



# City of Cambridge

18.

IN CITY COUNCIL

April 5, 1999

MAYOR DUEHAY  
COUNCILLOR BORN  
COUNCILLOR DAVIS  
COUNCILLOR REEVES  
COUNCILLOR RUSSELL  
COUNCILLOR SULLIVAN  
COUNCILLOR TOOMEY  
COUNCILLOR TRIANTAFILLOU

WHEREAS: Surveys of Cambridge citizens and the Cambridge City Council have determined that affordable housing and open space are two of this city's highest policy priorities; and

WHEREAS: Land acquisition costs for public purposes like these have become increasingly prohibitive in recent years and constitute the major barrier in the city's implementing its policy priorities; and

WHEREAS: There is already a long list of other capital priorities in the Cambridge budget for years to come, including a new central library and a new police station, threatening to increase the city's bonded indebtedness beyond what is prudent; and

WHEREAS: There is, therefore, an urgent need in Cambridge for dedicated sources of revenue for these purposes; and

WHEREAS: There is a bill pending in the current session of the Massachusetts Legislature which would allow communities to decide by local option whether to levy a special tax for the purpose of affordable housing, historic preservation, and open space acquisition; and

WHEREAS: Passage of the state bill would allow cities and towns to adopt, by a ballot vote, a transfer tax of up to 1% on real estate purchases (with an exemption for first time home buyers and those of modest means), surcharge on property tax bills of up to 3%, or a combination of both for lesser percentages; and

WHEREAS: Measures like this are already in place on Cape Cod, Nantucket and Martha's Vineyard; and

WHEREAS: Over 70 communities statewide have in the last two years petitioned the Legislature for home rule authority to enact similar legislation; now therefore be it

RESOLVED: That the Cambridge City Council hereby determines that the existence of a special fund for affordable housing, open space acquisition and historic preservation is of great importance in its efforts to further its priorities; and be it further

RESOLVED: That the Cambridge City Council go on record urging its delegation in the House and Senate to enact Senate Bill 1513, **An Act to Enable a Community Preservation Fund to be Established in Certain Municipalities**, and that the City Clerk is requested to send copies of this resolution to the entire Cambridge delegation and to the Committee hearing to be held on April 14.

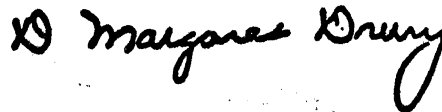
In City Council April 5, 1999.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

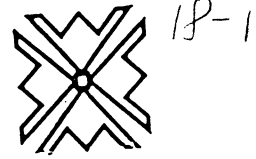
A handwritten signature in black ink that reads "D. Margaret Drury". The signature is written in a cursive style with a large, looped initial "D".

D. Margaret Drury  
City Clerk

**VICE MAYOR GALLUCCIO RECORDED PRESENT.**



# COMMUNITIES should be shaped by CHOICE not CHANCE



## What is the Problem?

**Sprawl - unmanaged growth - lost or degraded open space.**

What is the future landscape of our communities - sprawl, strip malls, deteriorating downtowns, expensive large tract housing, development expanding into every open space?

**This is a critical time for our cities and towns.** Take a good look at your community. Has traffic increased dramatically? Is your favorite park or beachfront paved over or polluted? Has your downtown area deteriorated? Are you losing long-time residents because housing prices and property taxes are too high?



Since 1950, development has outpaced population growth in Massachusetts. While the population has grown 28%, the amount of land developed has grown 188%.

## What Do We Need?

### Planning

In an increasingly look-alike world, we in Massachusetts need to make our own decisions and plan the future of our communities, balancing affordability, economic development, and the preservation of the built and natural environments.

### Funding

People have vision; but we don't always have the funds to transform vision into reality. Though there are many state and federal grant programs, most are underfunded and oversubscribed. Each community's request competes with every other for very limited funds, and decisions to award these matching grants are made by people outside the community.

## What Can You Do?

### Support the Community Preservation Act

This Act would provide a new source of funds for your city or town to use to:

- Acquire open space
- Preserve historically important structures and landscapes
- Provide affordable housing opportunities

Ongoing capital expenses like these often go unfunded because local property taxes are already overloaded with ever-increasing expenses for schools, police, roads, safety, sanitation, and more.

### What is the Community Preservation Act?

If passed by the legislature, this local option Act would allow cities and towns to adopt, by a ballot vote, a transfer tax of up to 1% on real estate purchases, a surcharge on property tax bills of up to 3%, or a combination of both for lesser percentages. An exemption from the tax to help first time home buyers and those of modest means may be adopted.

The money collected would go into a special Community Preservation Fund and used in accordance with locally approved plans. This Act has flexible provisions that can be tailored to the special needs of each community that votes to adopt it.

### How is the money allocated?

The Act would allow your community to allocate the funds, in accordance with your own plans, to manage growth and achieve long-term goals. You could acquire open space, preserve historic resources, provide housing opportunities, or a combination of all three. The only requirement is that 10% of the annual revenues must be set aside for each use.

## Who decides how the funds are spent?

The community would set up its own local Community Preservation Committee to hold public hearings and prepare a plan for use of the funds. The plan must be approved by the town meeting or city council. This allows communities flexibility to set their own unique priorities. They can deal with persistent problems as well as plan ahead for sensible development.

## Is this a new initiative?

No. Since the mid 1980s, over 70 Massachusetts communities have considered or requested this authority, but none of these home rule petitions, with the exception of Nantucket, Martha's Vineyard, and Cape Cod, has been passed by the legislature. Since 1985, the two islands have used their transfer tax authority to save 3,000 acres of open space. Cape Cod is using a property tax surcharge to fund its land bank. Vermont and many other states use transfer taxes to fund similar successful programs.

**As *The Boston Globe* pointed out,** [The real estate transfer tax] "is the most gentle of levies, imposed on most people only a few times in their lives and intended to preserve the environment, which enhances property values in the first place. More than a tax, it is an investment in livability..."

## Act Now

### Bring people together

The future of your community is up to you. Get together with your neighbors, talk about the opportunities and the challenges, and make your choices. Do not leave your community's future to chance and the actions of others.

- Support the Community Preservation Act as a way to help finance your community's future.
- Identify local projects that could benefit from a Community Preservation Fund.
- Meet with other concerned individuals and organize a local coalition.
- Meet with your local and state officials and let them know that you care about sustainable development and want the Act passed to provide your community with a real local option.
- Use the funds raised by a real estate transfer tax or real estate tax surcharge for local priority projects and as a match for state and federal grant programs.

## What is the Community Preservation Coalition?

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The Community Preservation Coalition is a unique, statewide partnership of organizations and individuals committed to environmental improvement, sustainable development, access to affordable housing, and preservation of our historic heritage. We are working together to encourage Massachusetts communities to plan and pay for sustainable, balanced, and quality development.

