

HOUSE No. 2731

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Durant

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 adoption of the accompanying bill:

An Act to hold harmless Human Service Agencies.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Peter J. Durant

6th Worcester

Joseph D. McKenna

18th Worcester

HOUSE No. 2731

By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 2731) of Peter J. Durant and Joseph D. McKenna relative to the lease or rental of real property to be occupied by a public agency. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act to hold harmless Human Service Agencies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 7C of the General Laws is hereby amended by inserting after section 42 the
2 following:-

3 Section 42A. (a) For purposes of this section, the following terms, unless the context
4 clearly requires otherwise, shall have the following meanings:-

5 “Charitable organization”, any person whose purposes or actual operation are charitable
6 in nature or one holding himself out to be a charitable organization in whole or in part, including
7 any person who in any manner employs a charitable appeal as the basis of any solicitation or an
8 appeal which could be reasonably interpreted to suggest that there is a charitable purpose to any
9 such solicitation.

10 “Current agreement ”, an agreement currently in existence or an agreement having
11 expired or terminated any time during the previous 180 days.

12 “Human services organization ”, a nonprofit association or charitable organization that
13 provides, teaches or fosters skills necessary for obtaining and maintaining a viable standard of
14 living or that assists individuals with disabilities, poverty or mental health issues.

15 “Nonprofit association”, an entity which is organized as a nonprofit corporation or
16 nonprofit unincorporated association under the laws of the commonwealth or the United States
17 or any entity which is authorized to do business in the commonwealth as a nonprofit corporation
18 or unincorporated association under the laws of the commonwealth.

19 (b) Notwithstanding any general or special law to the contrary, during the renegotiation
20 of any current agreement between the commissioner and a human services organization for the
21 lease or rental of real property to be occupied by a public agency, the commissioner shall not
22 offer a price lower than that stipulated in the current agreement minus 5 per cent of the price
23 stipulated in the current agreement unless a significant change was made to the real property that
24 results in a reduced value as determined by the commissioner. Simultaneous with the extension
25 of an offer that contains a price lower than that stipulated in the current agreement minus 5 per
26 cent of the price stipulated in the current agreement, the commissioner shall explain, in writing,
27 the reasoning behind the commissioner’s determination that the value of the property has been
28 reduced based upon the changes made to the property.