

**HOUSE . . . . . No. 2380**

By Mr. Speranzo of Pittsfield, petition of Christopher N. Speranzo and William Smitty Pignatelli relative to providing relief to flood victims. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Seven.

AN ACT PROVIDING RELIEF TO FLOOD VICTIMS.

*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. Item 1599-2005 of section 2A of chapter 81 of the  
2 acts of 2005, as amended by section 10 of chapter 192 of the acts of  
3 2006, is hereby further amended by inserting after the words “flood  
4 relief” the following words:— provided further, that not less than  
5 \$6,800,000 shall be expended to certain municipalities and eligible  
6 private non-profit organizations in areas declared federal disaster  
7 areas in any county in which a state of emergency has been declared  
8 by the Governor of the Commonwealth of Massachusetts in either  
9 2005 or 2006 for the purpose of providing emergency disaster relief;  
10 provided further that the relief shall be in the amount of 25 per cent  
11 of the total damage as certified by the Massachusetts emergency  
12 management agency; provided further, that not more than  
13 \$1,000,000 shall be expended for the purpose of providing emer-  
14 gency disaster relief to the victims of the flooding in any county in  
15 which a state of emergency has been declared by the Governor of  
16 the Commonwealth of Massachusetts in either 2005 or 2006 for  
17 whom flood relief provided by the Federal Emergency Management  
18 Agency, the Small Business Administration, or in any other provi-  
19 sion of this item is inadequate; provided further, that funds may be  
20 expended from this item for grants to charitable organizations  
21 engaged in assisting flood victims; provided further, that not more  
22 than \$2,000,000 of these funds shall be made available to the Massa-  
23 chusetts Development Finance Agency, established in chapter 23G  
24 of the General Laws, for the purpose of providing grants to individ-

25 uals and businesses located in any county in which a state of emer-  
26 gency has been declared by the Governor of the Commonwealth of  
27 Massachusetts in either 2005 or 2006; provided further, that the  
28 grants shall be used by the individuals and businesses to pay a per-  
29 centage of the total interest portion on loans, calculated over the life  
30 of the loans, received from the Small Business Administration due to  
31 the emergency flooding; provided further, that the percentage shall  
32 be determined by the Massachusetts Development Finance Agency;  
33 and provided further, that the percentage shall be uniform for all  
34 grant recipients.

1 SECTION 2. Notwithstanding any general or special law, rule or  
2 regulation to the contrary, for tax years beginning on or after January  
3 1, 2006 and before January 1, 2007, there shall be allowed in the  
4 case of an individual a deduction from the Part B adjusted gross  
5 income, as defined in section 3 of chapter 62 of the General Laws,  
6 an amount up to \$10,000 of the costs per household as a result of  
7 damages sustained to real and personal property as a result of the  
8 May 2006 flooding in any county in which a state of emergency has  
9 been declared by the Governor of the Commonwealth of Massachu-  
10 setts in either 2005 or 2006. A deduction shall not be allowed  
11 unless the taxpayer has previously completed an application for  
12 federal disaster assistance with the Federal Emergency Management  
13 Agency or the Small Business Administration.

14 Eligible items for the deduction shall include, but not be limited  
15 to, sump pumps and related items and services, fees for services  
16 associated with water removal, repairs to existing dwellings and  
17 replacement flooring, environmental remediation, appliances, furni-  
18 ture and home heating instruments. A deduction shall not be  
19 claimed for a cost that has been or is subsequently recovered through  
20 insurance, assistance from governmental or charitable organizations,  
21 or otherwise.

22 The deduction shall not be claimed on the individual income tax  
23 return form, but shall be claimed by filing an abatement application  
24 in accordance with rules or regulations to be promulgated by the  
25 department of revenue.

26 The department of revenue shall adopt regulations to carry out the  
27 purpose of this section.

1 SECTION 3. Notwithstanding chapter 151A or any other general  
2 or special law to the contrary, an individual shall be considered  
3 “unemployed”, as defined in said chapter and for the purposes of  
4 qualifying for benefits under said chapter, for any period of unem-  
5 ployment caused by the closure of the individual’s place of employ-  
6 ment if the cause of the closure was a direct result of the flood  
7 emergency in any county in which a state of emergency has been  
8 declared by the Governor of the Commonwealth of Massachusetts in  
9 either 2005 or 2006; if the individual would otherwise qualify for the  
10 benefits under said chapter.