

HOUSE No. 1769

The Commonwealth of Massachusetts

PRESENTED BY:

Mike Connolly

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act supporting affordable housing with a local option for a fee to be applied to certain real estate transactions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>

<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 1769

By Mr. Connolly of Cambridge, a petition (accompanied by bill, House, No. 1769) of Mike Connolly and others relative to supporting affordable housing with a local option for a fee to be applied to certain real estate transactions. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4196 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act supporting affordable housing with a local option for a fee to be applied to certain real estate transactions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 40 of the General Law is hereby amending by adding the following section:

2 Section 70 (a) A city or town which accepts this section and has established a Municipal
3 Affordable Housing Trust Fund pursuant to section 55C of chapter 44, Chapter 482 of the Acts
4 of 1991, or other municipally established Affordable Housing Trust Fund may impose a fee or
5 range of fees between .5 percent and 2 percent of the purchase price of real property; provided,
6 however, that no such fee shall be imposed on: (i) transfers to the government of the United
7 States or any other instrumentality, agency of subdivision thereof, or the commonwealth or any
8 instrumentality or subdivision thereof ; or (iii) transfers to any charitable organization as defined
9 in the third clause of Section 5 of chapter 59.

10 (b) Any city or town adopting a real estate transfer fee pursuant to this Section shall have
11 the authority to establish one or more exemptions from such fee should it choose to do so.
12 Exemptions may include, but are not limited to (i) seniors age 62 or older; (ii) purchasers with
13 annual income below 80% of Area Median Income as established by the U.S. Department of
14 Housing and Urban Development for that city or town; (iii) residential transfers with a purchase
15 price below the mean purchase price for the city or town over the previous twelve month period;
16 and (iv) transfers between family members as defined by the city or town.

17 (c) The fee shall be paid to the city or town and shall be accompanied by a copy of the
18 deed or other instrument evidencing such transfer, and an affidavit signed under oath or under
19 the pains and penalties or perjury by the purchaser and seller attesting to the purchase price and
20 the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said
21 fee. The city or town, or the designee, shall promptly thereafter issue a certificate indicate that
22 the fee has been paid or that the transfer is exempt from the fee.

23 (d) Upon receipt of the fee pursuant to subsection (c) above, the treasurer of the city or
24 town shall transfer the funds to the Municipal Affordable housing Trust Fund, established
25 pursuant to said section 55C of said chapter 44.

26 (e) The register of deeds for the county in which the real property is located shall not
27 record or register a deed unless the deed is accompanied by a certificate issued pursuant to
28 subsection (c).