

**HOUSE . . . . . No. 2879**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jay D. Livingstone***

*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 authorizing a local affordable housing surcharge.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/19/2023</i>

**HOUSE . . . . . No. 2879**

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By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 2879) of Jay D. Livingstone for legislation to authorize a local affordable housing surcharge. Revenue.

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**The Commonwealth of Massachusetts**

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

An Act authorizing a local affordable housing surcharge.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           The General Laws are hereby amended by inserting after chapter 44B, the following  
2 chapter:-

3           Chapter 44C: Local Affordable Housing Surcharge

4           (a) Notwithstanding chapter 59 or any other general or special law to the contrary, any  
5 city or town, which accepts this chapter in accordance with subsection (b), may impose an  
6 affordable housing surcharge on real property at a rate up to, but not exceeding, 2 per cent of the  
7 real estate tax levy against real property, as determined annually by the board of assessors. The  
8 amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes  
9 of section 21C of chapter 59.

10           (b) This chapter shall only take effect upon approval by a two-thirds vote of the local  
11 appropriating authority of the city or town, as defined by section 21C of chapter 59, and  
12 acceptance by the voters as a ballot question at the next regular municipal or state election;

13 provided, however, that this chapter shall take effect on July 1 of the fiscal year after such  
14 acceptance or a later fiscal year as the city or town may designate.

15 (c) All exemptions and abatements of real property authorized by chapter 59, or any other  
16 law for which a taxpayer qualifies as eligible, shall not be affected by this chapter. A taxpayer  
17 receiving an exemption of real property under a clause of section 5 of chapter 59 specifically  
18 listed in section 59 of chapter 59 shall be exempt from any surcharge on real property established  
19 under this chapter. The surcharge to be paid by a taxpayer receiving any other exemption or  
20 abatement of tax on real property authorized by chapter 59 or any other law shall be reduced in  
21 proportion to the amount of such exemption or abatement.

22 (d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per  
23 annum provided in section 57 of chapter 59.

24 (e) The local appropriating authority, as defined by section 21C of chapter 59, may also  
25 vote to accept one or more of the following exemptions:

26 (1) for property owned and occupied as a domicile by a person who would qualify for  
27 low income housing or low or moderate income senior housing in the city or town;

28 (2) for class three, commercial, and class four, industrial, properties as defined in section  
29 2A of chapter 59, in cities or towns with classified tax rates;

30 (3) for \$100,000 of the value of each taxable parcel of residential real property; or

31 (4) for \$100,000 of the value of each taxable parcel of class three, commercial property,  
32 and class four, industrial property as defined in section 2A of chapter 59.

33 (f) A person claiming an exemption provided under this chapter may apply to the board  
34 of assessors, in writing, on a form approved by the commissioner of revenue, on or before the  
35 deadline for an application for exemption under section 59 of chapter 59. Any person aggrieved  
36 by a decision of the assessors or by their failure to act upon such application may appeal, as  
37 provided in sections 64 to 65B, inclusive, of chapter 59. Applications for exemption under this  
38 chapter shall be open for inspection only as provided in section 60 of chapter 59.

39 (g) Notwithstanding section 53 of chapter 44 or any other general or special law to the  
40 contrary, a city or town that accepts this chapter shall deposit all monies collected from the  
41 surcharge, under this chapter, into an affordable housing trust adopted pursuant to section 55C of  
42 chapter 44 or special legislation.

43 (h) Upon acceptance of this chapter and upon the assessors' warrant to the tax collector,  
44 the accepted surcharge shall be imposed.

45 (i) After receipt of the warrant, the tax collector shall collect the surcharge in the amount  
46 and according to the computation specified in the warrant and shall pay the amounts so collected,  
47 quarterly or semi-annually, according to the schedule for collection of property taxes for the tax  
48 on real property, to the affordable housing trust. The tax collector shall cause appropriate books  
49 and accounts to be kept with respect to the surcharge, which shall be subject to public  
50 examination upon reasonable request.

51 (j) The remedies provided by chapter 60 for the collection of taxes upon real estate shall  
52 apply to the surcharge on real property pursuant to this chapter.

53 (k) A city or town that has accepted this chapter may revoke its acceptance, or amend the  
54 amount of the surcharge, in the manner outlined in subsection (b); provided, however, that it may

- 55 not amend the applicable surcharge rate more often than once in any 12 month period. Any
- 56 monies remaining upon revocation shall be transferred to an affordable housing trust.