

HOUSE No. 4663

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act authorizing the City of Boston parks and recreation commission to lease certain real property under its control and owned by the City of Boston..

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. Notwithstanding the provisions of any general or special law to the
2 contrary, and pursuant to Chapter 365 of the Acts of 1897 and Article 97 of the Amendments to
3 the Constitution of the Commonwealth of Massachusetts, the City of Boston Parks and
4 Recreation Commission may, consistent with established procedures and as provided herein,
5 lease real property or buildings under its control and supervision to any person or organization, if
6 the Parks and Recreation Commission makes a determination that such lease will adequately
7 ensure the preservation and maintenance of an historic property for park-related purposes, and
8 that such lease is otherwise consistent with the Commission’s duties and responsibilities.

9 For the purposes of this section, the following words shall have the following meanings:

10 “Historic property”, real property possessing historic value and specifically identified
11 hereunder in this section.

12 Any lease entered into by the Commission pursuant to this section shall provide, at a
13 minimum, for the following: (a) the improvement and maintenance and management, throughout

14 the term of the lease, of the property by the lessee in conformance with appropriate standards
15 approved by the City of Boston Parks and Recreation Commission, and all other applicable
16 provisions of law; (b) the payment to the Commission of fair market rent for the property,
17 provided that the value of any improvements provided by the lessee under the lease may be
18 partially deducted from the amount payable over the term of the lease; (c) a finding by the
19 Commission that the property covered by the lease, while not needed for use by the Commission
20 for the duration of the lease, is nonetheless subject to its statutory authority under Chapter 185 of
21 the Acts of 1875 to exercise control, construct, improve, equip, supervise and regulate the use of
22 all parks, public grounds, playgrounds, ways or means of outdoor recreation and that the lease is
23 entered into by the department pursuant to said duty; (d) any and all other provisions, terms and
24 conditions as the Commission may deem necessary and appropriate to protect the interests of the
25 Commonwealth and ensure the adequate preservation of the historic or other qualities of the
26 property for future generations.

27 The historic properties subject to the provisions of this section are only the Comfort
28 Station (Duck House), so-called, located in the Back Bay Fens and the Men’s Comfort Station
29 (Pink Palace), so-called, located in Boston Common.

30 The Commissioner shall establish guidelines for the implementation of the program of
31 leases, provided, however, that such guidelines shall, at a minimum, provide for an open,
32 competitive process for selecting lessees. Prior to the implementation of said guidelines, the
33 Commissioner shall provide a period of public comment.