

HOUSE No. 3004

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 SECTION 1. Chapter 7 of the General Laws as so appearing in the 2004 Official Edition,
2 is hereby amended by inserting after section 40F½ the following section:--

3 Section 40F¾. Notwithstanding the provisions of section 40F or any other general or
4 special law to the contrary, when the commissioner of the division of capital asset management
5 and maintenance requests from the general court authorization to dispose of state real property
6 formerly used as a department of mental health state hospital, or a department of mental
7 retardation facility for individuals with mental retardation, the request shall include a restriction
8 that requires a) not less than twenty-five per cent of the disposition proceeds from the transferred
9 property be used to develop decent, safe, sanitary, affordable, community-based housing
10 pursuant to applicable federal guidelines, for individuals who are clients of the department which
11 operated such real property, if housing is not going to be developed on the site, or b) if housing is
12 to be developed on the site, not less than twenty-five percent of the housing so developed, to be

13 decent, safe, sanitary, affordable, community-based housing pursuant to applicable federal
14 guidelines, for individuals who are clients of the department which operated such real property.
15 Housing developed or funded under this section shall be affordable to eligible individuals with
16 incomes at or below fifteen per cent of the area median income; provided, that the development
17 may include scattered site, integrated independent living apartments; provided further that said
18 restriction shall be recorded in the registry of deeds or the registry district of the land court of the
19 county in which the affected property is located, running with the land, that the land be used for
20 the purpose of providing housing for eligible individuals as determined by the department of
21 mental health or the department of mental retardation, as the case may be; provided further, that
22 said property shall not be released from such restriction until after the expiration of ninety-nine
23 years from the date of initial occupancy by such eligible individuals. If disposition proceeds
24 from the transferred property are to be used for development of housing on property other than
25 that formerly used as a department of mental health state hospital, or a department of mental
26 retardation facility for individuals with mental retardation, said proceeds shall be placed within a
27 dedicated account under control of the appropriate agency as the case may be prior to their
28 disposition into the General Fund.