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Introduction

Community Preservation Act

The Community Preservation Act (CPA) is a new law that allows cities and towns in Massachusetts to raise local property taxes to acquire and protect open space, preserve historic buildings and landscapes, and create and maintain affordable housing. It also provides significant state matching funds – an estimated \$26 million annually – to participating communities.

In order for a municipality to qualify for state matching funds, Town Meeting or City Council must 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. Participating cities and towns can opt out of CPA after five years and end the surcharge.

The law went into effect December 2000. To date, 35 communities have adopted CPA. **For a frequently updated list of CPA election results and maps showing which communities have adopted CPA, please see <http://www.communitypreservation.org/>.**

This Guide

This guide serves as a handbook for communities moving forward in adopting CPA. The guide begins with a series of questions and answers explaining the basic provisions of the Act. Next, the guide provides a checklist of recommended campaign activities followed by case studies summarizing CPA campaigns in six communities and offering advice from campaign leaders. The Appendix includes: 1) a copy of the Act; 2) sample language that you may want to use when drafting town meeting warrant articles, city council orders and the ballot question; and 3) highlights from a statewide CPA poll that was conducted in February 2001.

The Community Preservation Coalition

The Community Preservation Coalition is an alliance of affordable housing, preservation, and open space organizations that initially came together to help pass CPA at the state level. Since CPA became law in December 2000, the Coalition has reconstituted itself to work in partnership across sectors to conduct education and outreach to local communities around the critical issues of affordable housing, historic preservation and open space protection. This is a broad effort to educate and engage citizens in local communities to understand the opportunities provided through CPA and to support community-led initiatives to preserve natural resources, preserve and restore historic properties, and expand affordable housing. For more information, contact us at:

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FAQ

Understanding CPA - Frequently Asked Questions

The Community Preservation Coalition has developed this bulletin on the Community Preservation Act. This information has been reviewed by Palmer & Dodge LLP to ensure legal accuracy, but it should be noted that it is subject to change based on subsequent regulatory clarification that may be issued by the Department of Revenue and any court decisions that may interpret the provisions of the Act. Please note that the information below should not be used without the advice of legal counsel or outside the context of an overall political assessment of the electoral options available to any municipality. The City Solicitor or Town Counsel should be involved at the earliest practical moment to provide legal advice.

Q: What is the Community Preservation Act?

The Community Preservation Act (CPA) is enabling legislation designed to help communities plan ahead for sustainable growth and raise funds to achieve their goals. CPA allows towns and cities that accept its provisions to levy a community-wide real estate property tax surcharge of up to 3 percent for the purpose of creating a local Community Preservation Fund and qualifying for state matching funds. The CPA surcharge is calculated based on one's real estate property tax and not based on assessed valuation. The Fund may only be used to acquire, create and preserve open space and land for recreational uses, to acquire and preserve historic buildings and landscapes, and to create, preserve and support affordable housing. The state will provide matching funds to communities approving CPA.

Q: When did CPA go into effect?

CPA was signed into law on September 14, 2000 and became effective 90 days later, on December 13, 2000.

Q: What is the process for approving CPA in a community?

A municipality may accept CPA through passage by the legislative body (town meeting or city council) or through a citizen initiative. In either case, CPA must subsequently be approved by a simple majority of local voters in an election.

Legislative:

- 1) The municipal legislative body (town meeting or city council) must vote to accept, by a simple majority, the provisions of the Community Preservation Act (See sample town meeting warrant/motion and city council order attached).
- 2) The acts of the town meeting/city council are then referred for voter approval at the next regularly scheduled municipal election or general state election (November of even-numbered years), whichever comes first. A CPA referendum may not be scheduled for a special election (See sample ballot language attached).

- 3) The legislative body must accept CPA and submit the ballot question to the municipal clerk at least 35 days prior to a regularly scheduled municipal election or to the Secretary of State at least 60 days prior to a general state election.¹ Municipalities cannot submit a CPA ballot question for placement on an election ballot until it has been accepted by the local legislative body (or approved through a citizen initiative process).
- 4) In many towns, regular town meeting does not take place 35 days before municipal elections (in some cases elections precede town meeting). As a result, towns may choose to call a special town meeting more than 35 days prior to the next regular town election in order to qualify for that election ballot.

Citizen Initiative:

- 1) If a municipal legislative body fails to approve or does not consider the acceptance of the provisions of CPA 90 days prior to a local election or 120 days before a state election, citizens may circulate an initiative petition seeking to place the question directly on the ballot.
- 2) The petition must be signed by 5 percent of the registered voters in the municipality.
- 3) The municipal clerk (or Secretary of State for state elections) has 7 days to certify the petitions. The ballot question must be certified at least 35 days prior to the municipal election and 60 days prior to a state election. To ensure adequate time to correct problems that may be uncovered during certification, it is advisable for citizens to submit petitions in advance of these deadlines.

Q: Are any exemptions from the CPA surcharge allowed?

Yes, any portion of a taxpayer's real property taxes that are exempt under Chapter 59 of Massachusetts General Laws are also exempt from the new CPA surcharge. In addition, the municipal legislative body, as part of the vote to accept the provisions of CPA, may allow several additional exemptions to the CPA surcharge for:

- 1) Property owned and occupied by a person who would qualify for low income housing or low or moderate income senior housing in the city or town
- 2) The first \$100,000 of taxable value of residential real estate
- 3) Class three commercial or class four industrial properties in cities or towns with classified tax rates

A municipality may make changes to these exemptions at any time with approval of the legislative body and subsequent voter approval.

Q: Who qualifies for the low income family or moderate income senior exemption?

Persons and families whose annual income is less than 80 percent of the areawide median income qualify as low income. Persons of the age of 60 or over whose annual income is less than 100 percent of the areawide median income qualify as moderate income seniors. The areawide median income is determined by the United States Department of Housing and Urban Development.

Q: Can the level of the CPA surcharge be amended?

¹ Days refer to calendar days, not business days.

Yes. The level of the surcharge (and the optional exemptions) can be changed at any time after the surcharge is imposed, through a simple majority vote of the legislative body followed by voter approval. At no time can the surcharge exceed 3 percent.

Q: How long will CPA remain in effect?

CPA remains in effect for a minimum of five years from the date of voter approval in a municipality. After five years, it can be revoked in the same manner—legislative body acceptance (simple majority) or initiative petition followed by voter approval—used to approve CPA originally.

Q: Who determines how the funds raised through CPA will be spent?

If a municipality approves CPA, it must also establish a Community Preservation Committee that will make annual recommendations to the legislative body on how the money should be spent. The legislative body (town meeting or city council) may only appropriate amounts in the Community Preservation Fund for purposes and amounts not greater than amounts recommended by the Community Preservation Committee. The legislative body may also reject or reduce the amounts recommended by the Community Preservation Committee.

The Community Preservation Committee is established by a separate municipal ordinance or bylaw that must be passed by a majority vote of the legislative body. The bylaw or ordinance establishing the committee can be adopted at the same time that the legislative body accepts CPA, provided that the vote adopting the bylaw or ordinance should include language making its adoption contingent upon voter approval of the CPA referendum at the next election. The bylaw or ordinance can also be adopted after the election.

Under the terms of CPA, the Community Preservation Committee shall consist of 5-9 members, and must include one representative each from the local conservation, parks, and historical commissions; planning board; and housing authority. If a municipality has not established one or more of these boards or commissions, a representative serving in a similar capacity can be appointed to the committee. The other members of the committee, if any, may be appointed or elected, as provided in the bylaw or ordinance adopted to establish the committee.

Q: Does CPA contain specific requirements on how the money must be spent?

Yes. Each fiscal year, upon recommendation of the committee, the legislative body must spend, or set aside for future spending, the following share of annual Community Preservation Fund revenues²:

- 10 percent for open space³
- 10 percent for historic resources
- 10 percent for community housing

Beyond these required disbursements, the municipal legislative body will be guided by the recommendations of the Committee on how the remaining 70 percent of annual CPA revenues shall be divided among the three purposes identified above and recreational purposes. For example, a municipality could allocate the remaining 70 percent of the annual revenue to one purpose, spread it evenly among all four, or set the funds aside for future spending. Each year, the municipality can modify the spending mix for the remaining 70 percent of the fund.

² Annual Community Preservation Fund revenues refer primarily to the property tax surcharge and state disbursements collected under CPA, as well as other sources cited under the law.

³ The 10 percent of revenues that must be used for open space purposes cannot be spent on land for recreational uses.

Q: Are there any special provisions regarding property purchased with the Community Preservation Fund?

Yes. Any property purchased with the Fund must be subject to a permanent deed restriction limiting the use of the property to its CPA-related purpose. The municipality (or the state or a nonprofit organization designated by the municipality) must enforce the deed restriction. The municipality can delegate the property's management to a local board or nonprofit organization.

The municipality can only use the Fund to pay for land takings through eminent domain if they are recommended by the Community Preservation Committee and approved by a 2/3-majority vote of the legislative body.

Q: Can a municipality issue bonds in anticipation of CPA proceeds?

