

HOUSE No. 1689

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

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 protecting titles to real estate in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/20/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/2/2023</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>2/8/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/23/2023</i>

HOUSE No. 1689

By Representative Moran of Lawrence, a petition (accompanied by bill, House, No. 1689) of Frank A. Moran and others relative to protecting titles to real estate. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act protecting titles to real estate in Massachusetts.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to reverse the impact of structural racism in the illegal lending and taking of title to property and myriad associated damages and to end the lengthy delay of justice that thus far has meant justice denied.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is like that of the first true Massachusetts recording act, “For avoiding all fraudulent conveyances, and that every man may know what estate or other interest other men may have in any houses, lands, or other hereditaments they are to deal in...” 1 Mass. Colonial Records 306 (1640); including to facilitate the accurate determination of title to real estate in the commonwealth; to enable every homeowner with a mortgage on real property to know at all times who holds the mortgage and who owns the mortgage note; to enable municipalities to know who is liable for real estate taxes and other charges pertaining to properties; to provide certain foreclosure-related criminal provisions, and to re-establish the settled meanings of certain terms defined herein, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. (a) This Act may be cited as the “real estate title protection act.”
- 2 (b) Where not explicitly specified, this Act shall be construed to apply to both registered
- 3 and recorded land.

4 (c) Where a provision of this Act conflicts with any other provision of the General Laws
5 or the deed indexing standards, this Act shall supersede that other provision or those standards.

6 SECTION 2. For the purposes of this Act, the following terms shall have the following
7 meanings:

8 “Affidavit”, a document made on personal knowledge or that meets the requirements of
9 the business records exception to the rule against hearsay, Rule 803(6), Federal and
10 Massachusetts Rules of Evidence, “Records of a Regularly Conducted Activity.” It shall set forth
11 such facts as would be admissible in evidence, and shall show affirmatively that the affiant is
12 competent to testify to the matters stated therein. If it relies on the business records exception,
13 the affidavit shall have attached to it sworn or certified copies of all documents or relevant
14 excerpts thereof to which the affidavit refers. Each such excerpt must be in the form of a true and
15 accurate photocopy of the entirety of the page or pages from which such an excerpt is taken, and
16 must include complete and accurate photocopies of the document’s title page and table of
17 contents, if applicable. Each complete page from which any such excerpt or part thereof is taken
18 shall bear already-existing indicia evidencing that said page is from the document whose title
19 page and table of contents, if applicable, are appended, or else shall bear already-existing indicia
20 evidencing the source of each such page.

21 “Assignment of mortgage”, an instrument by which a mortgagee or holder of a mortgage
22 of real property conveys such a mortgage deed to an assignee pursuant to the Statute of Frauds,
23 section 1 of chapter 259 of the General Laws; section 6 of chapter 183; and other provisions of
24 the General Laws applicable to a transfer of interest in real property.

25 “Authorized person”, a person authorized to act on behalf of another person as of the date
26 of execution of an instrument that can affect title to real property, signed by the person on whose
27 behalf the person authorized thereby is acting.

28 “Deed indexing standards”, standards for indexing documents to be recorded in the
29 registries of deeds, as issued by the Massachusetts Registers and Assistant Registers of Deeds
30 Association and revised from time to time.

31 “Discharge”, a duly executed and acknowledged deed of release of a mortgage of real
32 property or other instrument that, by its terms, discharges or releases such a mortgage, or
33 acknowledges payment or satisfaction of the debt or obligation secured by such a mortgage or
34 the conditions contained therein; or the discharge of such a mortgage by operation of law
35 pursuant to the General Laws, including section 33 of Chapter 260.

36 “Lender”, the entity(ies) who provided the funds for the mortgage directly, loan through a
37 line of credit, or by any other means, except if the person is Federal National Mortgage
38 Association, Federal Home Loan Mortgage Corp. or Government National Mortgage
39 Association.

40 “Mortgage” or “Mortgage Deed”, a conveyance, to a lender, of legal title to real property,
41 in consideration of a loan whose repayment is secured by the terms and conditions of a security
42 instrument.

