

HOUSE No. 4208

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

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 authorizing the town of Truro to impose a 0.5% real estate transfer fee.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>11/7/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>11/7/2019</i>

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By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 4208) of Sarah K. Peake and Julian Cyr (by vote of the town) that the town of Truro be authorized to establish a real estate transfer fee upon the transfer of certain property in said town. Revenue. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act authorizing the town of Truro to impose a 0.5% real estate transfer fee.

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. There is hereby imposed a real estate transfer fee equal to 0.5% (half
2 percent, 1/2%) of the purchase price upon the transfer of any real property interest in any real
3 property situated in the town of Truro. Said fee shall be the liability of the purchaser of such
4 property interest, and any agreement between the purchaser and the seller or any other person
5 with reference to the allocation of the responsibility for bearing said fee shall not affect such
6 liability of the purchaser. The fee shall be paid to the town of Truro. The first \$250,000
7 collected in each fiscal year shall be deposited in the town's capital improvement stabilization
8 fund. The remaining funds collected each fiscal year shall be deposited into the town's general
9 fund.

10 SECTION 2. The following transfers of real property interests shall be exempt from the
11 real estate transfer fee:

12 A. First time homebuyers who live in the home for at least 5 years. A lien shall
13 accompany the deed stating that "There is running with the land a lien equal to the amount of fee
14 exempted, plus accumulated interest and penalties until such time as all conditions of this sub-
15 section are met."

16 B. Transfers to the government of the U.S., the Commonwealth, the town of Truro and
17 any of their instrumentalities, agencies or sub-divisions, such as the Truro housing authority.

18 C. Transfers made without additional consideration to confirm, correct, modify or
19 supplement a transfer previously made.

20 D. Transfers of convenience with consideration under \$100 which include: name change,
21 into trusts, out of trust, etc.

22 E. Transfers to any charitable organization as defined in clause 3 of section 5 of chapter
23 59 of the General Laws or any religious organization providing that the real property interests so
24 transferred will be held solely for public charitable or religious purposes.

25 F. Transfers between family members, marriage partners, parents and children,
26 grandchildren, stepparents and stepchildren, brothers and sisters.

27 SECTION 3.

28 A. The fee imposed shall be due at the time of the transfer of the real property interest.

29 B. The buyer shall pay interest on any unpaid amount of the fee at the rate the town
30 collects on unpaid real estate taxes.

31 C. The town shall notify a buyer by registered or certified mail of any failure to
32 discharge the amount in full of fee due.

33 D. All fees and interest required to be paid under this act shall constitute a personal debt
34 of the buyer and may be recovered in an action of contract.

35 SECTION 4. This act shall take effect upon its passage.