Yes. A municipality may issue general obligation bonds or notes in anticipation of the municipality's CPA property tax surcharge revenue proceeds. Such bonds or notes must be repaid as soon after such revenues are collected as is expedient, and may be used for any of the purposes permitted under CPA, provided that the municipality is otherwise authorized to borrow for the desired purpose under Chapter 44 of the General Laws of the Commonwealth. Debt service on such bonds and notes is payable from amounts on deposit in the Community Preservation Fund (subject to the limits imposed on the use of amounts in the Fund for different purposes) and, to the extent such amounts are insufficient to pay the debt service, the municipality is required to pay the debt service from other available funds. Debt service on any such bonds or notes may be structured to result in level annual payments. If a municipality issues bonds or notes, the surcharge necessary to pay debt service must remain in effect, even if the rest of the surcharge is otherwise revoked after five years.

It should be noted that amounts on deposit in the Community Preservation Fund may only be used to pay debt service on bonds or notes approved under the provisions of CPA.

Q: Can a municipality allocate CPA proceeds to cover operating expenses of the Community Preservation Committee?

Yes, as long as such funds are used in a manner consistent with the recommendations of the municipality's Community Preservation Committee, and do not exceed 5 percent of the annual revenues in the Community Preservation Fund.

Q: Can money in the Community Preservation Fund be used to match state or federal grants?

Yes, as long as the municipality's Community Preservation Committee recommends such a purpose to the legislative body.

Q: What is the relationship between CPA and Proposition 2 1/2?

Property taxes collected under CPA are not counted as part of a municipality's total taxes assessed for the purposes of calculating the tax limitations imposed by Proposition 2 1/2.

Q: Are state matching funds available?

Yes. Through the newly created Community Preservation Trust Fund (CPTF), the state will provide matching grants to communities that have adopted CPA. The CPTF will receive funds through a surcharge of \$20 on most filings at the Registry of Deeds and land filings at the Land Court. Municipal liens will be assessed

a \$10 surcharge, and homestead declarations will be exempt from the surcharge. Based on filings in 1999, the CPTF's revenues are estimated at upwards of \$25 million annually.

Q: How will state matching funds be allocated among municipalities?

The state Community Preservation Trust Fund provides allocations only to municipalities in which voters have approved CPA. The Commissioner of Revenue will allocate the Fund's proceeds annually in several distribution rounds, but the total distribution to a municipality cannot exceed 100% of the amount raised by the local CPA property tax surcharge in the prior fiscal year (a 1:1 ratio). No state funds will be allocated until the municipality accepts CPA and collects tax revenue.

During the first round, 80% of the Fund balance will be allocated equally (on a percentage basis of the amount raised by each municipality in the prior fiscal year) to all municipalities that have adopted the property tax surcharge. The match must be at least 5% but not more than 100% of the amount raised by the surcharge in the municipality.

The remaining 20% will be distributed solely among municipalities that have adopted the maximum 3% property tax surcharge. The funds will be allocated based on a community's "preservation rank," with communities divided into 10 equal sized decile groups. Their rank is a function of a community's property tax valuation per capita and population. Communities with high tax values per capita and high populations will have the lowest ranking and receive the lowest grants, and vice versa.

If there is money left in the state Trust Fund after a second round, there will be another equity distribution only for those that have accepted a 3% property tax surcharge.

Q: When and how will these funds be disbursed?

Every year on October 15, the Commissioner of Revenue will disburse local grants to communities that have notified the Commissioner of their acceptance of CPA. The community must also certify to the Commissioner by the preceding September 15 the amount of revenue raised through the CPA surcharge and the rate imposed in the prior fiscal year.

Adopting CPA

Adopting CPA in Your Local Community

Case Studies – Key Findings

This guide highlights 6 communities that voted on CPA in spring 2001. Campaign leaders were interviewed in each of the 6 communities and helped provide important lessons for how to run a successful CPA campaign. All of the campaign leaders provided thoughtful and helpful insights – the time they spent telling their campaign stories will be a tremendous benefit to future CPA campaigns. Four of the case study communities passed CPA (Ayer, Carlisle, Hingham and North Andover), 2 did not pass CPA (Merrimac and Westwood). The following findings are drawn from the case studies contained in this guide.

- ❑ **Choose a reasonable surcharge level.** Review recent tax increases and anticipate what else will be on the ballot. Choose a reasonable surcharge level with a good chance of passage.
- ❑ **Weigh CPA against other priorities.** If there are significant pending tax increases, CPA may be more difficult to pass. There may be a better time in the future to try to pass the Act.
- ❑ **Do your research.** Be ready to answer questions and present well-reasoned arguments. Talk to your local tax assessor and figure out the impact of CPA. Create a table showing the revenue to be raised and the cost to homeowners.
- ❑ **Build a strong, well-organized campaign committee.** A committed group of supporters representing all three interests is important. Regular, weekly meetings help keep things moving forward and provide the camaraderie necessary to tackle the job.
- ❑ **Build a broad-based coalition.** Wide-ranging support helps appeal to all segments of the community. Endorsements from athletic associations, unions, businesses and other organizations can lend valuable credibility to the campaign.
- ❑ **Build local support.** Involve town boards such as the Board of Selectmen, Planning Board, Finance Committee, Conservation and Historical Commissions and listen to their advice and comments. Give a presentation to each board before town meeting to get their support and show that CPA meets their priorities.
- ❑ **Be prepared at town meeting.** Make sure that campaign participants at town meeting are well prepared. Choose presenters who are respected by other town meeting members, and who are ready to rebut, respond and reassure.
- ❑ **Make people comfortable with CPA.** Explain how the mechanism works, emphasize that town meeting spends the money and there is local control over CPA, advertise the exemptions and state match, and enumerate specific projects that the funds could be used for.
- ❑ **Get your message heard.** Public forums, press, brochures/fliers and meetings with key constituents will help win an election.

Ayer

At the election on April 23, 2001, CPA passed, with 467 votes in favor (54 percent) and 402 votes against. CPA was placed on the ballot in Ayer by a greater than two-thirds vote at special town meeting February 15, 2001. The surcharge level was 3 percent, with the low income exemption. We spoke with Patrick Hughes about the campaign.

Ayer Town Profile⁴
Form of Government: Selectmen, Town Meeting
2000 Population: 7,287
Population Change 1990-2000: +6.1%
FY 2001 Residential Tax Rate: 11.01
FY 2001 Commercial Tax Rate: 21.48
FY 2001 Average Single Family Tax Bill: \$1,711
2000 Median Home Sale Price: \$170,000

Beginning the Effort

At an Open Space Public Forum sponsored by PACE (People of Ayer Concerned for the Environment), and featuring State Senator Pam Resor, Ayer residents learned about CPA and a group formed to promote its adoption. Patrick knew that Ayer's tax rate is low and the schools are not overcrowded. He felt that Ayer had a unique opportunity to protect open space and avoid the high costs of community services that comes with residential development (i.e. building new schools).

The regular town meeting in Ayer falls after the town election. As a result, for voters to consider CPA in spring 2001, a special town meeting had to pass CPA or petitions had to be collected. There was already a special town meeting scheduled for February for a sewer initiative. The Selectmen voted to place CPA on the special town meeting warrant.

Designing the Question

The group met with the town assessor and determined the impact of various surcharge levels, with and without exemptions, and the revenue that would be raised. Three percent was chosen to raise the most funds and to allow the town to be eligible for all rounds of state matching funds.

The low income exemption is based on the area-wide median income. Because the area-wide median income is higher than the median income in Ayer, many Ayer residents will be exempt from the surcharge. The exemption was chosen so the surcharge would not be a burden on senior citizens and low income residents.

Local Support

State Senator Pam Resor and State Representative Robert Hargraves supported CPA. The majority of the Board of Selectman, including the chair, also supported CPA. The editors of the local papers were in favor of CPA. The chair of the Planning Board was against CPA.

The Campaign

The group gave presentations to various town boards and got their support by showing that CPA would meet their priorities. The campaign raised less than \$600, and spent most of it on 100 posters to publicize the exemption and on brochures that were distributed at the special town meeting and before the election.

The main message of the campaign was that CPA is an investment in the future. Protecting open space avoids larger tax increases in the future for new schools required by residential development. The phrase

⁴ Population data is from the US Census, <http://www.census.gov>. Tax data is from the Massachusetts Department of Revenue Division of Local Service's Municipal Databank, <http://www.state.ma.us/dls/mdm.htm>. Median home sale price is for single family home. Sale price data is from the Warren Group, <http://rers.thewarrengroup.com/townstats/search.asp>.

“Urban Sprawl Costs Us All” appeared on the campaign’s brochures, along with a table showing the costs of community services for different land uses.

The brochures enumerated specific, familiar projects that CPA funds could be used for, such as converting the historic fire station for community use and purchasing conservation lands adjoining current holdings. The state match was emphasized, as the town would pay only half the bill for these projects. The campaign also explained that CPA maintains local, not state, control. The citizen’s committee makes recommendations on the use of the funds, and all expenditures come before town meeting, a familiar process.

Advice to Other Communities

- Involve town boards.** Give a presentation to each board before town meeting to get their support, and show that CPA meets their priorities.

- Do your research.** Talk to your local tax assessor and figure out how much revenue can be raised and the cost to homeowners.

- Make people comfortable with CPA.** Explain how the mechanism works, emphasize that town meeting spends the money and there is local control over CPA, advertise the exemptions and the state match, and enumerate specific projects that the funds could be used for.

