

HOUSE No. 5423

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 12, 2022.

The committee on Ways and Means, to whom was referred the Bill further amending Chapter 86 of the Acts of 1994 (House, No. 5368), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5423).

For the committee,

AARON MICHLEWITZ.

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

An Act further amending Chapter 86 of the Acts of 1994.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to release a restriction on a certain parcel of land in the city of Northampton, 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. Section 15A of chapter 86 of the acts of 1994, as appearing in chapter 307
2 of the acts of 1994, is hereby amended by inserting after the second paragraph the following
3 paragraph:-

4 Notwithstanding the first and second paragraphs, the parcel of land shown as parcel C-1
5 on a plan entitled “Plan of Land in Northampton, Massachusetts Hampshire County Prepared for
6 the City of Northampton”, dated November 18, 2013, and recorded in the Hampshire registry of
7 deeds in plan book 231, page 15, shall not be subject to the condition that it be used for
8 municipal purposes, and said parcel C-1 shall not revert to the care and control of the division of
9 capital asset management and maintenance for failure to use the property for municipal purposes.
10 Said parcel C-1 may be conveyed to an affordable housing developer for affordable housing
11 purposes subject to a permanent affordable housing restriction for \$1. If said parcel C-1 is

12 conveyed but is not conveyed to an affordable housing developer pursuant to the second
13 sentence, half of the proceeds shall be deposited in the General Fund. Upon passage of this act,
14 the commissioner of capital asset management and maintenance shall release said restriction in a
15 form suitable for recording.

16 SECTION 2. In the event that the city does not convey said parcel C-1 to an affordable
17 housing developer pursuant to the third paragraph of section 15A of chapter 86 of the acts of
18 1994, as inserted by section 1, an independent appraisal or appraisals of the fair market value and
19 value in use of said parcel C-1 shall be prepared in accordance with the usual and customary
20 professional appraisal practices by a qualified appraiser commissioned by the commissioner of
21 capital asset management and maintenance. Consideration for the grant of said parcel C-1 shall
22 be the full and fair market value or the value in proposed use, whichever is greater, as
23 determined by the commissioner of capital asset management and maintenance. The
24 commissioner of capital asset management and maintenance shall submit the appraisal or
25 appraisals to the inspector general for review and comment. The inspector general shall review
26 and approve the appraisal or appraisals and the review shall include an examination of the
27 methodology utilized for the appraisal or appraisals. The inspector general shall prepare a report
28 of the review and file the report with the commissioner of capital asset management and
29 maintenance for submission by said commissioner to the house and senate committees on ways
30 and means and the joint committee on state administration and regulatory oversight. Said
31 commissioner shall submit copies of the appraisal or appraisals, and the inspector general's
32 review and approval and comments, if any, to the house and senate committees on ways and
33 means and the joint committee on state administration and regulatory oversight at least 15 days

34 prior to the execution of documents described in said third paragraph of said section 15A of said
35 chapter 86, as inserted by section 1.