

SENATE No. 2420

The Commonwealth of Massachusetts

PRESENTED BY:

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 town of Wellfleet to acquire year-round housing occupancy restrictions.

PETITION OF:

NAME:

Julian Cyr

Sarah K. Peake

DISTRICT/ADDRESS:

Cape and Islands

4th Barnstable

SENATE No. 2420

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 2420) of Julian Cyr and Sarah K. Peake (by vote of the town) for legislation to authorize the town of Wellfleet to acquire year-round housing occupancy restrictions. Housing. [Local approval received]

The Commonwealth of Massachusetts

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

An Act authorizing the town of Wellfleet 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 "Selectboard" – the duly elected Selectboard of the town of Wellfleet.

4 "Town" – the town of Wellfleet

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, an authorized municipal board or agency approved by the Selectboard, may
17 acquire a year-round housing occupancy restriction for rental or ownership housing.

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

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

28 SECTION 5. The year-round housing occupancy restriction may be enforced by the
29 holder of the restriction, by injunction or other proceeding, and shall entitle representatives of the
30 holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If
31 the court in any judicial enforcement proceeding, or the decision maker in any arbitration or
32 other alternative dispute resolution enforcement proceeding, finds that there has been a violation
33 of the restriction then, in addition to any other relief ordered, the petitioner bringing the action or
34 proceeding may be awarded reasonable attorneys' fees and costs incurred in the action

35 proceeding. The restriction may be released, in whole or in part, by the holder for consideration,
36 if any as the holder may determine, in the same manner as the holder may dispose of land or
37 other interests in land, but only after a public hearing upon reasonable public notice, by the
38 Selectboard, whose approval shall be required. The release of the restriction must be recorded or
39 registered in the Barnstable County Registry of Deeds or the Barnstable Registry District of the
40 Land Court, as applicable to its acquisition.

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

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