

**SENATE . . . . . No. 1459**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Cynthia S. Creem***

*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 to sustain community preservation revenue.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>

<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>	
<i>Thomas M. McGee</i>	<i>Third Essex</i>	
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	
<i>Todd M. Smola</i>	<i>1st Hampden</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>James T. Welch</i>	<i>Hampden</i>	
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>	
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>	<i>6/10/2015</i>

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1459) of Cynthia S. Creem, Stephen Kulik, Cory Atkins, Michael J. Barrett and other members of the General Court for legislation to sustain community preservation revenue. Revenue.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act to sustain community preservation revenue.

*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. Subsection (a) of Section 8 of chapter 44B of the General Laws, as  
2 appearing in the 2012 Official Edition, is hereby amended by inserting after the figure “188” in  
3 line 16, the following words:- “or to the filing of a third or fourth mortgage extended by any  
4 public agency or quasipublic agency, including but not limited to a Commonwealth municipality  
5 or the Massachusetts Housing Partnership”

6           SECTION 2. Subsection (b) of said section 8 of said chapter 44B, as so appearing, is  
7 hereby amended by inserting after the figure “188”, in line 25, the following words:- “or to the  
8 filing of a third mortgage or fourth mortgage extended by any public agency, including but not  
9 limited to a Commonwealth municipality or the Massachusetts Housing Partnership”

10           SECTION 3. Within 60 days of the effective date of this act, the commissioner of  
11 revenue shall determine if the Massachusetts Community Preservation Trust Fund balance on the  
12 date of the next scheduled distribution will be sufficient to support a 50 per cent first round

13 match distribution, pursuant to Section 10 of chapter 44B of the General Laws, for all cities and  
14 towns that have accepted sections 3 to 7, inclusive.

15           If the Massachusetts Community Preservation Trust Fund balance is insufficient to  
16 support a 50 per cent first round match distribution, the surcharges pursuant to Section 8 of  
17 Chapter 44B of the General Laws shall be increased. The new surcharge values shall be  
18 determined by the commissioner of the department of revenue and shall be sufficient to support,  
19 by the commissioner's best reasonable estimate, a 50 per cent first round match, with each fee  
20 rounded to the nearest dollar; provided, however, that the surcharge paid to the register of deeds  
21 or assistant recorder when the instrument is left for recording, filing or deposit, shall not exceed  
22 \$50; and provided further, that the surcharge paid for the purposes of recording, filing or  
23 depositing a municipal lien certificate shall not exceed \$25.

24           If the maximum surcharge values are reached and they are insufficient to support a 50 per  
25 cent first round match distribution pursuant to section 10, the Community Preservation Trust  
26 Fund first round match distribution shall be less than 50 per cent. The surcharges shall be  
27 imposed for the purposes of community preservation. No community preservation surcharges  
28 shall apply to a declaration of homestead under chapter 188 or to the filing of a third mortgage or  
29 fourth mortgage extended by any public agency, including but not limited to a commonwealth  
30 municipality or the Massachusetts Housing Partnership. No surcharge shall apply to the fees  
31 charged for additional pages, photostatic copies, abstract cards, additional square feet for the  
32 filing and recording of plans or for additional or required marginal references.

33           SECTION 4. The commissioner of revenue shall notify the registers of deeds, the  
34 assistant recorders and the joint committee on revenue of any surcharge change at least 60 days  
35 prior to any fee adjustment required under this act.