SENATE DOCKET, NO. 228 FILED ON: 1/15/2013

SENATE . . . . . No. 947

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

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:
Jennifer L. Flanagan	*Worcester and Middlesex*
Jennifer E. Benson	*37th Middlesex*
Chris Walsh	*6th Middlesex*
Michael O. Moore	*Second Worcester*
Kimberly N. Ferguson	*1st Worcester*
Bruce E. Tarr	*First Essex and Middlesex*
Dennis A. Rosa	*4th Worcester*

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By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 947) of Jennifer L. Flanagan, Jennifer E. Benson, Chris Walsh, Michael O. Moore and other members of the General Court for legislation to dispose of municipally owned vacant property. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1029* 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:

SECTION 1. It is the purpose of this act to create an alternative process for the disposition of vacant real property owned by a municipality that chooses to accept the provisions of this act. This alternative process employs a public-private partnership to re-occupy and reinstitute lost market value in such properties, thereby revitalizing their immediate neighborhoods and the greater community as a whole, while generating greater non-tax sales revenues for the cities and towns, placing the properties back on the active tax rolls and, with their recaptured assessed value, alleviating the burden on other homeowners to subsidize their share of the property tax levy. This alternative program seeks to accomplish these goals by:-

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

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

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

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

Section 16A. Notwithstanding any general or special law, rule or regulation to the contrary, a city or town may, by majority vote of a city counsel in a city or majority vote of a board of selectmen in a town, establish an alternative disposition procedure under which specifically identified real properties that are vacant and owned by the municipality may be sold through the professional services of real estate brokers or salesmen licensed under section 87RR of chapter 112 of the general laws. Such procedure shall include the following:

a method of identifying specific properties to be sold through the alternative procedure and of determining the cost of rehabilitation; provided, however, that such properties must be free of encumbrances and the municipality holds clear title to each specific property;

appointment, following adoption of this act, of a municipal real estate officer, who may be an employee of the municipality, and shall have the authority to bind the municipality under contracts and agreements to which the disposition of such properties are subject, and who will serve as the liaison between the municipality, municipal officials, brokers and salespersons participating in the program, and prospective and actual purchasers in the program;

a qualification review and approval process for licensed real estate brokers and salespersons to participate in the program and to market specific properties in the program ; provided, that the approval process shall include review and approval by a three person panel with a representative from the municipality, a representative from the Massachusetts Association of Realtors, and a representative of a non-profit community group headquartered in the municipality; and provided, further, that the qualification process shall take into account the expertise of the applying broker in pricing, marketing, and selling properties in the municipality and experience with properties of the type in the program;

such of the additional procedures (i), (ii) and (iii), below, as the municipality may adopt:

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

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

(iii) a requirement and procedure for a specific property to revert back to the municipality if the property is not rehabilitated in a specific time period from the closing date unless such period is extended by the municipal real estate officer for good cause; and

all offers for the purchase of property not accepted within 30 days of submission to the municipal real estate officer are deemed rejected, unless such period is extended by mutual agreement between the prospective purchaser and the officer.