

By Mr. Kenneally, the same Senator, a petition of George V. Kenneally, Jr., for legislation to reimburse low-income householders for extraordinary property tax burdens. Taxation.

**The Commonwealth of Massachusetts**

In the year One Thousand Nine Hundred and Seventy-Two.

AN ACT TO REIMBURSE LOW-INCOME HOUSEHOLDERS FOR  
EXTRAORDINARY PROPERTY TAX BURDENS.

*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. The General Laws are hereby amended by in-  
2 serting after chapter 62B the following new chapter:

3 CHAPTER 62C

4 *Emergency Property Tax Relief*

5 *Section 1.* The purpose of this chapter is to provide relief,  
6 through a system of income tax credits and refunds, to certain  
7 persons who own or rent their dwellings.

8 *Section 2.* The following terms as used in this chapter shall,  
9 unless the context otherwise requires, have the following  
10 meanings:—

11 "Income," the sum of federal adjusted gross income as de-  
12 fined in the internal revenue code of the United States, the  
13 amount of capital gains excluded from adjusted gross income,  
14 alimony, support money, cash public assistance and relief ex-  
15 clusive of relief granted under this act, the gross amount of  
16 any pension or annuity, including railroad retirement bene-  
17 fits, all payments received under the federal social security act,  
18 unemployment insurance benefits and veterans disability pen-  
19 sions, nontaxable interest received from any government or in-  
20 strumentality thereof, workmen's compensation, and the gross  
21 amount of loss-of-time insurance. It does not include gifts  
22 from nongovernmental sources, or surplus foods or other relief  
23 in kind.

24 "Household," a claimant and spouse, and all other persons  
25 domiciled and sharing living accommodations in the dwelling  
26 of the claimant.

27 "Household income," all income received by all persons of  
28 a household in a calendar year while members of the house-  
29 hold.

30 "Dwelling," the structure or portion of a structure, whether  
31 owned or rented, used by a household as a home, but exclud-  
32 ing the land on which it is built, and excluding structures not  
33 subject to ad valorem property taxes.

34 "Claimant," a person who has filed a claim under this chap-  
35 ter and was domiciled in the commonwealth during the entire  
36 calendar year preceding the year in which he filed claim for  
37 relief under this chapter. In the case of claim for rent consti-  
38 tuting property taxes accrued, the claimant shall have rented  
39 property during the entire preceding calendar year in which  
40 he files for relief under this chapter and shall have occupied  
41 the same dwelling for at least six months of the preceding cal-  
42 endar year. When two individuals of a household are able to  
43 meet the qualifications for a claimant, they may determine  
44 between them as to who the claimant shall be. If they are  
45 unable to agree, the matter shall be referred to the commis-  
46 sioner and his decision shall be final. If a dwelling is occupied  
47 by two or more individuals, and more than one individual is  
48 able to qualify as a claimant, and some or all of the qualified  
49 individuals are not related, the individuals may determine  
50 among them as to who the claimant shall be. If they are un-  
51 able to agree, the matter shall be referred to the commission-  
52 er, and his decision shall be final.

53 "Rent constituting property taxes accrued," twenty-five per  
54 cent of the gross rent actually paid in cash or its equivalent  
55 in any calendar year by a claimant and his household solely  
56 for the right of occupancy of their dwelling in the calendar  
57 year, and which rent constitutes the basis, in the succeeding  
58 calendar year, of a claim for relief under this act by the claim-  
59 ant.

60 "Gross rent," the rental paid solely for the right of occu-  
61 pancy of a dwelling, exclusive of charges for services, furniture

62 or furnishings provided by the landlord as a part of the rental  
63 agreement, whether or not expressly set out in the rental  
64 agreement. If the landlord and tenant have not dealt with  
65 each other at arm's length, and the commissioner is satisfied  
66 that the gross rent charged was excessive, he may adjust the  
67 gross rent to a reasonable amount for purposes of this act.