Coalition members share the view that local communities must control their own future. Community-based groups, working together, can save and build on the unique texture and diversity of their communities.

For information and assistance, contact us at:

**Community Preservation Coalition**  
**Old City Hall**  
**45 School Street**  
**Boston, MA 02108**  
**617 725-0597 fax 617 523-3782**

### Participating Organizations

Appalachian Mountain Club	Massachusetts Association of Conservation Commissions
Association for the Preservation of Cape Cod	Massachusetts Audubon Society
Bay State Historical League	Massachusetts Law Reform
Boston GreenSpace Alliance	Massachusetts League of Women Voters
Boston Preservation Alliance	Massachusetts Municipal Association
Citizens' Housing and Planning Association.	Massachusetts Watershed Coalition
Conservation Law Foundation	Metropolitan Area Planning Council
Environmental Diversity Forum	Nashua River Watershed Assoc.
Environmental League of Mass.	National Trust for Historic Preservation
Friends of the Cape Cod Land Bank	Nature Conservancy
Historic Massachusetts	Preservation Worcester
Massachusetts Affordable Housing Alliance	Sudbury Valley Trustees
Massachusetts Association of Community Development Corporations	The Trustees of Reservations
	Trust for Public Land
	Upper Charles Conservation, Inc.
	WHALE, New Bedford

### Advisory Board

Secretary Robert A. Durand,	Frank Duchay
Honorary Chair	John P. DeVillars
Robert H. Kuehn, Vice Chair	William J. Geary
Roger S. Webb, Treasurer	James Hoyte
Marcia Molay, Director	Frank Keefe
	Matthew J. Kiefer
Lee Albright	Wendy Nicholas
George Bailey	Carol and Bob Russell
Gerard A. Bertrand	William L. Saltonstall
Vin Cipolla	Daniel A. Taylor
Richard Davison	Rob Trowbridge

**In Affiliation with the National Trust for Historic Preservation**

For further information, contact:

Valerie Talmage, Director of Projects, The Trust for Public Land (617) 367-6200 x307

## New Poll Shows Support for Land Protection

The Trust for Public Land Releases Results of February Survey

*Boston, MA:* A new Massachusetts poll shows that there is overwhelming support among registered voters for protecting open land, historic sites, clean air, and clean water -- and for passing the Community Preservation Act, which is currently pending before the Massachusetts Legislature.

Question 10 of the poll asks respondents how they would vote on a measure "to create a Community Preservation Fund for your city or town that would be funded by a 1 percent increase on your property tax bills. The money in that Community Preservation Fund would be earmarked and used to protect your city or town's natural areas, parks and trails, historic sites, open spaces, and air and drinking water quality." In response, 59 percent of respondents said they would vote in favor of creating a fund while only 24 percent said they would be opposed. A majority of voters in every region of the state and every income group would support the tax increase.

In addition, 90 percent of survey respondents feel that the Legislature should pass the Community Preservation Act and give voters in every city and town the right to create a local Community Preservation Fund, similar to the local land banks recently set up on Cape Cod. A clear majority of voters -- 57 percent -- feel strongly about this issue.

"These poll results send a clear message of citizen support to the Governor and Legislature for bold and decisive measures to protect open land, historic sites, clean air, and clean water," remarked Whitney Hatch, Regional Director for the Trust for Public Land, which commissioned the poll. The Trust is a national nonprofit founded in 1972 to protect land for people to enjoy as parks and open space.

"I've been a backer of Community Preservation efforts my whole career," said Secretary of Environmental Affairs Robert Durand. "Governor Cellucci showed his commitment when he signed the Cape Cod Land Bank bill last year. The results of this survey prove that this is an idea whose time has come."

"Community preservation was one of my top three priorities proposed in my annual address," House Speaker Thomas M. Finneran noted. "The model for this program was developed by the Massachusetts House of Representatives during the debate of the Cape Cod  
(over)

Land Bank. That model, and the broad public support found in these polling results, affirm the quality of ideas in the Legislature and the importance of strong and effective leadership for

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Massachusetts. I am delighted by the poll's findings, and I am encouraged by the public's recognition that we are on the path of progress."

"Preserving our land and historic sites and environmental quality is not just about aesthetics, it is about identity," said Senate President Thomas Birmingham, who spoke in support of the Community Preservation Act at the Historic Massachusetts annual meeting. "If we lose these landscapes and sites, they are gone forever. If we preserve them, we maintain the best of Massachusetts for our future. Other states may have agriculture or minerals, but our natural resources are the places that constitute an important part of this nation's past and beauty. This poll illustrates that we are well aware of our good fortune and the responsibility that comes with it."

There are a number of reasons why voters are willing to raise taxes to establish local Community Preservation Funds. First, 77 percent of voters believe that the protection of drinking water should be a very high priority for local government officials. A very high priority is a ranking of 80 or higher on a scale of 0-100. In addition, 58 percent feel that managing growth and development should be a very high local priority.

Respondents in Boston showed the heaviest support (69 percent) for creating local Community Preservation Funds, highlighting the importance urban residents attach to quality-of-life issues. "It's great to know that the Boston voters recognize the importance of preserving open space," said Mayor Thomas M. Menino.

According to Marcia Molay, Executive Director of the Community Preservation Coalition, "People are coming to realize that the loss of open space and historic resources affects their quality of life and threatens the unique character of their communities. They want the right to make choices and not leave their future to chance and the actions of others." The Community Preservation Coalition is a coalition of 27 organizations founded in 1997 to support the passage of the Community Preservation Act.

Underscoring their support for protecting natural areas, parks, historic sites, clean air, and clean water, voters take these issues into account in elections for local office. If a candidate makes "managing growth and development" one of his or her highest priorities, 55 percent of voters are more likely to vote for the candidate, and only 8 percent are less likely.

This telephone poll of 450 voters was conducted from January 27 to February 1, 1999, by Harrison and Goldberg, Inc. on behalf of the Trust for Public Land. Nationwide, the Trust has protected more than 1 million acres, including nearly 30,000 acres of woodlands, farms, parks, and historic landmarks in New England.

##

Press kits that include poll results are available at the State House and at the Trust for Public Land, 33 Union Street, Fourth Floor, Boston, (617) 367-6200.

