

HOUSE No. 2939

The Commonwealth of Massachusetts

In the Year Two Thousand 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
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
5 committee, the legislative body shall spend, or set aside for later spending, not less than 5 per
6 cent of the annual revenues in the Community Preservation Fund for open space, including land
7 for recreational use as defined herein, not less than 5 percent of the annual revenues for public
8 safety including but not limited to equipment, facilities and related new, or improvements to,
9 infrastructure for preparedness planning, training and education of police, fire and related
10 municipal personnel and the public for anticipated disasters both natural and man made, not less
11 than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the
12 annual revenues for community housing.

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

15 Funds expended from the Community Preservation Fund for affordable housing shall
16 only be expended for housing to be constructed on municipal property or property owned by a
17 housing 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
24 be used for municipal buildings only. However, cities and towns may develop a loan program
25 under which Community Preservation Funds may be loaned to private individuals and entities
26 for 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.