HOUSE . . . . No. 3566

By Mr. Decas of Wareham, petition of Charles N. Decas relative to special homestead protection for elderly and disabled persons. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO SPECIAL HOMESTEAD PROTECTION FOR ELDERLY AND DISABLED PERSONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1   Chapter 188 of the Massachusetts General Laws is hereby
2 amended by striking section 1A and adding the following new
3 section: —
4   Section 1A. The real property or mobile home of persons sixty-
5 five years of age or older, regardless of marital status, or of a
6 person who is physically or mentally disabled and as a result of
7 such disability, upon proper proof, is unable to engage in
8 substantial gainful employment, shall be protected against seizure
9 by execution of judgment to the amount of one hundred and fifty
10 thousand dollars; provided, however, that in the case of real
11 property such person has filed an elderly or disabled person
12 declaration of homestead protection at the registry of deeds in the
13 county wherein such person resides, and in the case of a mobile
14 home owner, such person has filed an elderly or disabled person
15 declaration of homestead protection at the town clerk's office in
16 the town wherein such person resides, and, provided, further, that
17 the real property or mobile home, whichever the case may be, is
18 utilized by such person as his principal residence. The following
19 shall be exempt from the provisions of this section: federal, state
20 and local taxes, assessments and liens; first and second mortgages
21 held by financial institutions or others; and any and all debts or
22 contracts incurred prior to the filing of the declaration of
23 homestead protection, if the real property or mobile home is sold
24 or transferred during any such homeowners' lifetime.