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TO ENABLE A COMMUNITY PRESERVATION FUND TO BE  
ESTABLISHED IN CERTAIN MUNICIPALITIES

*Senate Bill*  
*1513*

**FINDINGS.** It is hereby found that the fundamental character of the communities of the commonwealth is now endangered as the result of the combined effects of a series of factors, including:

- a. the loss of open space and park land as the result of continuing sprawl;
- b. the loss or deterioration of structures and landscapes that are of historical importance to the communities in which they are located;
- c. the inadequate supply of low and moderate income housing, which forces people of all ages to leave communities where they have roots or deprives them of housing that meets reasonable standards of habitation;

It is further found that traditional financing mechanisms, including statewide and national grant programs, do not provide an adequate dedicated funding source for communities attempting to preserve their fundamental character in the face of those dangers, and that a dedicated funding source will allow communities to address those needs.

**SECTION 2. CITATION.** This act may be cited as the Community Preservation Act.

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**SECTION 3. DEFINITIONS.** For the purpose of this act, the following words and phrases shall have the following meanings:

**Community Preservation Committee**, the committee designated by the local legislative body, in accordance with Section 4(b), to formulate a Community Preservation Plan and to administer the Community Preservation Fund.

**Community Preservation Fund**, the fund established in accordance with the provisions of Section 5 for the purposes of funding a Community Preservation Plan.

**Community Preservation Plan**, a plan formulated, or adapted from existing plans, by the Community Preservation Committee of the municipality, and adopted by its local legislative body, for the following purposes: (1) acquisition of open space; (2) acquisition or preservation of historic structures and landscapes; (3) creating and supporting low or moderate income housing; (4) planning and administrative needs to support implementation of the Community Preservation Act; and (5) management of open space lands, historic structures and landscapes, and low or moderate income housing.

**Community Housing**, low or moderate income housing, including low or moderate income senior housing.

**Open Space**, land to protect existing and future well fields, aquifers, and recharge areas; watershed land; agricultural land; forest land; fresh and salt water marshes and other wetlands; ocean, river, stream, lake and pond frontage; beaches, dunes and other coastal lands; land to protect scenic vistas; land for wildlife or nature preserve; land for hiking or biking trails; park land; or land for recreational use.

**Management**, management, maintenance, restoration, or rehabilitation of open space, historic structures and landscapes, or community housing.

**Recreational Use**, active or passive recreation.

**SECTION 4. IMPLEMENTATION**

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(a) This act shall take effect in any city or town upon recommendation of the funding mechanism by the local legislative body and acceptance of this funding mechanism by majority vote in a duly authorized ballot referendum. The local legislative body shall recommend to voters one of the following three mechanisms for funding the Community Preservation Program: (1) deeds excise tax of up to one percent of the consideration for such deed, instrument, or writing; (2) excise on real property up to three percent of the real estate tax levy against said property; or (3) deeds excise tax of up to one-half of one percent and an excise on real property of up to one and one-half percent of the real estate tax levy against said property. The local legislative body may also recommend to voters an exemption, of (1) for the deeds excise tax, up to one hundred thousand dollars of the consideration for the deed, instrument, or writing or (2) for the excise on real property, up to one-half of the mean assessed property value, as determined annually by the board of assessors.

(b) If a funding mechanism, with or without an exemption, is accepted, the local legislative body shall determine the size and composition of the Community Preservation Committee, the length of terms, and the method of selecting its members, whether by election or by appointment or by some combination thereof.

(c) Once constituted pursuant to Section 4(b), the Community Preservation Committee of the municipality shall work closely with existing municipal boards in the formulation of a Community Preservation Plan for the municipality, which shall be submitted for a formal process of public review and approval by the Community Preservation Committee and adoption by the local legislative body as set forth below. The Community Preservation Plan shall address the municipality's needs for open space preservation, historic preservation, and community housing and shall prescribe funding and administrative strategies for meeting these needs. The Community Preservation Plan shall also describe a program of management of open space lands, historic structures and landscapes, and community housing, and identify planning needs to support

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implementation of the Community Preservation Act.

(d) The Community Preservation Committee shall make available in one or more public places, including the town or city hall, copies of the proposed Community Preservation Plan.

(e) The Community Preservation Committee shall hold one or more public informational hearings on the Community Preservation Plan, publicized through the public press and posting of conspicuous public notices. The Community Preservation Committee shall make such changes to the Community Preservation Plan as it shall deem appropriate in light of the public hearings and comments and shall approve the Community Preservation Plan by majority vote and submit the same to the local legislative body for adoption, subject to such amendments, if any, as the local legislative body shall adopt.

(f) Proposals for amendment of the Community Preservation Plan shall follow the same process of public notification, public hearing, approval by the Community Preservation Committee, and adoption by the local legislative body.

(g) The Community Preservation Committee shall take such action and spend such funds from the Community Preservation Fund as are necessary or desirable to carry out the Community Preservation Plan; provided, however, that (1) in any year the Community Preservation Committee shall spend, or set aside for later spending, no less than ten percent of the annual revenues for open space acquisition purposes, no less than ten percent of the annual revenues for acquiring and preserving historic structures and landscapes, and no less than ten percent of the annual revenues for capital or loan expenditures associated with providing community housing; (2) in any year the Community Preservation Committee may spend a maximum of five percent of the annual revenues on developing the Community Preservation Plan and associated planning and administrative costs that support implementation of the Community Preservation Act; and (3) in any year the Community Preservation Committee may spend a maximum of ten percent of annual revenues on management of open space, historic structures and landscapes, or community housing, consistent

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with management goals described in the Community Preservation Plan. The Community Preservation Committee may spend, in any year, a maximum of twenty percent of annual revenues on management of open space, historic structures and landscapes, or community housing, provided the above specified minimum expenditures for open space, historic structures and landscapes, and community housing are met and management needs exceed acquisition needs as described in the Community Preservation Plan. The Community Preservation Committee shall spend, or set aside for later spending, any remaining funds for open space, historic preservation, or community housing purposes consistent with the Community Preservation Plan. Funds set aside shall be held and spent in that year or later years, provided that funds set aside to meet the above-specified minimums and maximums shall be spent only for the designated purposes. Any funds set aside may be expended in any municipality in the commonwealth without creation of a regional, watershed-wide, or county-wide Community Preservation Committee or regional, watershed-wide, or county-wide Community Preservation Plan in accordance with Section 9. The Community Preservation Act funds shall not replace existing municipal operating funds, only augment them.

(h) Real property interests in open space may consist of any open space defined under Section 3 of this chapter. Any real property interest in open space purchased with monies from the Community Preservation Fund shall be retained in natural, scenic, or open condition and shall be bound by a permanent deed restriction in the nature of a conservation restriction pursuant to and meeting the requirements of Massachusetts General Laws Chapter 184, Sections 31-33, limiting the use of the-interest to the purpose for which it was acquired. Said deed restriction shall run with the land and shall be enforceable by the municipality and the commonwealth. Said deed restriction shall also run to the benefit of a nonprofit, charitable corporation or foundation selected by the municipality with the right to enforce said restriction.

