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HOUSE . . . . . No. 3337

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act facilitating urban redevelopment in the city of Quincy.

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

SECTION 1. This act is intended to facilitate urban redevelopment in the City of Quincy.

SECTION 2. Unless a different meaning clearly appears from the context, the following terms, wherever used in this act, shall have the following meanings:-

"City Parcels", the two parcels of land currently owned by the City of Quincy in the Urban Renewal District, known as the Ross Garage and the Hancock Parking Lot, more particularly defined in the Land Disposition Agreement, that the city will transfer to the designated redeveloper who will redevelop the city parcels and other privately owned land.

"Land Disposition Agreement", the agreement dated January 25, 2011, between the City of Quincy and Hancock Adams Associates, LLC, the redeveloper, including any amendments thereto, pursuant to which the City of Quincy will transfer the City Parcels to the redeveloper. The Land Disposition Agreement is subject to the approval of the department of housing and community development under chapter 121B of the General Laws.

13 “Urban Renewal District”, the area of downtown Quincy encompassed by that certain
14 urban renewal plan known as the Quincy Center District Urban Revitalization and Development
15 Plan dated May 7, 2007, as amended.

16 “Urban Renewal Plan”, the Quincy Center District Urban Revitalization and
17 Development Plan dated May 7, 2007, as amended.

18 SECTION 3. Notwithstanding any general or special law to the contrary, a project
19 authorized and approved by the City of Quincy under the Land Disposition Agreement, as
20 approved by the Department of Housing and Community Development under chapter 121B of
21 the General Laws, shall be deemed approved for the purposes of section 3 of chapter 121A of the
22 General Laws.

23 SECTION 4. Notwithstanding any general or special law to the contrary, a project
24 authorized and approved by the City of Quincy under the Land Disposition Agreement, as
25 approved by the Department of Housing and Community Development under chapter 121B of
26 the General Laws, shall be deemed approved for the purposes of section 5 of chapter 121A of the
27 General Laws.

28 SECTION 5. Notwithstanding any general or special law to the contrary, a project
29 authorized and approved by the City of Quincy under the Land Disposition Agreement, as
30 approved by the Department of Housing and Community Development under chapter 121B of
31 the General Laws, shall be deemed approved for the purposes of section 6 of chapter 121A of the
32 General Laws.

33 SECTION 6. Notwithstanding any general or special law to the contrary, a project
34 authorized and approved by the City of Quincy under the Land Disposition Agreement, as

35 approved by the Department of Housing and Community Development under chapter 121B of
36 the General Laws, shall be deemed approved for the purposes of section 6A of chapter 121A of
37 the General Laws.

38 SECTION 7. Notwithstanding any general or special law to the contrary, the Land
39 Disposition Agreement, as approved by the Department of Housing and Community
40 Development under chapter 121B of the General Laws, for a project authorized thereunder shall
41 serve as the regulatory agreement set forth in subsection c of section 18C of chapter 121A of the
42 General Laws.

43 SECTION 8. Notwithstanding any general or special law to the contrary, the Land
44 Disposition Agreement, as approved by the Department of Housing and Community
45 Development under chapter 121B of the General Laws, for a project authorized thereunder shall
46 serve as the regulatory agreement set forth in subsection e of section 18C of chapter 121A of the
47 General Laws.

48 SECTION 9. Notwithstanding any general or special law to the contrary, the Land
49 Disposition Agreement, as approved by the Department of Housing and Community
50 Development under chapter 121B of the General Laws, for a project authorized thereunder shall
51 serve as the regulatory agreement set forth in subsection f of section 18C of chapter 121A of the
52 General Laws.

53 SECTION 10. Chapter 898 of the acts and resolves of 1973 is hereby amended by
54 inserting after section 12, the following 4 sections:

55 "Section2A. Subject to the provisions of paragraphs (h) and (i) of section eighteen of
56 chapter 121 A of the General Laws, the department shall, in addition to its other powers and

57 duties, have the powers and perform the duties from time to time conferred or imposed upon the
58 state housing board by the provisions of sections six A, seven, seven A, eight, nine, ten, eleven,
59 twelve, thirteen, fifteen, sixteen, sixteen A, eighteen, eighteen B and eighteen C of said chapter
60 121A with respect to a project thereunder in the Urban Renewal District of the City of Quincy
61 developed pursuant to the Land Disposition Agreement, as defined in section two of An Act
62 Relative to Urban Redevelopment in the City of Quincy, and the words "housing board" or
63 "board" as used in said sections shall be deemed to mean the department in the case of all such
64 projects; provided, however, that no decision of the department approving a project or any
65 change therein or making or amending any rule, regulation or standard therefor shall be in force
66 until approved by the mayor of said city. The department shall make, and from time to time may
67 amend, reasonable rules and regulations for securing its approval of projects in said Urban
68 Renewal District under said chapter 121A, and no rule, regulation or standard of the state
69 housing board shall apply to such a project. The department shall have the powers and perform
70 the duties conferred or imposed by this paragraph notwithstanding that it may have made a
71 contract directly or indirectly affecting the project.

