

**SENATE . . . . . No. 1680**

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**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>

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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.

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**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.