

HOUSE No. 03337

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on House, No. 2320, a Bill relative to authorizing the town of Needham to dispose of by sale of 375 square feet of conservation land and to grant a permanent ground bed easement to support natural gas transmission under article of amendment XLIX (House, No. 3667). August 11, 2011.

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The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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An Act facilitating urban redevelopment in the city of Quincy.

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. This act is intended to facilitate urban redevelopment in the City of Quincy.
- 2 SECTION 2. Unless a different meaning clearly appears from the context, the following terms,
- 3 wherever used in this act, shall have the following meanings:-
- 4 “City Parcels”, the two parcels of land currently owned by the City of Quincy in the Urban
- 5 Renewal District, known as the Ross Garage and the Hancock Parking Lot, more particularly
- 6 defined in the Land Disposition Agreement, that the city will transfer to the designated
- 7 redeveloper who will redevelop the city parcels and other privately owned land.
- 8 “Land Disposition Agreement”, the agreement dated January 25, 2011, between the City of
- 9 Quincy and Hancock Adams Associates, LLC, the redeveloper, including any amendments

10 thereto, pursuant to which the City of Quincy will transfer the City Parcels to the redeveloper.
11 The Land Disposition Agreement is subject to the approval of the department of housing and
12 community development under chapter 121B of the General Laws.

13 “Urban Renewal District”, the area of downtown Quincy encompassed by that certain urban
14 renewal plan known as the Quincy Center District Urban Revitalization and Development Plan
15 dated May 7, 2007, as amended.

16 “Urban Renewal Plan”, the Quincy Center District Urban Revitalization and Development Plan
17 dated May 7, 2007, as amended.

18 SECTION 3. Notwithstanding any general or special law to the contrary, a project authorized
19 and approved by the City of Quincy under the Land Disposition Agreement, as approved by the
20 Department of Housing and Community Development under chapter 121B of the General Laws,
21 shall be deemed approved for the purposes of section 3 of chapter 121A of the General Laws.

22 SECTION 4. Notwithstanding any general or special law to the contrary, a project authorized
23 and approved by the City of Quincy under the Land Disposition Agreement, as approved by the
24 Department of Housing and Community Development under chapter 121B of the General Laws,
25 shall be deemed approved for the purposes of section 5 of chapter 121A of the General Laws.

26 SECTION 5. Notwithstanding any general or special law to the contrary, a project authorized
27 and approved by the City of Quincy under the Land Disposition Agreement, as approved by the
28 Department of Housing and Community Development under chapter 121B of the General Laws,
29 shall be deemed approved for the purposes of section 6 of chapter 121A of the General Laws.

30 SECTION 6. Notwithstanding any general or special law to the contrary, a project authorized
31 and approved by the City of Quincy under the Land Disposition Agreement, as approved by the
32 Department of Housing and Community Development under chapter 121B of the General Laws,
33 shall be deemed approved for the purposes of section 6A of chapter 121A of the General Laws.

34 SECTION 7. Notwithstanding any general or special law to the contrary, the Land Disposition
35 Agreement, as approved by the Department of Housing and Community Development under
36 chapter 121B of the General Laws, for a project authorized thereunder shall serve as the
37 regulatory agreement set forth in subsection c of section 18C of chapter 121A of the General
38 Laws.

39 SECTION 8. Notwithstanding any general or special law to the contrary, the Land Disposition
40 Agreement, as approved by the Department of Housing and Community Development under
41 chapter 121B of the General Laws, for a project authorized thereunder shall serve as the
42 regulatory agreement set forth in subsection e of section 18C of chapter 121A of the General
43 Laws.

44 SECTION 9. Notwithstanding any general or special law to the contrary, the Land Disposition
45 Agreement, as approved by the Department of Housing and Community Development under
46 chapter 121B of the General Laws, for a project authorized thereunder shall serve as the
47 regulatory agreement set forth in subsection f of section 18C of chapter 121A of the General
48 Laws.

49 SECTION 10. Chapter 898 of the acts and resolves of 1973 is hereby amended by inserting after
50 section 12, the following 4 sections:

51 “Section2A. Subject to the provisions of paragraphs (h) and (i) of section eighteen of chapter
52 121 A of the General Laws, the department shall, in addition to its other powers and duties, have
53 the powers and perform the duties from time to time conferred or imposed upon the state housing
54 board by the provisions of sections six A, seven, seven A, eight, nine, ten, eleven, twelve,
55 thirteen, fifteen, sixteen, sixteen A, eighteen, eighteen B and eighteen C of said chapter 121A
56 with respect to a project thereunder in the Urban Renewal District of the City of Quincy
57 developed pursuant to the Land Disposition Agreement, as defined in section two of An Act
58 Relative to Urban Redevelopment in the City of Quincy, and the words “housing board” or
59 “board” as used in said sections shall be deemed to mean the department in the case of all such
60 projects; provided, however, that no decision of the department approving a project or any
61 change therein or making or amending any rule, regulation or standard therefor shall be in force
62 until approved by the mayor of said city. The department shall make, and from time to time may
63 amend, reasonable rules and regulations for securing its approval of projects in said Urban
64 Renewal District under said chapter 121A, and no rule, regulation or standard of the state
65 housing board shall apply to such a project. The department shall have the powers and perform
66 the duties conferred or imposed by this paragraph notwithstanding that it may have made a
67 contract directly or indirectly affecting the project.

