

**HOUSE . . . . . No. 2839**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kay Khan*

*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 facilitating the development of underutilized properties formerly operated by the department of mental health or the department of mental retardation for supported housing for people deemed eligible for services by the department of mental health or the department of mental retardation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/28/2013</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/30/2013</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2013</i>

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2839) of Kay Khan and others for legislation to create a hospital disposition fund from the proceeds of sales of state hospitals and the crediting of such proceeds to accounts of the Department of Mental Health and the Department of Developmental Services. State Administration and Regulatory Oversight.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2591 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act facilitating the development of underutilized properties formerly operated by the department of mental health or the department of mental retardation for supported housing for people deemed eligible for services by the department of mental health or the department of mental retardation.

*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. Chapter 7 of the General Laws as so appearing in the 2004 Official Edition,  
2 is hereby amended by inserting after section 40F½ the following section:--

3 Section 40F¾. Notwithstanding the provisions of section 40F or any other general or  
4 special law to the contrary, when the commissioner of the division of capital asset management  
5 and maintenance requests from the general court authorization to dispose of state real property  
6 formerly used as a department of mental health state hospital, or a department of mental  
7 retardation facility for individuals with mental retardation, the request shall include a restriction  
8 that requires a) not less than fifty per cent of the disposition proceeds from the transferred  
9 property be used to develop decent, safe, sanitary, affordable, community-based housing  
10 pursuant to applicable federal guidelines, for individuals who are clients of the department which  
11 operated such real property, if housing is not going to be developed on the site, or b) if housing is  
12 to be developed on the site, not less than fifty percent of the housing so developed, to be decent,  
13 safe, sanitary, affordable, community-based housing pursuant to applicable federal guidelines,

14 for individuals who are clients of the department which operated such real property. Housing  
15 developed or funded under this section shall be affordable to eligible individuals with incomes at  
16 or below fifteen per cent of the area median income; provided, that the development may include  
17 scattered site, integrated independent living apartments; provided further that said restriction  
18 shall be recorded in the registry of deeds or the registry district of the land court of the county in  
19 which the affected property is located, running with the land, that the land be used for the  
20 purpose of providing housing for eligible individuals as determined by the department of mental  
21 health or the department of mental retardation, as the case may be; provided further, that said  
22 property shall not be released from such restriction until after the expiration of ninety-nine years  
23 from the date of initial occupancy by such eligible individuals. If disposition proceeds from the  
24 transferred property are to be used for development of housing on property other than that  
25 formerly used as a department of mental health state hospital, or a department of mental  
26 retardation facility for individuals with mental retardation, said proceeds shall be placed within a  
27 dedicated account under control of the appropriate agency as the case may be prior to their  
28 disposition into the General Fund.