

HOUSE No. 4105

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan and Cynthia Stone Creem

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 authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Newton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>8/26/2019</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>8/26/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>9/9/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>9/10/2019</i>

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By Representative Khan of Newton and Senator Creem, a joint petition (subject to Joint Rule 12) of Kay Khan, Cynthia Stone Creem and others that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel land in the city of Newton to said city for affordable housing or general municipal purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Newton.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the transfer of a certain parcel of land for the purposes of providing affordable housing and related services or for municipal purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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.

2 (a) Notwithstanding sections 33 through 37, inclusive, of chapter 7C of the General Laws
3 or any general or special law to the contrary, the commissioner of capital asset management and
4 maintenance may convey a certain parcel of land known as and numbered 1135-1137
5 Washington Street, Newton, Massachusetts, to the City of Newton for nominal consideration to
6 provide affordable housing units, all of which shall be permanently subject to necessary
7 affordability restrictions. As used in this Act, “affordable housing” shall mean low- or moderate-
8 income housing, i.e., housing available to households with annual incomes that do not exceed 80

9 percent of the area median income and at a cost that does not exceed 30 percent of their monthly
10 gross income. The parcel contains approximately .76 acres. The parcel shall be conveyed by
11 deed without warranties or representations by the commonwealth.

12 (b) The use of the parcel if conveyed pursuant to this section 1 shall be restricted to
13 providing affordable housing and may include supportive services. Notwithstanding the
14 foregoing or any general or special law to the contrary, the City of Newton may lease the parcel
15 or portions thereof to other entities, for nominal consideration, and enter into agreements with
16 other entities to develop, construct, operate and maintain improvements related to the affordable
17 housing units.

18 (c) The City of Newton shall use its best efforts to complete the construction and
19 development of the parcel for affordable housing.

20 (d) The deed or other instrument conveying the parcel to the City of Newton pursuant to
21 this section 1 shall provide that the parcel shall be used solely for the purposes described in
22 subsections

23 (a) and (b) of this section 1 and shall include a reversionary clause that stipulates that if
24 the parcel ceases at any time to be used for the allowed purposes set forth in this section 1, title
25 to the parcel shall, at the election of the commonwealth, revert to the commonwealth. Said
26 reversionary clause shall contain provisions requiring that the City of Newton receive reasonable
27 notice of and a reasonable time to cure any allegation that the parcel is not being used for the
28 purposes set forth in this section.

29 SECTION 2.

30 (a) Alternatively, notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
31 General Laws or any other general or special law to the contrary, the commissioner of capital
32 asset management and maintenance may convey that certain parcel of land known as and
33 numbered 1135-1137 Washington Street, Newton, Massachusetts, to the City of Newton,
34 provided, however, that the use of the parcel shall be restricted to general municipal purposes.
35 The parcel shall be conveyed by deed without warranties or representations by the
36 commonwealth. The consideration for the conveyance of the parcel pursuant to this section 2
37 shall be the fair market value of the parcel as determined by the commissioner of capital asset
38 management and maintenance based upon an independent professional appraisal report, taking
39 into consideration the restriction on the use of the parcel set forth in this section 2. The inspector
40 general shall review and approve the appraisal. The inspector general shall prepare a report of
41 such review of the methodology utilized for the appraisal and shall file the report with the
42 commissioner, the house and senate committees on ways and means and the joint committee on
43 state administration and regulatory oversight.

44 (b) The deed or other instrument conveying the parcel to the City of Newton pursuant to
45 this section 2 shall provide that the parcel shall be used solely for the purposes described in
46 subsection

47 (a) of this section 2 and shall include a reversionary clause that stipulates that if the parcel
48 ceases at any time to be used for the allowed purposes set forth in this section title to the parcel
49 shall, at the election of the commonwealth, revert to the commonwealth. Said reversionary clause
50 shall contain provisions requiring that the City of Newton receive reasonable notice of and a
51 reasonable time to cure any allegation that the parcel is not being used for the purposes set forth
52 in section 2 of this act.

53 SECTION 3.

54 Notwithstanding any general or special law to the contrary, the City of Newton shall be
55 responsible for all costs and expenses of any transaction authorized by section 1 or section 2 of
56 this act as determined by the commissioner of capital asset management and maintenance
57 including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations,
58 recording fees and deed preparation related to the conveyance of the parcel. The City of Newton
59 shall acquire the property thereon in its present condition. Upon the recording of the deed
60 conveying the parcel to the City of Newton, the City of Newton shall be responsible for all costs,
61 liabilities and expenses for its ownership.

62 SECTION 4.

63 If the City of Newton does not complete a purchase of the property pursuant to section 1
64 or section 2 of this act on or before June 30, 2020, or such time after as agreed to by the City of
65 Newton and the commissioner, then, notwithstanding sections 33 to 37, inclusive, of chapter 7C
66 of the General Laws or any other general or special law to the contrary, the commissioner may
67 sell, lease for terms up to 99 years, including all renewals and extensions, or otherwise grant,
68 convey or transfer to purchasers or lessees an interest in the property or portions thereof, subject
69 to this act and on such terms and conditions as the commissioner considers appropriate. The
70 parcel shall be conveyed by deed without warranties or representations by the commonwealth. In
71 making any such disposition, the commissioner shall use appropriate competitive bidding
72 processes and procedures. Not less than 30 days before the date on which bids, proposals or other
73 offers to purchase or lease the property or any portion thereof are due, the commissioner shall
74 place a notice in the central register published by the state secretary pursuant to section 20A of

75 chapter 9 of the General Laws stating the availability of the property, the nature of the
76 competitive bidding process, including the time, place and manner for the submission of bids and
77 proposals and the opening of the bids or proposals, and such other information as the
78 commissioner considers relevant.