



CHAPA Estate Planning & Transfer Policy

Your affordable home is an important asset and CHAPA believes it is essential for all homeowners to have a plan for that asset. This is intended as general information, not specific advice, so contact an estate planning attorney or other professional for information specific to your individual needs and circumstances.

Trusts

Unfortunately, based on guidance from the Massachusetts Department of Housing and Community Development and MassHousing, the transfer of a Chapter 40B affordable home into any kind of legal trust for any purpose is not permitted. Any trust, as a legal entity, is incapable of using the property as a residence, and therefore cannot comply with the requirement in the deed restriction that the property be used as the owner's primary residence.

Transfer Upon Death of Homeowner

If the owner of a 40B property passes away and their spouse is not on the deed to the property at the time of passing, the spouse would be permitted to take ownership of the home, provided that:

1. The executor or administrator of the estate contacts CHAPA within 90 days of their appointment and notifies CHAPA of the transfer, and
2. The spouse intends to continue to use the unit as a principal residence and agrees to all the terms of the Chapter 40B deed restrictions

In order for any other heir to take ownership of the property and use it as their primary residence, that person must be:

1. Related to the home owner
2. Have been living in the home as their primary residence when the death occurred
3. Demonstrate to CHAPA that they qualify as an Eligible Purchaser under the income and asset limits in effect at that time

If the heir to the property does not meet all three conditions, they or the administrator of the estate must sell the home to another eligible household through CHAPA's resale process. The proceeds are then given to the designated heir or distributed through the estate.

Adding or Removing Others to Your Deed

Adding others to your property deed is permitted, so long as that person is a member of the household and is using the home as their primary residence. Removing an owner from the deed is also permitted. Any new deed must reference the existing Chapter 40B deed restrictions by book and page number. You must receive approval from CHAPA

and CHAPA must review and approve the proposed deed. Permission is typically requested during a refinance. You should consult an attorney for further information regarding the legal implications of adding or removing a party from the deed to the property.

If you have any questions, please contact:

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