SENATE DOCKET, NO. 334 FILED ON: 1/11/2019

SENATE . . . . . No. 773

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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 supporting affordable housing with a local option for a fee to be applied to certain real estate transactions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Joseph A. Boncore	*First Suffolk and Middlesex*	
Mike Connolly	*26th Middlesex*	*1/16/2019*
Jack Patrick Lewis	*7th Middlesex*	*1/18/2019*
Jason M. Lewis	*Fifth Middlesex*	*1/23/2019*
Maria Duaime Robinson	*6th Middlesex*	*1/28/2019*
Mary S. Keefe	*15th Worcester*	*1/28/2019*
William N. Brownsberger	*Second Suffolk and Middlesex*	*1/29/2019*
Kay Khan	*11th Middlesex*	*1/30/2019*
James B. Eldridge	*Middlesex and Worcester*	*1/31/2019*
Patricia D. Jehlen	*Second Middlesex*	*1/31/2019*
Julian Cyr	*Cape and Islands*	*2/1/2019*
Sean Garballey	*23rd Middlesex*	*2/1/2019*
Sonia Chang-Diaz	*Second Suffolk*	*2/1/2019*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*2/1/2019*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/1/2019*
Harriette L. Chandler	*First Worcester*	*2/1/2019*
Nika C. Elugardo	*15th Suffolk*	*2/5/2019*

Edward J. Kennedy	*First Middlesex*	*3/5/2019*
Nick Collins	*First Suffolk*	*3/5/2019*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*5/30/2019*
David Henry Argosky LeBoeuf	*17th Worcester*	*8/19/2019*
Adam G. Hinds	*Berkshire, Hampshire, Franklin and Hampden*	*10/2/2019*

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By Mr. Boncore, a petition (accompanied by bill, Senate, No. 773) of Joseph A. Boncore, Mike Connolly, Jack Patrick Lewis, Jason M. Lewis and other members of the General Court for legislation to support affordable housing with a local option for a fee to be applied to certain real estate transactions. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4196* OF 2017-2018.]

The Commonwealth of Massachusetts

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

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:

SECTION 1. Chapter 40 of the General Law is hereby amending by adding the following section:

Section 70 (a) A city or town which accepts this section and has established a Municipal Affordable Housing Trust Fund pursuant to section 55C of chapter 44, Chapter 482 of the Acts of 1991, or other municipally established Affordable Housing Trust Fund may impose a fee or range of fees between .5 percent and 2 percent of the purchase price of real property; provided, however, that no such fee shall be imposed on: (i) transfers to the government of the United States or any other instrumentality, agency of subdivision thereof, or the commonwealth or any

instrumentality or subdivision thereof ; or (iii) transfers to any charitable organization as defined in the third clause of Section 5 of chapter 59.

(b) Any city or town adopting a real estate transfer fee pursuant to this Section shall have the authority to establish one or more exemptions from such fee should it choose to do so. Exemptions may include, but are not limited to (i) seniors age 62 or older; (ii) purchasers with annual income below 80% of Area Median Income as established by the U.S. Department of Housing and Urban Development for that city or town; (iii) residential transfers with a purchase price below the mean purchase price for the city or town over the previous twelve month period; and (iv) transfers between family members as defined by the city or town.

(c) The fee shall be paid to the city or town and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, and an affidavit signed under oath or under the pains and penalties or perjury by the purchaser and seller attesting to the purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fee. The city or town, or the designee, shall promptly thereafter issue a certificate indicate that the fee has been paid or that the transfer is exempt from the fee.

(d) Upon receipt of the fee pursuant to subsection (c) above, the treasurer of the city or town shall transfer the funds to the Municipal Affordable housing Trust Fund, established pursuant to said section 55C of said chapter 44.

(e) The register of deeds for the county in which the real property is located shall not record or register a deed unless the deed is accompanied by a certificate issued pursuant to subsection (c).