

HOUSE No. 2987

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 by striking out section 1,
2 as appearing in the 2004 Official Edition, and inserting in place thereof the following section:—

3 Section 1. As used in this chapter the following words shall, unless the context clearly
4 requires otherwise, have the following meanings:

5 "Commissioner", the commissioner of administration.

6 "Eligibility", written criteria established before a request for applications that are used to
7 determine if an application for an award of grant program resources is acceptable.

8 "Finance committee", the committee of the executive council appointed to consider
9 matters of finance.

10 "Grant program", financial or technical assistance provided by a state agency or state
11 authority, as defined in section 1 of chapter 29, available to a city, town or other public or private
12 entity otherwise eligible.

13 "Grant program fiscal statement", shall include: (1) a description of the substance of the
14 application; (2) the average expected grant amount; (3) a listing of award recipients, including
15 the award amount, if any, the fiscal year of the award and the date of award; (4) the estimated
16 proportion of monies, in-kind match or other monies to be supplied by the award recipient and
17 any other source from which such match will be required; (5) a description of the allocation
18 formula and matching requirements, including whether the grant is distributed on the basis of a
19 specified formula or at the grantor's discretion; (6) a description of any constraints placed on the
20 use of the grant; and (7) contact information, including the telephone number, postal address and
21 internet email address to facilitate the application process.

22 "Grant program reference", a description in electronic format that is retrievable and
23 printable that shall include: (1) the grant program application; (2) the grant program eligibility
24 criteria; (3) the application due date; and (4) the grant program fiscal statement.

25 For the purposes of sections 39B to 43J, inclusive, the following words shall, unless the
26 context clearly requires otherwise, have the following meanings:-

27 "Agency", the Massachusetts Development Finance Agency, a body politic and corporate
28 entity established by section 2 of chapter 23G.

29 "Commissioner", the commissioner of the division of capital asset management and
30 maintenance.

31 "Committee", the state surplus land coordinating committee established pursuant to
32 section 40F.

33 “Affordable housing”, housing that is affordable for rental or purchase by families or
34 individuals whose income at initial occupancy is equal to or less than 100 per cent of the median
35 area income as determined by the United States secretary of housing and urban development for
36 federal housing programs.

37 “Direct public use”, use of real property by a governmental or quasi-governmental entity
38 including, without limitation, the commonwealth, any municipality within the commonwealth, or
39 any authority or district within the commonwealth, or any instrumentality of any of the
40 foregoing, and, with respect to any use of real property by a private non-profit organization, any
41 use of the real property for affordable housing production, community economic development,
42 historic preservation or for open space acquisition or preservation.

43 “Host municipality”, the municipality or municipalities within which state owned real
44 property conveyed, leased or otherwise transferred to the agency or declared surplus pursuant to
45 the provisions of this chapter is located.

46 “Net cash proceeds”, all payments paid to the commonwealth as and when paid, less any
47 transaction-related expenses incurred by the division of capital asset management and
48 maintenance, the Massachusetts Development Finance Agency and the regional planning agency
49 for which it is not otherwise reimbursed, including, but not limited to, costs associated with the
50 disposal or pre-development of the real property where the funds originated including, but not
51 limited to, appraisals, surveys, site evaluation, site preparation, plans, recordings, smart growth
52 review and any other expenses relating to the disposal or pre-development of the real property
53 pursuant to the provisions of this chapter, and less any amounts that may be owing to the federal
54 government as a result of the disposition.

55 “Real property”, as defined in section 39A.

56 “State agency”, as defined in said section 39A.

57 “Surplus real property”, real property of the commonwealth: (1) previously determined to
58 be surplus to current and foreseeable state needs pursuant to section 40F or 40F½, but excluding
59 real property for which there is an established local reuse plan; or (2) determined to be surplus to
60 current and foreseeable state needs pursuant to this chapter.

61 SECTION 2. Said Chapter 7 is hereby further amended by striking out section 40E, as so
62 appearing, and inserting in place thereof the following section:—

63 Section 40E. Real property, record title to which is held in the name of a state agency or
64 the board of trustees of a state agency or similar board of a state agency, shall be deemed to be
65 real property of the commonwealth. No deed or other instrument shall be required to effect the
66 transfer to the commonwealth of title to such real property, but the land court department of the
67 trial court shall, upon petition of the division of capital asset management and maintenance, issue
68 in the name of the commonwealth a certificate of title to any real property, title to which is
69 registered under chapter 185 in the name of a state agency or the board of trustees of a state
70 agency or similar board of a state agency. Notwithstanding any general or special law to the
71 contrary, no person shall acquire any rights by prescription or adverse possession in any lands or
72 rights in lands held in the name of the commonwealth.

73 The commissioner and the committee shall exercise the powers stated in this chapter,
74 notwithstanding the delegations which the general court has made pertaining to the acquisition,
75 control, and disposition of real property, including section 19 of chapter 16; section 1 of chapter
76 19; section 7 of chapter 19A; sections 9A, 13, and 30 of chapter 21; sections 2 and 9 of chapter

77 21A; sections 8 and 26 of chapter 23A; section 7 of chapter 23B; section 3 of chapter 28A;
78 section 41 of chapter 29; sections 4 and 5 of chapter 29A; sections 11, 12, 25, 26, and 27 of
79 chapter 75; sections 7, 7A, 7C, 7D, 7E, 7G, 7H, 7L, 7M, 11, 13A, and 13B of chapter 81; section
80 7 of chapter 82; section 4 of chapter 83; section 39B of chapter 90; sections 2, 3, 5, and 6 of
81 chapter 91; sections 9A, 13, 33, 34, 77 to 85, inclusive, 87, and 88 of chapter 92; sections 62R,
82 83, and 86 of chapter 111; section 5 of chapter 111B; section 8 of chapter 115A; sections 1 and 2
83 of chapter 120; section 5 of chapter 122; section 10 of chapter 124; section 2 of chapter 147;
84 sections 31 and 32 of chapter 184; provided, however, that the commissioner shall acquire,
85 control and dispose of real property in accordance with the terms and purposes of the
86 aforementioned provisions. The commissioner shall not make any acquisition of real property on
87 behalf of a state agency by eminent domain or make any such delegation of power to acquire real
88 property by eminent domain to any state agency unless such state agency is otherwise authorized
89 by law to exercise the power of eminent domain. The commissioner may delegate to state
90 agencies responsibility for the acquisition and control of real property as provided for in this
91 chapter. When responsibility is delegated to a state agency, the written approval of the
92 commissioner shall be required before the transaction is completed, and a copy of said written
93 approval shall be sent to the joint committee on bonding, capital expenditures and state assets.

94 For the purposes of sections 40F to 40L, inclusive, the term "emergency" shall mean any
95 situation caused by unforeseen circumstances which render currently used real property unusable
96 or unavailable for the purposes intended and which creates an immediate need for other real
97 property to preserve the health or safety of persons or real property.

