

# Permanently Protecting Land Acquired With CPA Funds



**Community  
Preservation Coalition**  
*Preserving our past. Building our future.*

# CPA is An Important Funding Source for Municipal Land Acquisitions

- 36,000 acres acquired by municipalities for conservation or recreation
- Over \$572 million spent for conservation or recreation land acquisitions (plus another \$800m for land improvements)
- More than \$250 million in CPA funding is now available every year

# CPA Land Acquisitions By A Municipality Require a CR

## Chapter 44b, Section 12 (a)

A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. The legislative body may appropriate monies from the Community Preservation Fund to pay a nonprofit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.

# How Well Is That Working?

Total of 846 CPA Open Space Land Acquisitions  
(Through End of FY17)

- 394 had Conservation Restrictions in place
- 10 had CR's in place, but not on entire property
- 245 had not completed a CR
- 161 no information obtained

# Why are Conservation Restrictions a Struggle for CPA Communities?

- Lack of municipal capacity or unclear whose job it is to follow through
- Local political resistance
- No willing holder
- Ignoring the law (some willfully, others unaware)
- No deadline cited in law
- No enforcement
- Adds stress to the state CR Review Capacity



# CRs May Not Be An Ideal Solution for Every Municipal CPA Acquisition



- CRs have a role in certain acquisitions (land trust assists, etc.)
- But we a simpler vehicle where a CR isn't practical

What is that  
vehicle?