

SENATE No. 1680

The Commonwealth of Massachusetts

PRESENTED BY:

Barbara A. L'Italien

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>

SENATE No. 1680

By Mrs. L'Italien, a petition (accompanied by bill, Senate, No. 1680) of Barbara L'Italien, Carolyn C. Dykema, Joan B. Lovely and Marcos A. Devers for legislation to reinvest savings for the financial health of the human service system. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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, further,
22 that said property shall not be released from such restriction until after the expiration of 99 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 developmental
26 services facility for individuals with developmental disabilities, said proceeds shall be placed
27 within a dedicated account under control of the appropriate agency as the case may be prior to
28 their disposition into the General Fund.

29 SECTION 2. The secretary of administration and finance shall direct not less than 20 per
30 cent of the annual savings attributed to the community services expansion and facilities
31 restructuring plan, so called, including, but not limited to, the savings derived from reduced
32 facilities maintenance and upkeep resulting from said plan, to fund and implement chapter 257 of
33 the acts of 2012.

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

40 SECTION 3.

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