43 “Mortgagee” or “mortgage holder”, a person who has invested funds or other
44 consideration to hold legal title to real property upon which a mortgage is granted, and who is
45 named as such in the mortgage or any assignment thereof.

46 “Mortgagee of Record”, a “mortgagee” or “mortgage holder” so identified in an
47 instrument that thereafter was recorded.

48 “Mortgage servicer” or “servicer”, the person legally authorized by the mortgagee and in
49 compliance with all applicable law for servicing the mortgage loan.

50 “Mortgage servicing” or “servicing”, the receiving of any scheduled periodic payments
51 from a mortgagor pursuant to the terms of any mortgage loan, the making of the payments of
52 principal and interest and such other payments with respect to the amounts received from the
53 mortgagor as may be required pursuant to the terms of such loan, and the provision of a written
54 payoff statement with respect to the mortgage loan pursuant to section 54D of chapter 184.

55 “Mortgage statement”, a periodic statement that a mortgagee of residential real property
56 or its authorized mortgage servicer sends to a mortgagor, stating the amount of the mortgage
57 payment then due; the loan balance; the names and contact information, including an address and
58 toll-free telephone number, for the current (i) mortgagee, with the date as of which it became the
59 mortgagee; (ii) note owner, with the date as of which it became the note owner, and (iii)
60 mortgage servicer, if any, with the date as of which it became the servicer.

61 “Mortgagor”, a grantor of a mortgage originated in compliance with existing regulatory
62 interpretation.

63 “Mortgage Note”, a promissory note, bearing the original signature of the mortgagor,
64 promising to pay the lender, or any successor who is entitled to enforce the mortgage note, and
65 specifying the requirements for the repayment of the debt including the amount, interest and
66 charges.

67 “Note Owner”, the lender or a transferee of the note, who is entitled to receive payments
68 under and to enforce the note.

69 “Register”, the register of deeds for the county or district within which the subject land
70 lies.

71 “Residential real property”, a 1 to 6 family residential property located in the
72 commonwealth.

73 SECTION 3. Attorney General to notify registers of deeds of legal developments

74 Chapter 12 of General Laws is hereby amended by adding the following section:-

75 Section 34. At the end of each session of the general court, and whenever otherwise
76 appropriate, the Attorney General shall promptly notify the registers of statutes, regulations, and
77 decisions of courts that may affect their responsibilities or operations.

78 SECTION 4A. Recordation of assignments of mortgage, affidavits of sale, foreclosure
79 deeds

80 Section 12A of chapter 36 of General Laws is hereby amended by adding the following
81 ten subsections:-

82 (a) A register shall not record any instrument, executed after the effective date of this act,
83 unless its heading (i) is in 12 point (pica) or larger bolded font, (ii) indicates the type of
84 instrument, and (iii) briefly indicates the instrument’s purpose or contents.

85 (b) A register shall not record any assignment of mortgage that is presented later than
86 thirty (30) days after its date of execution, unless the said assignment of mortgage is recorded

87 with an affidavit showing good cause for filing late, or with a certified copy of an order of a
88 court finding that recordation after this thirty (30) day limit is warranted in the interests of
89 justice.

90 (c) A register shall not record an assignment of mortgage executed before the effective
91 date of this Act, but not recorded as of that date, unless presented to the appropriate registry of
92 deeds within ninety (90) days of this Act's effective date, except that the Federal National
93 Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National
94 Mortgage Association, the U.S. Department of Housing and Human Development, and the U.S.
95 Department of Agriculture may present such assignments of mortgage for recording up to one
96 hundred eighty (180) days from the effective date of this Act.

97 (d) Where an assignment of a mortgage or other instrument of conveyance is to a
98 securitized trust or other investment vehicle, a certified copy of that trust or other investment
99 vehicle's founding instrument must be:

100 Recorded with the assignment of mortgage, or other instrument of conveyance
101 identified on the assignment by book and page or document number in the subject
102 registry

103 (e) A register shall not record a discharge of a mortgage of real property unless it is:

104 (i) issued by the mortgagee and identifies the present note owner, and

105 (ii) recorded, with a certified copy of the original wet-ink mortgage note in its present
106 condition, demonstrating that all allonges are affixed, and marked "paid in full," with the date of
107 satisfaction of the mortgage loan.

