

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dean Campbell

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 bill:

An Act imposing a transfer fee on mortgage foreclosures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Linda Dean Campbell	15th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT IMPOSING A TRANSFER FEE ON MORTGAGE FORECLOSURES.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 27 of chapter 183 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following
3 paragraphs:-

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5 There is hereby imposed a transfer fee upon any mortgagee receiving proceeds pursuant to the foregoing.
6 Said fee shall not be considered a cost or expense to be reduced from the surplus above. The fee shall be
7 paid to the court issuing the final decree or recording or registering certificate of entry. The court shall
8 then be responsible for disbursing such fee to the general fund of the city or town where the foreclosed
9 premises were sited.

10

11 The fee to be assessed as follows:

12 (i) For a single family residential property the fee imposed shall be 3% of the remaining principal of
13 the loan.

14 (ii) For multi-family residential properties the fee shall be 6% of the remaining principal of the loan,
15 however, that fee shall be reduced to 4% upon presentation to the court of leases with all existing tenants
16 of the units for a term of not less than 1 year.

17 (iii) The provisions of this transfer fee shall be applicable to properties that are zoned residential, or
18 mixed residential and commercial, and agricultural which have a place of residence on the land.

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20 Other than the court, the treasurer of the city or town of foreclosure, or the holder of the mortgage shall be
21 bound to see to the application of the money arising from such sale.