

HOUSE No. 1310

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act imposing a transfer fee on mortgage foreclosures..

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. Section 27 of chapter 183 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the last sentence and inserting in place
3 thereof the following paragraphs:-

4 There is hereby imposed a transfer fee upon any mortgagee receiving proceeds pursuant
5 to the foregoing. Said fee shall not be considered a cost or expense to be reduced from the
6 surplus above. The fee shall be paid to the court issuing the final decree or recording or
7 registering certificate of entry. The court shall then be responsible for disbursing such fee to the
8 general fund of the city or town where the foreclosed premises were sited.

9 The fee to be assessed as follows:

10 (i) For a single family residential property the fee imposed shall be 3% of the
11 remaining principal of the loan.

12 (ii) For multi-family residential properties the fee shall be 6% of the remaining
13 principal of the loan, however, that fee shall be reduced to 4% upon presentation to the court of
14 leases with all existing tenants of the units for a term of not less than 1 year.

15 (iii) The provisions of this transfer fee shall be applicable to properties that are zoned
16 residential, or mixed residential and commercial, and agricultural which have a place of
17 residence on the land.

18 Other than the court, the treasurer of the city or town of foreclosure, or the holder of the
19 mortgage shall be bound to see to the application of the money arising from such sale.