108 (f) A register shall record an affidavit of sale pursuant to section 14 of chapter 244, only
109 if it is recorded with (i) a certified copy of the notice to mortgagor of right to cure default of
110 mortgage pursuant to section 35A of chapter 244, and (ii) a certified copy of the original wet-ink
111 mortgage note in its present condition, demonstrating that all allonges are affixed.

112 (g) A register shall not record a foreclosure deed if it is presented more than sixty (60)
113 days after the date of foreclosure, unless it is recorded with an affidavit on personal knowledge
114 showing good cause for filing late, or by a certified copy of an order of a court finding that
115 recordation after this sixty (60) day limit is warranted in the interests of justice.

116 (h) A register shall not record any foreclosure deed relative to a foreclosure occurring
117 before the effective date of this Act, unless it is presented for recording to the appropriate
118 registry of deeds within ninety (90) days of this Act's effective date.

119 (i) The Division of Banks shall promptly inform all persons licensed in the
120 commonwealth to lend funds upon mortgages, as well as the Federal National Mortgage
121 Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage
122 Association, the U.S. Department of Housing and Human Development, and the U.S.
123 Department of Agriculture, of the provisions of this Act.

124 SECTION 4B: Conformance of Notary provisions with Alienation of Land provisions:

125 Section 8 of Chapter 222 of the General Laws, as appearing in the 2016 Official Edition,
126 is hereby amended by striking out of subsection (b) the sentence "Failure to comply with this
127 section shall not affect the validity of any instrument or the record thereof" and replacing it with
128 "Failure to comply with this section shall not affect the validity of any instrument".

129 Section 20 of Chapter 222 of the General Laws, is hereby amended by striking out
130 subsection (b) in its entirety and replacing it with

131 “(b) Except as may be required by the Office of the Secretary of the Commonwealth for
132 the issuance of an apostille, or as may be required by a register of deeds for the purpose of
133 recordation or registration, and provided the form of acknowledgement, jurat, signature
134 witnessing, or copy certification otherwise is substantially similar in legal meaning and effect to
135 the texts of the several such forms set forth in this chapter or in the appendix to Chapter 183:

136 (i) failure of a document to contain the forms of acknowledgement, jurat, signature
137 witnessing or copy certification set forth in section 15 or otherwise to comply with the
138 requirements set forth in sections 8 to 23, inclusive, shall not have any effect on the validity of
139 the underlying document;

140 (ii) failure of a document to contain the forms of acknowledgement, jurat, signature
141 witnessing or copy certification set forth in said section 15 shall not be the basis of a refusal to
142 accept the document for filing, or acceptance by a third party; and

143 (iii) failure of a document executed in a representative capacity to contain an
144 acknowledgement that the instrument was also the voluntary or free act and deed of the principal
145 or guarantor shall not affect the validity of the underlying document.”

146 SECTION 5. Homeowners’ mortgage statements

147 Chapter 183 of General Laws, as appearing in the 2014 Official Edition, is hereby
148 amended by inserting after section 54D the following section:-

149 “Mortgage statement”, a periodic statement that a mortgagee of residential real property
150 or its authorized mortgage servicer sends to a mortgagor, stating the amount of the mortgage
151 payment then due; the loan balance; the names and contact information, including an address and
152 toll-free telephone number, for the current (i) mortgagee, with the date as of which it became the
153 mortgagee; (ii) note owner, with the date as of which it became the note owner, and (iii)
154 mortgage servicer, if any, with the date as of which it became the servicer.

155 Section 54E. (a) Each mortgage statement concerning a mortgage of residential real
156 property shall provide the names and contact information, including an address and toll-free
157 telephone number, for the current (i) mortgagee, with the date as of which it became the
158 mortgagee; (ii) note owner, with the date as of which it became the note owner, and (iii)
159 mortgage servicer, if any, with the date as of which it became the servicer.

160 (b) Each such mortgage statement shall identify the mortgage servicer, if any, as “the
161 company that you pay,” or shall use other language sufficient to indicate the function(s) that a
162 mortgage servicer performs.

