

Email from Counsel, received 12/16/2025

From the statute, MGL c. 44B, section 5(2) provides that for CPA fund monies may be used for the acquisition, preservation, rehabilitation and restoration of historic resources.

Section 1 defines some of those terms. "Preservation" is protection of personal or real property from injury, harm or destruction. "Rehabilitation" is capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; provided, that with respect to historic resources, "rehabilitation" shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.P.R. Part 68; and provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

Civil War Statue

Setting aside whether the proposed action complies "with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.P.R. Part 68," the work proposed falls within the definition of preservation (protection from further injury or harm) and **rehabilitation (extraordinary repairs). Restoration is not defined in the statute, but it appears that the work on the statue could also qualify under the ordinary dictionary definition of "restoration" (the act of returning something to its original condition).** I am satisfied that the work proposed fits within the purpose and intent of the CPA.

French Cable Station Museum

In my opinion, the proposed projects fall within the allowable categories, as follows:

Interpretive signs - **agreed that this is less clear. However, a case could be made that signs are part of both acquisition and/or preservation, without the signs the historic materials have less value.**

Telegraph cable reel - preservation/restoration

Interior Displays - This is like the signs, not squarely falling within one of the four categories for historic preservation, but could be part and parcel of both acquisition and/or preservation.

Digitized document transcription - preservation

HAC Shelter project

CPA funds are available for the for acquisition, creation, preservation, and support of **community housing**. **Affordable/community housing is defined under the statute as “ low and moderate income housing for individuals and families, including low or moderate income senior housing.” In my opinion, “community housing” means something more permanent than a shelter project, and should be limited to longer term, permanent housing.**

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