

By Mr. Magnani of Framingham, petition of David P. Magnani, Marie-Louise Kehoe and Kevin G. Honan for legislation to provide cities and towns the right of first refusal relative to certain land owned by nonprofit organizations. Taxation.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT PROVIDING CITIES AND TOWNS THE RIGHT OF FIRST REFUSAL WITH RESPECT TO CERTAIN LAND OWNED BY NONPROFIT ORGANIZATIONS.

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

1 Chapter 59 of the General Laws is hereby amended by inserting  
2 after section 5G the following section: —

3 Section 5H. Unimproved land of two acres or more owned by  
4 a non-profit organization which is receiving an exemption under  
5 the provisions of section five shall not be sold for residential,  
6 industrial or commercial use while so exempt, unless the city or  
7 town in which such land is located has been notified of intent to  
8 sell or convert to such other use. For a period of one hundred  
9 and twenty days subsequent to such notification, said city or town  
10 shall have a first refusal option to meet a bona fide offer to  
11 purchase said land, at full and fair market value to be determined  
12 by impartial appraisal. After a public hearing, said city or town  
13 may assign said option to a nonprofit organization under such  
14 terms and conditions as the mayor or board of selectmen deem  
15 appropriate.

16 Notice of said public hearing shall be given in accordance with  
17 the provisions of section twenty-three B of chapter thirty-nine.  
18 Such notice of intent shall be sent by the landowner via certified  
19 mail to the mayor and city council of a city, or to the board of  
20 selectmen of a town, to its board of assessors and to its planning  
21 board and said option period shall run from the day following  
22 the latest date of deposit of any of such notices in the United States  
23 mails. No sale of such land shall be consummated unless and until

24 said option period shall have expired or the landowner shall have  
25 been notified in writing by the mayor or board of selectmen of  
26 the city or town in question that said option will not be exercised.  
27 Such option may be exercised only by written notice signed by  
28 the mayor or board of selectmen, mailed to the landowner by  
29 certified mail at such address as may be specified in his notice of  
30 intention and recorded with the registry of deeds, within the  
31 option period. If said option has been assigned to a nonprofit  
32 organization as provided in this section, said written notice shall  
33 state the name and address of said organization and the terms and  
34 conditions of said assignment. An affidavit by a notary public that  
35 he has so mailed such a notice of intent on behalf of a landowner  
36 shall conclusively establish the manner and time of the giving of  
37 such notice; and such an affidavit, and such a notice that the  
38 option will not be exercised, shall be recorded with the registry  
39 of deeds. Each such notice of intention, notice of exercise of the  
40 option and notice that the option will not be exercised shall  
41 contain the name of the record owner of the land and a description  
42 of the premises so to be sold or converted adequate for  
43 identification thereof; and each such affidavit by a notary public  
44 shall have attached to it a copy of the notice of intention to which  
45 it relates. Such notices of intention shall be deemed to have been  
46 duly mailed to the parties above specified if addressed to them  
47 in care of the town or city clerk; and in the case of notice to a  
48 city council or a board or commission, addressed to it as such  
49 entity. The provisions of this section shall not be applicable with  
50 respect to a mortgage foreclosure sale; but the holder of a  
51 mortgage shall, at least forty-five days before a foreclosure sale,  
52 send written notice of the time and place of such sale to the parties  
53 and in the manner above provided in this section for notice of  
54 intent to sell or convert, and the giving of such notice may be  
55 established by an affidavit of a notary public as above set forth.