

**HOUSE . . . . . No. 94649**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Michael F. Rush**

*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 passage of the accompanying bill:

An Act authorizing the City of Boston parks and recreation commission to lease certain real property under its control and owned by the City of Boston.

PETITION OF:

NAME:

Michael F. Rush

DISTRICT/ADDRESS:

10th Suffolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act authorizing the City of Boston parks and recreation commission to lease certain real property under its control and owned by the City of Boston.

*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 the provisions of any general or special law to the  
2 contrary, and pursuant to Chapter 365 of the Acts of 1897 and Article 97 of the Amendments to the  
3 Constitution of the Commonwealth of Massachusetts, the City of Boston Parks and Recreation  
4 Commission may, consistent with established procedures and as provided herein, lease real property or  
5 buildings under its control and supervision to any person or organization, if the Parks and Recreation  
6 Commission makes a determination that such lease will adequately ensure the preservation and  
7 maintenance of an historic property for park-related purposes, and that such lease is otherwise consistent  
8 with the Commission's duties and responsibilities.

9                   For the purposes of this section, the following words shall have the following meanings:

10                  “Historic property”, real property possessing historic value and specifically identified hereunder  
11 in this section.

12                  Any lease entered into by the Commission pursuant to this section shall provide, at a minimum,  
13 for the following: (a) the improvement and maintenance and management, throughout the term of the  
14 lease, of the property by the lessee in conformance with appropriate standards approved by the City of

15 Boston Parks and Recreation Commission, and all other applicable provisions of law; (b) the payment to  
16 the Commission of fair market rent for the property, provided that the value of any improvements  
17 provided by the lessee under the lease may be partially deducted from the amount payable over the term  
18 of the lease; (c) a finding by the Commission that the property covered by the lease, while not needed for  
19 use by the Commission for the duration of the lease, is nonetheless subject to its statutory authority under  
20 Chapter 185 of the Acts of 1875 to exercise control, construct, improve, equip, supervise and regulate the  
21 use of all parks, public grounds, playgrounds, ways or means of outdoor recreation and that the lease is  
22 entered into by the department pursuant to said duty; (d) any and all other provisions, terms and  
23 conditions as the Commission may deem necessary and appropriate to protect the interests of the  
24 Commonwealth and ensure the adequate preservation of the historic or other qualities of the property for  
25 future generations.

26           The historic properties subject to the provisions of this section are only the Comfort Station  
27 (Duck House), so-called, located in the Back Bay Fens and the Men's Comfort Station (Pink Palace), so-  
28 called, located in Boston Common.

29           The Commissioner shall establish guidelines for the implementation of the program of leases,  
30 provided, however, that such guidelines shall, at a minimum, provide for an open, competitive process for  
31 selecting lessees. Prior to the implementation of said guidelines, the Commissioner shall provide a period  
32 of public comment.

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