

Offered by Councilor Michael F. Flaherty and Councilor Andrea J. Campbell

CITY OF BOSTON

IN THE YEAR TWO THOUSAND SEVENTEEN

AN ORDINANCE CREATING THE COMMUNITY PRESERVATION COMMITTEE



WHEREAS, The voters of the City of Boston approved the adoption of the Community Preservation Act ("CPA") on November 8, 2016; and,

WHEREAS, The CPA allows the city to use the funds generated under its provisions for affordable housing, historic preservation, community preservation, open space, and recreation. The state law requires the establishment of a Community Preservation Committee to make recommendations regarding the use of the funds.

NOW THEREFORE,

Be it ordained by the City Council of Boston, as follows:

Section 1.

The City of Boston Code, Ordinances, Chapter VIII shall be amended by adding at the end thereof, the following new section and subsections:

8-12 Community Preservation Committee.

8-12.1 Establishment.

Pursuant to M.G.L. c. 44B, §5, there is hereby established in Boston the Community Preservation Committee, hereinafter referred to as the Committee.

8-12.2 Function and Purpose.

The Committee shall study the needs, possibilities, and resources of Boston 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 study. The Committee shall hold one or more public informational hearings on the needs, 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.

The Committee is responsible for evaluating the community preservation needs of the City, and making recommendations for expenditures from the Community Preservation Fund that will be created by acceptance of the Community Preservation Act, M.G.L. c. 44B. Community preservation needs shall include the acquisition, creation, and preservation of open space, the acquisition, creation and preservation of historic structures and landscapes, and the acquisition, creation and preservation of affordable housing. "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. "Historic structures and landscapes" shall include 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 Historical Commission to be significant in the history, archeology, architecture, or culture of the City. "Affordable housing" shall include low and moderate income housing for individuals and families, including low and moderate income senior housing. "Low income housing" shall mean housing for those persons and families whose annual income is less than 80 per cent of the areawide median income. "Moderate income housing" shall mean housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. "Low or moderate income housing for seniors" shall mean housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing. "Areawide median income" shall be the areawide median income as determined by the United States Department of Housing and Urban Development. "Recreational use" shall mean 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.

8-12.3 Membership, Appointment, Term.

A. The Committee shall consist of nine members. Five of the members shall be appointed as required by the Community Preservation Act, M.G.L. c. 44B, §5, along with four additional members appointed by the City Council.

B. The members shall be appointed for terms of three years. All members of the Committee must be residents of Boston at appointment and for the duration of their term.

8-12.4 Powers and Duties.

The Committee shall make recommendations to the Mayor for transmittal to the City Council 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 acquisition, creation, preservation and support of affordable housing, and for rehabilitation or restoration of such open space, historic resources, land for recreational use, and affordable housing that is acquired or created in accordance with the provisions of the Community Preservation Act. With respect to affordable housing, the Committee shall

recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

The Committee may include in its recommendations 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.

Recommendations shall include their anticipated costs.

8-12.5 Applicability

The provisions of this Chapter shall be interpreted and applied at all times consistently with the provisions of Chapter 44B of the General Laws and all provisions of any relevant general or special act.

Section 2.

Effective Date.

The provisions of this ordinance shall be effective immediately upon passage.

Filed in Council: January 11, 2017