(i) Acquisition of real property interests in open space, historic structures and landscapes, or community housing may be in the form of fee simple, future interests, options, easements,

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development rights, restrictions or other partial interests. Real property interests acquired under this act shall be owned and managed by the municipality; provided, however, that the city council or board of selectmen may delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203 of the General Laws, the local conservation commission or parks commission, or, in the case of interests to acquire sites for future wellhead development, by a water company, a water district, a water supply district, or a fire district.

(j) Any municipality that has accepted this act may, no sooner than the elapse of five years, terminate such acceptance by majority vote in a duly authorized ballot referendum; provided, however, that the increased levy imposed under Section 5(a) of this act shall remain in effect in any such municipality, both with respect to unpaid levies on past transactions and with respect to levies due on future transactions, until all contractual obligations incurred by the Community Preservation Committee prior to such termination shall have been fully discharged. Upon such termination of acceptance of this act and discharge of all such obligations, the municipality shall notify the register of deeds in each registry in which realty in that municipality is located, whereupon such registry shall cease to collect the increased levy imposed under Section 5(a).

#### **SECTION 5. COMMUNITY PRESERVATION FUND.**

(a) Upon recommendation of the local legislative body and acceptance by the voters, as provided in Sections 4(a), of the type, amount and computation of the levy or levies to be imposed, including any exemptions adopted pursuant to said Section 4(a), and upon notice of such acceptance given, (1) in the case of the deeds excise tax, to the appropriate registers of deeds and/or (2) in the case of the excise on real property taxes, to the municipal tax collecting authority, the accepted levy or levies shall be imposed. If the deed, instrument, writing, or property taxes relates to realty in more than one municipality, the consideration allocable to each municipality shall be set forth separately therein.

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(b) At any time after imposition of the levy or levies, the local legislative body may recommend and the voters may approve an amendment to the type, amount and computation of the increased levy or levies, or to the amount of exemption or exemptions, within the limitations set forth in Section 4 of this chapter.

(c) From and after receipt of notices of the increased levy or levies by the registers of deeds and/or municipal tax collecting authority, the registers of deeds and/or municipal tax collecting authority shall collect the increased levy or levies in the amount and according to the computation specified in such notices and shall pay the amounts so collected, not less frequently than monthly for the deeds excise tax and quarterly or semi-annually according to the schedule for collection of property taxes for the excise on real property, to the municipality's treasurer. If a deeds excise tax is imposed, an amount equal to one-half percent (0.5%) shall be deducted and retained from the amounts so collected, to reimburse the registry for its expenses in collecting and remitting such levy. The registers of deeds and/or municipal tax collecting authority shall cause appropriate books and accounts to be kept with respect to such levy or levies, which shall be subject to examination by the municipality upon reasonable request from time to time.

(d) The penalty provisions of sections 6A, 7, 8 and 9 of chapter 64D of the General Laws shall be applicable to the increased levy or levies imposed by this act.

(e) The municipality shall establish one or more revolving or sinking fund accounts within its treasury, which shall constitute the Community Preservation Fund. Deposits in said accounts shall include: (i) funds appropriated for deposit in said accounts by vote of the local legislative body; (ii) voluntary contributions of money or other liquid assets to the Community Preservation Fund; (iii) revenues from the levy or levies established under Section 4(a) of this chapter; (iv) proceeds of any borrowing permitted under Section 6 of this chapter; and (v) proceeds from disposal of realty acquired with funds from the Community Preservation Fund. All expenses lawfully incurred by the municipality in carrying out the provisions of this act shall be evidenced by proper vouchers and

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shall be paid by the municipal treasurer only upon submission of warrants duly approved by the Community Preservation Committee. The municipal treasurer shall prudently invest available assets of any such accounts, and all income therefrom shall accrue to the Community Preservation Fund.

**SECTION 6. BORROWING.** The Community Preservation Committee of any municipality that accepts this act may incur debt by issuing bonds or by signing notes secured by pledge of the Community Preservation Fund, the proceeds of which shall be deposited in the Community Preservation Fund and applied to implement the Community Preservation Plan, but the Community Preservation Committee may not pledge the full faith and credit of the municipality as security unless recourse to such credit has been authorized in each instance by a two-thirds vote of the local legislative body.

**SECTION 7. RECORDS AND ACCOUNTS.** The Community Preservation Committee shall keep a full and accurate account of all actions, including a record as to when, from or to whom, and on what account money has been paid or received under this act, and as to when, from whom and for what consideration real property interests have been acquired, improved or disposed of. Said records and accounts shall be public records and shall be subject to examination by the director of accounts or his agent pursuant to section forty-five of Chapter thirty-five of the General Laws as amended from time to time.

**SECTION 8. OTHER PROGRAMS.** Municipalities that accept this act shall not be precluded from participating in state grant programs. State grant programs may include local adoption of the Community Preservation Act among the criteria for selection of grant recipients. Funds in the Community Preservation Fund may be made available and used by the Community Preservation Committee as the local share for state or federal grants, provided that such grants and such local share are used in a manner consistent with the Community Preservation Plan.

The executive office of environmental affairs may establish a program to provide for

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matching funds to be awarded to municipalities in one or more selected regions, counties, or watersheds for open space acquisition. To be eligible to participate in such grant program, a municipality shall have voted to adopt the Community Preservation Act program in accordance with the provisions of this Act.

**SECTION 9. JOINT COMMUNITY ACTION.** Two or more municipalities may join together to form a regional, county, or watershed-wide Community Preservation Act program, provided that (i) a regional, county, or watershed-wide Community Preservation Committee is established to administer the program; (ii) a regional, county, or watershed-wide Community Preservation Plan is developed, reviewed and adopted by each participating municipality; and (iii) proceeds of the levy or levies described in Section 4(a) of this chapter are pooled and expended in furtherance of said regional, county, or watershed-wide Community Preservation Plan. Notwithstanding the foregoing, without entering a regional, county, or watershed-wide Community Preservation Act program, establishing a regional, county or watershed-wide Community Preservation Committee or developing a regional, county, or watershed-wide Community Preservation Plan, any municipality may choose to allocate any portion of its Community Preservation Fund which has been set aside to satisfy the statutory purposes set forth in Section 4(g) to any project in any municipality which satisfies the purpose for which that fund has been designated.

