



MASSACHUSETTS ASSOCIATION OF REALTORS

2015-16 Legislative Wrap-Up

LEGISLATIVE SUCCESSES

Successfully Opposed Mandatory Energy Audits and Scoring

The Senate's Energy Diversity Legislation contained language from a stand-alone bill that would have required sellers to perform a Mass Save energy audit prior to listing their home for sale and would also require the seller disclose to any prospective buyer the information in the energy audit. Additionally, the bill called for the Department of Energy Resources to design and implement an energy scoring and labeling system. Mandatory energy audits at or prior to the transfer of property would disrupt sales and would have a negative impact on the Massachusetts housing economy. Specifically, requiring energy efficiency scoring on homes in Massachusetts would have stigmatized our older homes, causing a substantial decline in home value.

Although the Senate included these proposals in their legislation, the House did not; therefore, they were subject to the conference committee appointed to negotiate the differences between the bills. More than 2,700 Realtors® took action and contacted their legislators to voice their strong opposition to the auditing and scoring proposals. That outreach, combined with our lobbying and marketing campaigns was successful in convincing the conference committee to leave those provisions out of the final bill, which was approved just hours before session ended.

Successfully Opposed Room Occupancy Taxes

The Senate's economic development bill included provisions from stand-alone bills that would have extended the existing tax on hotels and motels to the rental of private homes. The House did not include the new tax in their economic development bill and it was therefore subject to a conference committee. Realtors® were successful in convincing the conference committee to exclude this new tax from the final bill.

Successfully Opposed Anti-Production Zoning Legislation

In May 2016, the Senate advanced a redrafted version of S.122 *An Act promoting the planning and development of sustainable communities* of by a vote of 23-15. After months of meetings, the Senate Committee on Ways & Means released a bill that was considerably improved from the original version but would still have negatively impacted housing production in Massachusetts at a time when the state is dealing with a severe housing crisis due in large part to a low rate of housing production that has not kept pace with population growth and needs. MAR successfully lobbied the House to not take the bill up before session ended and thereby defeated the proposal.

Successfully Opposed Real Estate Transfer Taxes

Legislators filed three different transfer tax proposals that would have created new transfer taxes on the sale of property in Provincetown, Nantucket, and one statewide effort. MAR successfully advocated against these proposals and none of them advanced before Sunday's deadline.

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Successfully Opposed Wetland Disclosure Legislation

This legislation would have required real estate licenses to research and disclose to prospective buyers the presence of any wetlands on a property. Such a requirement is far outside the scope of a real estate agent's licensing and training. This proposal ultimately died in the House without a vote.

Successfully Advocated for Passage of Starter Home Legislation

MAR, along with other coalition members, advocated for the passage of legislation to encourage the production of "starter homes." If passed, communities would be able to voluntarily encourage the production of homes smaller than 1,850 square feet on lots smaller than a quarter acre. This would complement the current success that Chapter 40R has had with mixed-use and multifamily housing with the single family houses that young families are currently seeking. Importantly, this proposal targeted young families and other entry level buyers who are currently priced out of the market. Single family housing production continues to be far below the level that is required to meet demand, which results in increasing housing prices. The starter home program would help communities meet the demand by encouraging the production of affordable market rate single-family homes.

REMAINING ITEMS TO ADDRESS

Mortgage Forgiveness Debt Relief

Legislation that would have exempted debt forgiven during a short sale from a homeowner's taxable income did not make it to the Governor's desk before time ran out this session. H. 3770 *An Act relative to discharge of indebtedness of principal residence from gross income* received a favorable report from the Joint Committee on Revenue but was not taken up by either chamber before the July 31st deadline.

Scrap Metal

Both the House and Senate each advanced legislation that would have regulated the sale of scrap metal. Unfortunately, the chambers were unable to reach an agreement on which proposal should pass as the final bill and the proposal died.

The H.O.M.E. Bill

S.119 *An Act improving housing opportunities and the Massachusetts economy* focused on specific areas of Massachusetts zoning law that our members identified as provisions that could be changed to aid the production of much needed workforce and middle class housing. The Joint Committee on Housing recognized the importance of many of the provisions contained in the bill when it included S.119 in a favorable report of H.1111, another housing production bill. This action, unfortunately marked the end of the progress of that specific bill.

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