

**HOUSE . . . . . No. 2939**

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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:

William McCormick

DISTRICT/ADDRESS:

18 Conifer Lane S. Dennis, MA 02660

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## 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 Official  
2 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following  
3 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 revenues  
6 in the Community Preservation Fund for open space, including land for recreational use as defined herein,  
7 not less than 5 percent of the annual revenues for public safety including but not limited to equipment,  
8 facilities and related new, or improvements to, infrastructure for preparedness planning, training and  
9 education of police, fire and related municipal personnel and the public for anticipated disasters both  
10 natural and man made, not less than 10 per cent of the annual revenues for historic resources and not less  
11 than 10 per cent of the annual revenues for community housing.

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

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

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

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