

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr., (BY REQUEST)

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 relative to the sale of chapter 40B properties purchased prior to the year 2010.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steve Bugli</i>	<i>15 Sheldon Cir Middleton MA 01949</i>	<i>11/28/2023</i>

HOUSE No.

By Representative Jones of North Reading (by request), a petition (subject to Joint Rule 12) of Steve Bugli for legislation to further regulate the sale of certain Chapter 40B properties purchased before the year 2010. Housing.

The Commonwealth of Massachusetts

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

An Act relative to the sale of chapter 40B properties purchased prior to the year 2010.

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. Chapter 40B of the General Laws, as appearing in the 2020 Official
2 Edition, is hereby amended by adding the following new section at the end thereof:-

3 Section 31. (a) For the purposes of this section, "Homeowners Association (HOA)" shall
4 mean an organization in a condominium or other planned housing community that establishes
5 and enforces rules regarding the appearance and maintenance of properties and maintains
6 common areas with funds collected from membership fees.

7 (b) Notwithstanding the provisions of this chapter, residents who purchased their
8 properties pursuant to this chapter prior to 2010 shall have the right to sell their properties at fair
9 market value without the furtherance of the 40B status.

10 (c) The sale, transfer, or disposition of Chapter 40B properties shall be subject to all
11 applicable laws and regulations governing property transactions as specified in Chapters 40B,
12 40T, 62, 183A and 254.

13 (d) Upon the sale of a pre-2010 40B property by its resident at fair market value:

14 (1) The 40B status of the property shall be removed.

15 (2) The property shall be classified as any other non-unique property on the market, with
16 no reference to its former 40B status.

17 (3) Each town and city where the pre-2010 Chapter 40B property is sold shall be
18 responsible to ensure that the soonest residential development project includes a proportional
19 number of Chapter 40B affordable housing units to compensate for the reduction in such units
20 due to the sale of the aforementioned property.

21 (e) Former residents who received reduced HOA fees due to their 40B status must pay
22 the difference between the reduced rate and the regular rate. The HOA fee differential shall be
23 paid in gross following the sale of the property to the HOA.

24 (g) The Executive Office of Housing and Livable Communities shall be responsible for
25 implementing the provisions of this Act.

26