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

100 Section 40F. (a) There shall be established a state surplus land coordinating committee.
101 The committee shall consist of 11 members, 1 of whom shall be the secretary of the executive
102 office of administration and finance or his designee; 1 whom shall be the secretary of the
103 executive office of transportation and construction or his designee; 1 of whom shall be the
104 secretary of the executive office of economic development or his designee, provided his designee
105 is the director of the Massachusetts office of business development; 1 of whom shall be the
106 secretary of the executive office of environmental affairs or his designee; 1 of whom shall be the
107 director of the department of housing and community development or his designee; 1 of whom
108 shall be the commissioner of the division of capital asset management and maintenance or his
109 designee; 1 of whom shall be the director of the Massachusetts municipal association or his
110 designee; 1 of whom shall be chair of the commonwealth development coordinating council or
111 his designee; and 1 of whom shall be the chief executive officer of the Massachusetts
112 development finance authority or his designee; 1 of whom shall be the chair of the board of
113 directors of the Massachusetts association of regional planning agencies or his designee; and 1 of
114 whom shall be the president of the Massachusetts association of community development
115 corporations or his designee.

116 The committee shall meet from time to time and shall advise and direct the commissioner
117 on all real property being considered for surplus designation and on the appropriate disposition
118 of such real property, including but not limited to, whether the real property should be declared
119 surplus, the potential reuses for the real property, including, but not limited to, its suitability for
120 housing development, economic development or preservation as open space, and what
121 restrictions, if any, should be considered on its use and development.

122 The committee shall annually submit a written report of its activities no later than
123 December 31. Said report shall be submitted to the president of the senate, the speaker of the
124 house of representatives, the house and senate chairs of the joint committee on bonding, capital
125 expenditures and state assets, the house and senate chairs of the joint committee on economic
126 development and emerging technologies, the clerk of the senate and the clerk of the house of
127 representatives.

128 (b) The commissioner, upon the approval of the state surplus land coordinating
129 committee, shall be responsible for the disposition of real property in the manner and to the
130 extent provided in this chapter. The commissioner may delegate such responsibility to an
131 administrator who has 10 years of experience in the management of commercial, industrial,
132 institutional or public real property and open space preservation. When responsibility is
133 delegated to an administrator the written approval of the commissioner shall be required before
134 such transaction is finalized.

135 (c) The commissioner shall, pursuant to the provisions of this chapter, convey, lease for a
136 term not to exceed 99 years, transfer or otherwise dispose of real property to the agency or the
137 host municipality or shall, upon the approval of the committee, convey, lease for a term not to
138 exceed 99 years, transfer or otherwise dispose of surplus real property surplus real property as
139 specified in this chapter.

140 The commissioner shall provide such administrative support to the committee as the
141 committee may request.

142 SECTION 4. Said chapter 7 is hereby amended by inserting after section 40F the
143 following section:—

144 Section 40F¹/₄. (a) The commissioner shall recommend to the committee for surplus
145 designation any real property owned by the commonwealth that is not required for use by any
146 state agency and which in his judgment should be declared surplus real property subject to
147 disposition by the commonwealth in accordance with the provisions of this chapter; provided,
148 however, that prior to recommending that a parcel of real property be declared surplus, the
149 commissioner shall determine whether any state agency has a current or foreseeable need for the
150 real property. In order to establish whether there exists a current or foreseeable need, the
151 commissioner shall provide written notice and inquiry to the executive heads of state agencies
152 and secretaries of the executive offices who shall have 30 days to submit a written response
153 indicating that the real property is necessary for a specific current or foreseeable need of such
154 agency or executive office. If no agency or executive office submits such a response within 30
155 days of receiving notice, the commissioner shall recommend to the committee that the real
156 property be declared surplus and disposed of in accordance with the provisions of this chapter. In
157 the event that a written response from a state agency or executive office is timely received
158 specifying a current or foreseeable need for the real property, the commissioner shall, within 30
159 days and in consultation with the secretary of administration and finance and with any
160 affirmatively responding agency or executive office:

161 (1) determine whether the real property shall be made available for current use by a state
162 agency or executive office; (2) determine whether the real property shall be retained on account
163 of a foreseeable use by a state agency or executive office; provided, however, upon a
164 determination that a parcel of real property is surplus to current state uses, but not to foreseeable
165 state uses, the commissioner shall take such action as is necessary to ensure that any disposition
166 of the real property is temporary and said action shall maintain the commissioner's ability to

167 make such real property available to a state agency or executive office at such time as it may be
168 needed; or (3) notwithstanding the current or foreseeable need of the responding state agency or
169 executive office, recommend to the committee that the real property should be declared surplus
170 real property subject to disposal by the commonwealth in a manner consistent with the
171 provisions of this chapter.

172 Within 10 days of providing written notice and inquiry to the executive heads of state
173 agencies and secretaries of the executive offices as required by this section, the commissioner
174 shall, for informational purposes, provide written notice to the host municipality that the real
175 property may be declared surplus pursuant to the provisions of this chapter. Said notice shall be
176 sent to the city manager in the case of a city under Plan E form of government, the mayor and
177 city council in the case of all other cities, the chairman of the board of selectmen in the case of a
178 town, the county commissioners, the regional planning agency, and the members of the general
179 court representing said host municipality. The commissioner shall set forth in such notice a
180 description of the real property and a declaration that the real property is being considered for
181 surplus designation.

182 (b) The commissioner shall file a report with the joint committee on bonding, capital
183 expenditures and state assets which shall include the commissioner's recommendation as to the
184 proposed designation of said real property as surplus. Within 30 days of said filing, said joint
185 committee shall hold a public hearing on the commissioner's proposed designation. Thereafter,
186 said joint committee shall report its findings to the general court together with legislation within
187 30 days of said public hearing, and shall provide a copy of said findings and legislation to the
188 commissioner; provided, further, that prior to the commissioner recommending to the committee

189 that the real property be declared surplus to current and foreseeable state uses, there shall be an
190 affirmative vote of the general court enacting legislation.

191 The commissioner shall establish the value of real property using customarily accepted
192 appraisal methodologies. The value shall be calculated both for (i) the highest and best use of the
193 real property as currently zoned, and (ii) subject to uses, restrictions and encumbrances as may
194 be defined by the general court and the committee. Appraisals under this paragraph shall be
195 conducted by an independent licensed appraiser. In no instance in which the commonwealth
196 retains responsibility for maintaining the real property shall the terms provide for payment of less
197 than the annual maintenance costs.

198 (c) Prior to recommending to the committee that the real property be declared surplus to
199 current and foreseeable state uses the commissioner shall, within 10 days of the general court's
200 action as required by subsection (b), provide simultaneous written notification to the host
201 municipality, the agency and the regional planning agency for the region where the real property
202 is located indicating that the real property is available. For parcels of real property larger than 2
203 acres as delineated as of _____ or valued at more than \$1,000,000 the commissioner
204 shall commission the regional planning agency for the region where the real property is located
205 to conduct a smart growth reuse review. Said review shall consider a need for a variety of
206 housing options, including but not limited to the development of supportive and affordable
207 housing for the physically and cognitively disabled and the mentally ill, economic development
208 and open space; current and prospective zoning of the site; the need for municipal capital
209 facilities and public uses; impact of traffic and transit; impact on the environment and natural
210 resources and on agricultural lands; existence of historically significant structures; availability of
211 infrastructure, including water supply, waste water and store water run-off; fiscal impact of the

212 development on the host municipality; remediation of contamination; and other smart growth
213 implications. The regional planning agency shall complete the review within 60 days.

