

# Governor Cellucci Signs Community Preservation Act



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Massachusetts

BOSTON, MA: Today, in a long-awaited move forward for open space protection in Massachusetts, Governor Cellucci signed the Community Preservation Act (House Bill 5370) into law at a ceremony in Waltham. The bill, which has been debated by lawmakers for nearly 18 years, grants Massachusetts' 351 cities and towns the right to raise local property taxes to fund land conservation, historic preservation, and affordable housing. It also provides significant matching funds to participating communities.

"The Community Preservation Act provides a powerful new weapon in the fight to protect our communities from suburban sprawl," said Whitney Hatch, regional director of the Trust for Public Land, a national conservation organization. "By enacting this bill, Governor Cellucci and the Legislature are taking an important step to stem the tide of unplanned development that is sweeping Massachusetts." Currently, 44 acres of open land in Massachusetts is developed every day.

To fund the state's matching program, CPA imposes new fees on filings at the registry of deeds and land court. Homestead declarations, which are often made by the elderly to protect their homes from foreclosure or in bankruptcy proceedings, are exempt from the new fees. Based on fees paid to the registry last year, this increase is expected to generate roughly \$26 million per year—all of which will be directed to participating communities.

"This is truly an achievement to celebrate. The Trust for Public Land applauds both the Legislature and Governor Cellucci for developing a fair and effective bill that will protect the fabric of our communities. We would also like to recognize the committee chairs, Representative John Rogers and Senator Marion Walsh, as well as Secretary Bob Durand for their steadfast commitment to passing the Community Preservation Act," said Hatch.

In order for a municipality to qualify for state matching funds, Town Meeting or City Council must first vote to place a property tax surcharge of no more than 3 percent on the ballot. Alternatively, CPA may be placed on the ballot through a petition signed by at least 5 percent of the city or town's registered voters. Once CPA is placed on the ballot, local voters must then vote to approve it. Unlike Proposition 2 ½ overrides, adoption of CPA requires a majority vote locally, not a two-thirds vote. In addition, participating cities and towns can opt out of CPA after five years and end the surcharge.

A minimum of 10 percent of the annual revenues raised through the surcharge must be used for each of three core community concerns: land protection, historic preservation, and affordable housing. The remaining 70 percent can be allocated for any combination of these three uses.

If every city and town adopts CPA by implementing a 3 percent property tax surcharge, nearly \$200 million will be raised every year for open space protection, historic preservation, and affordable housing, according to the State House News Service. Examples of estimated annual receipts include: Boston, \$22 million; Abington, \$392,000; Freetown, \$210,000; Hopkinton, \$557,000; Lowell, \$1.7 million; Springfield, \$2.7 million; and Stockbridge, \$66,000.

CPA exempts certain taxpayers from the property tax surcharge, including the elderly, disabled, veterans and the surviving spouses of veterans. Local governments may also exempt low income housing, moderate income housing, senior housing, and the first \$100,000 in value of each taxable parcel of residential property. CPA will take effect 90 days after Governor Cellucci signs the bill today.