

# **HOUSE . . . . . No. 4364**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 5, 2020.

The committee on State Administration and Regulatory Oversight, to whom was referred the joint petition (accompanied by bill, House, No. 4105) 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, reports recommending the accompanying bill (House, No. 4364) ought to pass.

For the committee,

DANIELLE W. GREGOIRE.

**HOUSE . . . . . No. 4364**

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**The Commonwealth of Massachusetts**

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

An Act authorizing the Division 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. (a) Notwithstanding sections 33 through 37, inclusive, of chapter 7C of the  
2 General Laws or any general or special law to the contrary, the commissioner of capital asset  
3 management and maintenance may convey a certain parcel of land known as and numbered  
4 1135-1137 Washington Street, Newton, Massachusetts, to the City of Newton for nominal  
5 consideration to provide affordable housing units, all of which shall be permanently subject to  
6 necessary affordability restrictions. As used in this Act, “affordable housing” shall mean low- or  
7 moderate-income housing, i.e., housing available to households with annual incomes that do not  
8 exceed 80 percent of the area median income and at a cost that does not exceed 30 percent of

9 their monthly gross income. The parcel contains approximately .76 acres. The parcel shall be  
10 conveyed by deed without warranties or representations by the commonwealth.

11 (b) The use of the parcel if conveyed pursuant to this section 1 shall be restricted to  
12 providing affordable housing and may include supportive services. Notwithstanding the  
13 foregoing or any general or special law to the contrary, but subject to paragraphs (a), (b) and (g)  
14 of section 16 of chapter 30B of the General Laws, the City of Newton may lease the parcel or  
15 portions thereof to other entities, for nominal consideration, and enter into agreements with other  
16 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. (a) Alternatively, notwithstanding sections 32 to 37, inclusive, of chapter  
30 7C of the General Laws or any other general or special law to the contrary, the commissioner of

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

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

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

52 SECTION 3. Notwithstanding any general or special law to the contrary, the City of  
53 Newton shall be responsible for all costs and expenses of any transaction authorized by section 1  
54 or section 2 of this act as determined by the commissioner of capital asset management and  
55 maintenance including, but not limited to, the costs of any engineering, surveys, appraisals, title  
56 examinations, recording fees and deed preparation related to the conveyance of the parcel. The  
57 City of Newton shall acquire the property thereon in its present condition. Upon the recording of  
58 the deed conveying the parcel to the City of Newton, the City of Newton shall be responsible for  
59 all costs, liabilities and expenses for its ownership.

60 SECTION 4. If the City of Newton does not complete a purchase of the property pursuant  
61 to section 1 or section 2 of this act on or before June 30, 2020, or such time after as agreed to by  
62 the City of Newton and the commissioner, then, notwithstanding sections 33 to 37, inclusive, of  
63 chapter 7C of the General Laws or any other general or special law to the contrary, the  
64 commissioner may sell, lease for terms up to 99 years, including all renewals and extensions, or  
65 otherwise grant, convey or transfer to purchasers or lessees an interest in the property or portions  
66 thereof, subject to this act and on such terms and conditions as the commissioner considers  
67 appropriate. The parcel shall be conveyed by deed without warranties or representations by the  
68 commonwealth. In making any such disposition, the commissioner shall use appropriate  
69 competitive bidding processes and procedures. Not less than 30 days before the date on which  
70 bids, proposals or other offers to purchase or lease the property or any portion thereof are due,  
71 the commissioner shall place a notice in the central register published by the state secretary  
72 pursuant to section 20A of chapter 9 of the General Laws stating the availability of the property,  
73 the nature of the competitive bidding process, including the time, place and manner for the

- 74 submission of bids and proposals and the opening of the bids or proposals, and such other
- 75 information as the commissioner considers relevant.