214 (d) Upon receipt of the notification pursuant to subsection (c) the host municipality shall
215 have a right of first refusal to purchase the real property on the conditions established in this
216 section. The host municipality shall have the right of first refusal to purchase the real property
217 for a direct public use at 85 per cent of the fair market value of the real property as established
218 pursuant to this chapter. The host municipality shall have the right of first refusal to purchase the
219 real property for a purpose other than a direct public use at fair market value as established
220 pursuant to this chapter. Such right of first refusal must be exercised, if at all, by the host
221 municipality within 210 days of receipt of such notice by giving written notification to the
222 commissioner of the host municipality's intent to purchase the real property. The host
223 municipality shall then have an additional 180 days from its exercise of its right of first refusal to
224 close on the purchase of the real property.

225 In the event that a host municipality fails to close on the purchase of the real property
226 within such time, the sole remedy of the commonwealth against the host municipality for such
227 failure is to proceed with the disposition of the real property without further right of purchase by
228 the host municipality; provided, however, that if said failure to close on the purchase of the real
229 property was in bad faith, the commonwealth shall not be required to share proceeds of the sale
230 of said real property with the host municipality as required by section 2000 of chapter 29. The
231 commissioner, at his discretion, may negotiate with a host municipality exercising its right of
232 first refusal flexible financing arrangements to facilitate the purchase of the real property under
233 this section; provided, however, that no such arrangements shall provide for a period of more
234 than 5 years for all payments due under this section. A host municipality exercising a right of

235 first refusal as provided herein may engage the services of the agency to perform planning,
236 feasibility, marketing, and other studies or to provide project management services in connection
237 with any reuse or redevelopment of the real property.

238 If a city or town has held a vote for debt exclusion pursuant to section 21C of chapter 59
239 of the General Laws to finance the surplus real property purchase the date by which the host
240 municipality shall exercise its option to purchase will be extended until 7 days after the vote.

241 A host municipality shall be permitted to assign its right of first refusal to purchase the
242 real property for a direct public use at 85 per cent of the fair market value of the real property as
243 established pursuant to this chapter to a non-profit organization for a direct public use of said
244 organization. Such assignment must be made by the host municipality, if at all, within 210 days
245 of receipt of notification pursuant to subsection (c), the assignee non-profit organization must
246 exercise said right, if at all, within 90 days of assignment of such right by the host municipality
247 by giving written notification to the commissioner of the assignee non-profit organization's
248 intent to purchase the real property. The assignee non-profit organization shall then have an
249 additional 90 days from receipt of assignment by the host municipality to close on the purchase
250 of the real property.

251 In the event that the assignee non-profit organization fails to close on the purchase of the
252 real property within such time, the sole remedy of the commonwealth against the host
253 municipality for such failure is to proceed with the disposition of the real property without
254 further right of purchase by the host municipality; provided, however, that if said failure to close
255 on the purchase of the real property was in bad faith, the commonwealth shall not be required to

256 share proceeds of the sale of said real property with the host municipality as required by section
257 2000 of chapter 29.

258 If the host municipality or its assignee acquires any portion of the real property for open
259 space purposes, or if any of the real property is restricted for open space purposes, a conservation
260 restriction pursuant to chapter 184 of the general laws shall be retained by the commonwealth on
261 such parcels.

262 (e) Upon receipt of the notification required pursuant to subsection (c) the agency shall
263 have 180 days from receipt of such notice to determine whether the agency will accept title to, or
264 another interest in, said real property and to provide such notice to the commissioner; provided,
265 however, that the agency shall send preliminary notification to the commissioner within 30 days
266 of its receipt of such notice stating its intention to decline title to, or other interest in, said real
267 property or to undertake a due diligence review within such 180 day period. The preliminary
268 notification shall not be binding upon the agency. The agency's determination whether to accept
269 title to, or an interest in, said real property shall be based on an analysis as to the feasibility and
270 need for the development, operation or maintenance of the real property, in whole or in part,
271 substantially for institutional, governmental, industrial, or commercial uses which will prevent or
272 eliminate blight, economic dislocation, economic distress, or unemployment, or for such other
273 public purposes as the agency may determine. The agency shall, within 21 days of receipt of a
274 request from the host municipality or the regional planning agency, provide said host
275 municipality and the regional planning agency any information acquired from its analysis of the
276 real property, including but not limited to, appraisals, surveys, site evaluations, site preparation,
277 plans, recordings, smart growth review and any other work product relating to pre-development
278 or development of the real property pursuant to the provisions of this chapter.

279 If the agency elects to acquire title to, or another interest in, the real property through a
280 conveyance or by a lease not to exceed 99 years, a rental or transfer, the agency shall so notify
281 the commissioner within said 180 day time period by providing an offer to purchase or lease
282 such real property. The offer shall include a proposed redevelopment plan and a purchase or
283 lease price for the real property determined by using customarily accepted appraisal
284 methodologies and subject to uses, restrictions and encumbrances as may be determined by the
285 general court and the commissioner. The agency shall also send its proposed redevelopment plan
286 to the host municipality and the regional planning agency serving the area where the real
287 property is located.

288 The agency and commissioner shall execute a mutually acceptable land disposition
289 agreement not sooner than 35 days after the expiration of its 180 day option to purchase as
290 provided for in this section or not sooner than 10 days and not later than 90 days, unless
291 extended by a mutual agreement of the parties, after the host municipality declines to exercise or
292 assign its right of first refusal to purchase the real property. Such land disposition agreement
293 shall be subject to the agency securing all necessary state and local permits and approvals, and
294 subject to a satisfactory environmental review. If the agency and the commissioner do not
295 execute a mutually acceptable land disposition agreement in such time period, or at the
296 conclusion of an arbitrator's review, as applicable, the commissioner may dispose of the real
297 property in a manner consistent with the provisions of this chapter; provided, however, that the
298 commissioner shall not unreasonably withhold his acceptance of a bona fide offer from the
299 agency. If the agency is aggrieved by a decision of the commissioner, it may appeal to the
300 committee within 15 days. The committee shall, within 15 days appoint an independent arbitrator

301 to review the proposal. The arbitrator shall have 30 days to conduct said review. The decision of
302 the arbitrator shall be binding upon the commissioner and the agency.

