

HOUSE No. 843

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the leasing of publicly owned land for agricultural purposes..

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 16 of chapter 30B of the General Laws is hereby amended by adding the
2 following subsection:-

3 (j) Notwithstanding the provisions of Section 12 of this chapter, and further
4 notwithstanding any contrary provision of any law or the provisions of any charter, a state,
5 regional or municipal government body may enter into leases for the rental of conservation land
6 for agricultural purposes, or other municipally-owned or otherwise publicly-owned land for
7 agricultural purposes, subject to the approval, in the case of municipally-owned land, of the city
8 council or board of selectmen or town council in towns with a town council form of government
9 and with the consent of the board or agency with jurisdiction over said lands, for a lease period
10 not to exceed ten years if the lessor demonstrates to the satisfaction of said board or agency and
11 the city council or board of selectmen or town council in towns with a town council form of
12 government that a significant capital investment has been or will be made by the lessor for the
13 purposes of increasing the productivity and agricultural value of said land. No document
14 transferring care, custody, control, and management of any property leased under the provision

15 of this section shall be valid unless such document provides that said property shall be used
16 solely for agricultural purposes and the capital investment required under this section is made by
17 the lessee. The document shall include a reversionary clause that stipulates that the property will
18 revert to the lessor in the event that the leased property ceases to be used for agricultural
19 purposes or if the capital investment required by the document of transfer is not timely made. In
20 the case of conservation land, the proceeds of any such lease permitted under this section shall
21 be used by the lessor town for conservation improvements to achieve no net loss in lands which
22 were acquired for the purposes stated in article 97 of the Amendments of the Constitution.