

**SENATE . . . . . No. 768**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Jennifer L. Flanagan**

*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 the Disposal of Municipally Owned Vacant Property.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	Worcester and Middlesex
Stephen L. DiNatale	3rd Worcester

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE DISPOSAL OF MUNICIPALLY OWNED VACANT PROPERTY.

*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.** It is the purpose of this act to create an alternative process for the disposition of  
2 vacant real property owned by a municipality that chooses to accept the provisions of this act. This  
3 alternative process employs a public-private partnership to re-occupy and reinstitute lost market value in  
4 such properties, thereby revitalizing their immediate neighborhoods and the greater community as a  
5 whole, while generating greater non-tax sales revenues for the cities and towns, placing the properties  
6 back on the active tax rolls and, with their recaptured assessed value, alleviating the burden on other  
7 homeowners to subsidize their share of the property tax levy. This alternative program seeks to  
8 accomplish these goals by:-

- 9           a. taking advantage of the comprehensive real estate marketing infrastructure, including electronic  
10 listing resources, through which licensed real estate brokers and salespersons currently conduct  
11 their professional operations;
- 12           b. expanding the pool of potential purchasers in the free market, thereby increasing demand for the  
13 properties, thereby increasing the selling price and returns for the municipalities; and by
- 14           c. conveying such properties in a time-efficient and cost-effective manner to qualified purchasers  
15 with the financial resources to improve and maintain the condition of the properties.

16           **SECTION 2.** Chapter 30B is hereby amended by adding the following after section 16: -

17           Section 16A. Notwithstanding any general or special law, rule or regulation to the contrary, a  
18 city or town may, by majority vote of a city council in a city or majority vote of a board of selectmen in a  
19 town, establish an alternative disposition procedure under which specifically identified real properties that  
20 are vacant and owned by the municipality may be sold through the professional services of real estate  
21 brokers or salesmen licensed under section 87RR of chapter 112 of the general laws. Such procedure shall  
22 include the following:

23           (a) a method of identifying specific properties to be sold through the alternative procedure and of  
24           determining the cost of rehabilitation; provided, however, that such properties must be free of  
25           encumbrances and the municipality holds clear title to each specific property;

26           (b) appointment, following adoption of this act, of a municipal real estate officer, who may be an  
27           employee of the municipality, and shall have the authority to bind the municipality under  
28           contracts and agreements to which the disposition of such properties are subject, and who will  
29           serve as the liaison between the municipality, municipal officials, brokers and salespersons  
30           participating in the program, and prospective and actual purchasers in the program;

31           (c) a qualification review and approval process for licensed real estate brokers and salespersons to  
32           participate in the program and to market specific properties in the program ; provided, that the  
33           approval process shall include review and approval by a three person panel with a representative  
34           from the municipality, a representative from the Massachusetts Association of Realtors, and a  
35           representative of a non-profit community group headquartered in the municipality; and provided,  
36           further, that the qualification process shall take into account the expertise of the applying broker  
37           in pricing, marketing, and selling properties in the municipality and experience with properties of  
38           the type in the program;

39           (d) such of the additional procedures (i), (ii) and (iii), below, as the municipality may adopt:

40 (i) a procedure for allocating specific properties in the program in batches, with no less than  
41 2 nor more than 6 individual properties being assigned on an exclusive basis to a specific  
42 broker or salesperson;

43 (ii) identification of specific properties in the program, if the municipality chooses, that must  
44 be sold to purchasers who will rehabilitate the property sufficiently to acquire a  
45 certificate of occupancy within 2 years as determined by the municipality;

46 (iii) a requirement and procedure for a specific property to revert back to the municipality if  
47 the property is not rehabilitated in a specific time period from the closing date unless  
48 such period is extended by the municipal real estate officer for good cause; and

49 (e) all offers for the purchase of property not accepted within 30 days of submission to the municipal  
50 real estate officer are deemed rejected, unless such period is extended by mutual agreement  
51 between the prospective purchaser and the officer.