SENATE DOCKET, NO. 2596 FILED ON: 4/21/2021

SENATE . . . . . No. 2437

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

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 establishing a real estate transfer fee upon the transfer of property in the town of Concord.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Barrett	*Third Middlesex*
Tami L. Gouveia	*14th Middlesex*

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SENATE . . . . . No. 2437

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2437) of Michael J. Barrett and Tami L. Gouveia (by vote of the town) for legislation to establish a real estate transfer fee upon the transfer of property in the town of Concord. Revenue. [Local approval received]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2318* OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act establishing a real estate transfer fee upon the transfer of property in the town of Concord.

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. There is hereby imposed a real estate transfer fee, hereafter "the fee," equal to 1 per cent of the portion of the purchase price exceeding $600,000 upon the transfer of: (i) any real property interest in any residential property situated in the Town of Concord; or (ii) a controlling interest in a trust, limited liability company, or other entity that directly or indirectly holds an interest in any class of residential real property situated in the town of Concord. The fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the liability for the fee shall not affect such liability of the purchaser to the Town. The Town may define by bylaw what constitutes a controlling interest and the calculation of the fee.

SECTION 2. The following transfers of real property interests shall be exempt from the fee established in Section 1: (i) transfers to the federal government, the Commonwealth, the Town, and any of their instrumentalities, agencies or subdivisions, including the Concord Housing Authority; (ii) transfers to the Concord Housing Development Corporation; (iii) transfers of real property subject to an affordable housing restriction; (iv) transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made; (v) transfers with consideration under $100.000; (vi) transfers to a charitable organization, as defined in clause Third of section 5 of chapter 59 of the General Laws, or a religious organization, provided, however, that the real property interests so transferred will be held solely for public charitable or religious purposes; and (vii) transfers between family members, including spouses, parents and children, grandparents and grandchildren, step-parents and step-children, siblings or step-siblings.

SECTION 3. The fee shall be paid to the Town. The Town shall have such remedies to collect the fee as provided by law with respect to the collection of real property taxes. The Town may, by bylaw, adopt additional requirements, exemptions, and regulations to implement or enforce said fee, consistent with this act. The Town may not, by bylaw or otherwise, eliminate or reduce any exemption set forth in this act.

SECTION 4. All fees received pursuant to this act shall be deposited in the Concord Affordable Housing Trust Fund established pursuant to section 55C of chapter 44 of the General Laws.

SECTION 5. A copy of the deed or other instrument evidencing such transfer shall be provided to the Town and shall be accompanied by: (i) an affidavit signed under oath or under

the pains and penalties of perjury by the purchaser and seller attesting to the purchase price; (ii) the applicable fee owed or, if applicable, an affidavit of intent to seek one of the permissible exemptions, as described in section 2, for that property by the purchaser; and (iii) the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fee. Upon receipt of the transfer fee or satisfactory evidence of exemption, the Town or its designee shall promptly thereafter issue a certificate indicating that the fee has been paid or that the transfer is exempt from the fee. The Middlesex South Registrar of Deeds shall not record or register a deed unless the deed is accompanied by such certificate.

SECTION 6. The Town shall prepare and issue an annual report that: (i) identifies fee receipts; (ii) quantifies affordable housing programs funded, including type and purpose; and (iii) evaluates the impact of said affordable housing programs, including but not limited to, to the exent reasonably possible and permitted by applicable law, the number and demographics of individuals and families served as well as measures of housing stability and wealth generation in the community.

SECTION 7. Acceptance of this act by the Town of Concord shall be first by vote of approval at an annual Town Meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 6, inclusive shall take effect 30 days after such acceptance by the Town.