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Support Copper Pipe Theft Prevention

ISSUE: Thieves target vacant homes and strip them of copper piping and wiring. The thefts negatively impact home values in the community and make the subject property likely ineligible for conventional mortgage financing.

The Legislation: S. 202 and H.226 *An Act improving regulating secondary metals dealing*

Sponsors: S.202-Senator James Timilty (D-Walpole), H.226-Representative Ron Mariano (D-Quincy)

Legislative Actions to Date: S.202 & H.226 referred to Joint Committee on Consumer Protection and Professional Licensure

What the Bills Do:

These bills seek to eliminate the theft of scrap metal from homes by establishing a licensing structure for the sale of scrap metal. The licensing structure will provide law enforcement with ways to identify individuals who are selling the stolen metal to the scrap dealers. By giving the commonwealth access to, and the means for, the sharing of necessary information, the incentive to strip houses for metal will be greatly diminished.

Action Needed: Ask your legislator to support S. 202 and H. 226 and urge the Joint Committee on Consumer Protection and Professional Licensure to report the legislation out of committee favorably.

Support Land Use and Zoning Reforms: The H.O.M.E. bill

ISSUE: Due to the short supply of housing in Massachusetts, potential homeowners continue to face increasing housing costs. One of the many issues driving the reduced housing stock is the presence of barriers to production, many of which are found in current zoning laws.

The Legislation: S.119 *An Act improving housing opportunities and the Massachusetts economy*

Sponsor: Senator Michael Rodrigues (D-Westport)

Legislative Actions to Date: Referred to Joint Committee on Community Development and Small Businesses

What the Bill Does:

Filed in conjunction with the Greater Boston Real Estate Board, S.119 seeks to make numerous changes to Massachusetts zoning laws. Below are some of the proposed changes to the law.

- The H.O.M.E. Bill promotes smart growth by requiring that **cluster development** be allowed by right in residential zoning districts, at the density permitted in the underlying zoning district. Additionally, these sections prohibit cities and towns from requiring a “proof permit” plan in connection with a cluster development application.
- The bill also promotes **multifamily housing** construction by requiring that cities and towns permit multifamily development by right on at least 1.5% of the community’s developable land area that is suitable for multifamily residential. This section would also establish a minimum density of 20 units per acre for by right multifamily development.
- Promotes affordable in-fill housing by requiring that **accessory dwelling units** (“ADUs”), sometimes referred to as in-law apartments, be permitted by right in all single-family residential zoning districts. These sections also prohibit zoning ordinances and by-laws from unreasonably regulating the location, dimensions, or design of an accessory dwelling unit on a lot.

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- The bill seeks to ease the burden on property owners to obtain dimensional relief for minor improvements by creating a two-tiered **variance** approach. Under this structure, the existing *substantial hardship* standard would apply only to use variances and a less burdensome *practical difficulty* standard would apply to all other variances.
- The bill replaces the supermajority vote requirements for variances and special permits with a **simple majority** standard. They also establish that the granting of a variance or the reversal of any order or decision of any administrative official would require a majority vote of the members of the board then in office.
- Creates **consistent wetlands** requirements by restoring uniformity across Massachusetts by prohibiting local wetlands requirements unless: (a) the local regulations are more restrictive than those established by state law; and (b) DEP approves the local regulations upon a finding that they are scientifically-based restrictions, are necessary to protect unusual local resources, and do not conflict with the State Wetlands Protection Act and DEP regulations.
- Creates **consistent sewage disposal requirements** by establishing a DEP review and approval process of local sewage disposal systems regulations to ensure they are scientifically-based restrictions, necessary to protect unusual local resources and do not conflict with Title V.

Action Needed: Ask your legislator the support S. 119 and urge the Joint Committee on Community Development and Small Business to report the legislation out of committee favorably.

