

**HOUSE . . . . . No. 00816**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Cleon H. Turner, (BY REQUEST)*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act amending the community preservation act..

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Cleon H. Turner*

*1st Barnstable*

*John D. Keenan*

*7th Essex*

# HOUSE . . . . . No. 00816

By Mr. Turner of Dennis (by request), petition (accompanied by Bill, House, No. 00816) of Cleon H. Turner that cities and towns be authorized to expend certain funds collected from the community preservation tax. Joint Committee on Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 2939 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act amending the community preservation act..

*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: Section 6 of chapter 44B of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place  
3 thereof the following sentence:-  
  
4 In every fiscal year and upon the recommendation of the community preservation committee, the  
5 legislative body shall spend, or set aside for later spending, not less than 5 per cent of the annual  
6 revenues in the Community Preservation Fund for open space, including land for recreational use  
7 as defined herein, not less than 5 percent of the annual revenues for public safety including but  
8 not limited to equipment, facilities and related new, or improvements to, infrastructure for  
9 preparedness planning, training and education of police, fire and related municipal personnel and

10 the public for anticipated disasters both natural and man made, not less than 10 per cent of the  
11 annual revenues for historic resources and not less than 10 per cent of the annual revenues for  
12 community housing.

13 SECTION 2: Said section 6 of said chapter 44B, as so appearing, is further amended by adding  
14 the following three paragraphs:

15 Funds expended from the Community Preservation Fund for affordable housing shall only be  
16 expended for housing to be constructed on municipal property or property owned by a housing  
17 authority created pursuant to chapter 121B. Cities and towns may provide Community  
18 Preservation Funds for private affordable housing developments when it is clearly shown that the  
19 person or entity developing the affordable housing is unable to obtain adequate funding through  
20 any other sources. However, cities and towns may develop a loan program under which  
21 Community Preservation Funds may be loaned to private individuals and entities for affordable  
22 housing.

23 Funds expended from the Community Preservation Fund for historical preservation shall be used  
24 for municipal buildings only. However, cities and towns may develop a loan program under  
25 which Community Preservation Funds may be loaned to private individuals and entities for  
26 historic preservation of non-municipal property.

27 In any instance where municipalities provide Community Preservation Funds to private  
28 individuals or entities, the municipality shall have the right to audit use of said funds.