

SENATE No. 970

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 to clarify the rights of joint owners of real property and abolish certain inconsistent or archaic rules.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 970

By Ms. Creem, a petition (accompanied by bill, Senate, No. 970) of Cynthia Stone Creem for legislation to clarify the rights of joint owners of real property and abolish certain inconsistent or archaic rules. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 892 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to clarify the rights of joint owners of real property and abolish certain inconsistent or archaic rules.

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. Section 7 of chapter 184 of the General Laws is hereby amended by striking
2 out the second sentence and inserting the following three sentences: The instrument of
3 conveyance or devise may specify the percentage interest to be held by each party. A conveyance
4 or devise to two or more persons as tenants in common or as joint tenants, or a declaration of
5 such a tenancy as provided in section 8, shall create the tenancy stated in the instrument or
6 devise, without regard to whether the percentage interests of those persons are equal. A
7 conveyance or devise of land to a person and his spouse shall, if the instrument creating the
8 conveyance or devise expressly so states, vest in the grantees or devisees a tenancy by the
9 entirety;

10 SECTION 2. Said section 7 is hereby further amended by adding at the end of said
11 section the following sentence: The term “land” as used in this section shall include any interest
12 in land.

13 SECTION 3. Said chapter 184 is hereby amended by striking section 8 and inserting in
14 place thereof the following section:

15 Section 8. Real estate may be transferred or devised to two or more persons, including
16 any of the grantors, as joint tenants, tenants in common, or in the case of a married couple, as
17 tenants by the entirety, or as a combination thereof, in the same manner in which it might be
18 transferred to another person. Persons who hold title to real estate may elect to record a
19 declaration of the tenancy under which they choose to hold their title, or proportionate share with
20 the other co-tenants joining in such declaration, and such declaration, once recorded, shall
21 operate to create the form of tenancy among such co-tenants that is stated in said declaration.

22 Each of those persons holding title by virtue of a deed, devise or declaration shall hold an
23 equal percentage interest in the title, unless, in the case of real estate owned by tenants in
24 common or joint tenants, a contrary intent manifestly appears in the instrument of transfer,
25 devise, or declaration. The term “real estate” as used in this section shall include any interest in
26 real estate.

27 As used in this section, the word “person” shall mean a natural-born person. The word
28 “person” shall not include individuals acting as trustees of a trust or as partners in a partnership.

29 SECTION 4. The provisions of this Act shall take effect January 1, 2022 and shall apply
30 to instruments and documents, including wills, that are recorded or filed before, on or after said
31 date.