

By Representatives Cuomo of North Andover and Jones of North Reading, petition (subject to Joint Rule 12) of Donna F. Cuomo and other members of the General Court relative to the disposition of certain charitable real estate. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE DISPOSITION OF CERTAIN CHARITABLE REAL ESTATE.

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. Chapter 68 of the General Laws is hereby
2 amended by inserting after section 16 the following section: —
3 Section 16A. Every public charity or non-profit entity
4 organized under chapter one hundred eighty which owns real
5 estate and uses said real estate for charitable or educational pur-
6 poses and is exempt from taxation under the provisions of section
7 five of chapter fifty-nine or any other law and offers such real
8 estate or any portion thereof for sale, shall, prior to the actual sale,
9 offer said real estate or such portion thereof, to the city or town in
10 which such real estate is located. Such offer shall be in the form
11 of a written notice and attaching a copy of the purchase and sale
12 agreement, if any, and filed with the selectmen, town manager or
13 mayor of such city or town within twenty-one days of such offer
14 or agreement for sale. Such a city or town shall forthwith proceed
15 to consider the offer for sale and within one hundred and eighty
16 days reply to the trustee or trustees or governing board, as the
17 case may be, that such city or town has an interest in acquiring
18 said real estate. Such city or town shall have a right to purchase
19 such real estate for the same consideration and on the same terms
20 as the potential buyer. In the event the city or town does not wish
21 to acquire the subject real estate, the city or town shall forthwith
22 notify such trustee or governing board of its decision, irrespective
23 of the one hundred eighty days open for consideration of the offer.

24 If the city or town exercises its right to purchase such real
25 estate, it shall forthwith negotiate the terms of the sale and take
26 whatever course is necessary to expedite the transfer. Copies of
27 any such offers and other documents relative thereto shall be filed
28 with the director of the division of charities. No offer for sale or
29 purchase of sale agreement of such real estate shall be valid unless
30 the procedure outlined as aforesaid shall have been complied with
31 and an affidavit shall have been attached to a deed transferring
32 such real estate indicating such compliance. No register of deeds
33 shall accept for recording any deed purporting to convey such real
34 estate unless such an affidavit accompanies the deed.

1 SECTION 2. Section 5 of chapter 40 of the General Laws is
2 hereby amended by inserting after clause (25B) the following
3 clause: — (25C) For acquiring land and buildings under the provi-
4 sions of section sixteen A of chapter sixty-eight and the provi-
5 sions of chapter thirty B shall not apply to such acquisitions.

1 SECTION 3. Chapter 12 of the General Laws is hereby
2 amended by inserting after section 8N the following section: —
3 Section 80. The trustee or trustees or the governing board of
4 every public charity including every educational institution of
5 higher learning or entities organized under chapter one hundred
6 eighty, shall include in the annual report required by section
7 eight F, a list of all real estate owned by said charity or edu-
8 cational institution, and whether such real estate or portions
9 thereof are being currently used for charitable or educational
10 purposes. Such list shall be in such form as prescribed by the
11 director and shall be included in the annual written report and no
12 additional filing fee shall be required for such list.