

Options and Restriction - taken from the statute, MGL 44B, the Community Preservation Coalition, Department of Revenue Opinions

CPA	What can be acquired? (Only relevant items are listed.)	Restrictions	Opportunities	Other Comments
Open Space	Land to protect existing and future well fields, aquifers, recharge areas, and watershed land, agricultural land, grasslands, fields, forest land, wetlands, streams, ponds, land to protect scenic vistas, land for wildlife or nature preserve. Excluded: Acquisition of land for cemeteries.	Any real property interest acquired with CPA funds shall be bound by a permanent restriction, recorded as a separate instrument under the requirements of MGL Chapter 184, § 31-33. Restrictions are approved by the Secretary of Energy and Environmental Affairs.	If Open Space is acquired with CPA funds, CPA funds can be used to rehabilitate that open space. If the land is acquired with other funds, CPA funds cannot be used to rehabilitate the land. Rehabilitation could include environmental clean-up, wetlands rehabilitation, or daylighting a stream.	If real property is acquired with CPA funds, the property can be sold but is still subject to the restriction. The sales proceed revert to the CPA fund. Note that rental income received for use of the open space or other property acquired with CPA funds becomes part of the City's general fund.
Recreation	Land for recreational use - both passive and active. Uses include, but are not limited to community gardens, trails, non-commercial youth and adult sports, parks, playgrounds, athletic fields.	See above. The rule requiring a restriction that runs with the land is the same for both Open Space and Recreation land when the real property is acquired with CPA funds.	CPA funds can be used for recreation even if the land is not acquired with CPA funds. CPA funds can be used to accomplish the allowed uses so long as the expenditures are capital and not maintenance expenses.	Recreational use does not include the building of stadiums or the installation of artificial turf. CPA funds can be used to provide parking where the parking expense is ancillary to the entire recreation project.
Historic Preservation	Buildings, structures, real property that is either listed on the State Register of Historic Places or determined to be historic by the local Historic Commission.	See Open Space for the restriction when the historic property is real property acquired with CPA funds. Restrictions are approved by the Massachusetts Historical Commission. Preservation, rehabilitation or restoration efforts must adhere to the US Secretary of the Interior's Standards for the Treatment of Historic Properties	CPA funds can be used to preserve, rehabilitate or restore historic properties that were not acquired with CPA funds. As a general rule, historic preservation funds can be used to restore historic facades and to provide to adaptation of interiors of those buildings to assure continued use. Interiors with significant historic features must be preserved, but not other the interior features.	There are grants and federal and Massachusetts tax credits for historic rehabilitation. The standards used for the tax credits are the same as required by the CPA legislation. Historic properties can be converted to other uses - see the Watch Factory project which received tax credits. More details are being obtained. Note that CPA funds can be used to provide parking as an ancillary part of a historic project.

## Community Housing

Low and moderate income housing for individuals and families including senior housing. Note that low income is less than 80% of the area wide median income while moderate income is less than 100% of median income.

See Open Space for the restriction when the historic property is real property acquired with CPA funds. Restrictions are approved by the Massachusetts Department of Housing and Community Development. The restrictions apply to a whole building which makes mixed use housing an issue.

If a building is acquired for Community Housing, CPA funds can be used to rehabilitate or restore the building as housing. The CPC has asked the DOR if housing funds can be used to create housing in buildings that were not purchased with CPA funds. If the answer is no, it appears that Historic preservation funds could be used to create housing in historic buildings.

If one or more existing Fernald buildings were to be acquired for use as low to moderate income housing, including veterans housing, CPA funds could be used to rehabilitate both the inside and outside of the building(s). CPA funds could be used to provide parking as an ancillary part of a housing project.