303 The agency may acquire an interest in real property only after approval of a
304 redevelopment plan for such real property by the board of directors of the agency; provided,
305 however, that prior to the submission of said redevelopment plan to the board for approval, the
306 agency shall conduct a public hearing in the host municipality to allow for local input on the
307 redevelopment plan and as to the potential reuses for the real property, including, but not limited
308 to, its suitability for economic development, job creation, or preservation as open space, and
309 what reuse restrictions, if any, should be imposed on its use and development. The agency shall
310 publish notice of the hearing in the central register published by the state secretary pursuant to
311 section 20A of chapter 9 within 30 days of the date of the hearing. Notification of the public
312 hearing shall also be sent to the host municipality. Said notice shall be sent to the city manger in
313 the case of a city under a Plan E form of government, the mayor and city council in the case of
314 all other cities, the chairman of the board of selectmen in the case of a town, the county
315 commissioners, the regional planning agency, and the representatives to the general court
316 representing said host municipality. The agency shall set forth in such notice a description of the
317 real property, a copy of the proposed redevelopment plan and the date of the public hearing. A
318 notice of the public hearing shall also be placed, at least once each week for the 4 consecutive
319 weeks preceding the hearing, in newspapers with sufficient circulation to inform the people of
320 the host municipality. The hearing shall be held in the host municipality no sooner then 30 days
321 and no later then 35 days after the notice is published in the central register.

322 Notwithstanding any other general or special law to the contrary, any real property
323 transferred to the agency through either a conveyance or lease shall be designated by the

324 economic assistance coordinating council as an economic target area, an economic opportunity
325 area, and a certified project, as those terms are defined in section 3A of chapter 23A, and such
326 real property shall be eligible for all the incentives and benefits provided by the economic
327 development incentive program.

328 (f) Notwithstanding any other general or special law to the contrary, the agency is
329 authorized to employ alternative methods of procurement relative to the planning, design,
330 demolition, construction, reconstruction, improvement, renovation, enlargement, expansion,
331 remodeling, repair or build-out of any and all facilities, as may be useful or necessary from time
332 to time in connection with the redevelopment of such real property by the agency in furtherance
333 of this chapter, including, without limitation, turnkey, design-build, lease, lease purchase or
334 utilization of modular buildings.

335 The acquisition, procurement, planning, design, construction, reconstruction,
336 improvement, renovation, enlargement, expansion, remodeling, alteration, repair, build-out,
337 development, financing, management, maintenance, operation or leasing of all or any portion of
338 a redevelopment project undertaken by the agency in furtherance of this chapter and any contract
339 for construction and design or other consulting services for or relating to, the construction,
340 reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration, repair,
341 build-out, development, financing, management, maintenance, operation or leasing of all or any
342 portion of real property by the agency pursuant to this chapter shall be exempt from the
343 provisions of section 38A½ to 38O, inclusive, of this chapter, section 44A to 44J, inclusive, of
344 chapter 149, and section 39M of chapter 30 or any other special or general law or rule or
345 regulation providing for the advertising or bidding of construction, development, financing,
346 management, leasing or improvements to, or the acquisition or disposition of interests in real or

347 personal property, but the provisions of sections 26 to 27F, inclusive, and section 29, all of said
348 chapter 149 shall apply to those elements of redevelopment project undertaken by the agency in
349 furtherance of this chapter that, but for the exemptions provided herein, would be subject to such
350 sections.

351 Notwithstanding such exemptions, the procedures to be followed and the terms and
352 conditions of such procurement processes, including written procedures for the selection of
353 construction, design, and other professionals for the redevelopment of real property by the
354 agency pursuant to this chapter, shall be determined by the agency in consultation with, and
355 subject to review by, the inspector general of the commonwealth as set forth in this section, and
356 the procedures shall also be approved by the board of directors of the agency. The inspector
357 general shall comment in writing on such procurement process and shall submit such comments
358 to the agency, the chairs of the joint committee on bonding, capital expenditures and state assets,
359 the chairs of the joint committees on economic development and emerging technologies, the
360 clerk of the senate and the clerk of the house of representatives not less than 30 days before the
361 agency begins the procurement of design and construction services.

362 In order to effectuate an open, competitive and fair procurement and an effective
363 contracting process, the agency shall, not less than 45 days prior to the advertisement of the
364 invitation for competitive bids using the procurement process, submit to the inspector general all
365 procedures and criteria developed for the implementation of the alternative method, including a
366 description of the project, the construction bid package, and evaluation criteria. The inspector
367 general shall submit written comments on the procedures to the agency not less than 30 days
368 prior to the advertisement. The agency shall submit the procedures and criteria and the comments
369 of the inspector general to the chairs of the joint committee on bonding, capital expenditures and

370 state assets, the chairs of the joint committees on economic development and emerging
371 technologies, the clerk of the senate and the clerk of the house of representatives at least 15 days
372 prior to the advertisement for any contract to be awarded on the basis of an alternative method.
373 Such procedures and criteria shall be approved by a vote of the board of directors of the agency.
374 The agency shall submit to said joint committees a report of the results of such procurement. If
375 the agency awards the contract to other than the lowest responsive bidder, the agency shall
376 submit to said committees and to the inspector general a written justification describing in detail
377 why such award is in the best interests of the agency.

378 Notwithstanding any other general or special law to the contrary, each public or state
379 agency in the commonwealth involved in the permitting, development or financing of economic
380 development projects is hereby authorized and directed to develop a coordinated one-stop
381 program for businesses, institutions and private parties that may intend to locate on the real
382 property in order to enable development activities within such real property to be more
383 effectively promoted by the commonwealth.

384 Notwithstanding any other general or special law to the contrary, real property, and any
385 personal property located thereon, acquired by the agency and sold by it, or of real property so
386 acquired by the agency and leased by it, shall be subject to local taxation to the same extent and
387 in the same manner as other lands are taxed; provided, however, that if said agency or other
388 individual, person, firm, corporation, or other entity creates a minimum of 100 new jobs on the
389 real property they shall not incur said tax liability for a period of 5 years; provided further, that
390 nothing in this section shall prohibit the municipality from entering into an agreement with said
391 lessee relative to providing incentives and benefits pursuant to section 3A of chapter 23A.

392 Notwithstanding any other general or special law to the contrary, if the agency acquires
393 title to, or another interest in, real property formerly used as a department of mental health state
394 hospital or department of mental retardation in patient care facility, the agency shall ensure that
395 at least 15 per cent of any housing units developed on the real property be affordable supported
396 housing for individuals who are clients, or former clients of the respective department; provided,
397 however, that such housing shall be made affordable and available to such individuals with
398 incomes of 15 per cent of average median income or below; and provided, further, that said
399 restriction shall be recorded in the registry of deeds or the registry district of the land court of the
400 county in which the affected real property is located, as running with the land, and that said real
401 property shall not be released from such restriction until after the expiration of 99 years from the
402 date of initial occupancy by such eligible individuals. If there is no plan to develop housing on
403 the real property formerly used as a department of mental health state hospital or department of
404 mental retardation in-patient care facility, not more than 15% of the sale price shall be used to
405 support the development of affordable and supportive housing at another location for individuals
406 who are clients or former clients of the department of mental health or the department of mental
407 retardation.

