

HOUSE No. 3590

The Commonwealth of Massachusetts

PRESENTED BY:

Kip A. Diggs

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 to increase the protection of homestead.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------|-----------------------|------------------|
| <i>Kip A. Diggs</i> | <i>2nd Barnstable</i> | <i>1/17/2023</i> |

HOUSE No. 3590

By Representative Diggs of Barnstable, a petition (accompanied by bill, House, No. 3590) of Kip A. Diggs relative to homestead protection. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to increase the protection of homestead.

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. Section 1 of chapter 188 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 5 and 10, the figure “\$125,000” and
3 inserting in place thereof, in each instance, the following figure:- \$250,000.

4 SECTION 2. Said section 1 of said chapter 188, as amended by section 30A of chapter
5 175 of the acts of 2022, is hereby further amended by striking out the definition “Declared
6 homestead exemption” and inserting in place thereof the following definition:-

7 “Declared homestead exemption”, an exemption in the amount of \$1,000,000 created by
8 a written declaration, executed and recorded pursuant to section 5; provided, however, that: (1)
9 with respect to a home owned by joint tenants or tenants by the entirety who are benefited by an
10 estate of homestead declared pursuant to section 3, the declared homestead exemption shall
11 remain whole and unallocated provided, that the owners together shall not be entitled to a
12 declared homestead exemption in excess of \$1,000,000; (2) if a home is owned by tenants in

13 common or trust beneficiaries, the declared homestead exemption for each co-tenant and trust
14 beneficiary who benefits by an estate of homestead declared pursuant to said section 3 shall be
15 the product of: (i) \$1,000,000 divided by, (ii) the number of co-tenants or trust beneficiaries who
16 reside in the home as a principal residence; (3) except as provided in clause (4), each person who
17 owns a home and who is benefited by an estate of homestead declared pursuant to section 2 shall
18 be entitled to the declared homestead exemption without reduction, proration or allocation
19 among other owners of the home; and (4) separate estates of homestead may be declared
20 pursuant to sections 2 and 3 on the same home and in such event: (i) if the home is owned by
21 tenants in common or trust beneficiaries, the declared homestead exemption for each co-tenant
22 and trust beneficiary who benefits by an estate of homestead declared pursuant to section 3 shall
23 be calculated in the manner provided in clause (2) and the declared homestead exemption for
24 each co-tenant and trust beneficiary who benefits by an estate of homestead declared pursuant to
25 section 2 shall be calculated in the manner provided in clause (3); or (ii) if the home is owned by
26 joint tenants or tenants by the entirety, the declared homestead exemption for the owners
27 together shall be the sum of \$1,000,000 multiplied by the number of declarations recorded
28 pursuant to section 2, plus \$250,000; provided, however, that the homestead exemption under
29 this subclause shall remain whole and unallocated among the owners; and provided further, that
30 no owner who declares a homestead, acting individually, shall be entitled to claim an exemption
31 of more than \$1,000,000; and (5) the calculation of the amount of homestead exemption
32 available to an owner shall not sever a joint tenancy or tenancy by the entirety.