68 "Property taxes accrued," property taxes, exclusive of spe-  
69 cial assessments, delinquent interest, penalties and charges for  
70 service, levied on a claimant's dwelling in this commonwealth  
71 in nineteen hundred and seventy-three or any calendar year  
72 thereafter. If a dwelling is owned by two or more persons as  
73 joint tenants or tenants in common, and one or more persons  
74 are not members of claimant's household, "property taxes ac-  
75 crued" is that part of property taxes levied on the domicile  
76 which reflects the ownership percentage of the claimant and  
77 his household. For purposes of this paragraph, property taxes  
78 are levied when the assessors' warrant is delivered to the col-  
79 lector for collection. If a claimant owns his dwelling for part  
80 of the preceding calendar year and rents it or a different dwel-  
81 ling for part of the same year, "property taxes accrued" means  
82 only taxes levied on the dwelling when both owned and occu-  
83 pied by the claimant at the time of the levy, multiplied by the  
84 percentage of twelve months that such property was owned and  
85 occupied by the claimant as his dwelling during the preceding  
86 year. When a claimant owns and occupies two or more different  
87 dwellings in the commonwealth in the same calendar year, prop-  
88 erty taxes accrued shall relate only to that property occupied  
89 by the household as a dwelling on the levy date. If a dwelling is  
90 an integral part of a larger unit such as a farm, or a multi-pur-  
91 pose or multi-dwelling building, property taxes accrued shall be  
92 that percentage of the total property taxes accrued as the value  
93 of the dwelling is of the total value. For purposes of this para-  
94 graph, "unit" refers to the parcel of property covered by a  
95 single tax statement of which the dwelling is a part.

96 *Section 3.* The right to file claim under this act shall be per-  
97 sonal to the claimant and shall not survive his death, but such  
98 right may be exercised on behalf of a claimant by his legal  
99 guardian or attorney-in-fact. If a claimant dies after having

100 filed a timely claim, the amount thereof shall be disbursed to  
101 another member of the household as determined by the com-  
102 missioner. If the claimant was the only member of his house-  
103 hold, the claim may be paid to his executor or administrator,  
104 but if neither is appointed and qualified within two years of  
105 the filing of the claim, the amount of the claim shall escheat  
106 to the commonwealth.

107 *Section 4.* Subject to the limitations provided in this chap-  
108 ter, a claimant whose total household income in the preceding  
109 year did not exceed fifteen thousand dollars, or ten thousand  
110 dollars in the case of an individual claimant, may claim in any  
111 year as a credit against income taxes otherwise due on his in-  
112 come under chapter sixty-two, property taxes accrued, or rent  
113 constituting property taxes accrued, or both in the preceding  
114 calendar year. If the allowable amount of such claim exceeds  
115 the income taxes otherwise due on claimant's income, or if  
116 there are no income taxes due on claimant's income, the amount  
117 of the claim not used as an offset against income taxes, after  
118 audit and certification by the commissioner, shall be paid to  
119 the claimant from the proceeds of taxes collected under said  
120 chapter sixty-two. No interest shall be allowed on any pay-  
121 ment made to a claimant pursuant to this chapter.

122 *Section 5.* No claim with respect to property taxes accrued  
123 shall be paid or allowed unless the claim is actually filed with  
124 and in the possession of the commissioner on or before April  
125 fifteenth with respect to property taxes accrued in the preced-  
126 ing calendar year.

127 *Section 6.* The amount of any claim otherwise payable un-  
128 der this act may be applied by the commissioner against any  
129 liability outstanding on the books of the commonwealth  
130 against the claimant, or against his or her spouse who was  
131 a member of the claimant's household in the year to which  
132 the claim relates.

133 *Section 7.* Only one claimant per household per year shall  
134 be entitled to relief under this act.

135 *Section 8.* The amount of any claim made pursuant to this  
136 act shall be determined as follows:—

137 (1) For any taxable year, a claimant shall be entitled to a

138 credit against his tax liability under chapter sixty-two equal to  
139 the amount by which the property taxes or rent constituting  
140 property taxes upon the claimant's total household income for  
141 that taxable year.

142 (2) The claimant, at his election, shall not be required to  
143 record on his claim the amount claimed by him. The claim  
144 allowable to persons making this election shall be computed by  
145 the commissioner who shall notify the claimant of the amount  
146 of his allowable claim.

147 *Section 9.* The commissioner shall make available suitable  
148 forms with instructions for claimants, including a form which  
149 may be included with or as part of the individual income tax  
150 form. The claim shall be in such form as the commissioner  
151 may prescribe.

152 *Section 10.* Every claimant under this act shall furnish to  
153 the commissioner, in support of his claim, reasonable proof of  
154 rent paid, name and address of owner or managing agent of  
155 property rented, property taxes accrued, changes of dwelling,  
156 household membership, household income, size and nature of  
157 property claimed as the dwelling and a statement that the  
158 property taxes accrued and used for purposes of this act have  
159 been or will be paid by him and that there are no delinquent  
160 property taxes on the dwelling.