72 Notwithstanding the foregoing, any authority to approve eminent domain under section
73 11 of chapter 121A shall be exercised by the mayor and the city council of the City of Quincy,
74 not the department.

75 A condominium may be organized in said Urban Renewal District for any purpose
76 allowed by chapter 183A of the General Laws and the provisions of section 18D of chapter 121A
77 of the General Laws shall not apply thereto. The provisions of section 9 of chapter 121A of the
78 General Laws shall not apply to the sale or resale of any condominium unit within a secondary
79 condominium.

80 Section12B. Persons intending to associate themselves by written agreement of
81 association with intent to form a corporation under chapter 121A of the General Laws for the
82 purpose of undertaking and carrying out under said chapter a project in said Urban Renewal
83 District before so associating themselves, or an insurance company, savings bank or group of
84 savings banks intending to carry out under said chapter a project in said Urban Renewal District
85 before undertaking such project, shall submit to the department and to the mayor an application
86 for its approval of such project and for its consent to the formation of such corporation. Such
87 application shall specify the location of the proposed project, shall state the reasons why the
88 project is necessary or desirable and the uses to which the project is to be put, shall contain, in
89 general terms a description of the buildings, structures or facilities which it is proposed to
90 furnish, and shall be accompanied by a site plan and drawings of the proposed buildings and
91 other improvements adequate to show the nature and extent of the project.

92 Whenever the department is so asked to approve the formation of such a corporation or
93 the carrying out of a project by an insurance company, savings bank or group of savings banks, it
94 shall, after a public hearing of which reasonable notice shall be given, make such determinations
95 as may be required by the provisions of said chapter 121A, and shall determine whether
96 conditions exist which warrant the carrying out of the proposed project, whether such project is
97 consistent with the terms and requirements of the Land Disposition Agreement as defined in
98 section two of chapter __ of the acts and resolves of 2011, An Act Relative To Urban
99 Redevelopment in the City of Quincy, whether such project is consistent with the urban renewal
100 plan, whether such project would be in any way detrimental to the best interests of the public or
101 the city or to the public safety and convenience, and whether the project will constitute a public
102 use and benefit. If the department finds that the proposed project does not meet the requirements

103 of said chapter 121A, or that conditions warranting the carrying out of the project do not exist, or
104 that the project will not be practicable, or conflicts with the Land Disposition Agreement as
105 defined in section two of chapter __ of the acts and resolves of 2011, An Act Relative To Urban
106 Redevelopment in the City of Quincy, or the urban renewal plan as defined in said section two
107 of, or is detrimental or inconsistent as aforesaid, or will not constitute a public use and benefit, it
108 shall disapprove the project.

109 The department shall prepare, adopt and make open to public inspection a report
110 approving or disapproving the project and setting forth its reasons for approval or disapproval. If
111 the department disapproves the project, it may suggest changes in the project, or in the plans
112 therefor, which, if adopted, would meet its objections. If the persons intending to associate as
113 aforesaid or an insurance company, savings bank or group of savings banks intending to carry
114 out a project in said Urban Renewal District determine to proceed in accordance with the
115 changes suggested, they shall amend their application accordingly. If the proposed change is not
116 a major one under the Land Disposition Agreement as defined in section two of chapter __ of the
117 acts and resolves of 2011, An Act Relative To Urban Redevelopment in the City of Quincy, the
118 mayor of the City of Quincy and the department may approve or disapprove the application as
119 amended without further hearing or report; otherwise the department shall proceed as if it were a
120 new application.

121 Whenever the department approves a project, it shall make and embody in its report
122 reasonable rules and regulations setting minimum standards for the financing, construction,
123 maintenance and management of such project in so far as the same are not specified in the
124 application for the approval thereof, and shall submit the report to the mayor. Approval of the
125 project shall not be final until the department receives the mayor's approval.

126 As soon as conveniently may be after the mayor of Quincy approves the project, the
127 department shall issue a certificate of the approval of the project and of its consent, if any, to the
128 formation of a corporation to carry it out. An agreement of association to form a corporation for
129 the purposes of carrying out in said Urban Renewal District a project under said chapter 121A
130 shall not be presented to the state secretary for filing, nor shall he file it, unless it is accompanied
131 by such a certificate.