Carlisle

At the election on May 22, 2001, Carlisle voters approved CPA with 54 percent support (477 yes, 412 no). Through a special town meeting vote on April 10, 2001, CPA was placed on the ballot. The surcharge level was 2 percent, and the exemptions were low income and the first \$100,000 of residential property. We spoke with Michael Fitzgerald, former Chair of the Board of Selectmen and Art Milliken, of the Carlisle Conservation Foundation.

Carlisle Town Profile ⁵
Form of Government: Selectmen, Town Meeting
2000 Population: 4,717
Population Change 1990-2000: +8.9%
FY 2001 Residential Tax Rate: 15.02
FY 2001 Commercial Tax Rate: 15.02
FY 2001 Average Single Family Tax Bill: \$7,367
2000 Median Home Sale Price: \$589,000

Beginning the Effort

Even prior to CPA becoming law in December 2000, the Carlisle Board of Selectmen was encouraged by State Senator Susan Fargo to begin thinking about adopting the new law locally. In addition, a board member of the Carlisle Conservation Foundation was well informed about CPA and carried that information to town officials. The Board of Selectmen called a special town meeting for April 10, 2001 to place CPA on the May ballot. Carlisle residents value open debate and it was felt that a special town meeting would provide a venue for people to learn about the Act.

Designing the Question

Selectmen chose a 2 percent surcharge because they wanted a surcharge level with a high likelihood of success while raising adequate revenue to make the effort worthwhile. At the same time, the Selectmen wanted to show fiscal restraint in light of two Proposition 2 ½ overrides coming before regular town meeting later in the spring. They chose both exemptions that were available, 1) the first \$100,000 thousand of taxable value of residential real estate and 2) property owned and occupied by a resident who would qualify for low income housing or low or moderate income senior housing in the town (Carlisle does not have a classified tax structure and therefore could not adopt the exemption for commercial property).

Local Support

The Board of Selectmen, and the Recreation, Conservation and Historical Commissions all officially supported CPA, as did the Planning Board. The Finance Committee opposed CPA.

The Campaign

Campaign participation was broad-based with active participation by representatives of land conservation, affordable housing and historic preservation interests. The driving force behind the campaign came from a member of the town-appointed Conservation Restriction Committee. The group relied on an email tree to coordinate their efforts successfully.

Campaign volunteers prepared an informative, well-illustrated poster, sent a post card to every household (approximately 2,000), and made about 200 targeted phone calls before the vote.

⁵ Population data is from the US Census, <http://www.census.gov>. Tax data is from the Massachusetts Department of Revenue Division of Local Service's Municipal Databank, <http://www.state.ma.us/dls/mdm.htm>. Median home sale price is for single family home. Sale price data is from the Warren Group, <http://rers.thewarrengroup.com/townstats/search.asp>.

Key Campaign Messages:

- CPA will help the town achieve its long-term goals. Key town priorities, such as those defined in the recreation/open space plan could be accomplished while taking advantage of state matching funds.
- CPA makes good fiscal sense. The campaign emphasized the fiscal impact of development versus land conservation, stressing that expansion of schools due to growth was far more costly than purchasing open space. These arguments had been thoroughly and soundly researched a few years earlier in a “Growing Pains” booklet and were used during the campaign.
- CPA can help address recreation issues such as the soccer-field shortage. Recreation was a big theme of the campaign, with an appeal made to soccer parents.
- All control rests with town meeting. The campaign reassured voters that all money spent under CPA would require town meeting approval and that the surcharge could be lowered if CPA was not deemed a success.

Advice to Other Communities

- Build a broad-based coalition.** Having people working together from all three CPA purposes was key to Carlisle’s success. The wide-ranging support helped appeal to all segments of the community, and emphasized that CPA was meeting broad interests.
- Make the fiscal case for open space.** Armed with solid evidence, proponents were able to make strong arguments that buying open space was sound fiscal policy.
- Choose a reasonable surcharge level.** The Selectmen took care to choose a surcharge that was seen as reasonable, rather than going for the full three percent, especially with Proposition 2 ½ overrides looming later in the year.

Hingham

At the April 28, 2001 election, Hingham voters strongly supported CPA with 1,688 voting yes (59 percent) and 1,164 voting no. By successfully collecting the required number of signatures on a petition, CPA was placed on the ballot. The surcharge level was 1.5 percent, and the exemptions were low income and the first \$100,000 of residential property. We spoke with Paula Jewell, co-chair of the Hingham Open Space Acquisition Committee and a leader in the effort to pass CPA.

Hingham Town Profile ⁶
Form of Government: Selectmen, Town Meeting
2000 Population: 19,882
Population Change 1990-2000: +0.3%
FY 2001 Residential Tax Rate: 13.75
FY 2001 Commercial Tax Rate: 13.75
FY 2001 Average Single Family Tax Bill: \$4,734
2000 Median Home Sale Price: \$365,000

Beginning the Effort

Two members of the Board of Selectmen encouraged the Open Space Committee to consider putting CPA before voters at the spring 2001 town election. In January 2001, the Open Space Committee made a formal presentation to the Board of Selectmen about CPA. The group recommended going the petition route to avoid the expense of a special town meeting. The Selectmen voted unanimously to support the collection of signatures. Their support was critical to avoid charges of circumventing Town Meeting.

Designing the Question

A campaign committee was soon formed, called Committee for Hingham's Adoption of CPA. The Committee included about a dozen members, representing open space, historic preservation, and affordable housing organizations. The committee also included representatives from Town Boards and a Selectmen who served as an advisor.

The group chose a modest 1.5 percent surcharge because it was in the middle of the available surcharge range. It also resulted in a \$50 per household average cost, which appealed to the group as a reasonable number. They were concerned about being seen as reasonable and showing respect for residents who had seen their taxes soar in recent years with nearly \$40 million in Proposition 2 ½ overrides for school construction. The exemptions were chosen to neutralize potential opposition from senior citizens and those on a fixed income.

Town counsel approved the language for the petition, based on sample language provided in this guide. At least 770 signatures were required, and although collecting signatures in the middle of winter posed a challenge, the campaign collected over 1,200 valid signatures. The campaign collected signatures in busy places in town. Information sheets were handed out to people signing the petitions, who were reminded that signing the petitions merely put the question before voters.

Local Support

The campaign presented formal overheads and handouts at two Advisory Committee (makes recommendations to town meeting) meetings to a solidly divided and often skeptical group. In the end, the Advisory Committee voted narrowly to support the bylaw. The Board of Health, the Conservation Commission, the Planning Board, and the Historical Commission all formally endorsed passage of CPA. A candidate for Selectmen (who won) supported CPA's passage and lent his voice to the campaign's efforts.

⁶ Population data is from the US Census, <http://www.census.gov>. Tax data is from the Massachusetts Department of Revenue Division of Local Service's Municipal Databank, <http://www.state.ma.us/dls/mdm.htm>. Median home sale price is for single family home. Sale price data is from the Warren Group, <http://rers.thewarrengroup.com/townstats/search.asp>.

The Campaign

Members of the campaign committee met weekly. Meetings were brief and focused on action. Regular emails ensured active participation. Members also kept on recruiting new people to help.

The campaign strategy was to target likely supporters with direct mail, to keep a low profile to minimize opposition, and to turn out supporters to vote. Each signatory of the petition received an informational brochure just before town meeting, a week before the election. The campaign sent postcards the weekend before the election, encouraging people to get out and vote. The Trustees of Reservations sent a letter to its Hingham members (about 800 people) expressing their support of CPA.

Respected members of the community were asked to write letters to the *Hingham Journal*. The campaign ran a newspaper ad on the Thursday before the election with a long list of endorsers. The campaign raised more than \$1,700 through personal solicitation to pay for the ad and mailings. On election day, campaigners held signs at the polling places.

Advice to Other Communities

- ☑ **Build a strong, well-organized campaign committee.** A committed group of supporters, representing all three interests, was central to the success in Hingham. Regular, weekly meetings were essential to keep things moving forward and to provide the camaraderie necessary to tackle the job.
- ☑ **Target likely supporters.** Early on, the campaign chose a strategy of sending direct mail to targeted supporters, and getting those voters to the polls. This level of focus prevented the group from spreading itself too thin.
- ☑ **Be prepared at Town Meeting.** Make sure that campaign participants at Town Meeting are well-prepared and sound reasonable. Choose presenters who are respected by other Town Meeting members, and who are ready to rebut, respond and reassure.
- ☑ **Choose a reasonable surcharge level.** The group chose a surcharge that was seen as reasonable, especially in light of recent Proposition 2 ½ overrides.

Merrimac

At the election, CPA narrowly failed, with 477 votes in favor (49 percent) and 493 votes against. A successful citizens' petition drive placed CPA on Merrimac's May 14, 2001 ballot. The surcharge level was 3 percent, and the exemptions were low income and the first \$100,000 of residential property. We spoke with Deborah Woodward and Michelle Carley of the Merrimac Open Space Committee campaign.

