

HOUSE No. 3909

The Commonwealth of Massachusetts

PRESENTED BY:

Hadley Luddy 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>Hadley Luddy</i>	<i>4th Barnstable</i>	<i>3/5/2025</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/5/2025</i>

HOUSE No. 3909

By Representative Luddy of Orleans and Senator Cyr, a joint petition (accompanied by bill, House, No. 3909) of Hadley Luddy and Julian Cyr (by vote of the town) relative to year-round housing occupancy restriction in the town of Provincetown. Housing. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4092 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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

housing occupancy by persons or families who occupy either rental or ownership housing as their primary residence for not less than 11 months during any 1-year period, or (b) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and ownership housing for occupancy to persons or families who occupy either rental or ownership housing as their primary residence for not less than 11 months during any 1-year period.

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

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

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

SECTION 5. The year-round housing occupancy restriction may be enforced by the holder of the restriction, by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If the court in any judicial enforcement proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds that there has been a violation of the restriction then, in addition to any other relief ordered, the petitioner bringing the action or proceeding may be awarded reasonable attorneys' fees and costs incurred in the action proceeding. The restriction may be released, in whole or in part, by the holder for consideration, if any as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the Select Board, whose approval shall be required. The release of the restriction must be recorded or registered in the Barnstable County Registry of Deeds or the Barnstable Registry District of the Land Court, as applicable.

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

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