

Article 3: Progress Report: Land Disposition and Expedited Permitting Bills

MACDC July 2006 Legislative Update

MACDC Working on Surplus Land Disposition Bill and Expedited Permitting Bill 'til the Very End
MACDC, in conjunction with the Smart Growth Alliance and the Massachusetts Municipal Association, worked on two community development-related bills during the final weeks of this year's legislative session; one made it all the way to the Governor's desk – the other never made it out of conference committee.

Surplus Land Disposition Bill – The House and Senate offered two bills related to state surplus land disposition. The purpose of the bills was to have allowed for a speedier and more efficient method of disposing of state land than Chapter 7, the law that is currently in effect. Chapter 7 provides that the legislature must give its approval for every parcel which the state proposes to surplus. The Senate bill would provide for public hearings and study, a municipality's right to "first right of refusal" for parcels in their district – that right could then be assigned to a non-profit for development or conservation, and the requirement that a portion of the sales proceeds for parcels be deposited in the Ch. 40R Smart Growth Trust Fund! A House version of this bill was very similar but unfortunately passed the House with an amendment that would partially keep us where we are: it provided that the legislature must approve or reject state reports on each parcel of surplus land. Only those reports winning approval by the Legislature would be able to be surplusd through the bill. The version that passed the Senate contained no such provision. A conference committee was appointed to iron out differences between the bills and we thought the committee might issue a conference report by the end of the legislative session; however, the conference committee failed to report out a bill. Back to the drawing board for next year!

Expedited Permitting Bill – The House and Senate passed separate bills on this issue as well. The bills allow for speedier development of parcels across the Commonwealth. MACDC, as part of the Smart Growth Alliance, advocated that the bill contain requirements for smart growth review of development proposals. The House and Senate bills were referred to a conference committee and the conference committee reported out a compromise bill in the last few days of the session; each branch approved the compromise bill, but not unanimously. The Governor signed the bill in to law on August 2nd.. Unfortunately, the final bill does not contain the smart growth review requirements.