Merrimac Town Profile ⁷
Form of Government: Selectmen, Town Meeting
2000 Population: 6,138
Population Change 1990-2000: +18.8%
FY 2001 Residential Tax Rate: 15.61
FY 2001 Commercial Tax Rate: 15.61
FY 2001 Average Single Family Tax Bill: \$2,511
2000 Median Home Sale Price: \$224,000

Beginning the Effort

The Open Space Committee began the effort for CPA in Merrimac. The regular town meeting did not fall within the statutorily-required 35 days prior to the town election (town meeting must approve CPA at least 35 days before the election), and holding a special town meeting for one issue in Merrimac is frowned upon. Therefore, the campaign volunteers pursued the petition method. They needed 180 signatures but collected 325, looking at the collecting process as a way to talk to people about CPA.

Designing the Question

The Committee chose 3 percent because they wanted to raise the most revenue possible and get the most state matching funds possible. Exemptions were chosen so that the surcharge would not be a hardship.

Local Support

One Selectman was opposed to local adoption of CPA, feeling that people could not afford a tax increase. The chair of the Planning Board did not support CPA. The town assessor spoke against CPA. A group of long-time residents were concerned that land purchased would not allow hunting. On the other hand, the Finance Committee recommended passage of CPA. Press coverage was positive, as were letters to the editor. The soccer club, Playground Committee, and Historical Commission did not get involved.

The Campaign

The campaign focused on the open space uses for the funds, citing the dire need for soccer and other recreational fields. State matching funds were emphasized. The campaign also explained that by protecting open space, tax bills in the long run would be lower, because development brings a high cost of community services and the need to build more schools. With just three active volunteers, everyone involved worked very hard.

During the campaign, Deborah wrote press releases for the local papers. At candidates and issues night, she gave a presentation on CPA. About 35 people attended and the event was televised. There was no contentious debate.

There was an article to form the CPA Committee on the warrant for the regular town meeting. When it came up, people asked for an explanation of what CPA was. This was a surprise to Deborah, who had not planned on making a presentation on town meeting floor. There was confusion about CPA and how it was already on the ballot through the petition method.

⁷ Population data is from the US Census, <http://www.census.gov>. Tax data is from the Massachusetts Department of Revenue Division of Local Service's Municipal Databank, <http://www.state.ma.us/dls/mdm.htm>. Median home sale price is for single family home. Sale price data is from the Warren Group, <http://rers.thewarrengroup.com/townstats/search.asp>.

The campaign committee raised approximately \$225 from Friends of Merrimac Open Space. They printed approximately 500 fliers and handed them out in front of the Saturday town market. They posted 50 lawn signs around town, especially on the way to the polling place. They held signs on election day.

Advice to Other Communities

- Timing is important.** A high school project had been turned down at the last town meeting. There were two other tax measures on the same ballot for the school and library, and people voted no across the board because they did not want their taxes to increase. If all three measures had passed, the average tax bill would have increased \$216 annually. In addition, the property reassessments arrived in the mail just two days before the election.
- Choose a reasonable surcharge level.** Review recent tax increases and anticipate what else will be on the ballot. Choose a reasonable surcharge level with a good chance of passage. It is better to succeed with a lower surcharge than fail at the maximum surcharge.
- Use Town Meeting** if possible. If the petition method is necessary, be certain that Selectmen/ City Council support this decision. Be prepared for a full discussion of CPA at the Town Meeting where the CPA Committee is debated. Show respect for Town Meeting as a forum.
- Start early and recruit a sufficient number of volunteers.** Although the campaign did a good job with press, fliers, and yard signs, the work was overwhelming for just three active volunteers.

North Andover

At the election on March 20, 2001, CPA passed, with 2,152 votes in favor (56 percent) and 1,693 votes against. CPA was placed on the ballot in North Andover by special town meeting approval on January 29, 2001. The surcharge level was three percent, with the low income and \$100,000 exemption. We spoke with Brad Wakeman of the Open Space Committee who was a leader in the campaign.

North Andover Town Profile ⁸
Form of Government: Selectmen, Town Meeting
2000 Population: 27,202
Population Change 1990-2000: +19.3%
FY 2001 Residential Tax Rate: 13.18
FY 2001 Commercial Tax Rate: 15.75
FY 2001 Average Single Family Tax Bill: \$4,129
2000 Median Home Sale Price: \$359,900

Beginning the Effort

North Andover invited the Trust for Public Land to help negotiate the purchase of the 27-acre Carter Hill property, a scenic mix of hayfields and woodlands that drains into Lake Cochichewick, the town's drinking water source. The Trust for Public Land recommended CPA as a funding mechanism for the town to acquire the property.⁹

The December special town meeting fell just a few days before the new state law CPA went into effect. The Open Space Committee asked the Selectmen to hold another special town meeting, arguing that they needed to act quickly to purchase the Carter Hill property. The Selectmen voted to hold a special town meeting in January, and placed CPA on the warrant.

Designing the Question

The Open Space Committee recommended 3 percent and the exemption for the first \$100,000 of taxable value of residential real estate. They wanted to raise as much as possible and be eligible for all rounds of state matching funds. The Selectmen chose to add the low income exemption as well.

Local Support

At the Special Town Meeting, one of the Selectmen spoke in favor of CPA. The Finance Committee listed pros and cons, but did not take a position. A member of the Republican Town Committee handed out literature against CPA, but did not have a base of support. The editorial boards of the local papers supported CPA.

The Campaign

The main messages of the campaign were anti-sprawl arguments, with open space as the lead issue. New development has negative impacts such as loss of hilltops, traffic, overburdening infrastructure, and polluting the water supply. A 1998 study done for North Andover showed that new residential development cost the town \$1.06 for every \$1 received in taxes. The campaign also pointed out that goals of protecting drinking water quality, preserving the town's rural character, and expanding recreational opportunities are found in

⁸ Population data is from the US Census, <http://www.census.gov>. Tax data is from the Massachusetts Department of Revenue Division of Local Service's Municipal Databank, <http://www.state.ma.us/dls/mdm.htm>. Median home sale price is for single family home. Sale price data is from the Warren Group, <http://rers.thewarrengroup.com/townstats/search.asp>.

⁹ In March 2001, the Trust for Public Land reached an agreement to purchase the Carter Hill property, providing time for the town to vote on purchasing it. In May 2001, North Andover town meeting voters approved issuing bonds against CPA revenue in the amount of \$1.5 million to purchase the Carter Hill property. The Trust for Public Land transferred the property to North Andover, making the town the first community in the Commonwealth to utilize CPA funds.

the town's planning documents going back 30 years. The notion of community preservation is nothing new, and CPA is a reliable source of funding to accomplish these long-time goals.

Citizens for North Andover Preservation raised approximately \$5,000. They carried out an exemplary public education campaign. They sent mailings to members of the soccer association. They did a literature drop throughout the town and handed out fliers in the post office. They sent direct mail to a targeted list of residents who had attended the last five town meetings. Some of the mail pieces had reply cards indicating if recipients would post a yard sign, contribute to the campaign, or volunteer. They posted 300 yard signs around town. They sent hand-signed postcards to anyone who had voted in a town election or gone to a town meeting in the last 5 years.

The campaign wrote letters to the editor and met with the editorial boards of the local papers. They placed ads and distributed flier inserts in the local papers. The night before the election, volunteers set up a phone bank to remind supporters to vote. The election was postponed due to a snow storm, so the campaign ran more ads in the papers.

Advice to Other Communities

- Craft a compelling message suited to your community's needs.** The campaign used arguments and purposes that appealed to North Andover residents. Drinking water supply protection, farmland preservation, reusing community historic buildings, providing accessibility at historic sites, adapting homes for the elderly and disabled, and down payment assistance programs were all uses that the campaign listed.
- Fundraise.** The campaign was successful in getting its message to North Andover voters because it had the financial resources to purchase ads, print fliers, and send direct mail.
- Get out the Vote.** Brad believes that the thousands of postcards the campaign sent contributed most to the success of the campaign. Postcards are a simple, economical way to reach many people. Address lists can target likely voters, consolidated by household. The postcards Citizens for North Andover Preservation sent reminded people to vote, explained the purposes of CPA in one sentence, and repeated the campaign's slogan: "The Community Preservation Act: It's Right for North Andover."
- Phone bank.** Phone calls are the single most important element in a get out the vote effort. Post cards and e-mails help remind people to vote, but a phone call gives voters a sense of accountability that can help win elections.

Westwood

At the election, CPA failed, with 1,111 votes in favor (43 percent) and 1,492 votes against. A successful citizens' petition drive placed CPA on Westwood's April 30, 2001 ballot. The surcharge level was 3 percent, and the exemptions were low income and the first \$100,000 of residential property. We spoke with David White-Lief, Co-Chair of the Westwood CPA Coalition, Chair of the Selectmen-appointed CPA Advisory Committee, Chair of the Westwood Organization for the Preservation of the Environment and Nature (OPEN), and President of the Westwood Land Trust, about the campaign.

Westwood Town Profile ¹⁰
Form of Government: Selectmen, Town Meeting
2000 Population: 14,117
Population Change 1990-2000: +12.4%
FY 2001 Residential Tax Rate: 13.37
FY 2001 Commercial Tax Rate: 21.99
FY 2001 Average Single Family Tax Bill: \$4,738
2000 Median Home Sale Price: \$379,950

Beginning the Effort

In early February 2001, interested citizens gathered to consider whether they would undertake a campaign to put CPA on the ballot for the spring Town election, since the time for a special Town Meeting before the election had already passed. The group included representatives from historic preservation, open space, and affordable housing interests, and was attended by one of the town selectmen and Planning Board members. The group decided to form the Westwood CPA Coalition and began a petition drive. Shortly thereafter, at their February 26 meeting, the Selectmen of Westwood appointed the Community Preservation Act Advisory Committee to consider adopting CPA in Westwood. The regular town meeting fell after the town election. Because of this timing, a group of citizens collected over 800 signatures, placing CPA on the ballot. After studying CPA, the Selectman-appointed Advisory Committee unanimously recommended adoption of CPA.

