

# Problems With The Jones-Stanley Bill - H4491

## Jones-Stanley (H4491):

### 1. Takes away our planning rights.

### 2. Prices surplus parcels out of range for most cities and towns.

**3. Eliminates the local legislators' accountability.** This removes a critical counterweight against influence-peddling by developers (through campaign donations and powerful lobbyists).

### 4. Lacks real safeguards for our environment and smart growth.

*(see explanations below)*

#### 1. Jones-Stanley takes away our planning rights.

- **Jones-Stanley eliminates our ability to guide the use of surplus land without having to purchase property.** That's because Jones-Stanley eliminates the traditional requirement for transfer legislation sponsored by a local legislator accountable to the local community. Instead Jones-Stanley allows land disposal proposed by DCAM, (the Department of Capital Asset Management), to be approved by the legislature without local sponsorship, without a plan for the reuse of the property, and without the requirement for a recorded vote.

- **Jones-Stanley marginalizes local citizens, boards of selectmen, city councils, planning boards, housing advocates and conservation commissions.** It limits local planners and concerned citizens to merely testifying before powerful, unaccountable, state authorities (composed largely of gubernatorial appointees). Experience with state agencies such as Massport, the Boston Redevelopment Authority, DCAM and MassDevelopment have shown that this often fails to produce smart growth or sustainable, just land use. And it increases the potential for decisions to be wired from the inside to benefit politically-connected developers.

- **Jones-Stanley replaces local reuse committees with state bureaucracies.** Under the current Chapter 7 rules, local re-use committees can plan the reuse of surplus property for the benefit of local communities. Jones-Stanley bypasses this kind of local planning. Instead, Jones-Stanley uses plans and proposals developed by state bureaucracies. Though Jones-Stanley calls for a "smart growth review" to be written by the Regional Planning Authority (RPA), this report has no binding influence on any decision. And while the RPA can provide a helpful planning perspective, it does not take the place of a locally informed, accountable re-use committee.

#### 2. Jones-Stanley prices surplus parcels out of purchasing range for most cities and towns.

- Jones-Stanley extends the right of first refusal to municipalities at a cost so high it makes land purchase by municipalities virtually impossible. At a cost of 85% of the highest valuation, few cities and towns – which are struggling to provide basic services – would be able to purchase surplus land. **In effect, Jones-Stanley bypasses municipalities and provides MassDevelopment with easy access to some of the finest public properties in the Commonwealth.** MassDevelopment, on the other hand, gets not only a discounted price, but access to multi-million dollar subsidies and grants.

- **Properties no longer needed by the state should be offered to local communities at low or no-cost if the land will be used to meet a public need.** This is only fair, since municipalities have forgone property taxes on these parcels for decades, and paid for services provided by local government. Communities should not have to raise local property taxes in order to buy land they already own. By

favoring state-led privatization projects, H4491 wastes an opportunity to use public land assets to help meet urgent needs (for affordable housing, open space protection and community economic development).

### **3. Jones-Stanley eliminates the local legislators' accountability. This removes a critical safeguard against influence-peddling by developers-through campaign donations and powerful lobbyists.**

- Under Chapter 7, the local legislator traditionally sponsors any legislation to sell off and reuse surplus property. Thus the local legislator has the power to stop a bad plan, and is accountable if harmful development is allowed. That accountability is a strong incentive for the local legislator to serve his community – not the developers who may be big donors to his political campaigns. Under Jones-Stanley, the key role of the local legislator is eliminated. **Reuse proposals would be selected by DCAM and other appointees of the governor, not by local legislators.** Thus, Jones-Stanley gets the local legislator “off the hook” for harmful development.

- **Under Jones-Stanley, “legislative approval” of transfers takes place without requiring a plan for the reuse of the property.** This allows approval on the basis of vague promises and potentially misleading reassurances about possible harmful effects. It also greatly weakens the ability of the local community to win environmental safeguards, affordable housing, traffic mitigation, or other measures as a condition of the transfer. The current Chapter 7 procedures, in which transfer legislation can incorporate a carefully constructed reuse plan, would be bypassed.

### **4. Jones-Stanley lacks safeguards for the environment and smart growth.**

- Proponents of Jones-Stanley claim the bill has built-in smart growth protections for surplus land development: a smart growth review by the Regional Planning authority (RPA), and oversight by a “Surplus Land coordinating Committee”, (SLCC), representing largely state agencies. **The attached H4491 Process Flowchart clarifies that these smart growth provisions are largely smokescreens, for the reasons described below.**
- **The smart growth “oversight” (provided by the SLCC and RPA) comes AFTER legislative approval to dispose of the property.** Thus, legislators will not have the benefit of “smart growth” input to inform any legislative decision about disposing the property or restricting its use to achieve environmental or smart growth goals.
- **The review by the RPA is a dead end...**It doesn't have any binding authority or any guaranteed impact on the real decision-making.
- The SLCC input doesn't begin until the property has been rejected by MassDevelopment. In other words, **the SLCC has no influence over MassDevelopment uses of the property.** Nor do they provide “oversight” if the municipality decides to buy the property.
- **In the end, the SLCC chooses a “highest and best” use proposal, ie one producing the highest sale price.** This biases toward intense commercial/real estate development and away from public interest uses. This choice is further limited by having to pick from among 3 options pre-selected by DCAM, a fiscal agency.
- If an agency sees a current or future need for the property, the decision to seek legislative approval is made by a committee of three. In this committee, **any agency opposing disposal would be readily out-numbered by DCAM and Office of Administration and Finance** (DCAM's parent agency).

### **5. Jones-Stanley puts up to 42,000 acres - 5-7% of state lands - at risk for poorly planned, potentially harmful development.**

- Rep. David Flynn, Co-Chair of the Joint Committee on Bonding, Capital Expenditures, and State Assets, is quoted in the State House News, November 10, 2005 as stating that “5-7 percent or about 42,000 acres of land” could be subject to privatization through the Jones-Stanley bill.