68 Notwithstanding the foregoing, any authority to approve eminent domain under section 11 of
69 chapter 121A shall be exercised by the mayor and the city council of the City of Quincy, not the
70 department.

71 A condominium may be organized in said Urban Renewal District for any purpose allowed by
72 chapter 183A of the General Laws and the provisions of section 18D of chapter 121A of the
73 General Laws shall not apply thereto. The provisions of section 9 of chapter 121A of the

74 General Laws shall not apply to the sale or resale of any condominium unit within a secondary
75 condominium.

76 Section12B. Persons intending to associate themselves by written agreement of association with
77 intent to form a corporation under chapter 121A of the General Laws for the purpose of
78 undertaking and carrying out under said chapter a project in said Urban Renewal District before
79 so associating themselves, or an insurance company, savings bank or group of savings banks
80 intending to carry out under said chapter a project in said Urban Renewal District before
81 undertaking such project, shall submit to the department and to the mayor an application for its
82 approval of such project and for its consent to the formation of such corporation. Such
83 application shall specify the location of the proposed project, shall state the reasons why the
84 project is necessary or desirable and the uses to which the project is to be put, shall contain, in
85 general terms a description of the buildings, structures or facilities which it is proposed to
86 furnish, and shall be accompanied by a site plan and drawings of the proposed buildings and
87 other improvements adequate to show the nature and extent of the project.

88 Whenever the department is so asked to approve the formation of such a corporation or the
89 carrying out of a project by an insurance company, savings bank or group of savings banks, it
90 shall, after a public hearing of which reasonable notice shall be given, make such determinations
91 as may be required by the provisions of said chapter 121A, and shall determine whether
92 conditions exist which warrant the carrying out of the proposed project, whether such project is
93 consistent with the terms and requirements of the Land Disposition Agreement as defined in
94 section two of chapter __ of the acts and resolves of 2011, An Act Relative To Urban
95 Redevelopment in the City of Quincy, whether such project is consistent with the urban renewal
96 plan, whether such project would be in any way detrimental to the best interests of the public or

97 the city or to the public safety and convenience, and whether the project will constitute a public
98 use and benefit. If the department finds that the proposed project does not meet the requirements
99 of said chapter 121A, or that conditions warranting the carrying out of the project do not exist, or
100 that the project will not be practicable, or conflicts with the Land Disposition Agreement as
101 defined in section two of chapter __ of the acts and resolves of 2011, An Act Relative To Urban
102 Redevelopment in the City of Quincy, or the urban renewal plan as defined in said section two
103 of, or is detrimental or inconsistent as aforesaid, or will not constitute a public use and benefit, it
104 shall disapprove the project.

105 The department shall prepare, adopt and make open to public inspection a report approving or
106 disapproving the project and setting forth its reasons for approval or disapproval. If the
107 department disapproves the project, it may suggest changes in the project, or in the plans
108 therefor, which, if adopted, would meet its objections. If the persons intending to associate as
109 aforesaid or an insurance company, savings bank or group of savings banks intending to carry
110 out a project in said Urban Renewal District determine to proceed in accordance with the
111 changes suggested, they shall amend their application accordingly. If the proposed change is not
112 a major one under the Land Disposition Agreement as defined in section two of chapter __ of the
113 acts and resolves of 2011, An Act Relative To Urban Redevelopment in the City of Quincy, the
114 mayor of the City of Quincy and the department may approve or disapprove the application as
115 amended without further hearing or report; otherwise the department shall proceed as if it were a
116 new application.

117 Whenever the department approves a project, it shall make and embody in its report reasonable
118 rules and regulations setting minimum standards for the financing, construction, maintenance
119 and management of such project in so far as the same are not specified in the application for the

120 approval thereof, and shall submit the report to the mayor. Approval of the project shall not be
121 final until the department receives the mayor's approval.

122 As soon as conveniently may be after the mayor of Quincy approves the project, the department
123 shall issue a certificate of the approval of the project and of its consent, if any, to the formation
124 of a corporation to carry it out. An agreement of association to form a corporation for the
125 purposes of carrying out in said Urban Renewal District a project under said chapter 121A shall
126 not be presented to the state secretary for filing, nor shall he file it, unless it is accompanied by
127 such a certificate.