Designing the Question

Three percent was chosen because, as David explained, "We wanted to do it once and do it big while the state pot is full." The exemptions were chosen to make the tax increase less burdensome on lower-income residents.

Local Support

A formal Westwood CPA Coalition was formed, including members of the Westwood Preservation Society, OPEN, the Westwood Land Trust, the Planning Board, the Board of Selectmen, the Historical Commission, and the Housing Authority. The Board of Selectmen unanimously endorsed CPA.

However, the Business Development Advisory Board opposed CPA, mainly because they felt it was a disproportionate tax on business. Both of the local papers ran a negative editorials on CPA in the week before the election. In addition, one of the papers ran a negative story on CPA on the front page in the final week of the campaign, and printed the report of the Business Development Advisory Board, which did not support CPA.

The Campaign

Preserving open space was the main theme of the campaign. Westwood is under development pressure, the campaign argued, and if we don't act now it will be too late. Other messages of the campaign were to

¹⁰ Population data is from the US Census, <http://www.census.gov>. Tax data is from the Massachusetts Department of Revenue Division of Local Service's Municipal Databank, <http://www.state.ma.us/dls/mdm.htm>. Median home sale price is for single family home. Sale price data is from the Warren Group, <http://rers.thewarrengroup.com/townstats/search.asp>.

preserve the character of the town and stop school growth. Open space preservation can prevent costly development that leads to higher tax bills for new schools.

The campaign raised approximately \$2,000. They chose to run a primarily “below the radar” campaign, by identifying supporters and getting them to come out and vote. The campaign compiled a “Green List” of about 500 people from earlier conservation efforts. A booklet of information was mailed to likely supporters. The campaign maintained an informational website at <http://www.westwoodcpa.org/>. Presentations were made at senior centers. The campaign wrote letters to the editors and placed ads in the paper. The week before the election, the campaign called people on the Green List to remind them to vote. Just before the election, there was a Little League parade, at which the campaign passed out over 1,000 fliers. On election day, the campaign held signs at polling places. Yard signs were not used.

Advice to Other Communities

- Timing is important.** Assess whether there have been recent Proposition 2 ½ overrides or other tax increases. Westwood has high taxes and another tax increase was pending because of recent Proposition 2 ½ overrides and a more than \$40 million high school project.
- Point to specific projects if possible.** Some people in Westwood were comfortable voting no on CPA because no specific parcels were proposed for preservation through CPA and there had been recent open space acquisitions.
- Court councils on aging and meet with senior citizens.** As David explains, “Senior citizens are reliable voters and CPA is a complicated Act. Reach out to them early. They need to understand that CPA would affect them very little, holds school taxes down, and is good for the town.”
- Start early.** The campaign in Westwood operated under tight time constraints. There were only two months to build support for CPA, which can take time to explain to voters.

Campaign Checklist

Timeline for Beginning

- Start early, so that you’ll have time to lay the groundwork before the election. If possible, start three to four months before the next regular municipal or state election.

Educate Yourself

- Read the legislation thoroughly (found at the back of this guide).
- Read the Department of Revenue guidelines IGR 00-209 (www.state.ma.us/dls/PUBL/igrindex.htm) and Secretary of the Commonwealth William Galvin’s guide (www.state.ma.us/sec/ele/)
- Visit websites that provide additional information, such as www.tpl.org/CPA, www.communitypreservation.org, and www.state.ma.us/envir/cpaqa.htm
- Contact the agencies and organizations listed on page 12 as resources with questions.

Begin Building a Coalition

- Talk with likely supporters, including members of the Conservation Commission, Open Space Committee, Historical Commission, Planning Board, Recreation Council, Housing Authority. Other likely supporters include members of local nonprofit organizations that support open space protection, historic preservation, and affordable housing.
- Identify strong supporters and organize regular meetings to begin planning.

Assess Your Options

- CPA must be voted at a regularly scheduled election (either local or statewide) and cannot be voted at a special election. The question must be placed on the ballot at least 35 days prior to a

municipal election or 60 days prior to a state election. These time constraints have challenged many communities.

- ❑ Make an initial decision on whether to pursue a citizens' petition process or a local legislative process. The law allows both of these methods for placing the adoption of CPA on the ballot. See the Q&A section of this guide for more information about these two processes.

Begin Building Political Support for a Legislative Strategy*

- ❑ Identify spokespeople from within your coalition (should be local people with good credibility and good presentation skills) to meet individually with key selectmen or the mayor/city councilors, municipal staff such as the city or town manager and/or planner, and members of relevant boards and committees, in order to become familiar with the political landscape and begin building a base of support.
- ❑ Prepare a general presentation on CPA and arrange for coalition spokespeople to give to municipal committees (for example, the Finance Committee), boards, councils, and staff. Some municipal committees/boards meet infrequently, so it is often critical to reserve a space on their agenda as early as possible.

Conduct Local Research

- ❑ Work with your local assessor to calculate the amount that could be raised through a 1%, 2%, and 3% surcharge, and the annual cost to the average household for each of these percentages. Include this information in your presentation, and don't forget to explain that additional state funds will be leveraged.
- ❑ Use your coalition to research compelling possible uses of CPA funds in your community, and be as specific as possible.
- ❑ Try to gauge the tolerance of voters in your community for a property tax increase, based on local voter history. Find out how Proposition 2 ½ overrides have fared in recent years, and what tax increases may be coming up.
- ❑ Check the political landscape for potential organized opposition. Is there an anti-tax group in your town or city? If so, you should meet with them to determine their position on CPA and try to gain their support. If they are opposed and plan to work actively against the measure, a well-planned and executed get-out-the-vote effort will be essential for success.
- ❑ Evaluate the optional exemptions provided in the Act. Advocating for the exemptions that help protect low-income and elderly residents may be critical to building broad support and disarming potential opposition.

Broaden the Coalition

- ❑ Reach out to nontraditional partners, especially the business community. They can lend valuable credibility, political clout, and potentially, support for the get-out-the-vote effort.

Set up the Legislative Body Vote (technical requirements)

- ❑ Advocate for a Special Town Meeting or City Council meeting, which must be held at least 35 days before the regularly scheduled municipal or state vote.
- ❑ In cooperation with your municipal counsel and local officials/staff, draft a CPA town meeting warrant article/city council order, including the surcharge percentage and exemptions, and a CPA committee bylaw (see samples of each included in this guide). In many cases, the town meeting warrant must be closed at least 45 days prior to a special town meeting. Check with the Town Clerk for regulations.
- ❑ In addition, in cooperation with your municipality's counsel, draft a ballot question and ballot summary (samples are included in this guide). The final ballot question must be submitted to the

* If you elect to use a citizens petition process, you should still build political support in much the same way as if you were to pursue a legislative process.

Town/City Clerk at least 35 days prior to the election, but after a successful legislative body (Town Meeting/City Council) vote.

Educate Town Meeting/City Council members and the Public at Large

- Draft a targeted mailing/hand-out. If your community has an open Town Meeting, you will want to consider sending this to one of two lists, depending on the size of your community: 1) every registered voter (combined by household) or 2) a substantial list of likely supporters that are also registered voters. If instead your community has a Representative Town Meeting or City Council, it is a good idea to mail to the members of those bodies. In the case of a small town, the mailing could be replaced by a presentation accompanied by a written handout. (Contact the Town Clerk for a list of Town Meeting members who attended the last several Town meetings.)
- If the mailing is selective, there should be a good effort to provide the information to the rest of the town through web sites, public information sessions, and postings at libraries, schools, town/city halls, recreation centers, senior centers, and other places.
- Seek media coverage and publicity through press releases, letters to the editor and op-ed articles. It is often helpful to send reporters and editorial staff material so that they have good information on hand.
- Use the Internet, if possible by utilizing an existing website.

Fundraising to Support a Ballot Question

- You may find it necessary to raise funds to support your CPA campaign expenses (fliers, mailings, signs, and events). If a group raises money to support a ballot question, it must form a ballot question committee, according to Massachusetts General Laws, Chapter 55, Section 1, 18. The committee must be formed before the receipt of funds. The necessity to form a committee and register can also be triggered by several organizations or individuals pooling funds to influence voters (see <http://www.state.ma.us/ocpf/guides.htm> for the municipal ballot question committee guide). Regardless of whether fundraising is undertaken, if funds are expended in support of a ballot question, the appropriate reports must be filed. For more information, contact the Massachusetts Office of Campaign and Political Finance at 617.727.8352.

