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January 5, 2026

Nancy McDonald, Chair
Community Preservation Committee
210 Central Street
Hingham, MA 02043

Re: Appropriation of Community Preservation Act Funds to Hingham Affordable Housing Trust

Dear Nancy:

I am writing in response to your request to confirm that the Community Preservation Committee may recommend, and Town Meeting may appropriate, Community Preservation Act funds under M.G.L. c. 44B for deposit into the Hingham Affordable Housing Trust, established under M.G.L. c. 44, § 55C and Town of Hingham General Bylaw Article 39.

The Community Preservation Act itself specifically states that “a city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund.” (M.G.L. c. 44B, Sec. 5). In addition, both the state statute and the town bylaw establishing the Hingham Affordable Housing Trust specifically authorize the trust to receive appropriations from the Community Preservation Act Fund (see M.G.L. c. 44, § 55C and Town of Hingham General Bylaw Article 39).

The appropriation may be for a specific project or for the general use of the Affordable Housing Trust (i.e. its opportunity fund or any similar program) so long as the funds are used for “community housing purposes”. I have attached a chart from the MA Department of Revenue describing the categories of authorized expenditures (see “Exhibit A”).

It should also be noted that the Affordable Housing Trust is deemed a “municipal agency” and a “governmental body” subject to the public bidding laws (see M.G.L. c. 44, § 55C and Town of Hingham General Bylaw Article 39).

Thank you for your attention to this matter.

Very truly yours,
Bogle, DeAscentis & Coughlin, P.C.

By: 
John J. Coughlin

ATTACHMENT V-2 - COMMUNITY PRESERVATION FUND ALLOWABLE PROJECT SPENDING PURPOSES (G.L. c. 44B, § 5)

	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
	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	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town	Land for 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 Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure	Housing for low income individuals and families and low or moderate income seniors Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
ACQUISITION - Obtain property interest by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Yes	Yes	Yes	Yes
CREATION - Bring into being or cause to exist. <i>Seideman v. City of Newton</i> , 452 Mass. 472 (2008)	Yes	X	Yes	Yes
PRESERVATION - Protect personal or real property from injury, harm or destruction	Yes	Yes	Yes	Yes
SUPPORT - Programs providing grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to entity that owns, operates or manages it, <u>for the purpose of making the housing affordable</u>	X	X	X	Yes, provided the housing asset itself is made affordable by the expenditure
REHABILITATION AND RESTORATION - Capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties	Yes, if open space asset acquired or created with CP funds	Yes, provided that rehabilitation complies with Secretary of Interior's Standards for Treatment of Historic Properties	Yes (includes replacement of playground equipment)	Yes, if housing asset acquired or created with CP funds
APPROPRIATIONS TO AFFORDABLE HOUSING TRUST G.L. c. 44, § 55C	X	X	X	Yes; however, trust is required to spend CPA funds for CPA community housing purposes.
Maintenance expenditures are prohibited for all assets even if they could otherwise be considered acquisition, creation, preservation, support, rehabilitation or restoration Maintenance means incidental repairs that do <u>not</u> materially add to value of property or appreciably prolong property's life, but keep property in condition of fitness, efficiency or readiness				