408 Notwithstanding any other general or special law to the contrary, real property acquired
409 by the agency shall remain to the extend affordable, accessible to the public, including but not
410 limited to, the use of trails, pedestrian walkways, open spaces, or recreational facilities.

411 (g) If the host municipality and the agency decline to accept title to, or another interest in,
412 the real property within the time proscribed by this section, the commissioner shall, within 30
413 days of being notified of said rejection by the host municipality and the agency, formally
414 recommend to the committee that said real property be officially declared surplus to state uses.

415 Upon receipt of the commissioner's official recommendation that the real property should be
416 declared surplus, the committee shall:

417 (i) within 10 days provide written notice, for each city or town in which the real property
418 is located, to the city manager in the case of a city under Plan E form of government, the mayor
419 and city council in the case of all other cities, the chairman of the board of selectmen in the case
420 of a town, the county commissioners, the regional planning agency, and the members of the
421 general court representing the host municipality. The committee shall set forth in such notice a
422 description of the real property and a declaration that the real property is being considered for
423 surplus designation. The committee shall also inform the municipality that it may elect to adopt
424 the provisions of chapter 43D and designate the real property a priority development site
425 pursuant to said chapter 43D;

426 (ii) within 45 days conduct a public hearing in the host municipality to allow for local
427 input as to whether the real property should be officially declared surplus, the potential reuses for
428 the real property if it is officially declared surplus, including, but not limited to, its suitability for
429 housing development, economic development, job creation, or preservation as open space, and
430 what reuse restrictions, if any, should be imposed on its use and development; provided,
431 however, that in the case of real property formerly used as a department of mental health state
432 hospital or department of mental retardation in patient care facility, the committee shall place a
433 reuse restriction on land ensuring that at least 15% of any housing units developed on the real
434 property be affordable supported housing for individuals who are clients, or former clients of the
435 respective department; provided further, that such housing shall be made affordable and
436 available to such individuals with incomes of 15% of average median income or below; and
437 provided further that said restriction shall be recorded in the registry of deeds or the registry

438 district of the land court of the county in which the affected real property is located, as running
439 with the land, and that said real property shall not be released from such restriction until after the
440 expiration of ninety-nine years from the date of initial occupancy by such eligible individuals.
441 The committee shall publish notice of the hearing in the central register published by the state
442 secretary pursuant to section 20A of chapter 9 within 30 days of the date of the hearing. A notice
443 of the public hearing shall also be placed, at least once each week for the 4 consecutive weeks
444 preceding the hearing, in newspapers with sufficient circulation to inform the people of the
445 affected locality. The hearing shall be held in the host municipality no sooner than 30 days and
446 no later than 35 days after the notice is published in the central register.

447 (iii) within 120 days report in writing to the commissioner on the real property being
448 considered for surplus designation on the appropriate disposition for such real property. Said
449 report shall include a determination of whether the real property should be declared surplus, the
450 potential reuses for the real property if it is declared by the committee to be surplus, including its
451 suitability for housing development, economic development or preservation as open space, and
452 what restrictions, if any, should be imposed on its use and development. The report shall also
453 include the recommendation of the host municipality, if any, and the smart growth report of the
454 regional planning council, if applicable.

455 The determination of the committee shall be binding upon the commissioner.

456 SECTION 5. Said chapter 7 is hereby further amended by striking out section 40F½ as
457 appearing in the 2004 Official Edition, and inserting in place thereof the following section:—

458 Section 40F½. (a) If, pursuant to section 40F¼, the committee determines that a parcel of
459 real property is surplus to both current and foreseeable state uses the commissioner shall proceed

460 with the disposition of the real property in accordance with the provisions of this section.
461 Notwithstanding any other general or special law to the contrary, any real property officially
462 declared surplus by the committee shall be designated by the economic assistance coordinating
463 council as an economic target area, an economic opportunity area, and a certified project, as
464 those terms are defined in section 3A of chapter 23A, and such real property shall be eligible for
465 all the incentives and benefits provided by the economic development incentive program;
466 provided, further, that any real property officially declared surplus by the committee shall, upon
467 local approval, automatically qualify as a priority development site for the purposes of chapter
468 43D.

469 The commissioner shall establish the value of surplus real property using
470 customarily accepted appraisal methodologies. The value shall be calculated both for (i) the
471 highest and best use of the real property as currently zoned, and (ii) subject to uses, restrictions
472 and encumbrances as may be defined by the general court and the committee. Appraisals under
473 this paragraph shall be conducted by an independent licensed appraiser. In no instance in which
474 the commonwealth retains responsibility for maintaining the real property shall the terms provide
475 for payment of less than the annual maintenance costs.

476 (b) The commissioner, within 60 days of receipt of notice from the committee, shall:—

477 (i) publicly declare the real property available for disposition and identify any restrictions
478 on its use and development imposed by the general court or the committee; and

479 (ii) place a notice in the central register published by the state secretary pursuant to
480 section 20A of chapter 9 stating the availability of the real property and requesting proposals
481 from any public or private entity, agency, individual partnership, or joint venture regarding the

482 use, reuse, rehabilitation, renovation, reconstruction, purchase, ownership, lease, construction, or
483 development of the real property. Said notice shall also include the time and location for
484 submission of bids and proposals and the opening thereof, and other information the
485 commissioner may deem relevant; provided, however, that said notice shall simultaneously be
486 filed with the chairs of the joint committee on bonding, capital expenditures and state assets and
487 the chairs of the joint committee on economic development and emerging technologies.

488 All responses to the request for proposals issued pursuant to this section shall be
489 submitted to the commissioner within 60 days after the publishing of the notice in the central
490 register. The commissioner shall, within 30 days, review all the proposals received and shall
491 recommend to the committee what he deems to be the 3 proposals which represent the highest
492 and best use of the real property. The commissioner shall simultaneously send notice to each city
493 or town in which the real property is located, to the city manager in the case of a city under Plan
494 E form of government, the mayor and city council in the case of all other cities, the chairman of
495 the board of selectmen in the case of a town, the county commissioners, the regional planning
496 agency, and the members of the general court representing the host municipality of the proposals
497 selected by the commissioner and recommended to the committee. The committee shall, with 21
498 days of receiving a recommendation from the commissioner, conduct a public hearing in the host
499 municipality on the proposals recommended by the commissioner. The committee by a majority
500 vote shall, within 60 days of the public hearing in the host municipality, select the proposal
501 which it deems represents the highest and best use of the real property. In determining the
502 highest and best use of the real property as required by this section, the commissioner and the
503 committee shall pay due consideration to the impact upon the host municipality, including, but

504 not limited to, impact to housing, infrastructure, natural resources, open space and economic
505 development.