Get Out the Vote for the Election

- Look into voter turnout at previous municipal or state elections (whichever you are now targeting). Estimate how many “yes” votes will be needed to win this election, if a similar number of voters turn out. Contact the Town or City Clerk for a list of registered voters who voted in the last several elections (both state and municipal).
- Assemble a list of supportive registered voters. Ideally, you can compare a list of registered voters in your municipality with lists of likely supporters (for example, members of local and regional conservation, historic preservation, and affordable housing organizations; local recreation groups, such as youth soccer, baseball, and football leagues; voter lists from recent votes that approved open space purchases; and friends and neighbors of coalition members). Assemble this into one master list, with names, addresses, and telephone numbers. This will form the basis of your get-out-the-vote.
- One of the most important elements of a campaign is a successful phone tree. Write a phone script and identify volunteers to call people on your master get-out-the-vote list and find out whether they are definitely prepared to vote in favor of CPA. If not, remove them from the list. (Make sure volunteers use the script.)
- Intensify your efforts to seek media coverage and continue to use the Internet.
- Get additional visibility through paid advertising (newspaper ads and inserts, radio spots).
- Send a flier or postcard to the get-out-the vote list the week before the vote.
- Ask your phone tree volunteers to make get-out-the-vote phone calls during the days leading up to the election and on election day itself.

Resources

Citizens Housing and Planning Assoc.	617.742.0820	www.chapa.org
Community Preservation Coalition	617.725.0597	www.communitypreservation.org
Historic Massachusetts, Inc.	617.723.3383	www.historicmass.org
Massachusetts Audubon Society	781.259.9506	www.massaudubon.org
Massachusetts Executive Office of Environmental Affairs	617.626.1131	www.state.ma.us/envir
Massachusetts Office of Campaign and Political Finance	617.727.8352	www.state.ma.us/ocpf
Mass. Secretary of the Commonwealth	617.727.2828	www.state.ma.us/sec/ele/
Mass. Department of Revenue		www.state.ma.us/dls/
National Trust for Historic Preservation	617.523.0885	www.nationaltrust.org
The Trust for Public Land	617.367.6200	www.tpl.org/CPA

Appendix

Community Preservation Act

The Commonwealth of Massachusetts

In the Year Two Thousand.

Chapter 267

AN ACT RELATIVE TO COMMUNITY PRESERVATION.

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. The General Laws are hereby amended by inserting after chapter 44A the following chapter:-

CHAPTER 44B.
COMMUNITY PRESERVATION.

Section 1. This chapter shall be known and may be cited as the Massachusetts Community Preservation Act.

Section 2. As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:-

"Acquire", obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. "Acquire" shall not include a taking by eminent domain, except as provided in this chapter.

"Annual income", a family's or person's gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

"Community housing", low and moderate income housing for individuals and families, including low or moderate income senior housing.

"Community preservation", the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic structures and landscapes and the creation and preservation of community housing.

"Community preservation committee", the committee established by the legislative body of a city or town to make recommendations for community preservation, as provided in section 5.

"Community Preservation Fund", the municipal fund established under section 7.

"CP", community preservation.

"Historic structures and landscapes", a building, structure, vessel or real property that is listed or eligible for listing on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

"Legislative body", the agency of municipal government which is empowered to enact ordinances or bylaws, adopt an annual budget and other spending

authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

"Low income housing", housing for those persons and families whose annual income is less than 80 per cent of the area-wide median income. The area-wide median income shall be the area-wide median income as determined by the United States Department of Housing and Urban Development.

"Low or moderate income senior housing", housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

"Maintenance", the upkeep of real or personal property.

"Moderate income housing", housing for those persons and families whose annual income is less than 100 per cent of the area-wide median income. The area-wide median income shall be the area-wide median income as determined by the United States Department of Housing and Urban Development.

"Open space", shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

"Preservation", protection of personal or real property from injury, harm or destruction, but not including maintenance.

"Real property", land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

"Real property interest", a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

"Recreational use", active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. "Recreational use" shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

Section 3. (a) Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

(c) All exemptions and abatement of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption of real property authorized by said chapter 59 or any other law shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount

of such abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The legislative body may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates; or

(3) for \$100,000 of the value of each taxable parcel of residential real property.

(f) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

"Shall this (city or town) accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?"

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(g) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

(h) If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than days after such certification.

Section 4. (a) Upon acceptance of sections 3 to 7, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semiannually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

Section 5. (a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or bylaw a community preservation committee. The committee shall consist of not less than five nor more than nine members. The

ordinance or bylaw shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or bylaw, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or bylaw shall designate those persons.

(b) (1) The community preservation committee shall study the needs, possibilities and resources of the city or town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

(3) The community preservation committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

(c) The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the legislative body shall include their anticipated costs.

(d) After receiving such recommendations from the community preservation committee, the legislative body shall then take such action and approve such appropriations from the Community Preservation Fund as set forth in section 8, and such additional appropriations as it deems appropriate to carry out the recommendations of the community preservation committee.

(e) For the purposes of community preservation and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community

Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

Section 6. 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 10 per cent of the annual revenues in the Community Preservation Fund for open space, but not including land for recreational use, 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. In each fiscal year, the legislative body shall make such appropriations from the Community Preservation Fund as it deems necessary for the administrative and operating expenses of the community preservation committee, but the appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund. Funds that are set aside shall be held in the Community Preservation Fund and spent in that year or later years, but funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town in the commonwealth. The community preservation funds shall not replace existing operating funds, only augment them.

Section 7. Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, a city or town that accepts sections 3 to 7, inclusive, shall establish a separate account to be known as the Community Preservation Fund of which the municipal treasurer shall be the custodian. The authority to approve expenditures from the fund shall be limited to the legislative body and the municipal treasurer shall pay such expenses in accordance with chapter 41.

The following monies shall be deposited in the fund: (a) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to sections 4 and 11; (b) all funds received from the commonwealth or any other source for such purposes; and (c) proceeds from the disposal of real property acquired with funds from the Community Preservation Fund. The treasurer may deposit or invest the proceeds of the fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks, or may invest the proceeds in paid up shares and accounts of and in cooperative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by section 54 of chapter 44, and any income therefrom shall be credited to the fund. The expenditure of revenues from the fund shall be limited to implementing the recommendations of the community preservation committee and providing administrative and operating expenses to the committee.

Section 8. (a) The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be subject to a surcharge of \$20. The fees for so recording, filing or depositing a municipal lien certificate shall be subject to a surcharge of \$10. The surcharges shall be imposed for the purposes of community preservation. No surcharge shall apply to a declaration of homestead under chapter 188. No surcharge shall apply to the fees charged for additional pages, photostatic copies, abstract cards, additional square feet for the filing and recording of plans or for additional or required marginal references.

(b) The fees of the assistant recorder, except as otherwise provided, to be paid when the instrument is left for registering, filing or entering with respect to registered land shall be subject to a surcharge of \$20. The fees for so registering, filing or entering a municipal lien certificate shall be subject to a surcharge of \$10. The surcharges shall be imposed for the purposes of community preservation. No surcharge shall apply to a declaration of homestead of chapter 188. No surcharge shall apply to the fees charged for additional lots shown on plans, for indexing instruments recorded while a petition for registering is pending, for additional certificates of sewer

assessments, for old age assistance liens, for duplicates and for photocopies.

(c) All surcharges on fees collected pursuant to this section shall be forwarded to the Massachusetts Community Preservation Trust Fund, established section 9.

Section 9. (a) There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Massachusetts Community Preservation Trust Fund, for the benefit of cities and towns that have accepted sections 3 to 7, inclusive, and pursuant to said sections 3 to 7, inclusive, have imposed a surcharge on their real property tax levy, subject to any exemptions adopted by a municipality. The fund shall consist of all revenues received by the commonwealth: (1) under the provisions of section 8; (2) from public and private sources as gifts, grants and donations to further community preservation programs; (3) from damages, penalties, costs or interest received on account of litigation or settlement thereof for a violation of section 15; or (4) all other monies credited to or transferred to from any other fund or source pursuant to law.

(b) The state treasurer shall deposit the fund in accordance with the provisions of section 10 in such manner as will secure the highest interest rate available consistent with the safety of the fund and with the requirement that all amounts on deposit be available for withdrawal without penalty for such withdrawal at any time. All interest accrued and earnings shall be deposited into the fund. The fund shall be expended solely for the administration and implementation of this chapter. Any unexpended balances shall be redeposited for future use consistent with the provisions of this chapter.

(c) The state treasurer shall make all disbursements and expenditures from the fund without further appropriation, as directed by the commissioner of revenue in accordance with said section 10. The department of revenue shall report by source all amounts credited to said fund and all expenditures from said fund. The commissioner of revenue shall assign personnel of the department as it may need to administer and manage the fund disbursements and any expense incurred by the department shall be deemed an operating and administrative expense of the program. The operating and administrative expenses shall not exceed 5 per cent of the annual total revenue received under the provisions of said section 10.

Section 10. (a) The commissioner of revenue shall annually on October 15 disburse monies from the fund established in section 10 to cities and towns that have accepted sections 3 to 7, inclusive, and notified the commissioner of their acceptance. The community shall notify the commissioner of the date and terms on which the voters accepted said sections 3 to 7, inclusive. The municipal tax collecting authority shall certify to the commissioner the amount the municipality has raised through June 30 by imposing a surcharge on its real property levy and shall certify the percentage of the surcharge applied.

