

HOUSE No. 4520

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 18, 2016.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 4390) of Peter V. Kocot that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of Northampton to said city for affordable housing purposes, reports recommending that the accompanying bill (House, No. 4520) ought to pass.

For the committee,

PETER V. KOCOT.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relating to land in Northampton.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of certain parcels of land in the city of Northampton, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Section 15 of chapter 86 of the acts of 1994 is hereby amended by striking
2 out the first two paragraphs and inserting the following in place thereof:-

3 The commissioner of the division of capital asset management and maintenance is hereby
4 authorized to convey by release deed to the city of Northampton, in the name and on behalf of
5 the commonwealth, one or more parcels of land located in the city of Northampton, hereinafter
6 referred to as “the parcels”, for the purpose of providing affordable housing. The city of
7 Northampton shall be authorized to convey any or all of the parcels to one or more non-profit
8 entity or entities whose mission is the construction of affordable housing. Such conveyance shall
9 comply with the provisions of section sixteen of chapter thirty B, the Uniform Procurement Act,
10 and such other procurement laws that may be applicable.

11 In the event that any of the parcels conveyed to the city pursuant to this section are not
12 used for the purposes described in this act on or before December 31, 2021, title to such parcel or
13 parcels shall revert to the commonwealth upon notice by the commissioner of capital asset
14 management and maintenance. If the city of Northampton conveys one or more of the parcels in
15 accordance with the preceding paragraph and its grantee fails to use such parcel or parcels for the
16 purposes set forth in this act within three years of the conveyance or ceases to use any of the
17 parcels for such purposes, title to such parcel or parcels shall revert to the city of Northampton
18 and may be reconveyed in accordance with this act.

19 SECTION 2. Said section 15 is hereby further amended by striking out the last
20 paragraph and inserting the following in place thereof:-

21 For further reference, see a plan entitled “89 WIBI Northampton Housing Authority”
22 dated November sixteenth, nineteen hundred and eighty-nine and prepared by TWM Northeast
23 E.J. Flynn Engineers, Inc. The precise configuration shall be described in a land survey to be
24 prepared by the city of Northampton. The city of Northampton shall be responsible for costs and
25 expenses including, but not limited to, costs associated with deed preparation and recording fees
26 related to the conveyance of the parcel or parcels to the city as may be determined by the
27 commissioner. The city of Northampton or its grantee or grantees shall assume the cost of
28 appraisals, surveys and other expenses associated with the development of affordable housing as
29 provided in the preceding paragraph.

30 In the event that the city of Northampton by majority vote of its city council, does not
31 elect to purchase all of the parcels on or before December 31, 2017, or in the event that title to
32 any of the parcels reverts to the commonwealth, then, notwithstanding sections 33 to 37,

33 inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary,
34 the commissioner may sell, lease for terms up to 99 years, including all renewals and extensions,
35 or otherwise grant, convey or transfer to purchasers or lessees an interest in said parcel or parcels
36 on such terms and conditions that the commissioner considers appropriate. The commissioner
37 shall dispose of said parcel or parcels using appropriate competitive bidding processes and
38 procedures. At least 30 days before the date on which bids, proposals or other offers to purchase
39 or lease a parcel or parcels are due, the commissioner shall place a notice in the central register
40 published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating
41 the availability of the property, the nature of the competitive bidding process and other
42 information that the commissioner considers relevant, including the time, place and manner for
43 the submission of bids and proposals and the opening of the bids or proposals.

44 SECTION 3. Said chapter 86 is hereby further amended by striking out section 16 and
45 inserting the following in place thereof:-

46 SECTION 16. The commissioner of the division of capital asset management and
47 maintenance is hereby authorized to convey by deed, to the city of Northampton a parcel of land
48 located at 91 Grove street. Said parcel is to be used by the city or its assigns for the purpose of
49 providing an emergency shelter for the homeless. Said parcel contains approximately one acre
50 of land, the precise configuration of which may be determined in a survey. Conveyance of said
51 parcel shall be without consideration and shall not be subject to the provisions of chapter seven
52 of the General Laws. The commissioner shall establish the value of the property for both the
53 highest and best use of the property as currently encumbered and for the purposes described in
54 section 1. The commissioner shall place notification in the central register of the conveyance,
55 the amount of such transaction and the difference between the calculated. The city of

56 Northampton shall be responsible for costs and expenses including, but not limited to, costs
57 associated with deed preparation and recording fees related to the conveyance of the parcel to the
58 city as may be determined by the commissioner.

59 Upon the conveyance of said parcel to the city of Northampton, the city of Northampton
60 is authorized to reconvey said parcel to a non-profit operator of such emergency shelter for the
61 homeless provided that the deed shall contain a provision by which title to such parcel or parcels
62 shall revert to the city of Northampton if its grantee ceases to operate an emergency shelter for
63 the homeless. Upon reversion, the city of Northampton may reconvey such parcel to a non-profit
64 operator of the emergency shelter for the homeless or for affordable housing for the homeless,
65 the formerly homeless and/or for those at risk of homelessness in accordance with this act.