506 If no proposals are received by the commissioner pursuant to the request for proposals
507 issued pursuant to this section, or if the committee determines that the proposals received and
508 recommended by the commissioner do not represent the highest and best use of the real property,
509 or if the committee fails to secure a majority vote, the commissioner shall dispose of the real
510 property using appropriate alternative competitive processes and procedures. Such alternative
511 competitive processes and procedures may include, but shall not be limited to, absolute auction,
512 sealed bids and requests for price and development proposals. The commissioner shall dispose of
513 the real property within 90 days of receiving notification from the committee; provided, further,
514 that the commissioner shall, 30 days prior to disposition of the real property pursuant to an
515 alternative competitive process, notify the host municipality and the committee of the alternative
516 competitive process to be used. The commissioner shall, at least 30 days prior to the disposition
517 of the surplus real property using an alternative competitive process, place notice in the central
518 register published by the state secretary pursuant to section 20A of chapter 9 stating the
519 availability of such real property, the nature of the competitive process and other information
520 deemed relevant, including the time and location of the auction, the submission of bids or
521 proposals and the opening thereof.

522 (c) The commissioner shall place a notice in the central register, and provide written
523 notice to the host municipality; said notice shall be sent to the city manager in the case of a city
524 under Plan E form of government, the mayor and city council in the case of all other cities, the
525 chairman of the board of selectmen in the case of a town, the county commissioners, the regional
526 planning agency, and the members of the general court representing said host municipality. Said

527 notice shall identify the individual or firm selected as party to such real property transaction,
528 along with the amount of such transaction. If the commissioner accepts an amount below the
529 value calculated pursuant to this section he shall include the justification therefore, specifying the
530 difference between the calculated value and the price received.

531 The commissioner shall ensure that any rental agreement, and in the case of a
532 conveyance, a deed or separate disposition agreement as deemed appropriate by the
533 commissioner, shall set forth all such reuse restrictions; shall provide for effective remedies on
534 behalf of the commonwealth, including that title to the real property, or such lesser interest as is
535 the subject of the disposition agreement, shall revert to the commonwealth in the event of a
536 violation of any such reuse restrictions; and shall provide, in the case of a disposition to the host
537 municipality or a non-profit organization for a direct public use, that the title to the real property,
538 or such lesser interest as is the subject of the disposition agreement, shall revert to the
539 commonwealth in the event the real property is no longer utilized for such direct public use.

540 No agreement for the conveyance, lease or rental or other disposition of state-owned real
541 property pursuant to this chapter, and no deed, executed by or on behalf of the commonwealth
542 pursuant to this chapter, shall be valid unless such agreement or deed contains the following
543 declaration, signed by the commissioner:

544 The undersigned certifies under penalties of perjury that I have fully complied with the
545 provisions of sections 40F, 40F^{1/4}, 40F^{1/2}, 40F^{3/4}, 40H, and 40J of chapter 7 of the General Laws
546 in connection with the real property described herein.

547

548

Commissioner, DCAMM

549

Date: _____

550 The commissioner shall maintain, for a period of at least 6 years, a file containing a copy
551 of each document necessary to establish fulfillment of the requirements of this chapter as it
552 relates to the disposition of surplus real property. Such file shall be open to public inspection.

553 (d) All net cash proceeds from the conveyance, lease or other transfer of real property
554 pursuant to this chapter shall be allocated, upon receipt, to the Surplus Land Proceeds Fund
555 established pursuant to section 2000 of chapter 29 of the General Laws.

556 SECTION 6. Said chapter 7 is hereby further amended by inserting after section 40F¹/₂
557 the following section:—

558 Section 40F³/₄. The commissioner shall be responsible for the acquisition and control of
559 real property in the manner and to the extent provided in this chapter. The commissioner may
560 delegate such responsibility to an administrator, who has 10 years of experience in the
561 management of commercial, industrial, institutional or public real property. When responsibility
562 is delegated to an administrator the written approval of the commissioner shall be required before
563 such transaction is finalized.

564 The commissioner shall acquire interest in real property on behalf of the commonwealth
565 for the use of state agencies by gift, purchase, devise, grant, eminent domain, rental, lease, rental-
566 purchase or otherwise.

567 In acquiring buildings for the use of state agencies, first consideration shall be given to
568 any structures that have been certified as historic landmarks as provided by sections 26 through
569 27C inclusive of chapter 9, that have been listed in the National Register of Historic Places as

570 provided by 16 U.S.C. section 470a (1974) or that have been designated historic landmarks by
571 local historic commissions, unless use of such buildings would not be feasible in terms of costs
572 and requirements when compared with other available properties.

573 Notwithstanding any other general or special law to the contrary, real property acquired
574 for the use of state agencies shall be held in the name of the commonwealth.

575 The commissioner shall assist in the preparation and shall approve of plans for the
576 organization of all space within and around buildings and appurtenant structures used by state
577 agencies, and shall assign the use of space within and around the state house, subject to such
578 rules as the committee on rules of the 2 branches acting concurrently may adopt, in accordance
579 with the provisions of sections 10, 16A and 17 of chapter 8; the John W. McCormack state office
580 building; the Leverett Saltonstall state office building; the Springfield office building; the
581 Pittsfield office building; the Erich Lindemann building; the Charles F. Hurley building; any real
582 property acquired for the use of state agencies, the greater part of which is not needed by any one
583 state agency; and any other real property assigned by law to the division of capital asset
584 management and maintenance.

585 The commissioner, with the written approval of the commissioner of administration, may
586 transfer use of, and responsibility for maintenance of, buildings, including equipment therein,
587 within or between state agencies. No such transfer within or between state agencies which
588 involves either a change in the purposes for which such building is currently used or a change in
589 use in excess of 50 per cent of the usable floor space, shall be made without the prior approval of
590 the general court. Any such transfer shall be based on a determination, made by the
591 commissioner with the advice of the executive heads of affected agencies and secretaries of the

592 executive offices in which such agencies are located, that such real property is not needed, is
593 under utilized, or is not being put to optimum use under current conditions. The commissioner
594 shall notify the house and senate committees on ways and means, the chairs of the joint
595 committee on bonding, capital expenditures and state assets and the representatives to the general
596 court from the city or town in which such real property is located not less than 30 days prior to
597 the final authorization of any transfer which does not require the approval of the general court,
598 and such transfer shall only be made when the general court is in session except as provided
599 hereafter. Such transfer may be made when the general court is not in session, and the thirty day
600 notification requirement may be waived, only if the commissioner certifies in writing that an
601 emergency exists; provided, however, that any such transfer may be authorized for a period not
602 to exceed 6 months, and provided, further, that the commissioner shall submit his certification to
603 and notify the house and senate ways and means committees, the chairs of the joint committee on
604 bonding, capital expenditures and state asset, and the representatives to the general court from
605 the city or town in which such real property is located of such transfer at the earliest possible
606 opportunity.