Support Mortgage Forgiveness Debt Relief And Debt Cancellation

ISSUE: The general tax rule that applies to debt forgiven during a short sale is that the amount forgiven, sometimes referred to as phantom income, is treated as taxable income to the borrower. This results in homeowners who are unable to afford their mortgages having to pay taxes on income they never received.

The Legislation: **S. 1521** *An Act relative to discharge of indebtedness of principal residence from gross income*

Sponsor: Senator Mark Montigny (D-New Bedford)

Legislative Actions to Date: Referred to the Joint Committee on Revenue

What the Bill Does:

This bill would allow homeowners to complete loan modifications, short sales and foreclosures for which they have debt forgiven without making them liable to pay state taxes on the that debt. This bill would mirror the federal law, the Mortgage Debt Relief Act of 2007, to allow taxpayers to apply for this exclusion on their state tax return as well.

Action Needed: Ask your legislator to support S. 1521 and urge the Joint Committee on Revue to report the legislation out of committee favorably.



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Oppose Local Imposition of Room Occupancy Tax

ISSUE: Occupancy tax proposals promote the creation of a new tax on homeowners who choose to rent their homes for a short term. In addition to established businesses like hotels, motels and bed and breakfast establishments, these proposals would allow a city or town to levy a room occupancy tax on any apartment, single or multiple family housing, cottage, condominium or timeshare unit. Private homeowners or real estate agents would then be responsible for the collection, handling, and remittance of these taxes to the Department of Revenue.

The Legislation: **H.2618/H.2621/ H.2700 (Brewster)/H.3299 (Provincetown)/S.1614**

Sponsors: **H.2618**-Rep. Aaron Michlewitz (D-Boston), **H.2621**-Rep. Michael Moran (D-Boston), **H.2700**-Rep. Timothy Whelan (R-Brewster), **H.3299**-Rep. Sarah Peake (D-Provincetown), **S.1614**-Sen. Wolf (D-Harwich)

Legislative Actions to Date: All bills referred to Joint Committee on Revenue

What the Bills Do: The bills generally authorize a municipality to assess additional taxes on homeowners who rent their homes for vacation purposes.

Action Needed: Ask your legislator to oppose room occupancy legislation that would increase taxes on homeowners.

Oppose Real Estate Transfer Taxes

ISSUE: Transfer taxes authorize the creation of a new transfer tax on the sale of property in a city or town. Such taxes would create an entrance or exit fee to homeownership and would therefore have serious implications for the Massachusetts economy. These taxes single out home buyers and sellers and raise the bottom line price of many homes by thousands of dollars.

The Legislation: **H.3300** *An Act authorizing the town of Provincetown to impose a 0.5% real estate transfer fee*

Sponsor: Rep. Sarah Peake (D-Provincetown)

Legislative Actions to Date: Referred to Joint Committee on Revenue

What the Bill Does: This legislation would authorize the creation of a new transfer tax on the sale of property in a municipality. Massachusetts communities facing budgetary deficiencies could then seek transfer tax authority to solve local revenue problems.

Action Needed: Ask your legislator to oppose transfer tax legislation.

Oppose Mandatory Energy Scoring

ISSUE: Mandatory energy audits at or prior to the transfer of property can disrupt sales and therefore have a negative impact on the Massachusetts housing economy. Additionally, requiring energy efficiency scoring on homes in Massachusetts will stigmatize older homes causing a substantial decline in value.

The Legislation: **S.1761** *An Act relative to home energy efficiency*

Sponsor: Senator Benjamin Downing (D-Pittsfield)

Legislative Action to Date: Referred to the Joint Committee on Telecommunications, Utilities and Energy

What the Bill Does:

This bill seeks to require sellers or their agents to perform a Mass Save energy audit prior to listing a home for sale and disclose to any prospective buyer the information in the energy audit at the time of the listing. Additionally, the bill commissions the design and implementation of an energy scoring and labeling system.

Action Needed: Ask your legislator to oppose this legislation