

**HOUSE . . . . . No. 4092**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Sarah K. Peake and Julian Cyr*

*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 Provincetown year-round market rate rental housing trust to acquire year-round housing occupancy restrictions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>9/5/2023</i>

**HOUSE . . . . . No. 4092**

By Representative Peake of Provincetown and Senator Cyr, a joint petition (accompanied by bill, House, No. 4092) of Sarah K. Peake (by vote of the town) relative to year-round housing occupancy restriction in the town of Provincetown. Housing. [Local Approval Received.]

**The Commonwealth of Massachusetts**

In the One Hundred and Ninety-Third General Court  
(2023-2024)

An Act authorizing the Provincetown year-round market rate rental housing trust to acquire year-round housing occupancy restrictions.

*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. As used in this Act the following words shall, unless a different meaning  
2 clearly appears from the context, have the following meanings:

3 Select Board- the duly elected Select Board of the Town of Provincetown.

4 Town- the Town of Provincetown.

5 Year-Round Housing Occupancy Restriction- is a right, either in perpetuity or for a  
6 specified number of years, whether or not stated in the form of a restriction, easement, covenant,  
7 condition in any deed, mortgage, will, agreement or other instrument executed by or on behalf of  
8 the owner of the land appropriate to (a) limiting the use of all or part of the land to residential  
9 housing occupancy by persons or families who occupy either rental or ownership housing as  
10 their primary residence for not less than 11 months during any 1-year period, or (b) in any way  
11 limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of

12 encouraging or assuring creation or retention of rental and ownership housing for occupancy to  
13 persons or families who occupy either rental or ownership housing as their primary residence for  
14 not less than 11 months during any 1-year period.

15 SECTION 2. Notwithstanding any special or general law to the contrary in the  
16 Commonwealth, the Provincetown Year-Round Market Rate Rental Housing Trust created  
17 pursuant to Chapter 305 of the Acts of 2016 of the General Court, or an authorized municipal  
18 board or agency approved by the Select Board, may acquire a year-round housing occupancy  
19 restriction for rental or ownership housing.

20 SECTION 3. The year-round housing occupancy restriction shall be recorded with the  
21 Barnstable County Registry of Deeds, or if on registered land, filed with the Barnstable Registry  
22 District of the Land Court, and contain a description of the land upon which the restriction is to  
23 be imposed provided it specifies that the land lies in the Town and is shown on a recorded or  
24 registered plan in the Barnstable County Registry of Deeds or the Barnstable Registry District of  
25 the Land Court, gives the boundaries of the land by metes and bounds, with reference to said  
26 plan or instrument and if the land is registered, specifies the certificate or certificates of title  
27 thereof. The restriction imposed shall run with the title of the land on which it is imposed.

28 SECTION 4. The acquisition of a year-round housing occupancy restriction must be  
29 approved by a vote of the Select Board prior to its acquisition.

30 SECTION 5. The year-round housing occupancy restriction may be enforced by the  
31 holder of the restriction, by injunction or other proceeding, and shall entitle representatives of the  
32 holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If  
33 the court in any judicial enforcement proceeding, or the decision maker in any arbitration or

34 other alternative dispute resolution enforcement proceeding, finds that there has been a violation  
35 of the restriction then, in addition to any other relief ordered, the petitioner bringing the action or  
36 proceeding may be awarded reasonable attorneys' fees and costs incurred in the action  
37 proceeding. The restriction may be released, in whole or in part, by the holder for consideration,  
38 if any as the holder may determine, in the same manner as the holder may dispose of land or  
39 other interests in land, but only after a public hearing upon reasonable public notice, by the  
40 Select Board, whose approval shall be required. The release of the restriction must be recorded  
41 or registered in the Barnstable County Registry of Deeds or the Barnstable Registry District of  
42 the Land Court, as applicable.

43 SECTION 6. Acceptance of the restrictions and releases shall be evidenced by  
44 certificates of approval or release and executed by the holder of the restriction and the Select  
45 Board, and duly recorded or registered.

46 SECTION 7. This act shall take effect upon its passage.