607 SECTION 7. Section 40H of said chapter 7, as appearing in the 2004 Official Edition, is
608 hereby amended by striking out, in lines 23 and 24, the words “state administration” and
609 inserting in place thereof the following words:— bonding, capital expenditures and state assets

610 SECTION 8. Said chapter 7 is hereby further amended by striking out section 40I and
611 inserting in place thereof the following section:—

612 Section 40I. The clerk of the house of representatives and the clerk of the senate shall,
613 within 10 days of the filing of any legislation authorizing the conveyance, lease, transfer, or other

614 disposition of any state-owned real property forward a copy of said bill to the commissioner.
615 Within 90 days of the receipt of said copy, the commissioner shall submit in writing a report to
616 the commissioner of administration, the legislative committee before which the bill is pending,
617 and the joint committee on bonding, capital expenditures and state assets together with a
618 recommendation for either the approval or the disapproval of the bill and his reasons therefor.

619 If the commissioner is recommending the approval of a bill proposing the disposition of a
620 parcel exceeding 2 acres, said report shall include: (1) a description of the real property including
621 its current use, structures, and approximate metes and bounds; (2) the value of the real property,
622 determined through procedures customarily accepted by the appraising profession as valid for
623 such purposes, calculated both for (a) the highest and best use of the real property as currently
624 encumbered and (b) uses and encumbrances that would be imposed by the bill if enacted; (3) all
625 current and foreseeable direct public uses identified by following the division's procedures for
626 such purposes as they apply to the real property to be disposed (4) other potential public and
627 private uses of the real property; and (5) any other information the general court may require.

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

631 The provisions of this section shall not apply to recommendations filed by the
632 commissioner with the joint commit on bonding, capital expenditures and state assets pursuant to
633 the provisions of subsection (b) of section 40F¹/₄.

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

636 Section 2000. There shall be established and set upon the books of the commonwealth a
637 separate fund to be known as the Surplus Real Property Proceeds Fund, hereinafter called the
638 fund. The fund shall be administered by the department of housing and community development.
639 All monies deposited into the fund shall, within 90 days of receipt, be distributed by the fund in
640 the following order of priority:—

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

643 (ii) a minimum of 10 per cent of the remaining net cash proceeds after funding the costs
644 identified in clause (i) to a host municipality; provided, however, upon certification by the
645 commissioner of the division of capital asset management and maintenance that a host
646 municipality expedited permitting in accordance with part (i) of subsection (g) of section 40F¼
647 or took other affirmative actions, which at the discretion of the Commissioner, furthered the
648 commonwealth's objectives for the parcel, shall be entitled to 20 per cent of the remaining net
649 cash proceeds after funding the costs identified in clause (i) of this section. If said municipality
650 exercises its right of first refusal as authorized pursuant to subsection (d) of section 40F¼ it shall
651 not receive a percentage of the sale proceeds; provided, however, that if a municipality assigns
652 its right of first refusal pursuant to said subsection (d) of said section 40F¼ to a non-profit
653 organization for a direct public use, it shall receive 10 per cent of the net cash proceeds
654 remaining after funding the costs identified in clause (i);

655 If a city or town fails to close on a surplus property due solely to a failure to receive an
656 affirmative vote on a debt exclusion to raise funds for the purchase of the particular parcel

657 pursuant to section 21C of chapter 59 of the General Laws, the city or town shall remain eligible
658 to receive its share of proceeds of the sale as provided in this section.

659 (iii) after distribution of net cash proceeds pursuant to clauses (i) and (ii), not more than
660 \$2,800,000 shall be deposited in District Local Technical Assistance Fund established pursuant
661 to section 2PPP; and

662 (iv) after distribution of net cash proceeds pursuant to clauses (i), (ii), and (iii) the
663 remaining net cash proceeds shall be deposited in smart growth housing trust fund established
664 pursuant to section 35AA of chapter 10.

665 Section 2PPP. There shall be established and set upon the books of the commonwealth a
666 separate fund to be known as the District Local Technical Assistance Fund. Amounts credited to
667 the fund shall be administered by the Bureau of Municipal Assistance within the Department of
668 Revenue which shall ensure that the funds are used for activities consistent with the purpose of
669 this act and the Massachusetts management and accounting reporting system, so-called. Said
670 amounts shall be used solely for the administration and implementation of the provisions of this
671 section.

672 Recipients of said funds shall provide matching resources of not less than 10%, no more
673 than ½ of which may be in-kind services, and shall report such annually on their expenses and
674 program activities to the commonwealth and local governments. Each regional planning district
675 created under chapter 40B or by special act shall be granted a fixed annual base award of
676 \$150,000 from said fund, with the exception of the Metropolitan Area Planning Council, which
677 shall receive a base appropriation of \$200,000, the Martha's Vineyard commission which shall
678 receive a full annual appropriation of \$100,000 and the Nantucket planning and economic

679 development commission, which shall receive a full annual appropriation of \$50,000 as its full
680 annual appropriation. One-half of the remainder of the annual appropriation to said fund shall be
681 apportioned among said entities based on the percentage of the commonwealth's population
682 served by each entity, with the other half apportioned based on the percentage of the
683 commonwealth's communities served by each entity.

684 SECTION 10. Section 9 of chapter 40A of the General Laws is hereby amended by
685 striking out the fifteenth paragraph and inserting in place thereof the following paragraph:—

686 Zoning ordinances or by-laws shall also provide that research and development uses,
687 whether or not such uses are currently permitted as a matter of right, may be permitted in any
688 non-residential zoning district upon the issuance of a special permit; provided, however, that the
689 granting authority finds that such uses do not substantially derogate from the public good.
690 “Research and development uses” may include any 1 or more of the following: investigation,
691 development, laboratory and similar research uses; any related office uses; limited manufacturing
692 uses; and uses accessory to any of the foregoing in any field of science. “Limited manufacturing”
693 may, subject to the issuance of such special permit, be an allowed use provided that the
694 following requirements are satisfied: (1) such manufacturing activity is directly related to
695 research uses; (2) no manufacturing activity occurs within 50 feet of a residential district; and (3)
696 substantially all manufacturing activity occurs inside of buildings with any manufacturing
697 activities occurring outside of buildings subject to such conditions as may be imposed by the
698 granting authority.

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

701 Section 30. There shall be established within each regional planning district created under
702 this chapter or by special act a technical assistance center for the delivery of coordinated,
703 comprehensive, and continuing technical services to and among local governments. Technical
704 assistance services may be provided in any subject area within the capability of each technical
705 assistance center that improves local government capacity, efficiency, knowledge and ability to
706 respond to issues, opportunities, laws and requirements including, but not limited to,; required
707 municipal asset inventory and management; communication systems including broadband,
708 wireless and related facilities; emergency and incident response systems; electronic government
709 opportunities; remote image and data collection; digital data management and archiving;
710 geographic information systems; geo-location of infrastructure; internet and internet-related
711 technologies; data sharing and regional backup; computer system evaluation and networking;
712 intelligent transportation systems; statistical trends and modeling; digital recordation of
713 accidents, fires and crime; technical specifications relating to management of the sanitary code,
714 water supplies, air quality, storm water and natural resource area; and other land use and smart
715 growth zoning issues.

