HOUSE . . . . . No. 4473

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 13, 2016.

The committee on Revenue to whom was referred the petition (accompanied by bill, House, No. 4360) of Cory Atkins and Michael J. Barrett (by vote of the town) that the town of Concord be authorized to establish a senior means-tested property tax exemption, reports recommending that the accompanying bill (House, No. 4473) ought to pass [Local Approval Received].

For the committee,

JAY R. KAUFMAN.

FILED ON: 6/30/2016

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

An Act establishing a Concord senior means-tested 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:

SECTION 1. With respect to each qualifying parcel of real property classified as Class one, residential in the Town of Concord there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption less the sum of (i) 10 per cent of the total annual qualifying income for purposes of the states "circuit breaker" income tax credit, and (ii) the amount of the state's "circuit breaker" credit the applicant was eligible to receive in the year prior to the application being filed. The percentage of total annual qualifying income may be raised by section 3. In no event shall property taxes be reduced by more than 50 per cent by this exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors under the deed for the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

15 (a) the qualifying real property is owned and occupied by a person whose prior year's
16 income would make the person eligible for the circuit breaker income tax credit under subsection
17 (k) of section 6 of chapter 62 of the General Laws;

18 (b) the qualifying real property is owned by a single applicant age 65 or older at the close
19 of the previous year or jointly by persons either of whom is age 65 or above at the close of the
20 previous year and if the joint applicant is 60 years of age or older;

21 (c) the qualifying real property is owned and occupied by the applicant or joint applicants
22 as their domicile;

23 (d) the applicant or at least 1 of the joint applicants has been domiciled in the Town of
24 Concord for at least 10 consecutive years before filing an application for the exemption;

25 (e) the maximum assessed value of the domicile is no greater than the Town's median
26 single-family residential assessed value of the prior fiscal year; and

27 (f) the Board of Assessors has approved the application.

28 SECTION 3. The exemption under section 1 shall be in addition to any other exemption
29 allowable under the General Laws, except that there shall be a dollar cap on all the exemptions
30 granted by this act equal to 0.5 per cent of the fiscal year's total residential property tax levy for
31 the Town of Concord, including the levy for the regional high school if not included in the Town
32 of Concord's tax levy at some subsequent date with the total exemption amount granted by this
33 act allocated proportionally within the tax levy on all residential taxpayers. After the first year of
34 such exemption, the total cap on the exemptions granted by this act shall be set annually by the
35 Select Board within a range of 0.5 to 1.0 per cent of the residential property tax levy for the

36 Town of Concord. In the event that benefits to the applicants may be limited because the
37 percentage established annually by the Select Board would otherwise be exceeded, the benefits
38 shall be allocated by raising the total annual qualifying income percentage as required in section
39 1 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, the
40 total cap on the exemptions granted by this act shall be reduced to meet the need.

41 SECTION 4. A person who seeks to qualify for the exemption under section 1 shall,
42 before the deadline established by the Board of Assessors, file an application, on a form to be
43 adopted by the Board of Assessors, with the supporting documentation of the applicant's income
44 and assets as described in the application. The application shall be filed each year for which the
45 applicant seeks the exemption.

46 SECTION 5. Acceptance of this act by the Town of Concord shall be first by vote of
47 approval at an Annual Town Meeting, to be followed by an affirmative vote of a majority of the
48 voters at any regular or special election at which the question of acceptance is placed on the
49 ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an
50 affirmative vote by the town.

51 SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters
52 at any regular or special town election at which the question of revocation is placed on the ballot.
53 Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an
54 affirmative vote of the town.

55 SECTION 7. No exemption shall be granted under this act until the Department of
56 Revenue certifies a residential tax rate for the applicable tax year where the total exemption
57 amount is raised by a burden shift within the residential tax levy.

58 SECTION 8. This act shall expire after 3 years