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✓ Attachments

Mayor Francis H. Duehay

**WHEREAS:** Surveys of Cambridge citizens and the Cambridge City Council have determined that affordable housing and open space are two of this city's highest policy priorities;

**WHEREAS:** Land acquisition costs for public purposes like these have become increasingly prohibitive in recent years and constitute the major barrier in the city's implementing its policy priorities;

**WHEREAS:** There is already a long list of other capital priorities in the Cambridge budget for years to come, including a new central library and a new police station, threatening to increase the city's bonded indebtedness beyond what is prudent;

**WHEREAS:** There is, therefore, an urgent need in Cambridge for dedicated sources of revenue for these purposes;

**WHEREAS:** There is a bill pending in the current session of the Massachusetts Legislature which would allow communities to decide by local option whether to levy a special tax for the purpose of affordable housing, historic preservation, and open space acquisition;

**WHEREAS:** Passage of the state bill would allow cities and towns to adopt, by a ballot vote, a transfer tax of up to 1% on real estate purchases (with an exemption for first time home buyers and those of modest means), surcharge on property tax bills of up to 3%, or a combination of both for lesser percentages;

**WHEREAS:** Measures like this are already in place on Cape Cod, Nantucket and Martha's Vineyard;

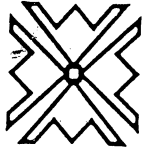
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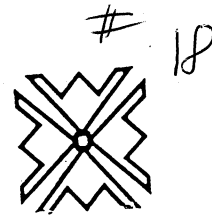
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City Clerk is requested to send copies of this resolution to the entire Cambridge delegation and to the Committee hearing to be held on April 7.



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## What is the Problem?

### **Sprawl - unmanaged growth - lost or degraded open space.**

What is the future landscape of our communities - sprawl, strip malls, deteriorating downtowns, expensive large tract housing, development expanding into every open space?

### **This is a critical time for our cities and towns.**

Take a good look at your community. Has traffic increased dramatically? Is your favorite park or beachfront paved over or polluted? Has your downtown area deteriorated? Are you losing long-time residents because housing prices and property taxes are too high?



Since 1950, development has outpaced population growth in Massachusetts. While the population has grown 28%, the amount of land developed has grown 188%.

## What Do We Need?

### **Planning**

In an increasingly look-alike world, we in Massachusetts need to make our own decisions and plan the future of our communities, balancing affordability, economic development, and the preservation of the built and natural environments.

### **Funding**

People have vision; but we don't always have the funds to transform vision into reality. Though there are many state and federal grant programs, most are underfunded and oversubscribed. Each community's request competes with every other for very limited funds, and decisions to award these matching grants are made by people outside the community.

## What Can You Do?

### **Support the Community Preservation Act**

This Act would provide a new source of funds for your city or town to use to:

- Acquire open space
- Preserve historically important structures and landscapes
- Provide affordable housing opportunities

Ongoing capital expenses like these often go unfunded because local property taxes are already overloaded with ever-increasing expenses for schools, police, roads, safety, sanitation, and more.

### **What is the Community Preservation Act?**

If passed by the legislature, this local option Act would allow cities and towns to adopt, by a ballot vote, a transfer tax of up to 1% on real estate purchases, a surcharge on property tax bills of up to 3%, or a combination of both for lesser percentages. An exemption from the tax to help first time home buyers and those of modest means may be adopted.

The money collected would go into a special Community Preservation Fund and used in accordance with locally approved plans. This Act has flexible provisions that can be tailored to the special needs of each community that votes to adopt it.

### **How is the money allocated?**

The Act would allow your community to allocate the funds, in accordance with your own plans, to manage growth and achieve long-term goals. You could acquire open space, preserve historic resources, provide housing opportunities, or a combination of all three. The only requirement is that 10% of the annual revenues must be set aside for each use.

## Who decides how the funds are spent?

The community would set up its own local Community Preservation Committee to hold public hearings and prepare a plan for use of the funds. The plan must be approved by the town meeting or city council. This allows communities flexibility to set their own unique priorities. They can deal with persistent problems as well as plan ahead for sensible development.

## Is this a new initiative?

No. Since the mid 1980s, over 70 Massachusetts communities have considered or requested this authority, but none of these home rule petitions, with the exception of Nantucket, Martha's Vineyard, and Cape Cod, has been passed by the legislature. Since 1985, the two islands have used their transfer tax authority to save 3,000 acres of open space. Cape Cod is using a property tax surcharge to fund its land bank. Vermont and many other states use transfer taxes to fund similar successful programs.

**As *The Boston Globe* pointed out,** [The real estate transfer tax] "is the most gentle of levies, imposed on most people only a few times in their lives and intended to preserve the environment, which enhances property values in the first place. More than a tax, it is an investment in livability..."

## Act Now

### Bring people together

The future of your community is up to you. Get together with your neighbors, talk about the opportunities and the challenges, and make your choices. Do not leave your community's future to chance and the actions of others.

- Support the Community Preservation Act as a way to help finance your community's future.
- Identify local projects that could benefit from a Community Preservation Fund.
- Meet with other concerned individuals and organize a local coalition.
- Meet with your local and state officials and let them know that you care about sustainable development and want the Act passed to provide your community with a real local option.
- Use the funds raised by a real estate transfer tax or real estate tax surcharge for local priority projects and as a match for state and federal grant programs.

## What is the Community Preservation Coalition?

The Community Preservation Coalition is a unique, statewide partnership of organizations and individuals committed to environmental improvement, sustainable development, access to affordable housing, and preservation of our historic heritage. We are working together to encourage Massachusetts communities to plan and pay for sustainable, balanced, and quality development.

Coalition members share the view that local communities must control their own future. Community-based groups, working together, can save and build on the unique texture and diversity of their communities.

For information and assistance, contact us at:

**Community Preservation Coalition**  
**Old City Hall**  
**45 School Street**  
**Boston, MA 02108**  
**617 725-0597 fax 617 523-3782**

### Participating Organizations

Appalachian Mountain Club	Massachusetts Association of Conservation Commissions
Association for the Preservation of Cape Cod	Massachusetts Audubon Society
Bay State Historical League	Massachusetts Law Reform
Boston GreenSpace Alliance	Massachusetts League of Women Voters
Boston Preservation Alliance	Massachusetts Municipal Association
Citizens' Housing and Planning Association.	Massachusetts Watershed Coalition
Conservation Law Foundation	Metropolitan Area Planning Council
Environmental Diversity Forum	Nashua River Watershed Assoc.
Environmental League of Mass.	National Trust for Historic Preservation
Friends of the Cape Cod Land Bank	Nature Conservancy
Historic Massachusetts	Preservation Worcester
Massachusetts Affordable Housing Alliance	Sudbury Valley Trustees
Massachusetts Association of Community Development Corporations	The Trustees of Reservations
	Trust for Public Land
	Upper Charles Conservation, Inc.
	WHALE, New Bedford

### Advisory Board

Secretary Robert A. Durand, Honorary Chair	Frank Duchay
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Vin Cipolla	Daniel A. Taylor
Richard Davison	Rob Trowbridge

**In Affiliation with the National Trust for Historic Preservation**

For further information, contact:

Valerie Talmage, Director of Projects, The Trust for Public Land (617) 367-6200 x307

## **New Poll Shows Support for Land Protection**

**The Trust for Public Land Releases Results of February Survey**

*Boston, MA:* A new Massachusetts poll shows that there is overwhelming support among registered voters for protecting open land, historic sites, clean air, and clean water -- and for passing the Community Preservation Act, which is currently pending before the Massachusetts Legislature.

