

HOUSE No. 2552

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia and Joanne M. Comerford

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 local options for generating affordable housing monies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Nick Collins</i>	<i>First Suffolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>

<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 2552

By Representative Malia of Boston and Senator Comerford, a joint petition (accompanied by bill, House, No. 2552) of Elizabeth A. Malia and others for legislation to authorize cities and towns to impose local excise taxes on certain property sales. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act establishing local options for generating affordable housing monies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 64D of the General Laws is hereby amended by adding the following section:-

2 Section 14 (a) A city or town which accepts this section and has established a Municipal
3 Affordable Housing Trust Fund pursuant to section 55C of chapter 44, or other municipally
4 established affordable housing trust fund, or a Community Preservation Fund, pursuant to section
5 7 of chapter 44B, may impose a fee or range of fees of at least 0.5 per cent but not more than 2
6 per cent of the purchase price upon the transfer of any real property interest, or the transfer of a
7 controlling interest in a trust, limited liability company or other entity that directly or indirectly
8 holds an interest, in any real property situated in the city or town for which the (i) price per
9 square foot is greater than 300 per cent of the median price per square foot in the county in
10 which the real property is situated, (ii) price per acre is greater than 300 per cent of the median
11 price per acre in the county in which the property is located, or (iii) sales price falls within the

12 top 5 per cent of real property sales prices for the previous year in the county in which the real
13 property is located.

14 (b) The following transfers of real property interests shall be exempt from the fee or fees
15 permitted by this section: (i) transfers to the government of the United States or any other
16 instrumentality, agency or subdivision thereof, or the commonwealth or any other
17 instrumentality, agency or subdivision thereof; and (ii) transfers to any charitable organization as
18 defined in clause third of section 5 of chapter 59. Any city or town adopting this section shall
19 have the authority to establish further exemptions from such fee or fees; provided, however, that
20 no exemptions shall be allowed for properties that are subject to tax under chapter 62C .

21 (c) The fee or fees imposed by the city or town that adopts this section shall be paid to
22 such city or town. Such city or town is authorized to adopt an ordinance to provide for the
23 collection and liening of any outstanding transfer fee. Such city or town shall have such
24 remedies to collect said amount as provided by law with respect to the collection of real property
25 taxes.

26 (d) A copy of the deed or other instrument evidencing the transfer shall be provided to the
27 city or town and shall be accompanied by (i) an affidavit signed under oath or under the pains
28 and penalties of perjury by the purchaser attesting to the purchase price; (b) the applicable fee
29 owed or, if applicable, an affidavit of intent to seek a residential exemption for that property by
30 the purchaser; and (c) the basis, if any, upon which the transfer is claimed to be exempt in whole
31 or in part from said fee. The city or town, or the designee, shall promptly thereafter issue a
32 certificate indicating that the fee has been paid or that the transfer is exempt from the fee.

33 (e) Upon receipt of the fee pursuant to subsection (c) above, the treasurer of the city or
34 town shall transfer the funds to the Municipal Affordable Housing Trust Fund, or other
35 municipally established affordable housing trust fund, or Community Preservation Fund
36 established by the town in accordance with subsection (a).

37 (f) The register of deeds for the county in which the real property is located shall not
38 record or register a deed for a real property interest subject to a fee under this section unless the
39 deed is accompanied by a certificate issued pursuant to subsection (d).

40 (g) A city or town that adopts this section shall provide to the Regional Planning Office
41 publicly available reports on the total fees collected and disbursed in accordance with this
42 section.