



City of Boston, Massachusetts
Office of the Mayor
Michelle Wu

June 26, 2023

THE CITY COUNCIL

Dear Councilors:

I transmit herewith for your approval a home rule petition to the General Court entitled "Petition for a Special Law Re: An Act Relative to Creation of a Branch of the Boston Public Library (BPL) within an Affordable Housing Development in the Dorchester Section of the City of Boston."

Through this special act, the Boston Redevelopment Authority, d/b/a The Boston Planning & Development Agency (BPDA) seeks to ground lease BPDA-owned vacant land at 555- 559 Columbia Road to a developer selected via a Request for Proposals process who will participate in a redevelopment of the BPDA land using city and state funds to fund the development of affordable housing. This project will also create a shell and core space within it that would be conveyed to the Boston Public Library at cost, to allow BPL to build out the space as the new Uphams Corner branch library in Dorchester. Creating the branch library within a larger affordable housing development is a way to achieve two much-needed public purposes within one development. This redevelopment necessitates certain exemptions from the Commonwealth's contract procurement and award laws. Although there have been reforms to the state statutes regarding filed sub-bids under Ch. 149, the changes are insufficient to allow for the selected developer to move forward in a redevelopment effort of this kind. Without passage, the project must adhere to an extremely structured filed sub-bid process, with separate General Contractor and subcontractor selection. These exemptions will not compromise a fair and transparent process because the BPDA's selected developer and the BPL must still adhere to the stringent regulations of its public funding sources.

This model has been utilized successfully by several agencies who have applied for similar legislation. R-1, the BPDA's first development project of affordable housing with a branch library space project in Chinatown, was passed in December 2022. The Boston Housing Authority (BHA) has filed similar legislation for BHA housing located at Whittier Street, Orient Heights, Bromley Heath, Mission Main, Orchard Gardens, Maverick Gardens, West Broadway Homes, and Old Colony, Washington Beech, Franklin Hill, Amory Street, and Lenox-Camden family developments.

I urge your Honorable Body to support this special act so that we can make this redevelopment effort a reality for the Uphams Corner neighborhood in Dorchester and its people who have been waiting for a new branch library.

Sincerely,

Michelle Wu
Mayor of Boston

CITY OF BOSTON
IN CITY COUNCIL

WHEREAS, The Boston Planning & Development Agency seeks to participate in a redevelopment to create affordable housing that includes shell and core space for a branch library in Upham's Corner in Dorchester. This redevelopment necessitates certain exemptions from the Commonwealth's contract procurement and award laws; and

WHEREAS, Participating in the redevelopment will increase the supply of affordable housing in the neighborhood, as well as provide space for a long-awaited branch library, furthering the aims of the Commonwealth's housing and community service initiatives; and

WHEREAS, The exemptions will not contravene the legislative intent behind the affected procurement and public contract laws because the additional regulation and public oversight that accompanies the Boston Public Library's funding sources minimizes the risk of unfair competition and misuse of taxpayer funds.

NOW THEREFORE BE IT ORDERED,

That a petition to the General Court, accompanied by a bill for a special law relating to the Boston Planning & Development Agency and the Boston Public Library to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE:

AN ACT RELATIVE TO THE CREATION OF A BRANCH OF THE BOSTON PUBLIC LIBRARY WITHIN AN AFFORDABLE HOUSING DEVELOPMENT IN THE DORCHESTER SECTION OF THE CITY OF BOSTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Construction and development activity related to redevelopment by the developer selected by the Boston Planning & Development Agency of subsidized affordable housing, including space for a branch library to be procured by the Boston Public Library, to be built on BPDA-owned land under a ground lease, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance, or repair of buildings by a public agency, but shall be subject to sections 26 to 27H, inclusive, of chapter 149 of the General Laws. Contracts for the construction, reconstruction, alteration, remodeling, or repair of any publicly owned public works that service this project and would otherwise be subject to section 39M of chapter 30 of the General Laws shall be subject to said section 39M if the redevelopment of the project is funded in part by state or federal government low-income housing tax credit, grant, or loan, or pursuant to the issuance of tax-exempt bonds authorized by general law. A conveyance of the project, whether by leasehold or fee estate, to an urban redevelopment corporation organized under chapter 121A of the General Laws or to a nonprofit state and federally tax-exempt corporation organized for the purpose of revitalizing the project, shall be subject to chapter 30B of the General Laws to the extent that the project is conveyed to an entity that is not owned, controlled, or managed by the Boston Public Library on the date of the conveyance.

SECTION 2. This act shall take effect upon its passage.

**I HEREBY CERTIFY
THE FORGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.**

BY 
ADAM CEDERBAUM
CORPORATION COUNSEL TJB