

HOUSE No. 4072

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Walsh

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 establishing a first-time home buyers bill of rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/19/2021</i>

HOUSE No. 4072

By Mr. Walsh of Peabody, a petition (accompanied by bill, House, No. 4072) of Thomas P. Walsh that home buyers be provided copies of the Massachusetts Housing Finance Agency homebuyers’ guide. Housing.

The Commonwealth of Massachusetts

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

An Act establishing a first-time home buyers bill of rights.

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. Chapter 183 of the General Laws is hereby amended by inserting after
2 section 1A the following section:-

3 Section 1B. (a) Anyone entering into an agreement or facilitating an agreement for the
4 sale or conveyance of residential real estate including, but not limited to a real estate agent, real
5 estate broker or salesperson shall furnish a copy of the Massachusetts Housing Finance Agency
6 homebuyers’ guide, developed pursuant to section 8A of chapter 708 of the acts of 1966, to the
7 prospective purchaser who is entering into an agreement for the sale or conveyance of residential
8 real estate; provided, however, that this requirement shall not apply in instances where there is an
9 agreement for the sale or conveyance of residential real estate by the homeowner where there is
10 no real estate agent, real estate broker or salesperson involved in the sale.

11 (b) Anyone that fails to furnish a copy of the homebuyers’ guide to a prospective
12 purchaser pursuant to subsection (a) shall be punished by a fine of not more than \$100.

13 SECTION 2. Chapter 255E of the General Laws is hereby amended by inserting after
14 section 2 the following section:-

15 Section 2A. (a) Prior to obtaining a credit report from a residential mortgage applicant,
16 the mortgage broker shall furnish the applicant with a copy of the Massachusetts Housing
17 Finance Agency homebuyers' guide, developed pursuant to section 8A of chapter 708 of the acts
18 of 1966.

19 (b) A mortgage broker that fails to furnish a copy of the homebuyers' guide to a
20 residential mortgage applicant prior to obtaining a credit report pursuant to subsection (a) shall
21 be punished by a fine of not more than \$100 per violation.

22 (c) The commissioner shall promulgate regulations to ensure compliance with this
23 section.

24 SECTION 3. Chapter 708 of the acts of 1966 is hereby amended by inserting after section
25 8 the following section:-

26 Section 8A. The MHFA shall create a homebuyers' guide for residential homebuyers
27 with basic information to consider when purchasing a home. The MHFA shall publish the
28 homebuyers' guide on its website.

29 The homebuyers' guide shall include, but not be limited to, information and resources
30 relative to the following: (i) the value of a home inspection; (ii) lead paint disclosure
31 information; (iii) the state environmental code, promulgated by the commissioner of the
32 department of environmental protection pursuant to section 13 of chapter 21A of the General
33 Laws; (iv) disclosure information pursuant to the federal Truth in Lending Act, 15 USC § 1601

34 et. seq.; (v) the role of a buyer's agent and a seller's agent; (vi) the role of an attorney in the
35 home buying process; (vii) the role of banks and mortgage companies; (viii) the role of
36 homeowners associations; (ix) the role of condominium associations; and (x) the role of
37 covenants and deed restrictions.