163 (c) All information on each such mortgage statement shall be accurate and current as of
164 the date on which the statement is transmitted.

165 (d) Failure to comply with this section shall be an unfair or deceptive practice under
166 section two of chapter 93A, and shall render a mortgagee or mortgage servicer liable to the
167 mortgagor in the amount of \$2,500 for each such violation, plus damages and reasonable
168 attorney’s fees under subsection four of section nine of said chapter 93A.

169 (e) The amount of \$2,500 for each violation of subsection (d) shall annually, on January
170 1, be adjusted in accordance with the consumer price index as defined in section one of the
171 Internal Revenue Code.

172 SECTION 6. Payoff of mortgage loan: return cancelled note to mortgagor

173 Section 55 of chapter 183 of General Laws is hereby amended by adding at the end
174 thereof the following three subsections:-

175 (l) When the mortgage loan has been paid in full, the note owner shall, within twenty (20)
176 days of such payment, cause to be sent to the mortgagor the original wet-ink note in its present
177 condition with all allonges affixed, and marked "Paid in Full," with the date of satisfaction of the
178 mortgage loan.

179 (m) Failure to comply with this section shall be an unfair or deceptive practice under
180 section 2 of chapter 93A, and shall render a mortgagee or mortgage servicer liable to the
181 mortgagor in the amount of \$2,500 for each such violation, plus damages and reasonable
182 attorney's fees under subsection (4) of section 9 of said chapter 93A.

183 (n) The amount of \$2,500 for each violation of subsection (m) shall annually, on January
184 1, be adjusted in accordance with the consumer price index as defined in section one of the
185 Internal Revenue Code.

186 SECTION 7. Repeal of foreclosure by entry and possession.

187 Section 70 of chapter 185 of the General Laws, as appearing in the 2014 Official Edition,
188 is hereby amended by striking out the words "; but in case of foreclosure by entry and
189 possession, the certificate of entry required by section 2 of chapter 244 shall be filed and

190 registered by an assistant recorder in lieu of recording.” and by striking out the words “After
191 possession has been obtained by the mortgagee or his assigns, by entry or by action, and has
192 continued for the time required by law to complete the foreclosure, he or his assigns may request
193 the land court for the entry of a new certificate, and the court, after notice to all parties in
194 interest, shall have jurisdiction to hear the case, and may order the entry of a new certificate on
195 such terms as equity and justice may require.”

196 The provisions of Section 1 of chapter 244 of the General Laws, as so appearing, are
197 hereby declared in effect until the date of the enactment of this Act.

198 “Section 1. A mortgagee may, after breach of condition of a mortgage of land, recover
199 possession of the land mortgaged by an open and peaceable entry thereon, if not opposed by the
200 mortgagor or other person claiming it, or by action under this chapter; and possession so
201 obtained, if continued peaceably for three years from the date of recording of the memorandum
202 or certificate as provided in section two, shall forever foreclose the right of redemption.

203 After the date of the enactment of this Act, the following shall be in effect:

204 “Section 1. A mortgagee may, after breach of condition of a mortgage of land, recover
205 possession of the land mortgaged by action under this chapter.”

206 Said chapter 244 of General Laws is hereby further amended by striking out section 2 and
207 inserting in place thereof the following section:-

208 Section 2. Possession obtained by means of any entry under previous section 1 of Chapter
209 244, or under section 70 of chapter 185, as to which a memorandum or certificate was recorded

210 fewer than three years before the effective date of this act, shall never foreclose the right of
211 redemption.

212 Section 8 of said chapter 244, as so appearing, is hereby amended by striking out the first
213 sentence and inserting in place thereof the following sentence:- “The action may be brought by
214 an assignee of the mortgagee”

215 Sections 9 and 10 of chapter 244 are hereby repealed.

216 SECTION 8. Notice to municipality by mortgagee taking possession, conveying title

217 Section 15A of said Chapter 244 is hereby amended by making existing text into
218 subsection 15A(a) and adding the following four paragraphs:-

219 (b) The assessor or collector of taxes shall accept such a notice only if accompanied by (i)
220 a certification, on personal knowledge and under the pains and penalties of perjury, that the
221 mortgagee has caused to be made all other notifications required by this section and (ii) a fine of
222 \$100 per day for each day beyond the day by which the mortgagee was required to have made
223 such notice to the municipality.

