

# HOUSE . . . . . No. 4237

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Rady Mom***

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*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 Division of Capital Asset Management and Maintenance to convey certain land in the city of Lowell to the Lowell Housing Authority.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>10/6/2021</i>

# HOUSE . . . . . No. 4237

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By Mr. Mom of Lowell, a petition (subject to Joint Rule 12) of Rady Mom that the Commissioner of Capital Asset Management and Maintenance be authorized to convey certain land in the city of Lowell to the Lowell Housing Authority. State Administration and Regulatory Oversight.

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## The Commonwealth of Massachusetts

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

An Act authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Lowell to the Lowell Housing Authority.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize the conveyance of certain land in the city of Lowell to the Lowell Housing Authority, 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. Notwithstanding sections 32 to 37 of chapter 7C of the General Laws or any  
2 other general or special law to the contrary, the commissioner of capital asset management and  
3 maintenance, in consultation with the department of conservation and recreation, may convey to  
4 the Lowell housing authority a certain parcel of land located at 719 Broadway street in the city of  
5 Lowell and consisting of approximately 13,166 square feet more particularly described as  
6 follows: a certain parcel of land described in a deed recorded with the Middlesex North registry  
7 of deeds in book 249 and page 630 and shown on a plan entitled, "Compiled Plan of Land in  
8 Lowell, Mass., Prepared for Lowell Electronic Park Realty Trust, Scale 1"- 40', July 1982,  
9 Stowers Associates Inc.", recorded with the Middlesex North registry of deeds in book 138, plan

111. The parcel of land is currently under the care and control of the department of conservation and recreation for conservation and recreation purposes pursuant to section 3 of chapter 132A of the General Laws.

SECTION 2. An independent appraisal of the fair market value and value in use of the parcel of land described in section 1 shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The Lowell housing authority shall compensate the commonwealth for the conveyance of the above-described parcel by: (i) making a payment in an amount equal to the full and fair market value or the value in proposed use, whichever is greater, as determined by the commissioner of capital asset management and maintenance; (ii) transferring land or interest in land to the department of conservation and recreation of equal or greater acreage and resource value than the above-described parcel to be held by the department of conservation and recreation for conservation and recreation purposes; or (iii) any combination of clauses (i) and (ii) acceptable to the department of conservation and recreation. Any payment made in accordance with clause (i) shall be deposited in the Conservation Trust established in section 1 of chapter 132A of the General Laws and expended by the department to acquire lands or interests in land to be permanently under the care and control of the department for conservation and recreation purposes. For the purposes of such appraisal, the full and fair market value of the above-described parcel shall be calculated with regard to its full development potential as assembled with other abutting lands owned or controlled by Lowell housing authority, if any. The commissioner of capital asset management and maintenance shall submit the appraisal to the inspector general for review and comment. The inspector general shall review and approve the appraisal and the review shall include an

33 examination of the methodology utilized for the appraisal. The inspector general shall prepare a  
34 report of such review and file the report with the commissioner of capital asset management and  
35 maintenance. After receiving the report, the commissioner shall submit copies of the report to the  
36 house and senate committees on ways and means and the joint committee on state administration  
37 and regulatory oversight at least 15 days prior to the execution of documents effecting the  
38 conveyance described in section 1.

39         SECTION 3. The Lowell housing authority shall be responsible for all costs associated  
40 with the conveyance authorized by this act including, but not limited to, any appraisal, survey,  
41 recording or legal costs and any other expenses incurred by the commonwealth in connection  
42 with the conveyance and for all costs, liabilities and expenses of any nature and kind for its  
43 ownership and use.