

HOUSE No. 4196

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 6, 2018.

The committee on Municipalities and Regional Government to whom was referred the petition (accompanied by bill, House, No. 3512) of Mike Connolly and others for legislation to authorize municipalities which have established an affordable housing trust fund to impose a certain fee to the purchase price of certain real property, reports recommending that the accompanying bill (House, No. 4196) ought to pass.

For the committee,

JAMES J. O'DAY.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 © 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).