

**HOUSE . . . . . No. 4567**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Tommy Vitolo and Cynthia Stone 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 authorizing the town of Brookline to impose a real estate transfer fee.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/19/2021</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/19/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>

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By Representative Vitolo of Brookline and Senator Creem, a joint petition (subject to Joint Rule 7B) of Tommy Vitolo, Cynthia Stone Creem and Nika C. Elugardo (by vote of the town) relative to authorizing the town of Brookline to impose a real estate transfer fee. Revenue.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act authorizing the town of Brookline to impose a 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. Except where otherwise exempted pursuant to this act, the Town of  
2 Brookline may impose a fee of up to two percent of the purchase price upon the transfer of any  
3 real property interest or the transfer of a controlling interest in a company, trust, limited liability  
4 company, or other entity that directly or indirectly holds an interest in any real property situated  
5 in the Town of Brookline, as follows:

6           a. Up to two percent in aggregate shall be paid by purchaser and seller. Any agreement  
7 between the purchaser and the seller or any other person that references the allocation of the  
8 liability for the fee shall not affect such liability of the purchaser to the Town. The Town may  
9 define by by-law what constitutes a controlling interest and the method for calculation of the fee.

10           b. The Town may authorize that certain transfers of real property interests be exempt  
11 from the fee including: (a) transfers to the federal government, the Commonwealth, the Town,  
12 and any of their instrumentalities, agencies or subdivisions, including the Brookline Housing

13 Authority; (b) transfers to the Brookline Improvement Corporation; (c) transfers of real property  
14 subject to an affordable housing restriction; (d) transfers made without additional consideration  
15 to confirm, correct, modify or supplement a transfer previously made; and (e) transfers to a  
16 charitable organization, as defined in clause Third of section 5 of chapter 59 of the General  
17 Laws, or a religious organization, provided, however, that the real property interests so  
18 transferred will be held solely for the production of affordable housing.

19 c. The first \$500,000 of all real property transactions are exempted from the fee  
20 imposed in this act.

21 d. The fee shall be paid to the Town. The Town is authorized to adopt a by-law to  
22 provide for the collection and liening of any outstanding transfer fee. The Town shall have such  
23 remedies to collect said amount as provided by law with respect to the collection of real property  
24 taxes.

25 SECTION 2. A copy of the deed or other instrument evidencing such transfer shall be  
26 provided to the Town and shall be accompanied by (a) an affidavit signed under oath or under  
27 the pains and penalties of perjury by the purchaser and seller attesting to the purchase price; (b)  
28 the applicable fee owed or, if applicable, an affidavit of intent to seek an exemption for that  
29 property by the purchaser; and (c) the reason, if any, upon which the transfer, or one or both of  
30 the parties to the transfer, is claimed to be exempt in whole or in part from said fee. Upon receipt  
31 of the transfer fee or satisfactory evidence of exemption, the Town or its designee shall promptly  
32 thereafter issue a certificate indicating that the fee has been paid or that the purchaser or seller, or  
33 the transfer, is exempt from the fee. The Norfolk Register of Deeds shall not record or register a  
34 deed unless the deed is accompanied by such certificate.

35 SECTION 3. Funds raised by the fee shall be used for projects related to affordable  
36 housing. This may include renovation and rehabilitation of Brookline Housing Authority  
37 properties.

38 SECTION 4. The Town may, by by-law, adopt additional requirements, exemptions, and  
39 regulations to implement or enforce said fee, consistent with this act.

40 SECTION 5. The Town may, through policy, regulation and or by-law require  
41 prioritization of projects that employ sustainable practices which focus on increasing the  
42 efficiency of resource use — energy, water, and materials — while reducing building impacts on  
43 human health and the environment during the building's lifecycle, through better siting, design,  
44 construction, and use.

45 SECTION 6. The Town may, through policy, regulation and or by-law require  
46 prioritization of projects that employ mixed income and mixed-use development as characterized  
47 as pedestrian-friendly development that blend two or more residential, commercial, cultural,  
48 institutional, and/or industrial uses.

49 SECTION 7. The Town shall, through policy, regulation and or by-law require  
50 prioritization of projects, including renovation projects, that preserve and or expand the supply of  
51 housing affordable for low income renter households, and give particular consideration for such  
52 projects owned and or sponsored by the Brookline Housing Authority (BHA).

53 SECTION 8. The Town shall prepare and issue an annual report that (a) identifies fee  
54 receipts by payer category, including purchasers and sellers; (b) quantifies affordable housing  
55 programs funded, including type and purpose; and (c) evaluates the impact of said affordable  
56 housing programs, including but not limited to, to the extent reasonably possible and permitted

57 by applicable law, the number and demographics of individuals and families served as well as  
58 measures of housing stability and wealth generation in the community.

59 SECTION 9. This act shall take effect upon its passage by a Town-wide vote.