161 *Section 11.* If on the audit of any claim filed under this  
162 chapter the commissioner determines the amount to have been  
163 incorrectly determined, he shall redetermine the claim and  
164 notify the claimant of the redetermination and his reasons for  
165 it. The redetermination shall be final unless appealed within  
166 thirty days of notice.

167 *Section 12.* If it is determined that a claim is excessive and  
168 was filed with fraudulent intent, the claim shall be disallowed  
169 in full, and, if the claim has been paid or a credit has been  
170 allowed against income taxes otherwise payable, the credit  
171 shall be canceled and the amount paid may be recovered by  
172 assessment as income taxes are assessed, and the assessment  
173 shall bear interest from the date of payment or credit of the  
174 claim, until refunded or paid, at the rate of one per cent per  
175 month. The claimant in such case, and any person who assist-

176 ed in the preparation or filing of such excessive claim or sup-  
177 plied information upon which such excessive claim was pre-  
178 pared, with fraudulent intent, is guilty of a misdemeanor. If  
179 it is determined that a claim is excessive and was negligently  
180 prepared, ten per cent of the corrected claim shall be disallow-  
181 ed, and if the claim has been paid or credited against income  
182 taxes otherwise payable, the credit shall be reduced or can-  
183 celed, and the proper portion of any amount paid shall be sim-  
184 ilarly recovered by assessment as income taxes are assessed,  
185 and the assessment shall bear interest at one per cent per  
186 month from the date of payment until refunded or paid.

187 *Section 13.* If a dwelling is rented by a person from another  
188 person under circumstances deemed by the commissioner to  
189 be not at arm's length, he may determine rent constituting  
190 property taxes accrued as at arm's length, and, for purposes of  
191 this act, such determination shall be final.

192 *Section 14.* Any person aggrieved by the denial in whole or  
193 in part of relief claimed under this act, except when the denial  
194 is based upon late filing of claim for relief or is based upon  
195 a redetermination of rent constituting property accrued as at  
196 arm's length, may appeal the denial to the commission by  
197 filing a petition within thirty days after such denial.

198 *Section 15.* No claim for relief under this act shall be al-  
199 lowed to any person who is a recipient of public funds for the  
200 payment of the taxes or rent during the period for which the  
201 claim is filed.

202 *Section 16.* A claim shall be disallowed, if the commission-  
203 er finds that the claimant received title to his dwelling prim-  
204 arily for the purpose of receiving benefits under this chapter.

205 *Section 17.* In case of sickness, absence, or other disability,  
206 or if, in his judgment, good cause exists, the commissioner  
207 may extend for a period not to exceed six months the time for  
208 filing a claim.

1 SECTION 2. Section 5 of chapter 59 of the General Laws as  
2 most recently amended by chapter 1110 of the acts of 1971 is  
3 hereby further amended by striking out clause seventeenth,

4 clause thirty-seventh, clause forty-first, clause forty-second and  
5 clause forty-third.

1 SECTION 3. If any provision, section or subsection of this  
2 act or the application thereof shall be held to be invalid or un-  
3 constitutional by any court of competent jurisdiction, such in-  
4 validity or unconstitutionality shall not be construed to affect  
5 the validity or constitutionality of any of the remaining pro-  
6 visions, sections or subsections of this act or their application  
7 to persons or circumstances other than those as to which it  
8 is held invalid. It is hereby declared to be the legislative in-  
9 tent that such remaining provisions, sections or subsections  
10 would have been adopted had such invalid or unconstitutional  
11 provision, section or subsection not been included therein.

1 SECTION 4. Section 2 of this act shall take effect on January  
2 first, nineteen hundred and seventy-three. The remainder of  
3 this act shall take effect upon its passage and shall apply to  
4 property taxes levied in the calendar year nineteen hundred  
5 and seventy-three and thereafter.

1. The purpose of this document is to provide information regarding the activities of the [redacted] in the [redacted] area. This information is being provided to you for your information only and should not be disseminated to any other personnel.

2. The [redacted] has been identified as a [redacted] and is currently active in the [redacted] area. It is believed that the [redacted] is involved in [redacted] activities and is a potential threat to the [redacted] area.

3. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

4. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

5. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

6. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

7. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

8. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

9. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

10. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

11. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

12. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

13. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

14. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.

15. The [redacted] is currently active in the [redacted] area and is believed to be involved in [redacted] activities. It is believed that the [redacted] is a potential threat to the [redacted] area.