

**HOUSE . . . . . No. 1882**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Steven M. Walsh*

*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 the disposal of municipally owned vacant property.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven M. Walsh</i>	<i>11th Essex</i>	<i>1/16/2013</i>

**HOUSE . . . . . No. 1882**

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 1882) of Steven M. Walsh relative to creating an alternative process for the disposition of vacant real property owned by municipalities. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1460 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to the disposal of municipally owned vacant property.

*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. It is the purpose of this act to create an alternative process for the  
2 disposition of vacant real property owned by a municipality that chooses to accept the provisions  
3 of this act. This alternative process employs a public-private partnership to re-occupy and  
4 reinstitute lost market value in such properties, thereby revitalizing their immediate  
5 neighborhoods and the greater community as a whole, while generating greater non-tax sales  
6 revenues for the cities and towns, placing the properties back on the active tax rolls and, with  
7 their recaptured assessed value, alleviating the burden on other homeowners to subsidize their  
8 share of the property tax levy. This alternative program seeks to accomplish these goals by:-

9 taking advantage of the comprehensive real estate marketing infrastructure, including  
10 electronic listing resources, through which licensed real estate brokers and salespersons currently  
11 conduct their professional operations;

12 expanding the pool of potential purchasers in the free market, thereby increasing demand  
13 for the properties, thereby increasing the selling price and returns for the municipalities; and by

14 conveying such properties in a time-efficient and cost-effective manner to qualified  
15 purchasers with the financial resources to improve and maintain the condition of the properties.

16 SECTION 2. Chapter 30B is hereby amended by adding the following after section 16: -

17 Section 16A. Notwithstanding any general or special law, rule or regulation to the  
18 contrary, a city or town may, by majority vote of a city counsel in a city or majority vote of a  
19 board of selectmen in a town, establish an alternative disposition procedure under which  
20 specifically identified real properties that are vacant and owned by the municipality may be sold  
21 through the professional services of real estate brokers or salesmen licensed under section 87RR  
22 of Chapter 112 of the general laws. Such procedure shall include the following: a method of  
23 identifying specific properties to be sold through the alternative procedure and of determining  
24 the cost of rehabilitation; provided, however, that such properties must be free of encumbrances  
25 and the municipality holds clear title to each specific property; appointment, following adoption  
26 of this act, of a municipal real estate officer, who may be an employee of the municipality, and  
27 shall have the authority to bind the municipality under contracts and agreements to which the  
28 disposition of such properties are subject, and who will serve as the liaison between the  
29 municipality, municipal officials, brokers and salespersons participating in the program, and  
30 prospective and actual purchasers in the program; a qualification review and approval process for  
31 licensed real estate brokers and salespersons to participate in the program and to market specific  
32 properties in the program ; provided, that the approval process shall include review and approval  
33 by a three person panel with a representative from the municipality, a representative from the  
34 Massachusetts Association of Realtors, and a representative of a non-profit community group  
35 headquartered in the municipality; and provided, further, that the qualification process shall take  
36 into account the expertise of the applying broker in pricing, marketing, and selling properties in  
37 the municipality and experience with properties of the type in the program; such of the additional  
38 procedures (i), (ii) and (iii), below, as the municipality may adopt:

39 (i) a procedure for allocating specific properties in the program in batches, with no less  
40 than 2 nor more than 6 individual properties being assigned on an exclusive basis to a specific  
41 broker or salesperson;

42 (ii) identification of specific properties in the program, if the municipally chooses, that  
43 must be sold to purchasers who will rehabilitate the property sufficiently to acquire a certificate  
44 of occupancy within 2 years as determined by the municipality;

45 (iii) a requirement and procedure for a specific property to revert back to the municipality  
46 if the property is not rehabilitated in a specific time period from the closing date unless such  
47 period is extended by the municipal real estate officer for good cause; and all offers for the  
48 purchase of property not accepted within 30 days of submission to the municipal real estate  
49 officer are deemed rejected, unless such period is extended by mutual agreement between the  
50 prospective purchaser and the office.