



## Law Department

BY CERTIFIED MAIL

August 16, 2016

William F. Galvin  
Secretary of the Commonwealth of Massachusetts  
Elections Division  
McCormack Building  
One Ashburton Place, Room 1705  
Boston, MA 02108

*RE: Notification to Place Question on Ballot for November 8, 2016 Election  
Pursuant to the Community Preservation Act, G.L. c. 44B, § 3(g)*

Dear Secretary Galvin:

Pursuant to G.L. c. 44B, § 3(g), the City of Boston submits to you written notification to place the enclosed ballot question on the ballot for the November 8, 2016 election. Enclosed please find the following:

- (1) a true copy of the ballot question and summary required by G.L. c. 44B, § 3(f), prepared by corporation counsel;
- (2) a certified copy of the approval by the Boston City Council to adopt provisions of the Community Preservation Act, pursuant to G.L. c. 44B, § 3(b ½).

Should you need anything additional from my office, please don't hesitate to contact me.

Sincerely,

Eugene L. O'Flaherty  
Corporation Counsel

Enclosures

Cc: Michelle Tassinari, Director and Legal Counsel, Elections Division  
(by electronic mail)



## Law Department

The enclosed is a true copy of the ballot question and summary required by G.L. c. 44B, § 3(f), prepared by the corporation counsel for the City of Boston.

*Eugene L. O'Flaherty*

Eugene L. O'Flaherty  
Corporation Counsel

Date: 8-15-2016

## **Boston Community Preservation Act**

*Shall Boston accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by the City Council, a summary of which appears below?*

### SUMMARY

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act (Act), establish a dedicated funding source to enable the City of Boston to (1) help meet affordable housing needs; (2) create and rehabilitate parks, playgrounds and athletic fields; (3) preserve land for outdoor recreational uses and conservation areas; and (4) preserve and rehabilitate historic buildings and resources.

In Boston, the funding source for these community preservation purposes will be a surcharge of 1% on the annual property tax assessed on real property beginning in Fiscal Year 2018; plus other funds that may be committed by the City for community preservation purposes pursuant to Section 3(b) 1/2 of Chapter 44B; and annual distributions made by the state from a trust fund created by the Act. The Commonwealth provides funds only to communities adopting the Act.

If approved, the following will be exempt from the surcharge: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing as defined in Section 2 of the Act; (2) \$100,000 of the value of each taxable parcel of residential real property; and (3) \$100,000 of the value of each taxable parcel of class three, commercial property and class four, industrial property as defined in Section 2A of Chapter 59. A taxpayer whose tax is reduced by an abatement or exemption will receive a reduction in their surcharge in proportion to the reduction.

Upon acceptance of the Act by the voters, a Community Preservation Committee will be established to study community preservation needs, possibilities and resources, and to make annual recommendations on spending the funds.

Offered by Councilor Michael F. Flaherty and Councilor Andrea J. Campbell  
Pressley, Jackson, LaMattina, McCarthy, O'Malley, Essaibi-George, Baker, and Wu

CITY OF BOSTON



IN THE YEAR TWO THOUSAND SIXTEEN

ORDER ACCEPTING THE PROVISIONS OF THE  
MASSACHUSETTS COMMUNITY PRESERVATION ACT

- WHEREAS*, The Community Preservation Act (CPA) was signed into law by Governor Paul Cellucci on September 14, 2000. Since then, 160 towns and cities across the Commonwealth of Massachusetts have adopted the CPA; and,
- WHEREAS*, The CPA combines advocacy efforts to provide funding for a variety of initiatives that help to maintain a municipality's character, history and livability through a local Community Preservation Committee; and,
- WHEREAS*, Municipalities that adopt the CPA levy a small property tax surcharge and become eligible for a state match based on the revenue collected and other funds committed by the City of Boston for community preservation purposes; and,
- WHEREAS*, Boston is in an era of development and innovation; and adoption of the CPA would enhance the city's funding for affordable housing, historic preservation, open space and recreation; and,
- WHEREAS*, One method to adopt the CPA is by legislative action of the Boston City Council accepting the provisions of the CPA, M.G.L. Chapter 44B, Sections 3 through 7, inclusive, along with a surcharge amount and optional exemptions by a simple majority. The actions of the Boston City Council are then referred for voter approval at the next regularly scheduled municipal election or general state election, whichever comes first. *NOW*,

*THEREFORE BE IT ORDERED:*

Section 1.

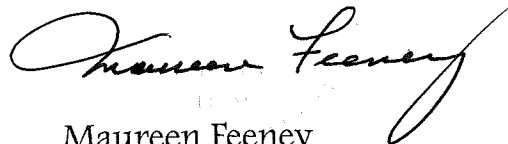
That the City of Boston hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community

housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1% of the annual real estate tax levy against real property commencing in fiscal year 2018; that acceptance of said Act shall be pursuant to Section 3 (b) ½ of Chapter 44B; and that the City hereby accepts the following exemptions 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; \$100,000 of the value of each taxable parcel of residential real property; and \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of Chapter 59.

Filed in Council: February 10, 2016

In City Council May 11, 2016. Passed: yeas 12, nays 1.

Attest:



Maureen Feeney  
City Clerk