HOUSE DOCKET, NO. 984 FILED ON: 1/19/2011

# HOUSE . . . . . No. 3313

**[LOCAL APPROVAL RECEIVED.]**

The Commonwealth of Massachusetts

PRESENTED BY:

***Sarah K. Peake and Daniel A. Wolf***

*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 passage of the accompanying:

An Act relative to real estate transfers in the town of Provincetown.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Sarah K. Peake* | *4th Barnstable* |
| *Daniel A. Wolf* | |
| | ☐ *[District]* |
| | ☐ |

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# HOUSE . . . . . No. 3313

By Representative Peake of Provincetown and Senator Wolf, a joint petition (accompanied by bill, House, No. 3313) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) relative to real estate transfers in the town of Provincetown. Revenue. [Local Approval Received.]

## The Commonwealth of Massachusetts

An Act relative to real estate transfers in the town of Provincetown.

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

Section 1. Notwithstanding any general or special law to the contrary, the town of Provincetown may impose a Real Estate Transfer Fee ("Real Estate Transfer Fee") equal to 0.5% (half percent, ½%) to be paid by the purchaser on the sale of all real property, payable to the Town of Provincetown General Fund.

Section 2. The following transfers shall be exempt from the Real Estate Transfer Fee:

A. First time home buyers who live in it for 5 years. A lien shall accompany the deed stating that "There is running with the land a lien equal to the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met."

B. Transfers to the Government of the U.S., The Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or sub-divisions, such as the Provincetown Housing Authority.

C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.

D. Transfers of convenience with consideration under $100.00 which include: name change, into trusts, out of trust, etc.

E. Transfers to any charitable organization as defined in Clause Third of Section Five of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.

F. Transfers between family members, marriage partners, parents and children, grandchildren, step-parents and step-children, brothers and sisters.

Section 3. A. The fee imposed shall be due at the time of the transfer of the real property interest.

B. The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid Real Estate Tax(es).

C. The Town shall notify a buyer by Registered or Certified Mail of any failure to discharge the amount in full of fee due.

D. All fees and interest required to be paid under this Act shall constitute a personal debt of the buyer and may be recovered in an Action of Contract.