

Mr. Valley of Boston, petition of Thomas J. Valley for legislation to provide for a commercial occupancy tax. Taxation.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR A COMMERCIAL OCCUPANCY TAX.

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

1 The General Laws are hereby amended by inserting after 64N the
2 following chapter: —

3 **CHAPTER 640**
4 **COMMERCIAL OCCUPANCY EXCISE.**

5 *Section 1.* Any city or town may by ordinance enacted in ac-
6 cordance with its charter, impose an excise upon the occupancy or
7 use of premises to carry on or exercise any trade, business, profes-
8 sion, vocation, commercial activity or the providing of health care
9 or educational services.

10 *Section 2.* The excise imposed by this chapter shall be fixed at
11 the following rates: —

12 2.5% of the annual rent of such premises when the annual rent is
13 not over \$2,499; 5% of the annual rent of such premises when the
14 annual rent is \$2,500 or more but not over \$4,999; 6.25% of the
15 annual rent of such premises when the annual rent is \$5,000 or
16 more but not over \$7,999; 7% of the annual rent of such premises
17 when the annual rent is \$8,000 or more but not over \$10,999; and
18 7.5% of the annual rent of such premises when the annual rent is
19 \$11,000 and over.

20 *Section 3.* No city or town shall impose a commercial occupan-
21 cy excise on property owned, or leased by a federal, state or
22 municipal governmental agency.

23 *Section 4.* Every owner of commercial property in a municipali-
24 ty which imposes the commercial occupancy excise shall file with
25 that municipality on the first days of July, October, January and
26 April a listing of all tenants of such property and the rental paid for
27 the occupancy of such property. Such report shall be on a form
28 prescribed by the collector of taxes of the municipality.

29 *Section 5.* Every municipality which imposes the commercial
30 occupancy excise shall collect such excise on a biennial basis. Such
31 excise shall be paid on or before the thirtieth day of mailing.

32 *Section 6.* Any owner or tenant of commercial space who
33 knowingly fails to file a return as provided by this chapter or who
34 knowingly files a fraudulent return, shall be subject to a fine of five
35 hundred dollars for each such failure or fraudulent return.

36 *Section 7.* Delinquent excises shall bear interest at the same rate
37 imposed by law for delinquent real estate taxes from the date on
38 which they were first due and payable. Sums due a city or town
39 under the provisions of this chapter may be recovered by such city
40 or town in an action brought in the name of the treasurer of the city
41 or town.