

HOUSE No. 4068

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 12, 2014.

The committee on Children, Families and Persons with Disabilities to whom were referred the petition (accompanied by bill, House, No. 156) of Thomas M. Stanley and others relative to funding health and human service programs and the 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, reports recommending that the accompanying bill (House, No. 4068) ought to pass.

For the committee,

KAY KHAN.

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The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act to reinvest savings for the financial health of the human service system.

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 7C of the General Laws as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after section 34 the following section:--

3 Section 34A. Notwithstanding section 33 or any other general or special law to the
4 contrary, when the commissioner of the division of capital asset management and maintenance
5 requests from the general court authorization to dispose of state real property formerly used as a
6 department of mental health state hospital, or a department of developmental services facility for
7 individuals with developmental disabilities, the request shall include a restriction that requires:
8 (1) not less than 20 per cent of the disposition proceeds from the transferred property be used to
9 develop decent, safe, sanitary, affordable, community-based housing pursuant to applicable
10 federal guidelines, for individuals who are clients of the department which operated such real
11 property, if housing is not going to be developed on the site, or, (2) if housing is to be developed
12 on the site, not less than 20 per cent of the housing so developed, to be decent, safe, sanitary,
13 affordable, community-based housing pursuant to applicable federal guidelines, for individuals
14 who are clients of the department which operated such real property.

15 Housing developed or funded under this section shall be affordable to eligible individuals
16 with incomes at or below 15 per cent of the area median income; provided, that the development
17 may include scattered site, integrated independent living apartments; provided further that said
18 restriction shall be recorded in the registry of deeds or the registry district of the land court of the
19 county in which the affected property is located, running with the land, that the land be used for
20 the purpose of providing housing for eligible individuals as determined by the department of
21 mental health or the department of developmental services, as the case may be; provided,
22 further, that said property shall not be released from such restriction until after the expiration of
23 99 years from the date of initial occupancy by such eligible individuals. If disposition proceeds

24 from the transferred property are to be used for development of housing on property other than
25 that formerly used as a department of mental health state hospital, or a department of
26 developmental services facility for individuals with developmental disabilities, said proceeds
27 shall be placed within a dedicated account under control of the appropriate agency as the case
28 may be prior to their disposition into the General Fund.

29

30 SECTION 2. The secretary of administration and finance shall direct not less than 20 per
31 cent of the annual savings attributed to the community services expansion and facilities
32 restructuring plan, so called, including, but not limited to, the savings derived from reduced
33 facilities maintenance and upkeep resulting from said plan, to fund and implement chapter 257 of
34 the acts of 2008.

35 If the commissioner of the division of capital asset management and maintenance
36 requests from the general court authorization to dispose of state real property formerly used as a
37 department of mental health state hospital, or a department of developmental services facility,
38 including the department's developmental centers, the request shall require that not less than 20
39 per cent of the disposition of proceeds from the transferred property is directed to fund and
40 implement chapter 257 of the acts of 2008.

41 SECTION 3. (a) The department of developmental services shall establish a contingency
42 fund to assist: (1) individuals in need of services; (2) individuals who participate or wish to
43 participate in self-direction or self-determination; (3) individuals with unanticipated, emergency
44 or changing needs; and (4) in mitigating the impact on providers of individuals who choose to
45 leave a group living arrangement.

46 (b) The fund shall be comprised of 20 per cent of the savings from the closure of the
47 Glavin Regional Center, the Monson Developmental Center and the Templeton Development
48 Center and other funds as they may be available within the department's budget and at its
49 discretion. The department shall make every effort to ensure that the pool will retain sufficient
50 funds for individuals utilizing self-determination and provider mitigation throughout the fiscal
51 year.

52 (c) The department shall develop a policy related to the fund for individuals utilizing
53 self-direction.

54 SECTION 4. The secretary of administration and finance, the secretary of health and
55 human services, and the commissioner of the division of capital asset management and
56 maintenance shall report annually to the house and senate committees on ways and means and
57 the joint committee on children, families, and persons with disabilities the status of the
58 community services expansion and facilities restructuring plan, so called, on the status of
59 disposal of state real property formerly used as a department of mental health state hospital, or a

60 department of developmental services facility, including any of the department's five
61 developmental centers, and progress for funding; (1) community-based affordable housing for
62 clients of the department of mental health and the department of developmental services, (2)
63 chapter 257 of the acts of 2008, and, (3) the department of developmental services' contingency
64 fund pursuant to section 3 of this act including how the revenue was expended.