128 After the approval of a project by the department and the mayor, the corporation, insurance
129 company, savings bank or group of savings banks carrying out such project may apply to the
130 department for leave to change the type and character of the buildings in such project. The
131 department shall transmit to the mayor of the City of Quincy a copy of such application. The
132 department, if it receives a certificate evidencing the approval of the application by the mayor,
133 shall approve such application, and the corporation may act in accordance with such approval.

134 In the event that the change amounts to a major change under the Land Disposition Agreement as
135 defined in section two of chapter __, of the acts and resolves of 2011, An Act Relative To Urban
136 Redevelopment in the City of Quincy, the change must be approved by the mayor and the city
137 council.

138 When any decision under this or the preceding section becomes final, the department shall file
139 with the city clerk of the City of Quincy a copy of such decision attested by such department
140 with, in cases where approval of such decision by the mayor or city council is required, a copy of
141 such approval likewise attested. Within 30 days after such filing, any person, whether previously

142 a party to the proceeding or not, who is aggrieved by such decision, or any municipal officer or
143 board, may file a petition in the supreme judicial or superior court sitting in Norfolk County for a
144 writ of certiorari against the department to correct errors of law therein and the provisions of
145 section four of chapter two hundred and forty-nine of the General Laws shall apply to said
146 petition except as herein provided with respect to the time for the filing thereof. The remedy
147 provided by this paragraph shall be exclusive.

148 Section 12C. In said Urban Renewal District, the City of Quincy shall have a lien under chapter
149 60 of the General Laws for all amounts payable under a contract or agreement executed under
150 section 6A of chapter 121A, and such lien shall continue in effect for three (3) years after the
151 date on which the last installment is due and payable under such contract or agreement.

152 Payments made by the redeveloper under the provisions of the Land Disposition Agreement as
153 defined in section two of chapter ___ of the acts and resolves of 2011, An Act Relative To Urban
154 Redevelopment in the City of Quincy, to the City of Quincy Affordable Housing Trust, so
155 called, shall satisfy any displaced dwelling requirements of section 6 of chapter 121A of the
156 General Laws. Said payments shall be deemed to provide a feasible method of relocation and
157 shall be deemed to establish the existence or availability of dwellings required by section 6 of
158 chapter 121A of the General Laws.

159 Section 12D. The provisions and requirements of the foregoing Sections 12A, 12B and 12C
160 shall apply in lieu of the provisions and requirements of section 6, section 6B and section 6C of
161 chapter 121A of the General Laws with respect to projects in said Urban Renewal District
162 approved under the Land Disposition Agreement as defined in section two of chapter ___ of the
163 acts and resolves of 2011, An Act Relative To Urban Redevelopment in the City of Quincy.”

164 SECTION 11. Notwithstanding chapter 40Q of the General Laws or any other general or special
165 law to the contrary, the first installment of principal on an issue of bonds or notes issued to pay
166 costs of any project within the Urban Renewal District of the City of Quincy shall be made not
167 later than ten years following the original date of issue of such bonds or notes. Notwithstanding
168 section 17 of chapter 44 of the General Laws or any other general or special law to the contrary,
169 the City of Quincy may issue temporary loans, including temporary loans issued to refund prior
170 temporary loans, in anticipation of the issuance of bonds to pay costs of any project within an
171 Urban Renewal District of the City of Quincy for a period of not more than ten years from the
172 date of issue of the original temporary loan. No part of these temporary loans shall be paid from
173 revenue funds during such ten year period. Notwithstanding any general or special law to the
174 contrary, bonds issued by the City of Quincy to pay costs of any project within an Urban
175 Renewal District of the City of Quincy shall be payable over a term not in excess of 30 years,
176 without regard to the term of any temporary loans issued by the City of Quincy in anticipation of
177 any such bonds.

178 SECTION 12. Notwithstanding the provisions of sections 6A and 10 of chapter 121A of the
179 General Laws or any other general or special law to the contrary, for projects located within the
180 Urban Renewal District in the City of Quincy, urban renewal corporations organized under
181 chapter 121A of the General Laws shall pay quarterly to the city the amount specified by the
182 formulas set forth in the Land Disposition Agreement. Said formulas shall be considered
183 specific and ascertainable amounts.

184 The City of Quincy shall provide the department of housing and community development and
185 the division of local services of the department of revenue a copy of the quarterly payments and

186 methodologies employed in the calculation therefore, not more than 30 days after the receipt of
187 such payments.

188 The 15 year period of exemption from taxation may be terminated by the City of Quincy at the
189 end thereof or in any subsequent year following the expiration thereof, subject to the terms of the
190 Land Disposition Agreement. The terms of this section shall apply to all project components,
191 regardless of funding source.

