

HOUSE No. 2188

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia and Kevin G. Honan

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 encouraging public-private partnerships to create affordable housing at public sites.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/18/2021</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/19/2021</i>

HOUSE No. 2188

By Representatives Malia of Boston and Honan of Boston, a petition (accompanied by bill, House, No. 2188) of Elizabeth A. Malia and Kevin G. Honan relative to the conveyance of municipal property for the construction of mixed-use developments that include housing. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act encouraging public-private partnerships to create affordable housing at public sites.

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. Subject to section 16 of chapter 30B of the General Laws, a City of Town
2 may convey property by a ground lease, or any interest therein, to a private developer, urban
3 redevelopment corporation organized under chapter 121A of the General Laws, or nonprofit
4 corporation for the purpose of having that entity construct a mixed-use development that
5 includes housing and a municipal facility, including a public library, police station, or fire
6 station; provided, however, that the City or Town shall convey such property or other interest
7 therein on the condition that the City retain, or be entitled to reacquire, the portion of the
8 development that contains a municipal facility, whether in fee simple, as a condominium, or
9 through any other such interest as shall provide to the public the use of the municipal facility in
10 perpetuity until such time as the City or Town shall no longer need it for a municipal purpose
11 and dispose of it in accordance with law. At least 40 percent of the housing units in any such
12 mixed-use development shall have an affordable housing restriction, as defined in section 31 of

13 chapter 184 of the General Laws, and be made affordable to low or moderate income households
14 with a maximum income of no more than 80 percent of Area Median Income, as defined by the
15 U.S. Department of Housing and Urban Development.

16 SECTION 2. Subject to section 16 of chapter 30B of the General Laws, any City or Town
17 may acquire property, or any interest therein, for the purpose of transferring the property
18 pursuant to section 1 for the construction by a third-party of a mixed-use development that
19 includes a municipal facility and housing, of which at least 40 percent of the housing units would
20 have an affordable housing restriction, as defined in section 31 of chapter 184 of the General
21 Laws, and be made affordable to low or moderate income households with a maximum income
22 of no more than 80 percent of Area Median Income, as defined by the U.S. Department of
23 Housing and Urban Development.

24 SECTION 3. Construction and development activity related to the construction,
25 relocation, and redevelopment of a mixed-use development that includes a municipal facility
26 shall not be subject to any general or special law related to the procurement and award of
27 contracts for the construction, reconstruction, installation, demolition, maintenance or repair of
28 buildings by a public agency, except that all such work shall be subject to sections 26 to 27H,
29 inclusive, of chapter 149 of the General Laws.

30 SECTION 4. This act shall take effect upon its passage.