit consideration to apply. As a result of the Office's advice, the legislation was amended to comply with M.G.L. c. 30B §16 (a), (b) and (g) and became law, Chapter 440 of the Acts of 2004.

**Senate Bill 1155** would have authorized the town of Hull to lease town-owned property at Nantasket Pier for use as a marine or pier facility without following the requirements of Chapter 30B.

The Office wrote a second letter to the Joint Committee on Local Affairs on December 16, 2003 again explaining the requirements of the M.G.L. c 30B, the Uniform Procurement Act. The committee again accepted this Office's recommendations and amended the bill to comply with M.G.L. c. 30B §16 (a), (b) and (g). It became law, Chapter 439 of the Acts of 2004.

- **TOWN OF ACTON**

**Senate Bill 1981** would have would have authorized the town of Acton to lease town-owned property to a named party for the purpose of constructing a private parking facility without following the requirements of Chapter 30B. The Office recommended that the town comply with M.G.L. c. 30B. The bill was amended to incorporate some of the provisions of M.G.L. c. 30B §16 and it became law, Chapter 354 of the Acts of 2004.