

**SENATE . . . . . No. 2466**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*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 authorizing the town of Provincetown to impose a 0.5% real estate transfer fee.

PETITION OF:

NAME:

*Julian Cyr*

*Sarah K. Peake*

DISTRICT/ADDRESS:

*Cape and Islands*

*4th Barnstable*

**SENATE . . . . . No. 2466**

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 2466) of Julian Cyr and Sarah K. Peake (by vote of the town) for legislation to authorize the town of Provincetown to impose a 0.5% real estate transfer fee. Revenue. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act authorizing the town of Provincetown to impose a 0.5% real estate transfer fee.

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

1 SECTION 1. There is hereby imposed a real estate transfer fee equal to one-half per cent  
2 of the purchase price upon the transfer of any real property interest in any real property situated  
3 in the town of Provincetown. Said fee shall be the liability of the buyer of such property interest  
4 and any agreement between the buyer and the seller or any other person with reference to the  
5 allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The  
6 fee shall be paid to the town of Provincetown. The funds collected in each fiscal year shall be  
7 deposited equally into both the Provincetown Year-round Market Rate Rental Housing Trust and  
8 the town of Provincetown’s Affordable Housing Trust Fund.

9 SECTION 2. The following transfers of real property interests shall be exempt from the  
10 real estate transfer fee:

11 (i) first-time homebuyers who live in the home for at least 5 years; provided, however,  
12 that a lien shall accompany the deed stating that there is running with the land a lien equal to the

13 amount of fee exempted, plus accumulated interest and penalties until such time as all conditions  
14 of this subsection are met;

15 (ii) transfers to the United States government, the commonwealth, the town of  
16 Provincetown or any instrumentalities, agencies or subdivisions of the aforementioned entities,  
17 including the Provincetown Housing Authority;

18 (iii) transfers made without additional consideration to confirm, correct, modify or  
19 supplement a transfer previously made;

20 (iv) transfers of convenience with consideration under \$100, including, but not limited to,  
21 name changes, transfers into or out of trusts;

22 (v) transfers to any charitable organization as defined in clause the Third of section 5 of  
23 chapter 59 of the General Laws or any religious organization providing that the real property  
24 interests so transferred will be held solely for public charitable or religious purposes;

25 (vi) transfers between marriage partners, parents and children, grandparents and  
26 grandchildren, stepparents and stepchildren and siblings; and

27 (vii) transfers of any unit covered by a year round housing deed restriction.

28 SECTION 3. (a) The fee imposed by this act shall be due at the time of the transfer of the  
29 real property interest.

30 (b) The buyer shall pay interest on any unpaid amount of the fee at the rate the town  
31 collects on unpaid real estate taxes.

32           (c) The town shall notify a buyer by registered or certified mail of any failure to  
33 discharge the amount in full of fee due.

34           (d) All fees and interest required to be paid under this act shall constitute a personal debt  
35 of the buyer and may be recovered in an action of contract.

36           SECTION 4. This act shall take effect upon its passage.