

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco, (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 adoption of the accompanying bill:

An Act to amend the General Laws Chapter 44B, more commonly known as the "Community Preservation Act."

PETITION OF:

NAME:

Brenda Eckstrom

DISTRICT/ADDRESS:

64 Wychunas Ave Buzzards Bay, MA 02532

SENATE No.

By Mr. Pacheco (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Brenda Eckstrom, for legislation to amend the Community Preservation Act. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to amend the General Laws Chapter 44B, more commonly known as 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 to amend the third sentence in Section 9. (b) to: The fund shall be expended
2 [solely](omitted) for the administration and implementation of this chapter, and to confirm
3 compliance with the intent of this chapter.

4 To amend the last sentence in Section 9. (c) to: The operating and administrative
5 expenses shall not exceed 5 per cent of the annual total revenue received under the provisions of
6 said section 10, with one-half (1/2) of one percent (1%) of the annual total revenue received
7 under the provisions of said section 10 to be used exclusively for the purposes identified in
8 Section 18.

9 To add Section 18. (a): If a city or town that has accepted sections 3 to 7 inclusive, or any
10 of its officers or agents are about to expend monies received from the fund established in section
11 9, or are about to incur obligations purporting to bind said city or town under this chapter, for a
12 purpose or object other than that for and in which such city or town has the legal and

13 constitutional right and power to expend money or incur obligations under this chapter, the
14 Office of the State Auditor may, upon petition of not less than ten taxable inhabitants of the city
15 or town, notify the city or town to cease the expenditure of money or halt any action taken to
16 incur obligations for a purpose or object allowed under this Act, until the Office of the State
17 Auditor determines such expenditure is legally allowed under this Act.

18 (b): The Office of the State Auditor shall determine that the purpose or object of the ten-
19 taxpayer petition is allowed under this chapter or that the purpose or object of the ten-taxpayer
20 petition violates this chapter. The Office of the State Auditor shall notify, in writing, the city or
21 town, the ten-taxpayers, and the Community Preservation Coalition, the results of its
22 investigation and whether or not Community preservation monies may be expended for the
23 requested use.

24 (c): The Office of the State Auditor may, from time to time, or upon petition of not less
25 than ten taxable inhabitants of the city or town, inquire as to the status of any particular deed
26 restriction that is required under this chapter. In the event that a deed restriction has not been
27 executed as required, the Office of the State Auditor shall determine a date certain for the deed
28 restriction to be completed and a copy to be provided to the Office of the State Auditor. Failure
29 for a city or town to complete the deed restriction as required may be subject to reimburse the
30 city or town's community preservation fund from the city or town's operating budget or other
31 funds as may be determined by the Office of the State Auditor.