

By Mr. Bosley of North Adams, petition of Daniel E. Bosley and Christopher J. Hodgkins relative to the implementation of economic development plans in cities and towns.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO THE IMPLEMENTATION OF ECONOMIC DEVELOPMENT PLANS IN CITIES AND TOWNS.

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 4 of chapter 121 of the acts of 1975 is hereby amended
2 by adding at the end of clause (k) thereof, as most recently
3 amended by section 61 of chapter 287 of the acts of 1989, the
4 following clause: —

5 In municipalities where no redevelopment authority has been
6 organized under the authority granted by section four of chapter
7 121B of the General Laws and no economic development and
8 industrial corporation has been organized under the authority
9 granted by section three of chapter 121C of the General Laws,
10 the bank may acquire blighted lands by the exercise of the power
11 of eminent domain in accordance with the provisions of chapter
12 seventy-nine or chapter 80A of the General Laws or any
13 alternative method now or hereafter provided by law, insofar as
14 such provisions may be applicable, provided however, that the
15 power of eminent domain shall only be exercised by the bank with
16 regard to such lands that may be considered "blighted open areas,"
17 in accordance with the definition of said term contained in chapter
18 121B of the General Laws, and, in any case, said power shall not
19 be exercised by the bank hereunder without the prior approval,
20 by majority vote, of the city council, board of aldermen or board
21 of selectmen of the municipality or municipalities in which the
22 lands to be so acquired are located, and unless:

23 (A) the lands are unimproved; or

24 (B) the structures existing on the lands:

25 (i) have not been regularly used for residential housing or
26 commercial use, except for storage purposes, for the two-year
27 period preceding the beginning of the eminent domain
28 proceedings; and

29 (ii) are in a state of substantial disrepair and would require
30 substantial capital investment to restore the structures to a
31 marketable use.

32 Furthermore, whenever the bank deems it necessary or
33 convenient for the purposes of this act, following a vote of the
34 board of directors of the bank declaring such necessity and
35 expressing interest in undertaking or financing a project on such
36 lands, and prior to the exercise of the power of eminent domain
37 and the taking of lands by eminent domain hereunder, the bank
38 and its authorized agents and employees, after thirty days notice
39 by certified mail, may enter on to such lands for the purpose of
40 making surveys, soundings, drillings, borings or examinations to
41 obtain information concerning the cost or feasibility of
42 developing, redeveloping, acquiring, maintaining, managing or
43 using such lands, which information may include, but shall not
44 be limited to, information regarding the existence of hazardous
45 materials or oil on such lands, and such entry shall not be deemed
46 a trespass, a taking by eminent domain or an entry under any
47 eminent domain or condemnation proceedings that may be under
48 consideration or pending. The bank shall make reimbursement
49 for any injury or actual damage resulting to such lands caused
50 by any act of its employees or authorized agents related to such
51 entry, and shall as far as possible restore such lands to the same
52 condition as prior to the making of such surveys, soundings,
53 drillings, borings or examinations, provided, that the entrance on
54 to such lands prior to an actual taking thereof by eminent domain
55 by the bank hereunder shall not obligate the bank in any way to
56 proceed with a taking by eminent domain.