

HOUSE No. 3660

The Commonwealth of Massachusetts

PRESENTED BY:

Mike Connolly

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 enabling a local option empty homes tax on vacant units in residential buildings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/20/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/20/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/23/2023</i>

HOUSE No. 3660

By Representative Connolly of Cambridge, a petition (accompanied by bill, House, No. 3660) of Mike Connolly, Lindsay N. Sabadosa and David Henry Argosky LeBoeuf for legislation to establish a local option empty homes tax on vacant units in residential buildings. Revenue.

The Commonwealth of Massachusetts

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

An Act enabling a local option empty homes tax on vacant units in residential buildings.

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

1 The General Laws are hereby amended by inserting after chapter 64N the following
2 chapter:-

3 CHAPTER 64O

4 EMPTY HOMES TAX

5 Section 1. (a) For the purposes of this chapter, the following term shall, unless the context
6 clearly requires otherwise, have the following meaning:

7 “Vacant residential unit”, either: (i) a residential unit, in a residential building containing
8 at least 6 residential dwelling units, that is not occupied by a tenant or subtenant for residential
9 purposes for a term of at least 90 consecutive days; or (ii) a newly constructed residential unit
10 with a certificate of occupancy, that has not yet been rented after 90 days of the issuance of the
11 certificate of occupancy in a residential building containing at least 6 residential dwelling units.

12 (b) Any city or town that accepts the provisions of this chapter in the manner provided in
13 section 4 of chapter 4 may impose a local excise tax on a vacant residential unit as provided for
14 in this chapter.

15 Section 2. The rate of the vacancy tax shall be: (i) 12.5 per cent of the annualized last
16 agreed upon monthly rental rate of each vacant residential unit paid to the owner by a tenant or
17 subtenant; or (ii) a rate or amount determined by the municipality.

18 Section 3. The owner of a vacant residential unit shall register that unit with the assessor
19 of taxes in the city or town in which the unit is located within 30 days after it has become vacant,
20 on a form provided by the assessor. The form shall provide for any information prescribed by the
21 city or town. The form may request information relative to methods by which the owner has
22 secured

23 the property against unauthorized entry, declare any future plans for the property, state
24 whether or not there is fire and liability insurance coverage for the property and provide such
25 other information as the municipality may require. Upon registration of such unit, the board of
26 assessors shall assess the excise imposed by section 2 and commit the same to the collector of
27 taxes with their warrant for the collection of the excise. The excise shall be due and payable on
28 the same date property taxes are due in the city or town. Any city or town that maintains by
29 ordinance a private residential rental housing inspection and registration program may
30 incorporate the requirements of this section as part of its existing registration program.

31 Section 4. Whenever the assessor has probable cause to believe, based upon an
32 inspection, complaint or report, that a residential unit is vacant and has not been registered as
33 required by this chapter, the assessor shall serve the owner of record as shown on the assessor's

34 record or an authorized agent with a written notice requiring the owner to register the unit with
35 the assessor as vacant and pay the vacancy tax assessed pursuant to this chapter within the period
36 of time specified in the notice, which shall be no greater than 30 days.

37 Section 5. The vacant residential unit tax shall not apply to a vacant residential unit
38 undergoing redevelopment or reconstruction for which permits have been issued by the
39 municipality, which the municipality determines are being carried out diligently and without
40 unnecessary delay. The vacant residential unit tax shall not apply in circumstances where, in the
41 previous 6 months, the owner: (i) experienced a significant medical event that kept the owner
42 from engaging in their normal work or business activities for at least 30 days; (ii) was serving in
43 the military and deployed in another state or overseas for at least 60 days; (iii) inherited the unit
44 for the first time; or (iv) was subject to a court order giving notice of a conflict regarding title or
45 ownership interests pursuant to any pending lawsuit, probate action, condemnation action or
46 other action or

47 proceeding filed with any court. A person who qualifies in any calendar year for
48 exemption from the excise imposed by this chapter shall be entitled to the exemption upon
49 application to the assessor for that year.