(b) The commissioner shall multiply the amount in the fund by 80 per cent. This amount distributed in the first round distribution shall be known as the match distribution. The first round total shall be distributed to each city or town accepting said sections 3 to 7, inclusive, in an amount not less than 5 per cent but not greater than 100 per cent of the total amount raised by the additional surcharge on real property by each city or town. The percentage shall be the same for each city and town and shall be determined by the commissioner annually in a manner that distributes the maximum amount available to each participating city or town.

(c) The commissioner shall further divide the remaining 20 per cent of the fund in a second round distribution, known as the equity distribution. The commissioner shall determine the equity distribution in several steps. The first step shall be to divide the remaining 20 per cent of the fund by the number of cities and towns that have accepted said sections 3 to 7, inclusive. This dividend shall be known as the base figure for equity distribution. This base figure shall be determined solely for purposes of performing the

calculation for equity distribution and shall not be added to the amount received by a participant.

(d) Each city and town in the commonwealth shall be assigned a community preservation rank for purposes of the equity distribution. The commissioner shall determine each community's rank by first determining the municipality's equalized property valuation per capita ranking, ranking municipalities from highest to lowest valuation. The commissioner shall also determine the population of each municipality and rank each from largest to smallest in population. The commissioner shall add each equalized property valuation rank and population rank, and divide the sum by two. The dividend is the community preservation raw score for that municipality.

(e) The commissioner shall then order each municipality by CP raw score, from the lowest raw score to the highest raw score. This order shall be the CP rank for each municipality. If more than one municipality has the same CP raw score, the municipality with the higher equalized valuation rank shall receive the higher CP rank.

(f) After determining the CP rank for each municipality in the commonwealth, the commissioner shall divide all municipalities into deciles according to their CP ranking, with approximately the same number of municipalities in each decile, and with the municipalities with the highest CP rank shall be placed in the lowest decile category, starting with decile 10. Percentages shall be assigned to each decile as follows:-

decile	1	140 per cent of the base figure.
decile	2	130 per cent of the base figure.
decile	3	120 per cent of the base figure.
decile	4	110 per cent of the base figure.
decile	5	100 per cent of the base figure.
decile	6	90 per cent of the base figure.
decile	7	80 per cent of the base figure.
decile	8	70 per cent of the base figure.
decile	9	60 per cent of the base figure.
decile	10	50 per cent of the base figure.

After assigning each municipality to a decile according to their CP rank, the commissioner shall multiply the percentage assigned to that decile by the base figure to determine the second round equity distribution for each participant.

(f) Notwithstanding any other provision of this section, the total state contribution for each city or town shall not exceed the amount raised by the municipality's surcharge on its real property levy.

(g) When there are monies remaining in the trust fund after the first and second round distributions, and any necessary administrative expenses have been paid in accordance with section 6, the commissioner may conduct a third round surplus distribution. Any remaining surplus in the fund may be distributed by dividing the amount of the surplus by the number of cities and towns that have accepted this chapter. The resulting dividend shall be the surplus base figure. The commissioner shall then use the decile categories and percentages as defined in this section to determine a surplus equity distribution for each participant.

(h) The commissioner shall determine each participant's total state grant by adding the amount received in the first round distribution with the amounts received in any later round or rounds of distributions, with the exception of a city or town that has already received a grant equal to 100 per cent of the amount the community raised by its surcharge on its real property levy.

(1) Only those cities and towns that adopt the maximum surcharge allowed by this chapter shall be eligible to receive additional state monies through the equity and surplus distributions.

(2) If less than 10 per cent of the cities and towns in the

commonwealth have accepted sections 3 to 7, inclusive, and imposed and collected a surcharge on their real property levy, the commissioner may calculate the state grant with only one round of distributions, or in any other equitable manner.

(j) After distributing the trust fund in accordance with this section, the commissioner may keep any remaining funds in the trust for distribution in the following year.

Section 11. A city or town that accepts sections 3 to 7, inclusive, may issue, from time to time, general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such, revenues are collected as is expedient. Cities or towns that choose to issue bonds pursuant to this section shall make every effort to limit the administrative costs of issuing such bonds by cooperating among each other using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

Section 12. (a) A real property interest that is purchased with monies from the Community Preservation Fund shall be bound by a permanent deed restriction that meets the requirements of chapter 184, limiting the use of the interest to the purpose for which it was acquired. The deed restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The deed restriction may also run to the benefit of a nonprofit, charitable corporation or foundation selected by the city or town with the right to enforce the restriction.

(b) Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203.

Section 13. The community preservation committee shall keep a full and accurate account of all of its actions, including its recommendations and the action taken on them and records of all appropriations or expenditures made from the Community Preservation Fund. The committee shall also keep records of any real property interests acquired, disposed of or improved by the city or town upon its recommendation, including the names and addresses of the grantors or grantees and the nature of the consideration. The records and accounts shall be public records.

Section 14. Notwithstanding the provisions of any general or special law to the contrary, every city and town may accept sections 3 to 7, inclusive, and may thereupon receive state grants under section 10. A city or town that accepts said sections 3 to 7, inclusive, shall not be precluded from participating in state grant programs.

State grant programs may include local adoption of this chapter among the criteria for selection of grant recipients. Funds in the Community Preservation Fund may be made available and used by the city or town as the local share for state or federal grants upon recommendation of the community preservation committee and the legislative body, as provided for in section 5, if such grants and such local share are used in a manner consistent with the recommendations of the community preservation committee.

Section 15. (a) A person who, without permission, knowingly carries away or steals, mutilates, destroys, damages, causes to be damaged or cuts any tree, shrub, grass or any other portion of real property purchased by a city or town with funds derived from this chapter shall be liable to the city or town in tort for such actions.

(b) Damages, including punitive damages for willful or wanton violation of this chapter or any rule or regulation issued or adopted hereunder, may be recovered in a civil action brought by the city or town or, upon request of the city or town, by the attorney general. The city or town or, upon request of the city or town, the attorney general, may bring an action for injunctive relief against any person violating this chapter or any rule or regulation issued hereunder. The superior court shall have jurisdiction to enjoin violations, to award damages and to grant such further relief as it may deem appropriate.

(c) Any damages, penalties, costs or interest thereon recovered pursuant to this section shall be deposited into the Community Preservation Fund of the city or town in which the violation occurred.

Section 16. (a) At any time after imposition of the surcharge, the legislative body may approve and the voters may accept an amendment to the amount and computation of the surcharge, or to the amount of exemption or exemptions, in the same manner and within the limitations set forth in this chapter.

(b) At any time after the expiration of five years after the date on which sections 3 to 7, inclusive, have been accepted in a city or town, said sections may be revoked in the same manner as they were accepted by such city or town, but the surcharge imposed under section 3 shall remain in effect in any such city or town, with respect to unpaid taxes on past transactions and with respect to taxes due on future transactions, until all contractual obligations incurred by the city or town prior to such termination shall have been fully discharged.

Section 17. The commissioner of revenue shall have the authority to promulgate rules and regulations to effect the purposes of this chapter.

SECTION 2. Section 38 of chapter 262 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:-

The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be subject to a surcharge under section 8 of chapter 44B.

SECTION 3. Section 39 of said chapter 262, as so appearing, is hereby amended by adding the following paragraph:-

The fees of the assistant recorder, except as otherwise provided, to be paid when the instrument is left for registering, filing or entering with respect to registered land shall be subject to a surcharge under section 8 of chapter 44.

Sample Language

These samples should not be used without the advice of legal counsel. The City Solicitor or Town Counsel should be involved at the earliest practical moment to provide legal advice. The Community Preservation Coalition is also available to provide technical assistance.

Sample Town Meeting Warrant Article

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

Sample Town Meeting Vote

Voted: that the Town hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be [xx%] of the annual real estate tax levy against real property that such surcharge on real property shall commence in fiscal year [____]; and that the Town [does not accept any of] [hereby accepts] the [following] exemption[s] from such surcharge permitted under Section 3(e) of said Act: [property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act] [class three, commercial, and class four, industrial, properties as defined in G.L. c.59, §2A] [\$100,000 of the value of each taxable parcel of residential real property].

Sample City Council Order

Ordered: that the City hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be [xx%] of the annual real estate tax levy against real property; that such surcharge on real property shall commence in fiscal year [____]; and that the City [does not accept any of] [hereby accepts] the [following] exemption[s]

from such surcharge permitted under Section 3(e) of said Act: [property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the City, as defined in Section 2 of said Act] [class three, commercial, and class four, industrial, properties as defined in G.L. c.59, §2A] [\$100,000 of the value of each taxable parcel of residential real property].

Sample Ballot Question

Shall (MUNICIPALITY) accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to acquire and preserve open space, parks and conservation land, protect public drinking water supplies, and scenic areas, protect farm land and forests from future development, restore and preserve historic properties, and help meet local families' housing needs. In (MUNICIPALITY), the Community Preservation Act will be funded by an additional excise of (xx%) on the annual tax levy on real property commencing in fiscal year [____] and by matching funds provided by the state. [OPTIONAL EXCLUSIONS: [property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act] [class three, commercial, and class four, industrial, properties as defined in G.L. c.59, §2A] [\$100,000 of the value of each taxable parcel of residential real property]]. Any other taxpayer receiving an exemption of real property authorized by Chapter 59 of the General Laws shall receive a pro rata reduction with respect to the portion exempt. A Community Preservation Committee composed of local citizens will make recommendations on the use of the funds and all expenditures will be subject to an annual audit.