Question 10 of the poll asks respondents how they would vote on a measure "to create a Community Preservation Fund for your city or town that would be funded by a 1 percent increase on your property tax bills. The money in that Community Preservation Fund would be earmarked and used to protect your city or town's natural areas, parks and trails, historic sites, open spaces, and air and drinking water quality." In response, 59 percent of respondents said they would vote in favor of creating a fund while only 24 percent said they would be opposed. A majority of voters in every region of the state and every income group would support the tax increase.

In addition, 90 percent of survey respondents feel that the Legislature should pass the Community Preservation Act and give voters in every city and town the right to create a local Community Preservation Fund, similar to the local land banks recently set up on Cape Cod. A clear majority of voters -- 57 percent -- feel strongly about this issue.

"These poll results send a clear message of citizen support to the Governor and Legislature for bold and decisive measures to protect open land, historic sites, clean air, and clean water," remarked Whitney Hatch, Regional Director for the Trust for Public Land, which commissioned the poll. The Trust is a national nonprofit founded in 1972 to protect land for people to enjoy as parks and open space.

"I've been a backer of Community Preservation efforts my whole career," said Secretary of Environmental Affairs Robert Durand. "Governor Cellucci showed his commitment when he signed the Cape Cod Land Bank bill last year. The results of this survey prove that this is an idea whose time has come."

"Community preservation was one of my top three priorities proposed in my annual address," House Speaker Thomas M. Finneran noted. "The model for this program was developed by the Massachusetts House of Representatives during the debate of the Cape Cod

(over)

Land Bank. That model, and the broad public support found in these polling results, affirm the quality of ideas in the Legislature and the importance of strong and effective leadership for

Massachusetts. I am delighted by the poll's findings, and I am encouraged by the public's recognition that we are on the path of progress."

"Preserving our land and historic sites and environmental quality is not just about aesthetics, it is about identity," said Senate President Thomas Birmingham, who spoke in support of the Community Preservation Act at the Historic Massachusetts annual meeting. "If we lose these landscapes and sites, they are gone forever. If we preserve them, we maintain the best of Massachusetts for our future. Other states may have agriculture or minerals, but our natural resources are the places that constitute an important part of this nation's past and beauty. This poll illustrates that we are well aware of our good fortune and the responsibility that comes with it."

There are a number of reasons why voters are willing to raise taxes to establish local Community Preservation Funds. First, 77 percent of voters believe that the protection of drinking water should be a very high priority for local government officials. A very high priority is a ranking of 80 or higher on a scale of 0-100. In addition, 58 percent feel that managing growth and development should be a very high local priority.

Respondents in Boston showed the heaviest support (69 percent) for creating local Community Preservation Funds, highlighting the importance urban residents attach to quality-of-life issues. "It's great to know that the Boston voters recognize the importance of preserving open space," said Mayor Thomas M. Menino.

According to Marcia Molay, Executive Director of the Community Preservation Coalition, "People are coming to realize that the loss of open space and historic resources affects their quality of life and threatens the unique character of their communities. They want the right to make choices and not leave their future to chance and the actions of others." The Community Preservation Coalition is a coalition of 27 organizations founded in 1997 to support the passage of the Community Preservation Act.

Underscoring their support for protecting natural areas, parks, historic sites, clean air, and clean water, voters take these issues into account in elections for local office. If a candidate makes "managing growth and development" one of his or her highest priorities, 55 percent of voters are more likely to vote for the candidate, and only 8 percent are less likely.

This telephone poll of 450 voters was conducted from January 27 to February 1, 1999, by Harrison and Goldberg, Inc. on behalf of the Trust for Public Land. Nationwide, the Trust has protected more than 1 million acres, including nearly 30,000 acres of woodlands, farms, parks, and historic landmarks in New England.

##

Press kits that include poll results are available at the State House and at the Trust for Public Land, 33 Union Street, Fourth Floor, Boston, (617) 367-6200.

# 18

TO ENABLE A COMMUNITY PRESERVATION FUND TO BE  
ESTABLISHED IN CERTAIN MUNICIPALITIES

*Senate Bill*  
1513

**FINDINGS.** It is hereby found that the fundamental character of the communities of the commonwealth is now endangered as the result of the combined effects of a series of factors, including:

- a. the loss of open space and park land as the result of continuing sprawl;
- b. the loss or deterioration of structures and landscapes that are of historical importance to the communities in which they are located;
- c. the inadequate supply of low and moderate income housing, which forces people of all ages to leave communities where they have roots or deprives them of housing that meets reasonable standards of habitation;

It is further found that traditional financing mechanisms, including statewide and national grant programs, do not provide an adequate dedicated funding source for communities attempting to preserve their fundamental character in the face of those dangers, and that a dedicated funding source will allow communities to address those needs.

**SECTION 2. CITATION.** This act may be cited as the Community Preservation Act.

**SECTION 3. DEFINITIONS.** For the purpose of this act, the following words and phrases shall have the following meanings:

**Community Preservation Committee**, the committee designated by the local legislative body, in accordance with Section 4(b), to formulate a Community Preservation Plan and to administer the Community Preservation Fund.

**Community Preservation Fund**, the fund established in accordance with the provisions of Section 5 for the purposes of funding a Community Preservation Plan.

**Community Preservation Plan**, a plan formulated, or adapted from existing plans, by the Community Preservation Committee of the municipality, and adopted by its local legislative body, for the following purposes: (1) acquisition of open space; (2) acquisition or preservation of historic structures and landscapes; (3) creating and supporting low or moderate income housing; (4) planning and administrative needs to support implementation of the Community Preservation Act; and (5) management of open space lands, historic structures and landscapes, and low or moderate income housing.

**Community Housing**, low or moderate income housing, including low or moderate income senior housing.

**Open Space**, land to protect existing and future well fields, aquifers, and recharge areas; watershed land; agricultural land; forest land; fresh and salt water marshes and other wetlands; ocean, river, stream, lake and pond frontage; beaches, dunes and other coastal lands; land to protect scenic vistas; land for wildlife or nature preserve; land for hiking or biking trails; park land; or land for recreational use.

