



MANS&C

The Massachusetts Association of Nonprofit Schools and Colleges

PRESIDENT'S LETTER

MANS&C – Your Voice at the Statehouse



Regardless of the size of our institutions, we are all facing budget constraints these days. Now imagine that on top of everything else, you owe your community 25 percent of what you'd pay if your school, college or university were not exempt from property taxes.

A bill with that requirement was filed earlier in this session on Beacon Hill. Luckily, MANS&C Legislative Counsel John J. Spillane was able to convince legislators of the harm it would do, and the bill was sent to study in recent weeks. It is effectively dead for the rest of the session.

Other bills that he helped to turn back would have taxed endowments and given local zoning boards more control over our building projects – including the right of first refusal when tax-exempt property was sold or converted for other uses.

More bills will be released in the coming weeks, and I fully expect that John's string of successes will continue. He has had an admirable record through the years.

Thanks to MANS&C's low-cost dues structure, John's services are available to our members at a fraction of what just one of these bills would cost our institutions. What's more, it's far less than the cost of hiring your own legislative counsel or dedicating a staff member to representing you on Beacon Hill. For institutions that already have representation, MANS&C membership doubles your influence.

The more members MANS&C has, the louder our voice. Join us and ensure that your interests are represented on Beacon Hill. Go to www.mansac.org for more information or contact me with any questions.

Best Regards,
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MANS&C President

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LEGISLATIVE REPORT

MANS&C Scores Again on Beacon Hill



Thanks to MANS&C Legislative Counsel John J. Spillane, several bills that are of great significance to our members are no longer in play on Beacon Hill. Each one would have had a serious financial impact on nonprofit schools, colleges and universities in Massachusetts or threatened our historic independence.

The measures were in a batch of bills reported out by several key committees in early February. Working with his colleagues at AICUM, John had a hand in the committees' decision to have the following bills sent to study. This means that they are highly unlikely to return for the remainder of this legislative session.

One bill (SB 94) would have simply destroyed the Dover Amendment. Here's what some of the others would have meant for MANS&C members:

- › Nonprofit institutions would have to make payments to their communities equal to 25 percent of what they would have paid if they were not tax exempt. **HB 2407**
- › Recreational facilities would no longer be protected by the Dover Amendment, which means they would be subject to local zoning regulations. **HB 1772**
- › Nonprofits whose top five officers, directors, trustees, key employees, independent contractors or others earn a total of more than \$2.5 million in total compensation would have to pay property taxes or apply for an exemption. **HB 2581**
- › A special commission would be created to study the use and effectiveness of the Dover Amendment, which MANS&C believes could open the door to greater community control over our building projects. **SB 219**
- › Communities would have the right of first refusal when tax-exempt property was converted or sold for other uses. **HB 2471**

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- › Private colleges and universities that have endowments of more than \$1 billion would be required to pay an excise tax. MANS&C believes this measure could easily be expanded one day to include institutions with smaller endowments. **SB 1669**
- › Northeastern University would have been stopped from enlarging a facility on the Nahant peninsula. The bill stated that the Dover Amendment does not exempt nonprofit institutions from complying with wetlands or natural resources review processes. MANS&C believes that if it had passed, the prohibition could easily be expanded to other nonprofit colleges and schools. **HB 1765**
- › Out-of-state educational institutions that use property in Massachusetts would be required to negotiate PILOTs with their local communities. **HB 2504**

John will continue to monitor these bills through the end of the session in December, but it is highly unlikely that they will ever come to the floor for debate.

More committees will be reporting out bills in the coming weeks.

What is the Dover Amendment?

The Dover Amendment dates back to 1950, when the legislature voted to prohibit towns from passing zoning ordinances or bylaws that regulate or restrict the use of land or structures for religious or educational purposes. Legislators feared that towns might be more likely to place restrictions on religious groups or schools against which they held biases. The law was intended to prevent that from happening.

Through the years, additional modifications were made to the law, which takes its name from a 1951 court case involving the town of Dover.

Today, the Dover Amendment gives local planning boards only limited power to derail a building permit application from a nonprofit school, college or university. The law stipulates that buildings may be subject only to “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.”

Under the current law, churches and schools do not need the approval of local review boards for their construction plans. Even though it is not required, however, some schools have voluntarily agreed to requests for local review for the sake of good community relations.



What MANS&C Does on Beacon Hill

For many years, MANS&C Legislative Counsel John J. Spillane has had unparalleled success in stopping bills at the State House that would negatively affect the independence and economic stability of Massachusetts nonprofit schools, colleges and universities.

He is either at the Statehouse or in close contact with legislators on a daily basis, and even spends time with them in their district visits.

At the beginning of the current two-year legislative session, more than 5,000 bills were filed. Spillane analyzed, tracked and follows all bills and last-minute amendments that affect MANS&C members. He monitors and attends committee hearings, prepares opposition testimony on bills of concern, confers with legislators and observes legislative sessions from the gallery.

He also keeps track of bills that apply only to public schools, because they can easily be changed to include nonprofit institutions.

Spillane works closely with AICUM and other trade organizations to develop a strategic approach to stopping bills of concern.

He also maintains a good working relationship with the executive branch of government and is in regular contact with reporters working for the Statehouse News.

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