

By Mr. Blanchette of Lawrence, petition of Kevin P. Blanchette for legislation to amend the eligibility requirements for property tax abatements for the elderly. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT AMENDING THE ELIGIBILITY REQUIREMENTS FOR PROPERTY TAX ABATEMENTS FOR THE ELDERLY.

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 5 of chapter 59 of the General Laws is
2 hereby amended by striking out clause Forty-first, as most recently
3 amended by section 74 of chapter 514 of the acts of 1978, and
4 inserting in place thereof the following:

5 Forty-first Real property, to the amount of four thousand dol-
6 lars of taxable valuation or the sum of five hundred dollars,
7 whichever would amount in an exemption of the greatest amount
8 of taxes due, of a person who has reached his sixty-seventh birth-
9 day prior to the fiscal year for which an exemption is sought and
10 occupied by said person as his domicile, or of a person who owns
11 the same jointly with his spouse, either of whom has reached his
12 sixty-seventh birthday prior to the fiscal year for which an exemp-
13 tion is sought and occupied by them as their domicile, or of a
14 person who has reached his sixty-seventh birthday prior to the
15 fiscal year for which an exemption is sought and occupied by them
16 as their domicile, or of a person who has reached his sixty-seventh
17 birthday prior to the fiscal year for which an exemption is sought
18 who owns the same jointly or as a tenant in common with a person
19 not his spouse and occupied by him as his domicile; provided; (A)
20 that such person (1) has been domiciled in the commonwealth for
21 the preceding ten years, (2) has so owned and occupied such real
22 property or other real property in the commonwealth for five

23 years, or (3) is a surviving spouse who inherits such real property
24 and has occupied such real property or other real property in the
25 commonwealth five years and who otherwise qualifies under this
26 clause; (B) that such person had, in the preceding year, gross
27 receipts from all sources of less than eight thousand dollars, or, if
28 married, combined gross receipts with his spouse of less than ten
29 thousand dollars; provided, however, that in computing the gross
30 receipts of an applicant under this clause ordinary business ex-
31 penses and losses may be deducted, but not personal or family
32 expenses, and provided, further, that there shall be deducted from
33 the total amount received by the applicant under the federal social
34 security or railroad retirement and from any annuity, pension, or
35 retirement plan established for employees of the United States
36 government, the government of the commonwealth, or the govern-
37 ment of any city, town, county, or special district, included in such
38 gross receipts, an amount equivalent to the minimum payment then
39 payable under said federal social security law, as determined by the
40 commissioner of revenue, to a retired worker seventy years of age
41 or over, if the applicant is unmarried, or to a retired worker and
42 spouse, both of whom are seventy years of age or over, if the
43 applicant is married; and (C) that such person had a whole estate,
44 real and personal, not in excess of seventeen thousand dollars, or if
45 married, not in excess of twenty thousand dollars, provided that
46 real property occupied as his domicile shall not be included in
47 computing the whole state except for any portion of said property
48 which produces income. Household furnishings and property al-
49 ready exempt under the twelfth, twentieth, twenty-first, and thirty-
50 fifth clauses of this section shall not be included in computing the
51 whole estate. In the case of real estate owned by a person jointly or
52 as a tenant in common with a person not his spouse, the amount of
53 his exemption under this clause shall be that proportion of four
54 thousand dollars valuation or the sum of five hundred dollars
55 whichever would result in an exemption of the greater amount of
56 taxes due, which the amount of his interest in such property bears
57 to the whole tax due; provided that no exemption shall be granted
58 to any joint tenant or tenant in common unless the gross receipts
59 from all sources whatsoever of each joint tenant or tenant in
60 common is less than eight thousand dollars or, if married, the
61 combined gross receipts from all sources whatsoever of each joint

62 tenant or tenant in common and his spouse is less than ten thou-
63 sand dollars and provided, further, that there shall be deducted
64 from the total amount received by the applicant under the federal
65 social security or railroad retirement and from any annuity, pen-
66 sion, or retirement plan established for employees of the United
67 States government, the government of the commonwealth, or the
68 government of any city, town, county, or special district, included
69 in such gross receipts, an amount equivalent to the minimum
70 payment then payable under said federal social security law, as
71 determined by the commissioner of revenue, to a retired worker
72 sixty-seven years of age or over, if the applicant is unmarried, or to
73 a retired worker and spouse, both of whom are sixty-seven years of
74 age or over or, if the applicant is married; and unless the combined
75 whole estate, real and personal, of each joint tenant or tenant in
76 common is less than seventeen thousand dollars or, if married, the
77 combined whole estate, real and personal of each joint tenant or
78 tenant in common and his spouse does not exceed twenty thousand
79 dollars; provided that real property occupied as their domicile shall
80 not be included in computing the whole estate except for any
81 portion of said property which produces income; and provided,
82 further, that no portion of the exemption shall be denied to any
83 applicant otherwise qualified for the reason that another joint
84 tenant or tenant in common receives a proportion of the total
85 exemption. Household furnishings and property already exempt
86 under the twelfth, twentieth, thirty-first and thirty-fifth clauses of
87 this section shall not be included in computing the whole estate.

88 In determining the total period of ownership of an applicant for
89 exemption under this clause, the time during which the same
90 property was owned by a husband or wife individually shall be
91 added to the period during which such property was owned by said
92 husband and wife jointly. Where a portion of the real property
93 occupied as a domicile of an applicant under this clause is located
94 within a municipality other than the municipality in which the
95 applicant is domiciled, and where the value of said property, or the
96 taxes assessed by the municipality in which such applicant is
97 domiciled would result in his receiving less than the maximum
98 exemption provided by this clause, the part of the property of such
99 applicant within such other municipality shall be exempt to a value,
100 or to an amount of tax, sufficient to grant the applicant the total

101 maximum exemption provided by the clause. Any person who
102 receives an exemption under the provisions of this clause shall not
103 receive an exemption on the same property under any other provi-
104 sion of this section except clause Eighteen.

1 SECTION 2. The Commonwealth, commencing in fiscal year
2 nineteen hundred and eighty-one, shall annually appropriate a sum
3 not to exceed six million dollars for the purpose of reimbursing
4 municipalities for taxes abated under clause forty-first of section
5 five of Chapter fifty-nine of the General Laws. The Commissioner
6 of Revenue shall divide said sum by the number of clause forty-first
7 exemptions granted in the preceding year and distribute to each
8 city and town a pro rata share of said sum based on the number of
9 exemptions granted in each city and town.

1 SECTION 3. Section one of this act shall apply to taxes levied
2 for the fiscal year beginning July first, nineteen hundred and
3 eighty.

1 SECTION 4. Clause 41 of section 5 of chapter 59 of the General
2 Laws, as most recently amended by section 74 of Chapter 514 of the
3 Acts of 1978, is hereby further amended by striking out in the first
4 sentence, wherever appearing, the word "sixty-seventh" and insert-
5 ing in place thereof the word "sixty-fifth".

1 SECTION 5. The provisions of section 4 of this act shall apply
2 to taxes levied for the fiscal year beginning July first, nineteen
3 hundred eighty-two.

1 SECTION 6. This act shall take effect immediately upon its
2 passage.