

**HOUSE . . . . . No. 816**

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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 adoption of the accompanying bill:

**An Act amending the community preservation act..**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William McCormick</i>	<i>18 Conifer Lane South Dennis, MA 02660</i>	
<i>John D. Keenan</i>	<i>7th Essex</i>	<i>2/4/2011</i>

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By Mr. Turner of Dennis (by request), a petition (accompanied by bill, House, No. 816) of Cleon H. Turner and John D. Keenan that cities and towns be authorized to expend certain funds collected from the community preservation tax. Revenue.

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[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  
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.