

HOUSE No. 4892

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 27, 2020.

The committee on Ways and Means, to whom was referred the Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Newton (House, No. 4364), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4892).

For the committee,

AARON MICHLEWITZ.

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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) As used in this section, “affordable housing” shall mean low-income
2 housing as defined in section 1 of chapter 40T; provided, monthly housing costs shall not exceed
3 30 per cent of the monthly household income.

4 (b) Notwithstanding sections 33 through 37, inclusive, of chapter 7C of the General Laws
5 or any general or special law to the contrary, the commissioner of capital asset management and
6 maintenance may convey a certain parcel of land taken for armory purposes located within the
7 city of Newton, described in a deed recorded in the Middlesex south registry of deeds in book
8 3539, page 504, which is known as and numbered 1135 to 1137 Washington street. The parcel
9 may be conveyed to the city of Newton for nominal consideration solely for the purpose of
10 providing affordable housing units, all of which shall be permanently subject to necessary

11 affordability restrictions. The parcel contains approximately .76 acres. The parcel shall be
12 conveyed by deed without warranties or representations by the commonwealth.

13 (c) The use of the parcel, if conveyed pursuant to section 1, shall be restricted to
14 providing affordable housing units and may include supportive services. Notwithstanding the
15 foregoing or any general or special law to the contrary, but subject to paragraphs (a), (b) and (g)
16 of section 16 of chapter 30B of the General Laws, the city of Newton may lease the parcel or
17 portions thereof to other entities, for nominal consideration, and enter into agreements with other
18 entities to develop, construct, operate and maintain improvements related to the affordable
19 housing units.

20 (d) The city of Newton shall use its best efforts to complete the construction and
21 development of the parcel for affordable housing.

22 (e) The deed or other instrument conveying the parcel to the city of Newton pursuant to
23 section 1 shall provide that the parcel shall be used solely for the purposes described in
24 subsections (b) and (c) and shall include a reversionary clause that stipulates that if the parcel
25 ceases at any time to be used for the allowed purposes set forth in this section, title to the parcel
26 shall, at the election of the commonwealth, revert to the commonwealth and the reversionary
27 clause shall be enforceable notwithstanding the time limit set forth in section 7 of chapter 184A
28 of the General Laws. Said reversionary clause shall contain provisions requiring that the city of
29 Newton to receive reasonable notice of and a reasonable time to cure any allegation that the
30 parcel is not being used for the purposes set forth in this section.

31 SECTION 2. (a) Alternatively, notwithstanding sections 32 to 37, inclusive, of chapter
32 7C of the General Laws or any other general or special law to the contrary, the commissioner of

capital asset management and maintenance may convey a certain parcel of land located within the city of Newton, described in a deed recorded in the Middlesex south registry of deeds in book 3539, page 504, which is known as and numbered 1135-1137 Washington street, to the city of Newton; provided, however, that the use of the parcel shall be restricted to general municipal purposes. The parcel shall be conveyed by deed without warranties or representations by the commonwealth. The consideration for the conveyance of the parcel pursuant to this section shall be the fair market value of the parcel as determined by the commissioner of capital asset management and maintenance based upon an independent professional appraisal, taking into consideration the restriction on the use of the parcel set forth in this section. The inspector general shall review and approve the appraisal. The inspector general shall prepare a report of such review of the methodology utilized for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight.

(b) The deed or other instrument conveying the parcel to the city of Newton pursuant to this section shall state that said parcel shall be used solely for the purposes described in subsection (a) and shall include a reversionary clause that stipulates that if the parcel ceases at any time to be used for the allowed purposes set forth in this section title to the parcel shall, at the election of the commonwealth, revert to the commonwealth. Said reversionary clause shall contain provisions requiring that the city of Newton receive reasonable notice of and a reasonable time to cure any allegation that the parcel is not being used for the purposes set forth in this section.

SECTION 3. Notwithstanding any general or special law to the contrary, the city of Newton shall be responsible for all costs and expenses of any transaction authorized by sections

1 or 2 as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees and deed preparation related to the conveyance of the parcel. The city of Newton shall acquire the property thereon in its present condition. Upon the recording of the deed conveying the parcel to the city of Newton, the city of Newton shall be responsible for all costs, liabilities and expenses for its ownership.

SECTION 4. If the city of Newton does not complete a purchase of the property pursuant to sections 1 or 2 of this act on or before December 31, 2020, or such time after as agreed to by the city of Newton and the commissioner of capital asset management and maintenance, then, notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may sell, lease for a term up to 99 years, including all renewals and extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the property or portions thereof, subject to this act and on such terms and conditions as the commissioner of capital asset management and maintenance considers appropriate. The parcel shall be conveyed by deed without warranties or representations by the commonwealth. In making any such disposition, the commissioner of capital asset management and maintenance shall use appropriate competitive bidding processes and procedures. Not less than 30 days before the date on which bids, proposals or other offers to purchase or lease the property or any portion thereof are due, the commissioner of capital asset management and maintenance shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of the property, the nature of the competitive bidding process, including the time,

- 78 place and manner for the submission of bids and proposals and the opening of the bids or
- 79 proposals and such other information as the commissioner considers relevant.