

# SENATE . . . . No. 530

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## The Commonwealth of Massachusetts

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SENATE, June 7, 1943.

The committee on Bills in the Third Reading, to which was referred the House Bill requiring the approval of the Department of Public Welfare in connection with proceedings on bonds and mortgages given to secure old age assistance (House, No. 1179); and the House Bill making certain persons eligible for old age assistance notwithstanding their ownership of certain real estate on which they do not reside (House, No. 1676), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act requiring the approval of the Department of Public Welfare in connection with certain proceedings on bonds and mortgages given to secure old age assistance, and make certain persons eligible for such assistance notwithstanding their ownership of real estate upon which they do not reside" (Senate, No. 530), and that, when so amended, the same will be correctly drawn.

For the committee,

NEWLAND H. HOLMES.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Three.

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AN ACT REQUIRING THE APPROVAL OF THE DEPARTMENT OF PUBLIC WELFARE IN CONNECTION WITH CERTAIN PROCEEDINGS ON BONDS AND MORTGAGES GIVEN TO SECURE OLD AGE ASSISTANCE, AND MAKING CERTAIN PERSONS ELIGIBLE FOR SUCH ASSISTANCE NOTWITHSTANDING THEIR OWNERSHIP OF REAL ESTATE UPON WHICH THEY DO NOT RESIDE.

*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 one hundred and eighteen A of the Gen-  
2 eral Laws is hereby amended by striking out section  
3 four, as most recently amended by section four of  
4 chapter seven hundred and twenty-nine of the acts  
5 of nineteen hundred and forty-one, and inserting in  
6 place thereof the following section: —

7 *Section 4.* The ownership by an applicant of an  
8 equity in vacant land from which no income is de-  
9 rived, or the ownership of an equity in real estate by  
10 an applicant who resides thereon or who, in the opin-  
11 ion of the board, is residing elsewhere than on such  
12 real estate because of physical or mental incapacity,  
13 shall not disqualify him from receiving assistance  
14 under this chapter; provided, that if such equity,  
15 computed on the basis of assessed valuation, exceeds

16 an average of three thousand dollars during the five  
17 years immediately preceding his application, the  
18 board of public welfare of the town rendering such  
19 assistance, or the bureau of old age assistance estab-  
20 lished by such board, shall, through the appropriate  
21 town official, require such applicant to execute a bond  
22 in a penal sum equal to the amount of the equity in  
23 excess of three thousand dollars, running to the  
24 treasurer of the town, conditioned on repayment to  
25 such town of all amounts of such assistance, without  
26 interest, such bond to be secured by mortgage of the  
27 applicant's real estate. Proceedings to realize upon  
28 any such bond or mortgage shall be brought only with  
29 the written approval of the department, which shall  
30 be granted upon application, except in any case  
31 where such a proceeding would, in the opinion of the  
32 department, result in undue hardship or would be  
33 inconsistent with the purposes of this chapter. Every  
34 such bond and mortgage shall be forthwith entered  
35 for record in the proper registry of deeds or registry  
36 district of the land court, as the case may be, and  
37 the register of deeds or assistant recorder of the land  
38 court shall thereupon record or register such bond  
39 and mortgage without fee. The proceeds realized by  
40 the town from any such bond and mortgage shall be  
41 apportioned among the federal government, the com-  
42 monwealth and the town furnishing the assistance in  
43 proportion to the amount of their respective contri-  
44 butions, but in no case for more than the amount  
45 contributed, without interest.

