

**MUNICIPAL RELIEF BILL
HOUSE BILL 4877
SIGNED BY THE GOVERNOR 7/27/10
CHAPTER 188 OF THE ACTS OF 2010**

The bill has 72 sections - the sections listed below pertain specifically to Assessors. Everyone should be encouraged to read the legislation, as there are many sections pertaining to procurement, retirement, tax collections, and other things of interest, even if they are not specifically assessment related.

Section 25: Amends MGL Chapter 40, Section 56 to allow the Commissioner to reschedule triennial certifications.

Section 26: All about regional assessing and what needs to be in the agreement between the communities.

Section 38: Amends MGL Chapter 58, Section 8 practices to allow the Commissioner to issue guidelines giving us the authority to abate subject to annual reporting requirements – i.e., we would no longer need to get permission on a case-by-case basis.

Section 39: Local option to allow communities to adopt a lower interest rate for Clause 18A – temporary deferrals due to financial hardships. (The same thing we did for Clause 41A a couple of years ago...)

Section 40: Clause 22E vets – 100% disabled – the words “incapable of working” have been stricken. This will take effect FY2012.

Section 41: Amends Clause 41C ½ by local option to use income limits on a household basis rather than on a single applicant basis.

Section 42: Adds two new Clauses to 59/5:

Clause 56 by local option would allow us to grant real and/or personal property abatements of up to 100% of tax to National Guardsmen and Reservists on active duty for the Fiscal Year(s) they are deployed overseas. It is subject to eligibility criteria established by the Board of Assessors, and if adopted, the authority expires within two years.

Clause 57: This appears to allow the town to appropriate monies to give “property tax rebates” to seniors who qualify for the circuit breaker income tax credit. There are some gray areas to the bill, and neither the method of appropriation or exactly who qualifies are crystal clear, so we need to wait for clarification in the form of an IGR. It appears, however, that this will require separate appropriation by the town (i.e., not funded by overlay) and will apply to seniors who qualify for the circuit breaker.

Section: 43: Amends MGL Chapter 59, Section 5K (work off program) to allow someone else to work off the hours on behalf of a senior who is not capable of doing it themselves. It also allows the maximum amount allowed to be based upon 125 hours worked as opposed to \$1,000. (The assumption would be that if the minimum wage increases the senior could get more than \$1,000?)

Section 44: Amends MGL Chapter 59, Section 29 by changing the deadline for filing Forms of List from “no later than 30 days after the mailing of the tax bill” to the last day for filing abatement applications.

Section 47: Amends MGL Chapter 59, Section 38D by making failure to comply automatic grounds for dismissal at the ATB. The current law bars appeal “unless such owner or lessee was unable to comply...” This has been eliminated.

Section 48: Further amends MGL Chapter 59, Section 38D by increasing the penalty for failure to comply to \$250 for commercial and industrial property – penalty for residential property remains at \$50.

Sections 45, 46, and 49 through 53 are all about personal property audits:

Section 45: Adds Section 31A to Chapter 59, which allows us to perform three year audits of personal property.

Section 46: Amends MGL Chapter 59, Section 32, by expanding the definition of who is allowed to review the information received during the audit.

Section 49: Adds Section 42A to Chapter 59 which grants the same audit privileges to the Commissioner of Revenue for pipelines and telephone/telegraph companies.

Sections 50 & 51: Both sections amend MGL Chapter 59, Section 61 by adding compliance with the new audit provisions as a condition for personal property abatements.

Section 52: Amends MGL Chapter 59, Section 75 – omitted assessments – if the three year audit turns up something which should have been assessed we can do an omitted assessment on it.

Section 53: Amends MGL Chapter 59, Section 76 – revised assessments – same as above except revised instead of omitted.