HOUSE DOCKET, NO. 259 FILED ON: 1/13/2011

HOUSE . . . . . No. 816

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:

An Act amending the community preservation act..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William McCormick	*18 Conifer Lane* *South Dennis, MA 02660*
John D. Keenan	*7th Essex*

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HOUSE . . . . . No. 816

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.

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

The Commonwealth of Massachusetts

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:

SECTION 1: Section 6 of chapter 44B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

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

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

Funds expended from the Community Preservation Fund for affordable housing shall only be expended for housing to be constructed on municipal property or property owned by a housing authority created pursuant to chapter 121B. Cities and towns may provide Community

Preservation Funds for private affordable housing developments when it is clearly shown that the person or entity developing the affordable housing is unable to obtain adequate funding through any other sources. However, cities and towns may develop a loan program under which Community Preservation Funds may be loaned to private individuals and entities for affordable housing.

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

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