

HOUSE No. 2891

The Commonwealth of Massachusetts

PRESENTED BY:

Nika C. Elugardo and David F. DeCoste

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 protect elder housing.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|-----------------------|------------------|
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>2/18/2021</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>2/18/2021</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/24/2021</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>2/26/2021</i> |
| <i>Vanna Howard</i> | <i>17th Middlesex</i> | <i>2/26/2021</i> |
| <i>Peter Capano</i> | <i>11th Essex</i> | <i>2/26/2021</i> |
| <i>Chynah Tyler</i> | <i>7th Suffolk</i> | <i>2/26/2021</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> | <i>2/26/2021</i> |
| <i>Norman J. Orrall</i> | <i>12th Bristol</i> | <i>2/26/2021</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>2/26/2021</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/26/2021</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>3/10/2021</i> |

HOUSE No. 2891

By Representatives Elugardo of Boston and DeCoste of Norwell, a petition (accompanied by bill, House, No. 2891) of Nika C. Elugardo, David F. DeCoste and others relative to freezing of the rate and valuation of taxes on real income to protect elder housing. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3579 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to protect elder housing.

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 5 of chapter 59 of the General Laws is hereby amended by adding
2 the following clause: –

3 Fifty-ninth. A city or town that accepts this section pursuant to section 4 of chapter 4 may
4 provide for the freezing of the rate and valuation of taxes on real income from all sources in
5 excess of a figure as determined by the legislative body, to any person who is of the requisite age
6 or older or to any person who is totally and permanently disabled, regardless of age and who
7 does not have income from all sources in excess of a figure as determined by the legislative
8 body; provided further, that the exemption is not allowed unless the person entitled to it has
9 presented to the assessors, on or before the last day on which sworn statements may be filed with
10 the assessors for the year for which the tax freeze is claimed, or for taxes assessed, evidence that

11 he or she is entitled, which evidence shall stand as long as his or her legal residence remains
12 unchanged.

13 The board of assessors may deny an application for a freeze of tax or rate or valuation if
14 they find the applicant has excessive assets that place the applicant outside of the intended
15 recipients of the senior exemption created by the legislative body of a municipality. A real
16 property shall qualify if all of the following criteria are met: (1) a maximum valuation of real
17 property as determined by assessor; (2) the real property is owned and occupied by the applicant
18 or joint applicants as their domicile; (3) the applicant or at least 1 of the joint applicants has been
19 domiciled in the city or town for at least 10 consecutive years before filing an application for the
20 exemption; (4) income and assets of the applicant or joint applicant is not in excess of the
21 parameter as determined by the legislative body of the city or town in which the applicant is
22 applying; (5) the real property owned by a single applicant is of the requisite age determined by
23 the legislative body of the city or town or older at the close of the previous year or jointly by
24 persons either of whom have reached the required age or above at the close of the previous year
25 and if the joint applicant is 65 years of age or older.

26 The exemptions provided for in this clause shall be in addition to any other exemption
27 provided by law; provided however, that the real estate is not taken from the tax rolls and is
28 subject to the bonded indebtedness of the city or town.

29 SECTION 2. Chapter 239 of the General Laws is hereby amended by inserting after
30 section 2A the following section: -

31 Section 2B. (a) In any city or town that accepts this section as provided in section 4 of
32 chapter 4, a lessor may not recover possession of a leased unit within a residential building

33 consisting of 6 units, or more, from a lessee 75 years of age, or older, unless the court finds that:
34 (i) the lessee has failed to pay the rent to which the lessor is entitled; (ii) the lessee has violated
35 an obligation or covenant of his or her tenancy not inconsistent with chapter 93A or the
36 regulations issued pursuant thereto or this section, other than the obligation to surrender
37 possession upon proper notice, and the lessee has failed to cure such violation after having
38 received written notice thereof from the lessor; (iii) the lessee is committing or permitting to
39 exist a nuisance in or is causing substantial damage to the leased unit or is creating a substantial
40 interference with the comfort, safety or enjoyment of the lessor or other occupants of the same or
41 any adjacent accommodations; (iv) the lessee has used or permitted a leased unit to be used for
42 any illegal purposes; (v) the lessee, who had a written lease agreement which terminated or is a
43 tenant at will, has refused, after written request or demand by the lessor, to execute a written
44 extension or renewal thereof or lease for a further term of like duration, at a rental rate that does
45 not exceed 105 per cent of the rental rate under the prior lease agreement or at will tenancy, and
46 on such terms that are not inconsistent with or violative of any provision of chapter 93A or the
47 regulations issued pursuant thereto, or of this section; (vi) the lessee has refused the lessor
48 reasonable access to the unit for the purpose of making necessary repairs or improvements
49 required by the laws of the commonwealth or any political subdivision thereof, or for the purpose
50 of inspection as permitted or required by such lessee's lease agreement or by law, or for the
51 purpose of showing the leased unit to any prospective purchaser or mortgagee; (vii) the person
52 holding at the end of a lease term is a sublessee not approved by the lessor; (viii) the lessor seeks
53 in good faith to recover possession of a leased unit for his or her own use and occupancy or for
54 the use and occupancy by his or her spouse, children, grandchildren, great grandchildren,
55 parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law or daughter-in-

56 law, and has provided the tenant with 180 days written notice and an offer of a relocation
57 assistance payment equal to at least 3 months' rent; or (ix) the lessor seeks to recover possession
58 for any other just cause, provided that the lessor's purpose is not in conflict with the provisions
59 and purposes of chapter 93A or the regulations issued pursuant thereto or this section.

60 (b) A lessor shall notify the clerk's office of the city or town in which the leased unit is
61 located prior to initiating judicial proceedings in compliance with this section.

62 (c) A lessor who recovers possession of a leased unit in violation of this section shall be
63 punished by a fine not less than \$5,000. Each such recovery in violation of this section shall
64 constitute a separate offense. The housing court shall have jurisdiction over an action arising
65 from a violation of this section and shall have jurisdiction in equity to restrain any such violation.
66 It shall be a defense to a lessee in an action pursuant to this section that a lessor attempted to
67 recover a leased unit in violation of this section.