SENATE DOCKET, NO. 1348 FILED ON: 1/21/2011

# SENATE . . . . . No. 1035

## The Commonwealth of Massachusetts

PRESENTED BY:

***John F. Keenan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An act relative to urban redevelopment in the city of Quincy.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *John F. Keenan* | |
| *Tackey Chan* | *2nd Norfolk* |
| *Mayor Thomas Koch* | *City of Quincy 1305 Hancock Street Quincy, MA 02169* |

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# SENATE . . . . . No. 1035

By Mr. Keenan, petition (accompanied by bill, Senate, No. 1035) of John F. Keenan and Tacky Chan for legislation relative to urban development in the city of Quincy [Local Approval Received] [Joint Committee on Municipalities and Regional Government].

## The Commonwealth of Massachusetts

**In the Year Two Thousand Eleven**

An act relative to 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 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 between the City of Quincy and the redeveloper pursuant to which the City of Quincy will transfer two city parcels. The Land Disposition Agreement is subject to the approval of the department of housing and community development under chapter 121B of the General Laws.

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

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

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

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

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

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

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

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

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

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

51 SECTION 10. For purposes of this act, and notwithstanding any general or special law to
52 the contrary, chapter 898 of the acts and resolves of 1973 is hereby amended by adding the
53 following Section 12A, Section 12B, Section 12C and Section 12D after Section 12 as appearing
54 therein:

55 “SECTION 12A. Subject to the provisions of paragraphs (h) and (i) of section eighteen
56 of 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 SECTION 12B. 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 An Act Relative To Urban Redevelopment in the City of Quincy, whether such
99 project is consistent with the urban renewal plan, whether such project would be in any way
100 detrimental to the best interests of the public or the city or to the public safety and convenience,

101 and whether the project will constitute a public use and benefit. If the department finds that the
102 proposed project does not meet the requirements of said chapter 121A, or that conditions
103 warranting the carrying out of the project do not exist, or that the project will not be practicable,
104 or conflicts with the Land Disposition Agreement as defined in section two of An Act Relative
105 To Urban Redevelopment in the City of Quincy or the urban renewal plan as defined in section
106 two of An Act Relative To Urban Redevelopment in the City of Quincy, or is detrimental or
107 inconsistent as aforesaid, or will not constitute a public use and benefit, it shall disapprove the
108 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 An Act Relative
117 To Urban Redevelopment in the City of Quincy, the mayor of the City of Quincy and the
118 department may approve or disapprove the application as amended without further hearing or
119 report; otherwise the department shall proceed as if it were a new application.

120 Whenever the department approves a project, it shall make and embody in its report
121 reasonable rules and regulations setting minimum standards for the financing, construction,
122 maintenance and management of such project in so far as the same are not specified in the

123 application for the approval thereof, and shall submit the report to the mayor. Approval of the
124 project shall not be final until the department receives the mayor's approval.

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

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

140 When any decision under this or the preceding section becomes final, the department
141 shall file with the city clerk of the City of Quincy a copy of such decision attested by such
142 department with, in cases where approval of such decision by the mayor or city council is
143 required, a copy of such approval likewise attested. Within 30 days after such filing, any person,
144 whether previously a party to the proceeding or not, who is aggrieved by such decision, or any

145 municipal officer or board, may file a petition in the supreme judicial or superior court sitting in
146 Norfolk County for a writ of certiorari against the department to correct errors of law therein and
147 the provisions of section four of chapter two hundred and forty-nine of the General Laws shall
148 apply to said petition except as herein provided with respect to the time for the filing thereof.
149 The remedy provided by this paragraph shall be exclusive.

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

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

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

166 SECTION 11. Notwithstanding chapter 40Q of the General Laws or any other general or
167 special law to the contrary, the first installment of principal on an issue of bonds or notes issued
168 to pay costs of any project within the Urban Renewal District of the City of Quincy shall be
169 made not later than ten years following the original date of issue of such bonds or notes.
170 Notwithstanding section 17 of chapter 44 of the General Laws or any other general or special law
171 to the contrary, the City of Quincy may issue temporary loans, including temporary loans issued
172 to refund prior temporary loans, in anticipation of the issuance of bonds to pay costs of any
173 project within an Urban Renewal District of the City of Quincy for a period of not more than ten
174 years from the date of issue of the original temporary loan. No part of these temporary loans
175 shall be paid from revenue funds during such ten year period. Notwithstanding any general or
176 special law to the contrary, bonds issued by the City of Quincy to pay costs of any project within
177 an Urban Renewal District of the City of Quincy shall be payable over a term not in excess of 30
178 years, without regard to the term of any temporary loans issued by the City of Quincy in
179 anticipation of any such bonds.

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

186 The City of Quincy shall provide the department of housing and community development
187 and the division of local services of the department of revenue a copy of the quarterly payments

188 and methodologies employed in the calculation therefore, not more than 30 days after the receipt
189 of such payments.

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

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

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

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

209 “Lot” shall mean an area of land, or space above land, in one ownership, with definite
210 boundaries, used, or available for use, as the site of one or more buildings or portions(s) thereof.
211 The term “Lot” shall expressly include the vertical space above the land so as to create air rights
212 parcels.

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

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

232 Agreement or otherwise. Upon the execution by the City of the Land Disposition Agreement, the
233 City of Quincy shall be deemed to hold all such land for urban renewal purposes.
234 Notwithstanding such land being transferred and held for said purposes, until such time as the
235 City of Quincy actually conveys such lands, the City of Quincy is authorized to continue to use
236 such lands for the purposes for which they are used immediately prior to the effective date of this
237 act.

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

252 SECTION 18. Whenever a project is undertaken pursuant to this act, the City of Quincy
253 shall be authorized to execute and deliver a parking management agreement with the redeveloper

254 for a term not in excess of 30 years, executed and delivered pursuant to the Land Disposition

255 Agreement.

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