

HOUSE No. 2616

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 increase community preservation revenue.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/18/2019</i>

HOUSE No. 2616

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 2616) of John H. Rogers relative to community preservation surcharges. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to increase 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. Section 8 of chapter 44B is hereby amended by striking it in its entirety and
2 inserting in place thereof the following:

3 Section 8. (a) Except as otherwise provided, the fees of the registers of deeds to be paid
4 when a document or instrument is recorded shall be subject to a surcharge of \$80; provided,
5 however, that if the document or instrument to be filed includes multiple references to a
6 document or instrument intending or attempting to assign, discharge, release, partially release,
7 subordinate or notice any other document or instrument, each reference shall be separately
8 indexed and separately assessed an additional \$80 surcharge. The fee for recording a municipal
9 lien certificate shall be subject to a surcharge of \$40; provided, however, that if the certificate
10 includes multiple references to a document or instrument intending or attempting to assign,
11 discharge, release, partially release, subordinate or notice any other document or instrument,
12 each reference shall be separately indexed and separately assessed an additional \$40 surcharge.
13 The surcharges imposed shall be used for community preservation purposes. No surcharge shall

14 apply to a declaration of homestead under chapter 188 or to the filing of any subordinate
15 mortgage extended by any public agency or quasi-public agency, including but not limited to a
16 Commonwealth municipality or the Massachusetts Housing Partnership. No surcharge shall
17 apply to the fees charged for additional pages, photostatic copies, abstract cards or additional
18 square feet for the recording of plans.

19 (b) The fees of the assistant recorder, except as otherwise provided, to be paid when the
20 instrument is left for registering, filing or entering with respect to registered land shall be subject
21 to a surcharge of \$80. The fees for so registering, filing or entering a municipal lien certificate
22 shall be subject to a surcharge of \$40. The surcharges shall be imposed for the purposes of
23 community preservation. No surcharge shall apply to a declaration of homestead under chapter
24 188 or to the filing of any subordinate mortgage extended by any public agency or quasi-public
25 agency, including but not limited to a Commonwealth municipality or the Massachusetts
26 Housing Partnership. No surcharge shall apply to the fees charged for additional lots shown on
27 plans, for indexing instruments recorded while a petition for registering is pending, for additional
28 certificates of sewer assessments, for old age assistance liens, for duplicates and for photocopies.

29 (c) All surcharges on fees collected pursuant to this section shall be forwarded to the
30 Massachusetts Community Preservation Trust Fund, established in section 9.

31 SECTION 2: The commissioner of revenue shall provide notification to the registers of
32 deeds, the assistant recorders and the joint committee on revenue that the new surcharge amounts
33 established under Section 1 shall take effect 120 days following the passage of this section. All
34 documents received by the registers of deeds and assistant recorders prior to the effective date

- 35 shall be subject to the fee surcharge applicable to section 8 of chapter 44B of the General Laws
- 36 that was in effect prior to that date.