132 After the approval of a project by the department and the mayor, the corporation,
133 insurance company, savings bank or group of savings banks carrying out such project may apply
134 to the department for leave to change the type and character of the buildings in such project.
135 The department shall transmit to the mayor of the City of Quincy a copy of such application.
136 The department, if it receives a certificate evidencing the approval of the application by the
137 mayor, shall approve such application, and the corporation may act in accordance with such
138 approval. In the event that the change amounts to a major change under the Land Disposition
139 Agreement as defined in section two of chapter __, of the acts and resolves of 2011, An Act
140 Relative To Urban Redevelopment in the City of Quincy, the change must be approved by the
141 mayor and the city council.

142 When any decision under this or the preceding section becomes final, the department
143 shall file with the city clerk of the City of Quincy a copy of such decision attested by such
144 department with, in cases where approval of such decision by the mayor or city council is
145 required, a copy of such approval likewise attested. Within 30 days after such filing, any person,
146 whether previously a party to the proceeding or not, who is aggrieved by such decision, or any
147 municipal officer or board, may file a petition in the supreme judicial or superior court sitting in
148 Norfolk County for a writ of certiorari against the department to correct errors of law therein and

149 the provisions of section four of chapter two hundred and forty-nine of the General Laws shall
150 apply to said petition except as herein provided with respect to the time for the filing thereof.
151 The remedy provided by this paragraph shall be exclusive.

152 Section 12C. In said Urban Renewal District, the City of Quincy shall have a lien under
153 chapter 60 of the General Laws for all amounts payable under a contract or agreement executed
154 under section 6A of chapter 121A, and such lien shall continue in effect for three (3) years after
155 the date on which the last installment is due and payable under such contract or agreement.

156 Payments made by the redeveloper under the provisions of the Land Disposition
157 Agreement as defined in section two of chapter __ of the acts and resolves of 2011, An Act
158 Relative To Urban Redevelopment in the City of Quincy, to the City of Quincy Affordable
159 Housing Trust, so called, shall satisfy any displaced dwelling requirements of section 6 of
160 chapter 121A of the General Laws. Said payments shall be deemed to provide a feasible method
161 of relocation and shall be deemed to establish the existence or availability of dwellings required
162 by section 6 of chapter 121A of the General Laws.

163 Section 12D. The provisions and requirements of the foregoing Sections 12A, 12B and
164 12C shall apply in lieu of the provisions and requirements of section 6, section 6B and section
165 6C of chapter 121A of the General Laws with respect to projects in said Urban Renewal District
166 approved under the Land Disposition Agreement as defined in section two of chapter __ of the
167 acts and resolves of 2011, An Act Relative To Urban Redevelopment in the City of Quincy."

168 SECTION 11. Notwithstanding chapter 40Q of the General Laws or any other general or
169 special law to the contrary, the first installment of principal on an issue of bonds or notes issued
170 to pay costs of any project within the Urban Renewal District of the City of Quincy shall be

171 made not later than ten years following the original date of issue of such bonds or notes.
172 Notwithstanding section 17 of chapter 44 of the General Laws or any other general or special law
173 to the contrary, the City of Quincy may issue temporary loans, including temporary loans issued
174 to refund prior temporary loans, in anticipation of the issuance of bonds to pay costs of any
175 project within an Urban Renewal District of the City of Quincy for a period of not more than ten
176 years from the date of issue of the original temporary loan. No part of these temporary loans
177 shall be paid from revenue funds during such ten year period. Notwithstanding any general or
178 special law to the contrary, bonds issued by the City of Quincy to pay costs of any project within
179 an Urban Renewal District of the City of Quincy shall be payable over a term not in excess of 30
180 years, without regard to the term of any temporary loans issued by the City of Quincy in
181 anticipation of any such bonds.

182 SECTION 12. Notwithstanding the provisions of sections 6A and 10 of chapter 121A of
183 the General Laws or any other general or special law to the contrary, for projects located within
184 the Urban Renewal District in the City of Quincy, urban renewal corporations organized under
185 chapter 121A of the General Laws shall pay quarterly to the city the amount specified by the
186 formulas set forth in the Land Disposition Agreement. Said formulas shall be considered
187 specific and ascertainable amounts.

188 The City of Quincy shall provide the department of housing and community development
189 and the division of local services of the department of revenue a copy of the quarterly payments
190 and methodologies employed in the calculation therefore, not more than 30 days after the receipt
191 of such payments.

192 The 15 year period of exemption from taxation may be terminated by the City of Quincy
193 at the end thereof or in any subsequent year following the expiration thereof, subject to the terms
194 of the Land Disposition Agreement. The terms of this section shall apply to all project
195 components, regardless of funding source.

