HOUSE DOCKET, NO. 2161 FILED ON: 1/20/2011

HOUSE . . . . . No. 2591

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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:

An Act facilitating the development of underutilized properties formerly operated by the department of mental health or the department of mental retardation for supported housing for people deemed eligible for services by the department of mental health or the department of mental retardation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
David B. Sullivan	*6th Bristol*
Bruce E. Tarr	☐ *[District]* ☐
Denise Provost	*27th Middlesex*

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2591) of Kay Khan and others for legislation to create a hospital disposition fund from the proceeds of sales of state hospitals and the crediting of such proceeds to accounts of the Department of Mental Health and the Department of Developmental Services. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3004* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act facilitating the development of underutilized properties formerly operated by the department of mental health or the department of mental retardation for supported housing for people deemed eligible for services by the department of mental health or the department of mental retardation.

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. Chapter 7 of the General Laws as so appearing in the 2004 Official Edition, is hereby amended by inserting after section 40F½ the following section:--

Section 40F¾. Notwithstanding the provisions of section 40F or any other general or special law to the contrary, when the commissioner of the division of capital asset management and maintenance requests from the general court authorization to dispose of state real property formerly used as a department of mental health state hospital, or a department of mental retardation facility for individuals with mental retardation, the request shall include a restriction that requires a) not less than fifty per cent of the disposition proceeds from the transferred property be used to develop decent, safe, sanitary, affordable, community-based housing pursuant to applicable federal guidelines, for individuals who are clients of the department which operated such real property, if housing is not going to be developed on the site, or b) if housing is to be developed on the site, not less than fifty percent of the housing so developed, to be decent, safe, sanitary, affordable, community-based housing pursuant to applicable federal guidelines, for individuals who are clients of the department which operated such real property. Housing

15 developed or funded under this section shall be affordable to eligible individuals with incomes at
16 or below fifteen per cent of the area median income; provided, that the development may include
17 scattered site, integrated independent living apartments; provided further that said restriction
18 shall be recorded in the registry of deeds or the registry district of the land court of the county in
19 which the affected property is located, running with the land, that the land be used for the
20 purpose of providing housing for eligible individuals as determined by the department of mental
21 health or the department of mental retardation, as the case may be; provided further, that said
22 property shall not be released from such restriction until after the expiration of ninety-nine years
23 from the date of initial occupancy by such eligible individuals. If disposition proceeds from the
24 transferred property are to be used for development of housing on property other than that
25 formerly used as a department of mental health state hospital, or a department of mental
26 retardation facility for individuals with mental retardation, said proceeds shall be placed within a
27 dedicated account under control of the appropriate agency as the case may be prior to their
28 disposition into the General Fund.