

By Mr. Bosley of North Adams, petition of Daniel E. Bosley, Stephen Kulik and Robert Correia relative to the implementation of economic development plans in cities and towns. Commerce and Labor.

The Commonwealth of Massachusetts

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

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 212 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
7 chapter 121B of the General Laws and no economic development
8 and 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 chap-
12 ter 79 or chapter 80A of the General Laws or any alternative
13 method now or hereafter provided by law, insofar as such
14 provisions may be applicable, provided however, that the power
15 of eminent domain shall only be exercised by the bank with regard
16 to such lands that may be considered "blighted open areas," in
17 accordance with the definition of said term contained in
18 chapter 121B of the General Laws, and, in any case, said power
19 shall not be exercised by the bank hereunder without the prior
20 approval, by majority vote, of the city council, board of alderman
21 or board of selectmen of the municipality or municipalities in
22 which the lands to be so acquired are located, and unless:

23 (A) the lands are unimproved; or

24 (B) the structures existing on the lands: (i) have not been
25 regularly used for residential housing or commercial use, except
26 for storage purposes, for the two year period preceding the
27 beginning of the eminent domain proceedings; and (ii) are in a
28 state of substantial disrepair and would require substantial capital
29 investment to restore the structures to a marketable use.

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