**Management**, management, maintenance, restoration, or rehabilitation of open space, historic structures and landscapes, or community housing.

**Recreational Use**, active or passive recreation.

#### **SECTION 4. IMPLEMENTATION**

(a) This act shall take effect in any city or town upon recommendation of the funding mechanism by the local legislative body and acceptance of this funding mechanism by majority vote in a duly authorized ballot referendum. The local legislative body shall recommend to voters one of the following three mechanisms for funding the Community Preservation Program: (1) deeds excise tax of up to one percent of the consideration for such deed, instrument, or writing; (2) excise on real property up to three percent of the real estate tax levy against said property; or (3) deeds excise tax of up to one-half of one percent and an excise on real property of up to one and one-half percent of the real estate tax levy against said property. The local legislative body may also recommend to voters an exemption, of (1) for the deeds excise tax, up to one hundred thousand dollars of the consideration for the deed, instrument, or writing or (2) for the excise on real property, up to one-half of the mean assessed property value, as determined annually by the board of assessors.

(b) If a funding mechanism, with or without an exemption, is accepted, the local legislative body shall determine the size and composition of the Community Preservation Committee, the length of terms, and the method of selecting its members, whether by election or by appointment or by some combination thereof.

(c) Once constituted pursuant to Section 4(b), the Community Preservation Committee of the municipality shall work closely with existing municipal boards in the formulation of a Community Preservation Plan for the municipality, which shall be submitted for a formal process of public review and approval by the Community Preservation Committee and adoption by the local legislative body as set forth below. The Community Preservation Plan shall address the municipality's needs for open space preservation, historic preservation, and community housing and shall prescribe funding and administrative strategies for meeting these needs. The Community Preservation Plan shall also describe a program of management of open space lands, historic structures and landscapes, and community housing, and identify planning needs to support

implementation of the Community Preservation Act.

(d) The Community Preservation Committee shall make available in one or more public places, including the town or city hall, copies of the proposed Community Preservation Plan.

(e) The Community Preservation Committee shall hold one or more public informational hearings on the Community Preservation Plan, publicized through the public press and posting of conspicuous public notices. The Community Preservation Committee shall make such changes to the Community Preservation Plan as it shall deem appropriate in light of the public hearings and comments and shall approve the Community Preservation Plan by majority vote and submit the same to the local legislative body for adoption, subject to such amendments, if any, as the local legislative body shall adopt.

(f) Proposals for amendment of the Community Preservation Plan shall follow the same process of public notification, public hearing, approval by the Community Preservation Committee, and adoption by the local legislative body.

(g) The Community Preservation Committee shall take such action and spend such funds from the Community Preservation Fund as are necessary or desirable to carry out the Community Preservation Plan; provided, however, that (1) in any year the Community Preservation Committee shall spend, or set aside for later spending, no less than ten percent of the annual revenues for open space acquisition purposes, no less than ten percent of the annual revenues for acquiring and preserving historic structures and landscapes, and no less than ten percent of the annual revenues for capital or loan expenditures associated with providing community housing; (2) in any year the Community Preservation Committee may spend a maximum of five percent of the annual revenues on developing the Community Preservation Plan and associated planning and administrative costs that support implementation of the Community Preservation Act; and (3) in any year the Community Preservation Committee may spend a maximum of ten percent of annual revenues on management of open space, historic structures and landscapes, or community housing, consistent

with management goals described in the Community Preservation Plan. The Community Preservation Committee may spend, in any year, a maximum of twenty percent of annual revenues on management of open space, historic structures and landscapes, or community housing, provided the above specified minimum expenditures for open space, historic structures and landscapes, and community housing are met and management needs exceed acquisition needs as described in the Community Preservation Plan. The Community Preservation Committee shall spend, or set aside for later spending, any remaining funds for open space, historic preservation, or community housing purposes consistent with the Community Preservation Plan. Funds set aside shall be held and spent in that year or later years, provided that funds set aside to meet the above-specified minimums and maximums shall be spent only for the designated purposes. Any funds set aside may be expended in any municipality in the commonwealth without creation of a regional, watershed-wide, or county-wide Community Preservation Committee or regional, watershed-wide, or county-wide Community Preservation Plan in accordance with Section 9. The Community Preservation Act funds shall not replace existing municipal operating funds, only augment them.

(h) Real property interests in open space may consist of any open space defined under Section 3 of this chapter. Any real property interest in open space purchased with monies from the Community Preservation Fund shall be retained in natural, scenic, or open condition and shall be bound by a permanent deed restriction in the nature of a conservation restriction pursuant to and meeting the requirements of Massachusetts General Laws Chapter 184, Sections 31-33, limiting the use of the interest to the purpose for which it was acquired. Said deed restriction shall run with the land and shall be enforceable by the municipality and the commonwealth. Said deed restriction shall also run to the benefit of a nonprofit, charitable corporation or foundation selected by the municipality with the right to enforce said restriction.

(i) Acquisition of real property interests in open space, historic structures and landscapes, or community housing may be in the form of fee simple, future interests, options, easements,

development rights, restrictions or other partial interests. Real property interests acquired under this act shall be owned and managed by the municipality; provided, however, that the city council or board of selectmen may delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203 of the General Laws, the local conservation commission or parks commission, or, in the case of interests to acquire sites for future wellhead development, by a water company, a water district, a water supply district, or a fire district.

(j) Any municipality that has accepted this act may, no sooner than the elapse of five years, terminate such acceptance by majority vote in a duly authorized ballot referendum; provided, however, that the increased levy imposed under Section 5(a) of this act shall remain in effect in any such municipality, both with respect to unpaid levies on past transactions and with respect to levies due on future transactions, until all contractual obligations incurred by the Community Preservation Committee prior to such termination shall have been fully discharged. Upon such termination of acceptance of this act and discharge of all such obligations, the municipality shall notify the register of deeds in each registry in which realty in that municipality is located, whereupon such registry shall cease to collect the increased levy imposed under Section 5(a).

#### **SECTION 5. COMMUNITY PRESERVATION FUND.**

(a) Upon recommendation of the local legislative body and acceptance by the voters, as provided in Sections 4(a), of the type, amount and computation of the levy or levies to be imposed, including any exemptions adopted pursuant to said Section 4(a), and upon notice of such acceptance given, (1) in the case of the deeds excise tax, to the appropriate registers of deeds and/or (2) in the case of the excise on real property taxes, to the municipal tax collecting authority, the accepted levy or levies shall be imposed. If the deed, instrument, writing, or property taxes relates to realty in more than one municipality, the consideration allocable to each municipality shall be set forth separately therein.

(b) At any time after imposition of the levy or levies, the local legislative body may recommend and the voters may approve an amendment to the type, amount and computation of the increased levy or levies, or to the amount of exemption or exemptions, within the limitations set forth in Section 4 of this chapter.