716 Said regional planning districts shall annually consult with each member city and town to
717 ensure locally needed technical assistance services that: (i) aid communities in evaluating new
718 technologies, equipment and systems; (ii) aid communities in improving the efficiency of local
719 government; (iii) reduce costs incurred by local governments for performing duties required
720 thereof; (iv) build capacity and provide needed skills; (v) aid communities in meeting new state
721 or federal regulations or requirements; (vi) provide specific services or initiate demonstration
722 projects; (vii) facilitate sharing of information or best practices among and between
723 communities; (viii) facilitate inter-municipal cooperation or cost sharing; (ix) provide training

724 and skill development of community employees; (x) aid in improvement of local standards,
725 procedures and regulations; and (xi) promote smart growth zoning, regulations, or standards.

726 Said regional planning districts shall coordinate and focus their programs to augment the
727 services of the local technical assistance centers. A core program of technical services shall be
728 maintained in the fields of management and data, environment, transportation and community
729 development. Other fields may be covered as appropriate and resources allow. Agencies of the
730 commonwealth initiating or following through on programs or regulations requiring outreach or
731 technical assistance shall first consider utilizing the local technical assistance centers while
732 seeking the services previously enumerated and may enter directly into contracts with the
733 regional planning agencies or their technical assistance centers as they would with any city or
734 town. This provision shall not limit the ability of state agencies to work directly with individual
735 communities.

736 SECTION 12. Notwithstanding the provisions of sections 40F, 40F¹/₄, 40F¹/₂, 40F³/₄, 40H
737 and 40I of chapter 7 of the General Laws, the commissioner of the division of capital asset
738 management and maintenance shall, upon the execution of a mutually acceptable agreement
739 between the commissioner and the Worcester Business Development Corporation, convey a
740 certain parcel of state owned land to the Worcester Business Development Corporation. Said
741 parcel is described by the city of Worcester assessor's office as being at a point on the westerly
742 sideline of Plantation street at the most southeasterly corner of the parcel to be described; said
743 point also being the most northeasterly corner of land now or formerly known as Parcel 10 of the
744 Amended Definitive Subdivision Plan for Worcester Business Development Corporation, dated
745 January 3, 1990 and recorded in the Worcester county registry of deeds, Plan Book 633, Page 78;

746 THENCE N. 71° 47' 26" W. along land known as Parcel 10, a distance of nine
747 hundred twenty-one and 45/100 (921.45) feet to a point on a stone wall;

748 THENCE N. 15° 38' 45" W. following a stone wall, a distance of four hundred
749 seventy-five and 09/100 (475.09) feet to a point at the end of a stone wall;

750 THENCE N. 83° 00' 00" W., a distance of four hundred sixty-one and 28/100
751 (461.28) feet to a point at the end of a stone wall;

752 THENCE N. 21° 04' 00" W. along a stone wall, a distance of two hundred eighty-
753 seven and 35/100 (287.35) feet to an angle in the stone wall;

754 THENCE N. 52° 10' 50" W. continuing along the stone wall, a distance of two
755 hundred forty-seven and 05/100 (247.05) feet to an angle in the stone wall;

756 THENCE N. 34° 56' 10" E. continuing along the stone wall, a distance of twenty-
757 two and 29/100 (22.29) feet to an angle in the stone wall;

758 THENCE N. 66° 40' 00" E. continuing along the stone wall, a distance of eight
759 hundred thirty-three and 90/100 (833.90) feet to an angle in the stone wall;

760 THENCE S. 43° 22' 40" E. continuing along the stone wall, a distance of seven
761 hundred thirty-nine and 50/100 (739.50) feet to an angle in the stone wall;

762 THENCE S. 67° 21' 50" E. continuing along the stone wall, a distance of seven
763 hundred thirty and 17/100 (730.17) feet to a point on the westerly sideline
764 of Plantation street;

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

767 S. 18° 21' 30" W., a distance of eighty-seven and 41/100 (87.41) feet to a
768 point;

769 S. 15° 19' 30" W., a distance of two hundred thirty-eight and 20/100
770 (238.20) feet to a point;

771 S. 10° 37' 00" W., a distance of two hundred seventy-one and 77/100
772 (271.77) feet to a point; and

773 S. 19° 17' 00", a distance of one hundred eighty-one and 70/100 (181.70)
774 feet to the point of beginning.

775 Containing 32.4086 acres, more or less.

776 SECTION 13.

777 The sums set forth in section 13, for the purposes set forth in this act and subject to the
778 conditions specified under the provisions of this act, are hereby authorized for expenditure unless
779 specifically designated otherwise, subject to the provisions of law regulating the disbursement of
780 public funds and approval thereof.

781 ECONOMIC DEVELOPMENT.

782 1599-2001

783 For a reserve to supplement funding provided by section 2 of chapter 132 of the acts of
784 1993, as most recently amended by section 17 of chapter 86 of the acts of 1994, for selected

785 demolition and asbestos and hazardous waste removal and abatement, for planning, marketing,
786 surveying, site evaluation and site preparation at Northampton State Hospital; provided that said
787 demolition and asbestos and hazardous waste removal and abatement, planning, marketing,
788 surveying, site evaluation and site preparation process shall be managed by the Massachusetts
789 Development Finance Agency.....\$7,000,000

790 SECTION 14. Notwithstanding any general or special law to the contrary, the state
791 comptroller shall, within 10 days of the effective date of this act, transfer \$2,800,000 from the
792 General Fund to the District Local Technical Assistance Fund established pursuant to section
793 2PPP of chapter 29 of the General Laws.

794 SECTION 15. Notwithstanding any general or special law to the contrary, for each parcel
795 of real property acquired pursuant to the provisions of chapter 7 of the General Laws, the
796 Massachusetts Development Finance Agency shall file with the house and senate committees on
797 ways and means a written disclosure detailing any personal or professional relationships between
798 any officer, director or employee of the agency and any party involved with the development or
799 redevelopment of the real property including, but not limited to, any outside legal counsel and
800 other professional services. The agency shall, within 30 days of receiving a request by the house
801 or senate committee on ways and means, provide the committee with a detailed summary of all
802 fees and expenditures incurred relative to the development or redevelopment of real property
803 acquired pursuant to the provisions of said chapter 7 including, but not limited to, any fees paid
804 to any outside legal counsel and other professionals retained by, or on behalf of, the agency.

805 SECTION 16. Notwithstanding the provisions of this act, or any other general or special
806 law to the contrary, the town of North Reading and the town of Wilmington shall receive 20 per

807 cent of the net cash proceeds, as that term is defined in this act, from the sale of real property
808 pursuant to chapter 271 of the acts of 1998, as most recently amended by chapter 7 of the acts of
809 2001. The percentage of the net cash proceeds shall be divided between the towns based on the
810 percentage of the real property within each town.

811 SECTION 17. Sections 1 to 9, inclusive, shall not be effective as to the disposition of any
812 real property designated surplus by the commissioner of the division of capital asset management
813 and maintenance prior to the effective date of this act, or as to the disposition of any real
814 property owned by the commonwealth and subject to a special act for the conveyance, lease or
815 other disposition of such real property with an effective date prior to the effective date of this
816 act..