

**HOUSE . . . . . No. 4315**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Timothy R. Madden and Daniel A. Wolf***

*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 relative to the Nantucket Islands Land Bank Act.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Timothy R. Madden*

*Barnstable, Dukes and Nantucket*

*Daniel A. Wolf*

*Cape and Islands*

**HOUSE . . . . . No. 4315**

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By Representative Madden of Nantucket and Senator Wolf, a joint petition (accompanied by bill, House, No. 4315) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) that the town of Nantucket be authorized to change certain housing provisions of the Nantucket Land Bank Act. Housing. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act relative to the Nantucket Islands Land Bank Act.

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

1           The Nantucket Islands Land Bank Act (being chapter 669 of the Acts of 1983, as  
2 amended by chapter 407 of the Acts of 1984, by chapter 202 of the Acts of 1985, by chapter 666  
3 of the Acts of 1987, by chapter 392 of the Acts of 1991, by chapter 309 of the Acts of 1994, by  
4 chapter 370 of the Acts of 2002, by chapter 130 of the Acts of 2006 and by chapter 354 of the  
5 Acts of 2010, referred to collectively as the "Land Bank Act") is hereby amended as follows:

6           (a) The definition of "Affordable Housing Restriction" shall be added to Section 1 of  
7 the Land Bank Act between the preamble and the definition of "Commission", as follows:

8           "Affordable Housing Restriction" is a recorded instrument held by a qualified holder  
9 which encumbers and/or restricts a real property interest so that the real property interest is  
10 perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a  
11 low or moderate income household which earns less than a specified income level, the upper

12 limit of which may not exceed one hundred seventy-five percent (175%) of the Nantucket  
13 median income. A “qualified holder” is a governmental body or charitable corporation or trust  
14 which qualifies under the terms of Massachusetts General Laws Chapter 184 (“Chapter 184”) to  
15 hold an affordable housing restriction as defined in Chapter 184. Without limiting the generality  
16 of the foregoing, “Affordable Housing Restriction” includes any instrument which conforms to  
17 the requirements of (i) a Nantucket Housing Needs Covenant as described in chapter 301 of the  
18 Acts of 2002 and defined from time to time in the Town of Nantucket Code, or (ii) an affordable  
19 housing restriction complying with the definition and other requirements stated in Massachusetts  
20 General Laws Chapter 184.”

21 (b) The following Subsection (-o-) shall be inserted at the end of Section 12 of the Land  
22 Bank Act:

23 “(-o-) Transfer of a real property interest which is subject to and used consistent with an  
24 Affordable Housing Restriction; provided that the Affordable Housing Restriction has a term  
25 remaining at the time of the Transfer of five (5) or more years; and provided further the  
26 purchaser shall make the real property interest which is the subject of the transfer the purchaser's  
27 actual domicile within two (2) years of the time of transfer, and shall remain permanently or for  
28 an indefinite time and without any certain purpose to return to a former place of abode for a  
29 period lasting at least to the fifth (5th) anniversary of the transfer. Notwithstanding the  
30 foregoing, if the real property interest is transferred again within five (5) years and the later  
31 transfer complies with this Exemption “O”, no fee, interest or penalties will be due. In the event  
32 that the holder of an Affordable Housing Restriction determines within five (5) years of the  
33 transfer that the real property interest to which it pertains is not being used consistent with the  
34 requirements of the Affordable Housing Restriction, or in the event of a later transfer within five

35 (5) years which does not comply with this Exemption "O", the fee exempted hereunder shall  
36 become due, together with the accumulated interest and penalties calculated from the date of the  
37 transfer exempted hereunder. The purchaser shall certify as to the foregoing, and the  
38 Commission shall attach to the deed a certificate which shall recite the fact that there is running  
39 with the land a lien equal to the amount of the fee exempted plus accumulated interest and  
40 penalties until such time as all conditions of this subsection have been met.