(c) From and after receipt of notices of the increased levy or levies by the registers of deeds and/or municipal tax collecting authority, the registers of deeds and/or municipal tax collecting authority shall collect the increased levy or levies in the amount and according to the computation specified in such notices and shall pay the amounts so collected, not less frequently than monthly for the deeds excise tax and quarterly or semi-annually according to the schedule for collection of property taxes for the excise on real property, to the municipality's treasurer. If a deeds excise tax is imposed, an amount equal to one-half percent (0.5%) shall be deducted and retained from the amounts so collected, to reimburse the registry for its expenses in collecting and remitting such levy. The registers of deeds and/or municipal tax collecting authority shall cause appropriate books and accounts to be kept with respect to such levy or levies, which shall be subject to examination by the municipality upon reasonable request from time to time.

(d) The penalty provisions of sections 6A, 7, 8 and 9 of chapter 64D of the General Laws shall be applicable to the increased levy or levies imposed by this act.

(e) The municipality shall establish one or more revolving or sinking fund accounts within its treasury, which shall constitute the Community Preservation Fund. Deposits in said accounts shall include: (i) funds appropriated for deposit in said accounts by vote of the local legislative body; (ii) voluntary contributions of money or other liquid assets to the Community Preservation Fund; (iii) revenues from the levy or levies established under Section 4(a) of this chapter; (iv) proceeds of any borrowing permitted under Section 6 of this chapter; and (v) proceeds from disposal of realty acquired with funds from the Community Preservation Fund. All expenses lawfully incurred by the municipality in carrying out the provisions of this act shall be evidenced by proper vouchers and

shall be paid by the municipal treasurer only upon submission of warrants duly approved by the Community Preservation Committee. The municipal treasurer shall prudently invest available assets of any such accounts, and all income therefrom shall accrue to the Community Preservation Fund.

**SECTION 6. BORROWING.** The Community Preservation Committee of any municipality that accepts this act may incur debt by issuing bonds or by signing notes secured by pledge of the Community Preservation Fund, the proceeds of which shall be deposited in the Community Preservation Fund and applied to implement the Community Preservation Plan, but the Community Preservation Committee may not pledge the full faith and credit of the municipality as security unless recourse to such credit has been authorized in each instance by a two-thirds vote of the local legislative body.

**SECTION 7. RECORDS AND ACCOUNTS.** The Community Preservation Committee shall keep a full and accurate account of all actions, including a record as to when, from or to whom, and on what account money has been paid or received under this act, and as to when, from whom and for what consideration real property interests have been acquired, improved or disposed of. Said records and accounts shall be public records and shall be subject to examination by the director of accounts or his agent pursuant to section forty-five of Chapter thirty-five of the General Laws as amended from time to time.

**SECTION 8. OTHER PROGRAMS.** Municipalities that accept this act shall not be precluded from participating in state grant programs. State grant programs may include local adoption of the Community Preservation Act among the criteria for selection of grant recipients. Funds in the Community Preservation Fund may be made available and used by the Community Preservation Committee as the local share for state or federal grants, provided that such grants and such local share are used in a manner consistent with the Community Preservation Plan.

The executive office of environmental affairs may establish a program to provide for

matching funds to be awarded to municipalities in one or more selected regions, counties, or watersheds for open space acquisition. To be eligible to participate in such grant program, a municipality shall have voted to adopt the Community Preservation Act program in accordance with the provisions of this Act.

**SECTION 9. JOINT COMMUNITY ACTION.** Two or more municipalities may join together to form a regional, county, or watershed-wide Community Preservation Act program, provided that (i) a regional, county, or watershed-wide Community Preservation Committee is established to administer the program; (ii) a regional, county, or watershed-wide Community Preservation Plan is developed, reviewed and adopted by each participating municipality; and (iii) proceeds of the levy or levies described in Section 4(a) of this chapter are pooled and expended in furtherance of said regional, county, or watershed-wide Community Preservation Plan. Notwithstanding the foregoing, without entering a regional, county, or watershed-wide Community Preservation Act program, establishing a regional, county or watershed-wide Community Preservation Committee or developing a regional, county, or watershed-wide Community Preservation Plan, any municipality may choose to allocate any portion of its Community Preservation Fund which has been set aside to satisfy the statutory purposes set forth in Section 4(g) to any project in any municipality which satisfies the purpose for which that fund has been designated.

RESOLVED: That the Cambridge City Council go on record urging its delegation in the House and Senate to enact Senate Bill 1513, **An Act to Enable a Community Preservation Fund to be Established in Certain Municipalities**, and that the City Clerk is requested to send copies of this resolution to the entire Cambridge delegation and to the Committee hearing to be held on April 7.



# City of Cambridge

18.

IN CITY COUNCIL

April 5, 1999

MAYOR DUEHAY

- WHEREAS: Surveys of Cambridge citizens and the Cambridge City Council have determined that affordable housing and open space are two of this city's highest policy priorities; and
- WHEREAS: Land acquisition costs for public purposes like these have become increasingly prohibitive in recent years and constitute the major barrier in the city's implementing its policy priorities; and
- WHEREAS: There is already a long list of other capital priorities in the Cambridge budget for years to come, including a new central library and a new police station, threatening to increase the city's bonded indebtedness beyond what is prudent; and
- WHEREAS: There is, therefore, an urgent need in Cambridge for dedicated sources of revenue for these purposes; and
- WHEREAS: There is a bill pending in the current session of the Massachusetts Legislature which would allow communities to decide by local option whether to levy a special tax for the purpose of affordable housing, historic preservation, and open space acquisition; and
- WHEREAS: Passage of the state bill would allow cities and towns to adopt, by a ballot vote, a transfer tax of up to 1% on real estate purchases (with an exemption for first time home buyers and those of modest means), surcharge on property tax bills of up to 3%, or a combination of both for lesser percentages; and
- WHEREAS: Measures like this are already in place on Cape Cod, Nantucket and Martha's Vineyard; and
- WHEREAS: Over 70 communities statewide have in the last two years petitioned the Legislature for home rule authority to enact similar legislation; now therefore be it
- RESOLVED: That the Cambridge City Council hereby determines that the existence of a special fund for affordable housing, open space acquisition and historic preservation is great importance in its efforts to further its priorities; and be it further

2485  
Consent Order #18

Mayor Duehay re: urge the Cambridge  
delegation in the House and Senate to  
enact Senate Bill 1513, An Act to  
Enable a Community Preservation Fund  
to be established in Certain Municipalities.

In City Council April 5, 1999

**ORDER ADOPTED**

Vice Mayor Gallyccio  
Recorded Present.