



The City of
WORCESTER

City Clerk Department

Nikolin Vangjeli, City Clerk
Stephen A.J. Pottle, Deputy City Clerk
Clare M. Robbins, Assistant City Clerk

November 29, 2022

Mayor Joseph M. Petty and the
Members of the City Council
City Hall, 455 Main Street
Worcester, MA 01608

Dear Mr. Mayor and Councilors,

At the April 5, 2022, City Council meeting, the City Council received a petition that read as follows: "Frank Callahan et al. request City Council approve the attached order that will allow Worcester voters to determine if the City should adopt the Community Preservation Act by a binding question on the November 8, 2022 ballot." At the conclusion of debate on the item, the City Council authorized such an action to occur on a vote of Seven Yeas and Three Nays. The CPA ballot question was presented to voters on November 8, 2022, and the results are as follows.

Certified Election Results from the November 8, 2022, State Election
Question 5 – Worcester Community Preservation Act

YES – 19,304 52.29%

NO – 17,616 47.71%

Per the requirements of Massachusetts General Laws on November 23rd, 2022, I communicated the November 8, 2022, Election Results of Question 5 to the Commissioner of Revenue along with the terms and initial start date of the CPA surcharge as required under Act. G. L. c. 44B, § 10(a).

Cordially,

Nikolin Vangjeli
City Clerk



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Worcester – November 8, 2022

Question 5 – Worcester Community Preservation Act

Shall the City of Worcester accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, (“the Act”) establish a dedicated funding source to enable cities and towns to (1) acquire, create, preserve and support community housing; (2) acquire, preserve and create open space, which includes land for parks, recreational uses, conservation areas, and the protection of drinking water supplies, and the rehabilitation of local parks, playgrounds, and athletic fields; and (3) acquire, preserve and rehabilitate historic buildings and resources.

In Worcester, the funding source for these community preservation purposes will be a surcharge of 1.5% on the annual property tax assessed on real property beginning in fiscal year 2024, and by annual distributions from a state trust fund created by the Act. Only communities that adopt the Community Preservation Act receive a distribution from this trust fund.

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 in the City of Worcester, as defined in Section 2 of said Act; (2) \$100,000 of the value of each taxable parcel of residential 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 receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

A Community Preservation Committee composed of local citizens will make recommendations on the use of the funds and all expenditures must be approved by the City Council.



Secretary of the Commonwealth Guide on Accepting the Community Preservation Act

Effective Date

A community accepting the statute at an election held before the actual tax commitment for a fiscal year is made may impose the surcharge beginning in that fiscal year, or in the fiscal year that begins the July 1 after the election, as specified in the acceptance vote of the legislative body or in the ballot question petition. G. L. c. 44B, § 4(a).

Notification of Acceptance

The city or town clerk must notify the Commissioner of Revenue if the statute is accepted. The notification must include the date and terms on which the voters accepted the Act. G. L. c. 44B, § 10(a).

Amended Acceptance

A city or town may amend the surcharge percentage and exemptions “in the same manner as they were accepted by such city or town.” Accordingly, amendments may be done by majority vote of the legislative body or petition and thereafter approval by the voters at an election. G. L. c. 44B, § 16(a).

Revocation of Acceptance

At any time after the expiration of five years after the date on which sections 3 to 7, inclusive, have been accepted in a city or town, said sections may be revoked in the same manner as they were accepted by such city or town, but the surcharge imposed under section 3 shall remain in effect in any such city or town, with respect to unpaid taxes on past transactions and with respect to taxes due on future transactions, until all contractual obligations incurred by the city or town prior to such termination shall have been fully discharged. G. L. c. 44B, § 16(b). Therefore, if acceptance of the Act was done by petition for the ballot question, it can only be revoked by petition for a ballot question. Similarly, if acceptance was done by approval of the local legislative body and ballot question, it can only be revoked by vote of the local legislative body and ballot question.

Community Preservation Act: Enabling Statute – G. L. c. 44B

Section 4. (a) Upon acceptance of sections 3 to 7, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed. (b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time. (c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter. Section 5. (a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length



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of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.