

HOUSE No. 00992

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Ronald Mariano

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 relative to urban redevelopment in the city of Quincy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ronald Mariano</i>	<i>3rd Norfolk</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>

HOUSE No. 00992

By Mr. Mariano of Quincy, a petition (accompanied by bill, House, No. 992) of Ronald Mariano and others (with the approval of the mayor and city council) relative to urban redevelopment in the city of Quincy. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to 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 that the city will transfer to the designated redeveloper who will redevelop the
- 6 city parcels and other privately owned land.
- 7 “Land Disposition Agreement”, the agreement between the City of Quincy and the redeveloper
- 8 pursuant to which the City of Quincy will transfer two city parcels. The Land Disposition
- 9 Agreement is subject to the approval of the department of housing and community development
- 10 under chapter 121B of the General Laws.

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

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

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

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

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

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

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

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

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

47 SECTION 10. For purposes of this act, and notwithstanding any general or special law to the
48 contrary, chapter 898 of the acts and resolves of 1973 is hereby amended by adding the
49 following Section 12A, Section 12B, Section 12C and Section 12D after Section 12 as appearing
50 therein:

51 “SECTION 12A. Subject to the provisions of paragraphs (h) and (i) of section eighteen of
52 chapter 121 A of the General Laws, the department shall, in addition to its other powers and
53 duties, have the powers and perform the duties from time to time conferred or imposed upon the

54 state housing board by the provisions of sections six A, seven, seven A, eight, nine, ten, eleven,
55 twelve, thirteen, fifteen, sixteen, sixteen A, eighteen, eighteen B and eighteen C of said chapter
56 121A 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 SECTION 12B. Persons intending to associate themselves by written agreement of association
77 with 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 An Act Relative To Urban Redevelopment in the City of Quincy, whether such
95 project is consistent with the urban renewal plan, whether such project would be in any way
96 detrimental to the best interests of the public or the city or to the public safety and convenience,
97 and whether the project will constitute a public use and benefit. If the department finds that the
98 proposed project does not meet the requirements of said chapter 121A, or that conditions

99 warranting the carrying out of the project do not exist, or that the project will not be practicable,
100 or conflicts with the Land Disposition Agreement as defined in section two of An Act Relative
101 To Urban Redevelopment in the City of Quincy or the urban renewal plan as defined in section
102 two of An Act Relative To Urban Redevelopment in the City of Quincy, or is detrimental or
103 inconsistent as aforesaid, or will not constitute a public use and benefit, it shall disapprove the
104 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 An Act Relative
113 To Urban Redevelopment in the City of Quincy, the mayor of the City of Quincy and the
114 department may approve or disapprove the application as amended without further hearing or
115 report; otherwise the department shall proceed as if it were a new application.

116 Whenever the department approves a project, it shall make and embody in its report reasonable
117 rules and regulations setting minimum standards for the financing, construction, maintenance
118 and management of such project in so far as the same are not specified in the application for the
119 approval thereof, and shall submit the report to the mayor. Approval of the project shall not be
120 final until the department receives the mayor's approval.

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

127 After the approval of a project by the department and the mayor, the corporation, insurance
128 company, savings bank or group of savings banks carrying out such project may apply to the
129 department for leave to change the type and character of the buildings in such project. The
130 department shall transmit to the mayor of the City of Quincy a copy of such application. The
131 department, if it receives a certificate evidencing the approval of the application by the mayor,
132 shall approve such application, and the corporation may act in accordance with such approval.
133 In the event that the change amounts to a major change under the Land Disposition Agreement as
134 defined in section two of An Act Relative To Urban Redevelopment in the City of Quincy, the
135 change must be approved by the mayor and the city council.

136 When any decision under this or the preceding section becomes final, the department shall file
137 with the city clerk of the City of Quincy a copy of such decision attested by such department
138 with, in cases where approval of such decision by the mayor or city council is required, a copy of
139 such approval likewise attested. Within 30 days after such filing, any person, whether previously
140 a party to the proceeding or not, who is aggrieved by such decision, or any municipal officer or
141 board, may file a petition in the supreme judicial or superior court sitting in Norfolk County for a
142 writ of certiorari against the department to correct errors of law therein and the provisions of
143 section four of chapter two hundred and forty-nine of the General Laws shall apply to said

144 petition except as herein provided with respect to the time for the filing thereof. The remedy
145 provided by this paragraph shall be exclusive.

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

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

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

161 SECTION 11. Notwithstanding chapter 40Q of the General Laws or any other general or special
162 law to the contrary, the first installment of principal on an issue of bonds or notes issued to pay
163 costs of any project within the Urban Renewal District of the City of Quincy shall be made not
164 later than ten years following the original date of issue of such bonds or notes. Notwithstanding
165 section 17 of chapter 44 of the General Laws or any other general or special law to the contrary,

166 the City of Quincy may issue temporary loans, including temporary loans issued to refund prior
167 temporary loans, in anticipation of the issuance of bonds to pay costs of any project within an
168 Urban Renewal District of the City of Quincy for a period of not more than ten years from the
169 date of issue of the original temporary loan. No part of these temporary loans shall be paid from
170 revenue funds during such ten year period. Notwithstanding any general or special law to the
171 contrary, bonds issued by the City of Quincy to pay costs of any project within an Urban
172 Renewal District of the City of Quincy shall be payable over a term not in excess of 30 years,
173 without regard to the term of any temporary loans issued by the City of Quincy in anticipation of
174 any such bonds.

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

181 The City of Quincy shall provide the department of housing and community development and
182 the division of local services of the department of revenue a copy of the quarterly payments and
183 methodologies employed in the calculation therefore, not more than 30 days after the receipt of
184 such payments.

185 The 15 year period of exemption from taxation may be terminated by the City of Quincy at the
186 end thereof or in any subsequent year following the expiration thereof, subject to the terms of the

187 Land Disposition Agreement. The terms of this section shall apply to all project components,
188 regardless of funding source.

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

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

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

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

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

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

230 conveys such lands, the City of Quincy is authorized to continue to use such lands for the
231 purposes for which they are used immediately prior to the effective date of this act.

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

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

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