

Beacon Hill Byline by Mary Rogeness

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Community Preservation

At this time of year, watching the last bit of green fade from the trees and the flocks of birds flying south brings on a feeling of nostalgia. Driving back home from the State House in the dark, I reflect on years gone by. Our world is changing rapidly as farms turn into neighborhoods and hillsides turn into highways. We need the neighborhood and we need the roads, but we have another need to save some of the attributes of the countryside itself.

The legislature has been working to address this need with a new law at is variously called the “land bank” or “community preservation.” Voters on Cape Cod approved a fund for the Cape last year; but the rest of the state could not use it.

The purpose of the law is to allow communities to generate funds to purchase land and remove it from development. The Senate passed a bill earlier in the year. Last week the House approved the latest version, expanding on the original intent of pure land preservation. Here are the highlights of the House bill and some of the differences between the two branches of the legislature.

The legislature learned from the Cape Cod experience that community preservation means more than land conservation. Provincetown found that most of the undeveloped land area is already owned by the town, state or federal government. The town's preservation need applies to low income housing and historic preservation. So, although the land bank is only a year old, the legislature has already created an exemption that allows Provincetown to use its funds for housing needs.

The new House bill channels preservation funds to a trio of preservation needs: housing, historic buildings and land. It may seem counter to the purpose of preserving underdeveloped land to allow expenditures on low income housing bill. But the money must be spent on existing buildings to upgrade or convert them to housing stock.

Another lesson of Cape Cod is more controversial. As first proposed, the land bank would be funded by a real estate transfer tax, a charge of 1% levied on the seller of Cape real estate, with the first \$100,000 exempted. The issue was subject to referendum, and voters rejected the tax. A new proposal, accepted by Cape voters, funded the land bank with a 3% surcharge on property taxes. For its part, the state provides a 50% match of town funds for land preservation.

The House deduced that voters in other communities would be no more likely than Cape voters to approve a transfer tax, so we propose funding by a voter-approved surcharge of 1% to 3%. The state will provide a 25% match for locally generated funds. The Senate approved offering allows a choice between surcharge and transfer taxes.

Now that both branches of the legislature have passed bills, a conference committee will be charged with combining the two measures. As I write this column, the budget conference committee has not yet produced a budget for this fiscal year, so the task of developing a community preservation act appears daunting. But we will try. A full year remains in our legislative session, and, and legislators will work to extend an invitation to the cities and towns of Massachusetts the same opportunity that we have offered to Cape Cod.