Statewide CPA Poll Results

I. Highlights

The Community Preservation Coalition commissioned a Massachusetts statewide poll during February 2001 to understand voter attitudes concerning the adoption of the Community Preservation Act (CPA), including surcharge level, potential purposes for funds raised under the Act, and exemptions to the Act. *The poll indicates that voters strongly support adoption of CPA with a one percent surcharge, or an average cost of approximately \$25 per year per household.*

Possible uses of CPA funds were tested in the areas of open space, historic preservation, and affordable housing. Voters expressed strongest support for preserving land that protects water quality, preserving forests and open space, creating home modifications for seniors and disabled people, enabling long-time residents to afford housing in the city or town in which they live, and making historic properties accessible to all people.

By a wide margin, voters are more likely to support adopting CPA if local funds raised are matched by the state. They support exempting low-income families or low to moderate income seniors from the surcharge, and they also moderately support exempting the first \$100,000 of residential property from the surcharge. By contrast, voters strongly oppose exempting commercial property from the CPA surcharge.

II. Surcharge Level

Question 11 of the poll asked respondents how they would vote on the following ballot question: “Shall your city or town approve the Community Preservation Act, which establishes a dedicated funding source for open space and park land acquisition, historic preservation and affordable housing? In your city or town, the Community Preservation Act will be funded by an additional surcharge of one percent on the annual tax levy on real property and by matching funds provided by the state. A Community Preservation Committee composed of local citizens will make recommendations on the use of funds and all expenditures will be subject to an annual audit. At least ten percent of the funds for each fiscal year will be spent or reserved for later spending on each of the three community preservation purposes.” In response, 55 percent said they would vote for adopting CPA in their city or town. Although voters will see a percentage on the ballot, the poll also asked about dollar amounts, to gain additional insight into voter attitudes. At \$25 per year per household (cost for a 1 percent surcharge based on the Massachusetts average home value), 54 percent said they would vote for adopting CPA.

Support for the Community Preservation Act

	1%	\$25
Yes	55%	54%
No	21%	23%
Undecided	24%	23%

Based on voter support statewide, the Community Preservation Act stands a good chance of passing in a community that chooses the 1 percent surcharge level. CPA proposals at higher percent surcharge levels enjoy less broad-based support, but can succeed with strong education efforts on CPA's benefits and well-organized campaigns to identify supporters and get them to the polls.

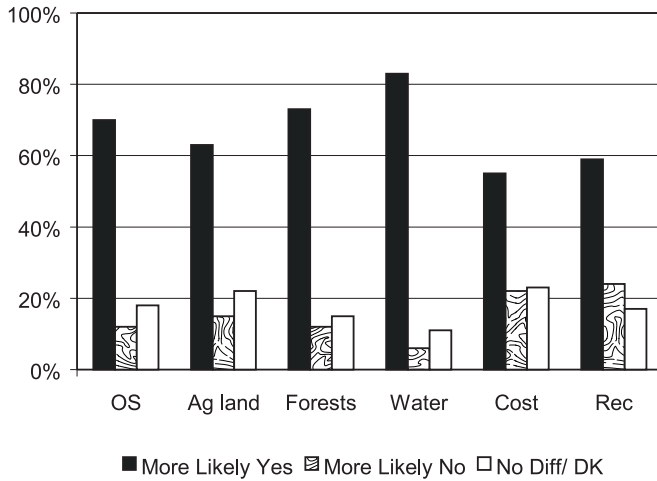
Support for the Community Preservation Act

	1%	2%	3%	\$25	\$50	\$75
Yes	55%	41%	32%	54%	44%	37%
No	21%	32%	39%	23%	33%	39%
Undecided	24%	27%	29%	23%	23%	24%

III. Purposes

The poll presented respondents with 19 purposes for which the community could use CPA funds, divided among the three broad categories permissible under CPA (open space, affordable housing, historic preservation). Respondents were asked whether that purpose would make them more likely to vote yes or more likely to vote no.

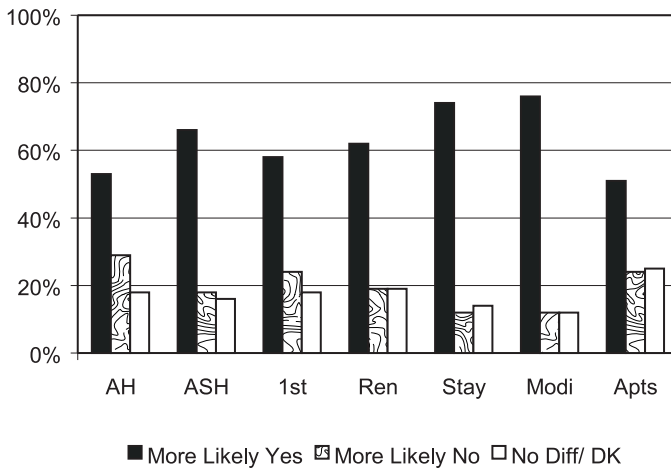
Would the Following Open Space Purposes Make You More Likely to Vote Yes or More Likely to Vote No?



Open space purposes asked were:

- preserving open space
- preserving agricultural land
- preserving forests
- preserving land to protect water quality
- protecting open space from development to avoid the cost of new schools, roads and sewers
- providing more recreation areas

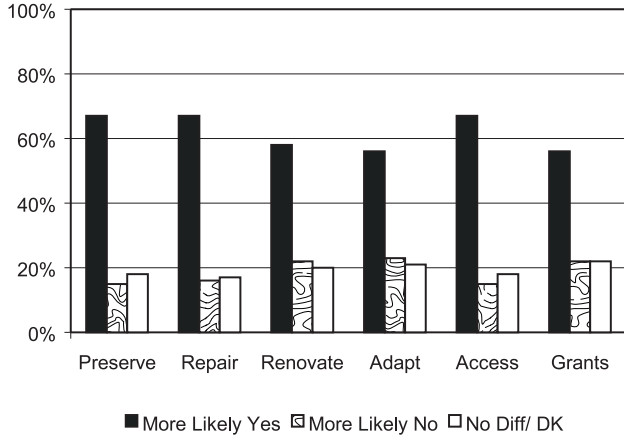
Would the Following Affordable Housing Purposes Make You More Likely to Vote Yes or No?



Affordable housing purposes asked were:

- creating affordable housing
- creating affordable senior housing
- assisting 1st-time home buyers
- renovating abandoned housing
- enabling long-time residents to continue to afford to live there
- helping seniors and disabled make home modifications like ramps and railings
- preserving the affordability of apartments

Would the Following Historic Preservation Purposes Make You More Likely to Vote Yes or No?



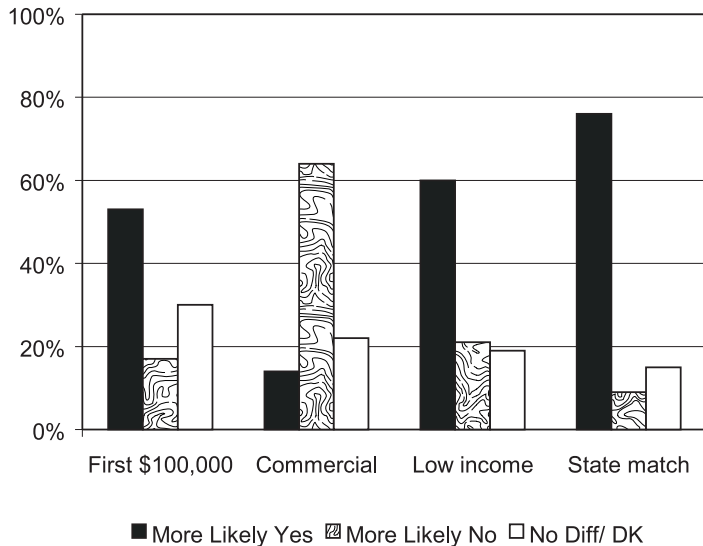
Historic preservation purposes asked were:

- preserving historic buildings and landscapes
- repairing city or town owned historic buildings, commons
- acquiring and renovating a historic building for city or town use
- adapting a city or town owned historic building for a new community purpose
- making historic properties accessible to all people
- providing grants to nonprofit groups and developers to rehabilitate historic buildings

IV. Exemptions and Matching Funds

Voters were presented with the optional exemptions available under the law and were asked whether including these exemptions would make them more likely to vote yes or more likely to vote no. Voters were also asked the same question about state matching funds.

Would Exemptions and Matching Funds Make You More Likely to Vote Yes or More Likely to Vote No?



CPA exemptions polled were:

- 1) The first \$100,000 of the value of residential property
- 2) All commercial and industrial property
- 3) Property owned and occupied by a low income family or a low or moderate income senior

Respondents were also asked, “if any local funds raised for your Community Preservation Fund were matched by the state.”

VI. Poll Information

This telephone poll was conducted from February 19 to February 23, 2001, by Harrison and Goldberg, Inc. on behalf of the Community Preservation Coalition. A random sample of registered voters statewide (excluding Boston) was screened for voting propensity. Those who reported a 50/50 likelihood or less of voting in next year's elections for Governor and U.S. Senator were dropped from the poll. A total of 419 interviews were completed, and the margin of error is +/- five percent.