224 (c) The assessor or collector of taxes shall retain one-half of each such fine for the
225 municipality. He or she shall promptly forward one-half of each such fine as revenue to the
226 treasurer of the county, if the municipality is located in a county, or if not, to the treasurer of the
227 commonwealth, as revenue for deposit in the general fund.

228 (d) If a mortgagee has taken possession of a property on or before the effective date of
229 this act, but has not made the notifications required by section 15A of chapter 244, this fine shall
230 become applicable as of thirty (30) days after the effective date of this act.

231 (e) The Commissioner of the Department of Revenue of the commonwealth shall
232 promptly notify all municipalities in the commonwealth of the provisions of Section 12.

233 SECTION 9. Repeal legislative determination of weight of evidence

234 Section 35B (f) and section 35C (b) of said chapter 244, as so appearing, are hereby
235 amended by striking out the word “conclusive” where it appears in the second paragraph of
236 section 35B (f), between “this section shall be” and “evidence in favor of”, and in the second
237 paragraph of Section 35C(b), where it appears between “this subsection shall be” and “evidence
238 in favor of....”

239 SECTION 10. Creditor actions; mortgagee’s affidavit; assignments of mortgage; service
240 members’ civil relief act proceedings

241 Said section 35C of said chapter 244, as so appearing, is hereby further amended in
242 subsection (a), by striking out the words “Mortgage Electronic Registration System or”; and in
243 subsection (b), by striking out the words “Prior to publishing a notice of a foreclosure sale, as
244 required by section 14” and replacing them with “Prior to instituting a proceeding in land court
245 or superior court pursuant to the service members’ civil relief act and again prior to publishing a
246 notice of foreclosure sale as required by section 14 ,”

247 Said section 35C of said chapter 244, as so appearing, is hereby further amended by
248 adding the following four subsections:-

249 (i) For each certified copy of a document appended to the affidavit required in subsection
250 (b), the affidavit shall provide the name and contact information of the document custodian of

251 the original document, or shall identify the document by book and page or document number as
252 recorded in the registry of deeds for the county or district in which the land lies.

253 (j) Land court and superior court shall proceed with have jurisdiction in a service
254 members' civil relief case only (1) upon the filing of a mortgagee's affidavit as required in
255 subsection (b); (2) if all assignments of mortgage cited in and appended to that affidavit, whether
256 original or certified copies, have been duly recorded in the registry of deeds for the county or
257 district within which the land lies; and (3), where the note owner is different from the mortgagee,
258 the mortgagee has filed a certified copy of the agency agreement or other instrument authorizing
259 the mortgagee to institute that proceeding.

260 (k) Failure to comply with this section shall be an unfair or deceptive practice under
261 section 2 of chapter 93A, and shall render a mortgagee or mortgage servicer liable to the
262 mortgagor in the amount of \$2,500 for each such violation, plus damages and reasonable
263 attorney's fees under subsection (4) of section 9 of said chapter 93A.

264 (l) The amount of \$2,500 for each violation of subsection (e) shall annually, on January 1,
265 be adjusted in accordance with the consumer price index as defined in section 1 of the Internal
266 Revenue Code.

267 SECTION 11. False material statements or omissions during or in connection with
268 mortgage loan process; penalties; statute of limitations; Attorney General reports

269 Section 35A of chapter 266 of General Laws is hereby amended, in subsection (a) by
270 deleting "4" in the definition of "Residential mortgage loan" and substituting "6"; and, in both its
271 title and in subsection (b), by deleting the word "lending" wherever it appears and substituting

272 the word “loan”; and is further amended in subsection (b), after “both such fine and
273 imprisonment”, by inserting the following new paragraph:-

274 Where a document including such a material statement that is false or such a material
275 omission is used in connection with a foreclosure or attempted foreclosure, or a larceny or
276 attempted larceny of real property whether such document is filed in a court, recorded in a
277 registry of deeds, or otherwise uttered, punishment may include restitution to the victim(s),
278 including the preparation and recordation at no expense to the victim(s) of whatever
279 instrument(s) might be necessary to clarify the title of the victim(s) to that property; a prohibition
280 from doing business in the commonwealth for any term of years or permanently; or both.