192 Personal property of urban renewal corporations organized under chapter 121A of the General
193 Laws located within the Urban Renewal District in the City of Quincy shall not be exempt from
194 taxation.

195 SECTION 13. Notwithstanding the provisions of sections 22-22E of chapter 40 of the General
196 Laws or any other general or special law to the contrary, the City of Quincy is hereby authorized
197 to apply receipts from the operation of parking facilities constructed in the Urban Renewal
198 District for payments specified in the Land Disposition Agreement. The City of Quincy may
199 lease or sell air rights above city-owned land and discontinued roads and ways in the Urban
200 Renewal District pursuant to the Land Disposition Agreement.

201 SECTION 14. Notwithstanding any general or special law to the contrary, the following
202 definition of "lot" shall apply to redevelopment activities in the Urban Renewal District in the
203 City of Quincy for purposes of the subdivision control law, sections 81K- 81GG of chapter 41 of
204 the General Laws and in lieu of the definition contained in section 81L of said chapter 41. The
205 following definition shall also apply to any city ordinance or by-law enacted pursuant to the
206 subdivision control law.

207 “Lot” shall mean an area of land, or space above land, in one ownership, with definite
208 boundaries, used, or available for use, as the site of one or more buildings or portions(s) thereof.
209 The term “Lot” shall expressly include the vertical space above the land so as to create air rights
210 parcels.

211 SECTION 15. Notwithstanding any general or special law to the contrary, for projects in the
212 Urban Renewal District of the City of Quincy, the Land Disposition Agreement shall be a
213 contract and all the provisions of section fourteen of chapter 121A of the General Laws shall
214 apply to that contract. In addition to the specific items set forth in clauses (a) (b) and (c) of the
215 first paragraph in said section fourteen, the contract may obligate the City of Quincy to cause the
216 construction of parking garages by the corporation or its redeveloper and to subsequently acquire
217 them from the corporation or its redeveloper in accordance with the terms of the Land
218 Disposition Agreement. Without limiting the generality of the foregoing, the construction of a
219 project under the Land Disposition Agreement shall not be subject to any provision of law
220 relating to publication or advertising for bids but shall be subject to the provisions of the Land
221 Disposition Agreement and sections 26 to 27F, inclusive, of chapter 149 of the General Laws.

222 SECTION 16. Notwithstanding any general or special law to the contrary, compliance with the
223 notice requirements pertaining to the execution by the City of Quincy of the Land Disposition
224 Agreement and the procedural requirements pertaining to such execution is deemed to constitute
225 compliance with all notice and procedural requirements of section fifteen 15A of chapter 40 of
226 the General Laws or any other general or special law with regard to the transfer of land held by
227 the City of Quincy from one municipal purpose to another municipal purpose for the city parcels
228 and the land beneath the discontinued roads and ways as part of the urban renewal plan and
229 located within the Urban Renewal District, pursuant to the Land Disposition Agreement or

230 otherwise. Upon the execution by the City of the Land Disposition Agreement, the City of
231 Quincy shall be deemed to hold all such land for urban renewal purposes. Notwithstanding such
232 land being transferred and held for said purposes, until such time as the City of Quincy actually
233 conveys such lands, the City of Quincy is authorized to continue to use such lands for the
234 purposes for which they are used immediately prior to the effective date of this act.

235 SECTION 17. Notwithstanding any general or special law to the contrary, whenever any
236 successor interest acquires through sale, assignment or transfer any project or portion of a project
237 approved under the Land Disposition Agreement, such successor interest shall retain the powers,
238 rights, privileges, benefits, and exemptions set forth in chapter 121A of the General Laws, and
239 shall be bound by all agreements executed with the City of Quincy pursuant to chapter 121A of
240 the General Laws. Where such successors are unit purchasers in a condominium, the obligations
241 under any contract executed under section 6A of chapter 121A for such project shall be allocated
242 to the individual unit owners in accordance with their percentage interest in the common areas of
243 such condominium and shall be enforced and collected on such basis. Where a corporation
244 executes separate contracts under Section 6A of chapter 121A, as modified by this act, for
245 individual portions of a project, such contract shall be enforceable as against such portion as if a
246 separate corporation in each case executed such a contract. Subject to the provisions of this act,
247 the period of 15 years or such further time as may be provided herein shall be computed from the
248 date of organization of the urban renewal corporation which initiated the project.

249 SECTION 18. Whenever a project is undertaken pursuant to this act, the City of Quincy shall be
250 authorized to execute and deliver a parking management agreement with the redeveloper for a
251 term not in excess of 30 years, executed and delivered pursuant to the Land Disposition
252 Agreement.

253 SECTION 19. This act shall take effect upon its passage.