196 Personal property of urban renewal corporations organized under chapter 121A of the
197 General Laws located within the Urban Renewal District in the City of Quincy shall not be
198 exempt from taxation.

199 SECTION 13. Notwithstanding the provisions of sections 22-22E of chapter 40 of the
200 General Laws or any other general or special law to the contrary, the City of Quincy is hereby
201 authorized to apply receipts from the operation of parking facilities constructed in the Urban
202 Renewal District for payments specified in the Land Disposition Agreement. The City of
203 Quincy may lease or sell air rights above city-owned land and discontinued roads and ways in
204 the Urban Renewal District pursuant to the Land Disposition Agreement.

205 SECTION 14. Notwithstanding any general or special law to the contrary, the following
206 definition of "lot" shall apply to redevelopment activities in the Urban Renewal District in the
207 City of Quincy for purposes of the subdivision control law, sections 81K- 81GG of chapter 41 of
208 the General Laws and in lieu of the definition contained in section 81L of said chapter 41. The
209 following definition shall also apply to any city ordinance or by-law enacted pursuant to the
210 subdivision control law.

211 "Lot" shall mean an area of land, or space above land, in one ownership, with definite
212 boundaries, used, or available for use, as the site of one or more buildings or portions(s) thereof.

213 The term “Lot” shall expressly include the vertical space above the land so as to create air rights
214 parcels.

215 SECTION 15. Notwithstanding any general or special law to the contrary, for projects in
216 the Urban Renewal District of the City of Quincy, the Land Disposition Agreement shall be a
217 contract and all the provisions of section fourteen of chapter 121A of the General Laws shall
218 apply to that contract. In addition to the specific items set forth in clauses (a) (b) and (c) of the
219 first paragraph in said section fourteen, the contract may obligate the City of Quincy to cause the
220 construction of parking garages by the corporation or its redeveloper and to subsequently acquire
221 them from the corporation or its redeveloper in accordance with the terms of the Land
222 Disposition Agreement. Without limiting the generality of the foregoing, the construction of a
223 project under the Land Disposition Agreement shall not be subject to any provision of law
224 relating to publication or advertising for bids but shall be subject to the provisions of the Land
225 Disposition Agreement and sections 26 to 27F, inclusive, of chapter 149 of the General Laws.

226 SECTION 16. Notwithstanding any general or special law to the contrary, compliance
227 with the notice requirements pertaining to the execution by the City of Quincy of the Land
228 Disposition Agreement and the procedural requirements pertaining to such execution is deemed
229 to constitute compliance with all notice and procedural requirements of section fifteen 15A of
230 chapter 40 of the General Laws or any other general or special law with regard to the transfer of
231 land held by the City of Quincy from one municipal purpose to another municipal purpose for
232 the city parcels and the land beneath the discontinued roads and ways as part of the urban
233 renewal plan and located within the Urban Renewal District, pursuant to the Land Disposition
234 Agreement or otherwise. Upon the execution by the City of the Land Disposition Agreement, the
235 City of Quincy shall be deemed to hold all such land for urban renewal purposes.

236 Notwithstanding such land being transferred and held for said purposes, until such time as the
237 City of Quincy actually conveys such lands, the City of Quincy is authorized to continue to use
238 such lands for the purposes for which they are used immediately prior to the effective date of this
239 act.

240 SECTION 17. Notwithstanding any general or special law to the contrary, whenever any
241 successor interest acquires through sale, assignment or transfer any project or portion of a project
242 approved under the Land Disposition Agreement, such successor interest shall retain the powers,
243 rights, privileges, benefits, and exemptions set forth in chapter 121A of the General Laws, and
244 shall be bound by all agreements executed with the City of Quincy pursuant to chapter 121A of
245 the General Laws. Where such successors are unit purchasers in a condominium, the obligations
246 under any contract executed under section 6A of chapter 121A for such project shall be allocated
247 to the individual unit owners in accordance with their percentage interest in the common areas of
248 such condominium and shall be enforced and collected on such basis. Where a corporation
249 executes separate contracts under Section 6A of chapter 121A, as modified by this act, for
250 individual portions of a project, such contract shall be enforceable as against such portion as if a
251 separate corporation in each case executed such a contract. Subject to the provisions of this act,
252 the period of 15 years or such further time as may be provided herein shall be computed from the
253 date of organization of the urban renewal corporation which initiated the project.

254 SECTION 18. Whenever a project is undertaken pursuant to this act, the City of Quincy
255 shall be authorized to execute and deliver a parking management agreement with the redeveloper
256 for a term not in excess of 30 years, executed and delivered pursuant to the Land Disposition
257 Agreement.

258 SECTION 19. This act shall take effect upon its passage.