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Community preservation success

By Bob Durand and Jay Ash | August 12, 2007

SEVEN YEARS ago, the state passed the Community Preservation Act, giving cities and towns that adopt it a direct say in what those communities will look like in the future.

More than 127 cities and towns have adopted the act. It has contributed to the creation or rehabilitation of more than 1,000 units of affordable housing while at the same time preserving more than 8,000 acres of open space. Almost 800 appropriations from the act have been made to preserve significant historic properties, while another 350 have funded recreational projects.

More impressive than the statewide statistics are the hundreds of individual projects in communities that have the Community Preservation Act, from the more than 200 units of affordable housing created in Cambridge to the Plymouth beachfront property preserved for the public to the Peabody playground for special needs children. And the projects funded under the act benefit the Commonwealth as a whole, not just the adopting communities. In short, the act has worked exactly as its supporters and the Legislature envisioned.

The Community Preservation Act is a unique partnership between the Commonwealth and individual municipalities. Citizens must vote to adopt it by agreeing to a small increase in their property taxes, up to 3 percent. Communities then receive matching payments from a trust fund created from filing fees at the registries of deeds. To date, all communities have received a dollar-for-dollar match. All funds must be used for Community Preservation Act purposes: affordable housing, open space protection, and historic preservation.

But the act is not perfect. That's why the Community Preservation Coalition, the Metro Mayors Coalition, the Metropolitan Area Planning Council, advocates, and legislators have been working together for more than two years to improve the law, while also making it more attractive for lower income communities. It can be hard to convince low- and moderate-income communities to raise their property taxes, even by a small amount. So, pending legislation would allow communities limited use of other locally generated funds, such as hotel and meals taxes, to qualify for the match -- as long as they agree to a 1 percent increase in their property taxes. All funds must still be used for the three purposes of the Community Preservation Act.

In the near future, the act's trust fund will no longer be able to sustain a high percentage match, partly because so many communities have voted to participate and partly because of the slowdown in the real estate market.

The bill sets up a system to ensure that there are adequate revenues to match at least 75 percent of the funds raised locally in the ever-growing number of communities that are adopting the act. Another effort well underway will centralize existing community-based project data for easy access by the public.

Those of us who are working to strengthen this already effective law are troubled by the recent Rappaport Institute study entitled, "The Massachusetts Community Preservation Act: Who Benefits, Who Pays?" Instead of citing the act's positive outcomes and the broad-based efforts to improve it, this study tries to pit communities that adopted the act against those that have not.

The study ignores the fact that, while wealthier communities were among the first to adopt the Community Preservation Act, the trend shifted beginning in the fall of 2005. More than 75 percent of the 27 communities that adopted the act since then are in the middle of the pack when ranked by median household income, including Northampton, Waltham, Weymouth, and Quincy. And the trend is likely to accelerate in the future, as 75 percent of the communities scheduled to vote on the Act in the next year are in the lower half of household income rankings.

Like any groundbreaking program, the Community Preservation Act is a work in progress. We will continue to put all our efforts into strengthening this legislation and ensuring equitable access so all communities can protect the quality of life.

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