

**HOUSE . . . . . No. 2524**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Carmine L. Gentile***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the establishment of a means tested senior citizen property tax exemption.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/13/2015</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>11/18/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>11/18/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>11/18/2019</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>4/1/2015</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>11/18/2019</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>4/1/2015</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>4/1/2015</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>4/1/2015</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>4/1/2015</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>4/1/2015</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>11/18/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/4/2015</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>11/18/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>4/1/2015</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>4/1/2015</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>4/1/2015</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>4/1/2015</i>

<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>4/1/2015</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>4/1/2015</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>4/1/2015</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>4/1/2015</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>4/1/2015</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>11/18/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/4/2015</i>
<i>Leah Cole</i>	<i>12th Essex</i>	<i>4/1/2015</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>4/1/2015</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>4/1/2015</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>4/1/2015</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>2/4/2015</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>4/1/2015</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>11/18/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>4/1/2015</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>4/1/2015</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>4/1/2015</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>	<i>4/1/2015</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>4/1/2015</i>

**HOUSE . . . . . No. 2524**

By Mr. Gentile of Sudbury, a petition (accompanied by bill, House, No. 2524) of Carmine L. Gentile and others for legislation to allow municipalities to exempt up to fifty percent of real estate taxes for seniors whose annual property taxes exceed ten percent of their annual income. Revenue.

**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act relative to the establishment of a means tested senior citizen property tax exemption.

*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 59 of the General Laws is hereby amended by inserting after section 5N,  
2 amended by section 15 of chapter 62 of the acts of 2014, the following section:-

3 Section 5O. (a) In any city or town that accepts the provisions of this section, with respect  
4 to each qualifying parcel of real property classified as Class one, residential there shall be an  
5 exemption from the property tax equal to the total amount of tax that would otherwise be  
6 assessed without this exemption less the sum of: (i) 10 per cent of the total annual qualifying  
7 income for purposes of circuit breaker income tax credit under subsection (k) of section 6 of  
8 chapter 62; and (ii) the circuit breaker income tax credit under said subsection (k) of said section  
9 6 the applicant was eligible to receive in the year prior to the application being filed. The  
10 percentage of total annual qualifying income may be raised under subsection (c). In no event  
11 shall property taxes be reduced by more than 50 per cent by this exemption. The exemption shall  
12 be applied to the domicile of the taxpayer only. For the purposes of this section, "parcel" shall be

13 a unit of real property as defined by the assessors of the city or town under the deed for the  
14 property and shall include a condominium unit.

15 (b) The board of assessors may deny an application for an exemption pursuant to this  
16 section if they find the applicant has excessive assets that place them outside of the intended  
17 recipients of the senior exemption created by this section. Real property shall qualify for the  
18 exemption under subsection (a) if all of the following criteria are met:

19 (1) the real property is owned and occupied by a person whose prior year's income would  
20 make the person eligible for the circuit breaker income tax credit under subsection (k) of section  
21 6 of chapter 62;

22 (2) the real property is owned by a single applicant age 65 or older at the close of the  
23 previous year or jointly by persons either of whom is age 65 or above at the close of the previous  
24 year and if the joint applicant is 60 years of age or older;

25 (3) the real property is owned and occupied by the applicant or joint applicants as their  
26 domicile;

27 (4) the applicant or at least 1 of the joint applicants has been domiciled in the city or town  
28 for at least 10 consecutive years before filing an application for the exemption;

29 (5) the maximum assessed value of the domicile is no greater than the prior year's  
30 average assessed value of a single family residence for the city or town plus 10 per cent; and

31 (6) the board of assessors has approved the application.

32 (c) The exemption under subsection (a) shall be in addition to any other exemption  
33 allowable under the General Laws, except that there shall be a dollar cap on all the exemptions

34 granted pursuant to this section equal to .5 per cent of the fiscal year's total residential property  
35 tax levy for the city or town, including the levy for any regional high school if not included in the  
36 city's or town's tax levy at some subsequent date with the total exemption amount granted by  
37 this section allocated proportionally within the tax levy on all residential taxpayers. After the  
38 first year of such exemption, the total cap on the exemptions granted pursuant to this section  
39 shall be set annually by the board of selectmen, in the case of a town, the city manager, in the  
40 case of a city under a Plan E form of government, or the city council, in the case of all other  
41 cities, within a range of .5 to 1 per cent of the residential property tax levy for the city of town,  
42 including the levy for any regional high school. In the event that benefits to the applicants may  
43 be limited because the percentage established annually by the selectmen, city manager or city  
44 council would otherwise be exceeded, the benefits shall be allocated by raising the total annual  
45 qualifying income percentage as required in section 1 as necessary to not exceed the cap. In the  
46 event the cap exceeds the need for the exemption, the total cap on the exemptions granted by this  
47 section shall be reduced to meet the need.

48 (d) A person who seeks to qualify for the exemption under subsection (a) shall, before the  
49 deadline established by the board of assessors, file an application, on a form to be adopted by the  
50 board of assessors, with the supporting documentation of the applicant's income and assets as  
51 described in the application. The application shall be filed each year for which the applicant  
52 seeks the exemption.

53 (e) No exemption shall be granted under this section until the department of revenue  
54 certifies a residential tax rate for the applicable tax year where the total exemption amount is  
55 raised by a burden shift within the residential tax levy.