281 Said section 35A of said chapter 266, as so appearing, is hereby further amended by
282 inserting, after subsection (b), the following seven new subsections:

283 (c) Whoever executes or causes to be executed, or files or causes to be filed with any
284 court, or presents or causes to be presented to a registry of deeds for recording or registration,
285 whether in hard copy or by means of electronic transmission, or otherwise utters any instrument
286 that affects title to real property, whether residential or commercial, knowing that it is fraudulent
287 or false in any material respect including by omission, by a false or fraudulent declaration, by a
288 false or fraudulent signature, or by a false or fraudulent notarization, shall be punished by
289 imprisonment in the state prison for not more than 5 years or by imprisonment in the house of
290 correction for not more than 2 and one-half years or by a fine of not more than \$50,000 in the
291 case of a natural person or not more than \$250,000 in the case of any other person, or by both
292 fine and imprisonment. Where such a document is used in connection with a foreclosure or
293 attempted foreclosure, or a larceny or attempted larceny of real property, punishment may

294 include restitution to the victim(s), including the preparation and recordation at no expense to the
295 victim(s) of whatever instrument(s) might be necessary to clarify the title of the victim(s) to that
296 property; a prohibition from doing business in the commonwealth for any term of years or
297 permanently; or both.

298 (d) The statute of limitations for a violation of subsection (c) of this section shall be ten
299 (10) years from the date of execution of the document in question, the date of its presentation to
300 a registry of deeds for recording, its date of recordation, or the date on which it was filed with or
301 proffered in evidence in any court or otherwise uttered, whichever comes last.

302 (e) The provisions of subsections (c) and (d) of said section 35A of said chapter 266, as
303 so appearing, shall be reproduced in 12-point (pica) bolded font, with a heading, “Criminal
304 Liability for False or Fraudulent Documents,” in least 16-point bolded font, and shall be
305 displayed prominently in the public area of each registry of deeds. These provisions shall also be
306 reproduced legibly, with a legible heading in bolded font, on the website of each registry of
307 deeds, and, as a condition of doing business in the commonwealth, on the website of any firm
308 that offers e-recording services in the commonwealth.

309 (f) The Secretary of the Commonwealth shall promptly notify all firms that offer e-
310 recording services in the commonwealth of the provisions of subsections (a), (b), (c), (d) and (e).

311 (g) The Attorney General shall make available to all registers, to land court, superior
312 court, members of the Massachusetts bar, and on the Attorney General’s website, referral forms
313 for reporting violations of section 35A , of section 30 of chapter 2606 of the General Laws, and
314 of any other violations of the General Laws that concern title to real property, together with
315 instructions for completing and submitting such forms to the Attorney General’s office.

316 (h) The Attorney General may refer such cases for investigation and prosecution to the
317 district attorney for the county or district in which a case arises.

318 (i) The Attorney General shall report to the legislature annually, within thirty (30) days of
319 the end of each fiscal year, on (1) the number of referrals received during the preceding fiscal
320 year for violations identified in (g) and the violations alleged; (2) the number and types of cases
321 in which civil enforcement actions or criminal charges have been brought, whether by the
322 Attorney General's office or by a district attorney; and (3) the status and disposition of each such
323 case, including sentences of restitution to victim(s) of foreclosure and attempted foreclosure and
324 larceny and attempted larceny of real property and of prohibition from doing business in the
325 commonwealth.

326 (j) The maximum amounts of all fines for violations of section 35A shall be adjusted
327 annually on January 1 in accordance with the consumer price index as defined in section one of
328 the Internal Revenue Code.

329 SECTION 12: Chapter 266 Section 30 subsection 5 is amended by striking out ",60 years
330 of age or older, or of a person with a disability as defined in section 13K of chapter 265,"