SENATE DOCKET, NO. 64 FILED ON: 1/14/2011

SENATE . . . . . No. 1440

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 relative to tax exempt property..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	

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SENATE . . . . . No. 1440

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1440) of James B. Eldridge for legislation to sell or convert certain tax exempt property. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2873* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to tax exempt property..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:-

Real property exempted from taxation by the provisions of this section shall not be sold or converted to residential, industrial or commercial use while so exempted unless the city or town in which such land is located has been notified of intent to sell for or convert to such other use. For a period of 120 days subsequent to such notification, said city or town shall have, in the case of an intended sale, a first refusal option to meet a bona fide offer to purchase said land, or, in the case of an intended conversion not involving sale, an option to purchase said land at full and fair market value to be determined by impartial appraisal. After a public hearing, said city or town may assign either of said options to a nonprofit organization under such terms and conditions as the mayor or board of selectmen deem appropriate. Notice of intent shall be sent by

12 the real property owner, or the property owner's authorized agent, via certified mail to the mayor
13 and city council of a city, or the board of selectmen of a town, to its board of assessors and to its
14 planning board, if any, and said option period shall run from the day following the last date of
15 deposit of any such of such notices in the United States mails. No sale or conversion of such land
16 shall be consummated unless and until either said option period shall have expired or the
17 property owner shall have been notified by written notice signed by the mayor or board of
18 selectmen of said city or town in question that said option will not be exercised. Such option may
19 be exercised only by written notice signed by the mayor or board of selectmen, mailed to the
20 property owner by certified mail at such address as may be specified in his notice of intention
21 and recorded with the registry of deeds, within the option period. An affidavit by a notary public
22 that he has so mailed such a notice of intent on behalf of a landowner shall conclusively establish
23 the manner and time of the giving of such notice; and such an affidavit, and such a notice that the
24 option will not be exercised, shall be recorded with the registry of deeds. Each such notice of
25 intention, notice of exercise of the option and notice that the option will not be exercised shall
26 contain the name of the record owner of the land and a description of the premises so to be sold
27 or converted adequate for identification thereof; and each such affidavit by a notary public shall
28 have attached to it a copy of the notice of intention to which it relates. Such notices of intention
29 shall be deemed to have been duly mailed to the parties above specified if addressed to them in
30 care of the town or city clerk; and in the case of notice to a city council or a board or
31 commission, addressed to it as such entity. The provisions of this section shall not be applicable
32 with respect to a mortgage foreclosure sale; but the holder of a mortgage shall, at least ninety
33 days before a foreclosure sale, send written notice of the time and place of such sale to the
34 parties and in the manner above provided in this section for notice of intent to sell or convert,

35 and the giving of such notice may be established by an affidavit of a notary public as set forth

36 above.