

# HOUSE . . . . . No. 4104

By Ms. Walz of Boston, petition of Martha M. Walz (with the approval of the mayor and city council) that the city of Boston be authorized to grant a real estate tax exemption for residents of cooperative housing units. Revenue. [Local Approval Received.]

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE HOMEOWNERS' RESIDENTIAL TAX EXEMPTION IN THE CITY OF BOSTON.

*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. Notwithstanding the provisions of Section 5C and  
2 clause Fifty-fifth of Section 5 of Chapter 59 of the General Laws or  
3 any other general or special law to the contrary, the City of Boston  
4 may, upon promulgation in accordance with the provisions of this  
5 act of rules or regulations, provide for a residential tax exemption  
6 for cooperative housing residents to be known as The Cooperative  
7 Housing Equitable Tax Exemption, which shall make available to  
8 qualifying Cooperative housing corporation residential unit owners  
9 an exemption of 30% of the average value of the applicant co-oper-  
10 ative corporation's residential units.

1 SECTION 2. When used in this act, unless a different meaning  
2 clearly appears from the context, the following terms shall have the  
3 following meanings:—

4 "Applicant," a cooperative housing corporation organized under  
5 chapter 157B of the General Laws.

6 "Cooperative housing corporation ("Co-op)," a cooperative  
7 housing corporation as defined by Section 4 of Chapter 157B of the  
8 General Laws.

9 "Shareholder," a shareholder as defined by Chapter 157B of the  
10 General Laws.

11 "Homeowner," a homeowner as defined by Section 5C of Chapter  
12 59 of the General Laws.

1 SECTION 3. The exemption granted under this Act shall be the  
2 amount calculated pursuant to Section 1. The assessors shall apply  
3 the amount of the exemption to the actual amount assessed to the  
4 Co-op. The number of units to be considered shall be those units  
5 whose owner(s) have met all requirements set forth in Section 4. It  
6 shall be the obligation of the Co-op's management, representative or  
7 board of trustees to distribute the exemption among its qualifying  
8 co-op shareholders in proportion to each shareholder's number of  
9 shares as identified in the stock certificate.

1 SECTION 4. To be eligible for the exemption, the Co-op's man-  
2 agement, representative or board of trustees shall provide the  
3 Assessing Department, on or before October 31 of the year in which  
4 the exemption is requested, the following information and documen-  
5 tation: First, for each Co-op who wishes to receive an exemption on  
6 behalf of its shareholders, proof of all eligible shareholders' status  
7 on January first of the preceding fiscal year, including, but not lim-  
8 ited to, Chapter 157B corporate filings with the secretary of state,  
9 statement of shares owned by each shareholder and date of share  
10 acquisition, statement of share unit representation, and proprietary  
11 lease bearing the names of the cooperative housing corporation and  
12 the shareholder; Second, proof that the shareholder occupied the co-  
13 op unit on January first of the preceding fiscal year as a primary resi-  
14 dence for income tax purposes. The City of Boston reserves the right  
15 to request additional information as it deems necessary.

16 An exemption application must be filed with the board of asses-  
17 sors by the Co-op's management, representative or board of trustees.  
18 The application and accompanying proof must be filed every year.  
19 The exemption will be granted only if the requirements of this  
20 Section 4 are met. All proof requested by the board of assessors shall  
21 be received by the board of assessors, on or before October 31 of the  
22 fiscal year in which the exemption is sought.

1 SECTION 5. The amount of the residential exemption granted  
2 under this Act shall be based on the average residential value of  
3 units of the co-operative corporation applying for this exemption.

4 The amount of the exemption may equal, but shall not exceed, the  
5 residential exemption amount given to homeowners under paragraph  
6 one of section 5C of chapter 59.

7 The exemption provided for in this Act shall not apply to com-  
8 mercial Co-op units, or any residential units let to any third party,  
9 under any form of lease agreement.

1 SECTION 6. A Co-op upon which a tax has been assessed, if  
2 aggrieved by such tax, may, on or before the thirtieth day after the  
3 date on which the bill or notice was sent, petition in writing to the  
4 board of assessors, on a form approved by the commissioner of rev-  
5 enue, for an abatement thereof, and if the board finds the Co-op was  
6 taxed at more than its just proportion under this Act, it shall make an  
7 abatement in accordance with the provisions of Section 1 of this Act.  
8 No individual Co-op shareholder shall have standing to apply for the  
9 exemption for his unit, nor shall an individual shareholder have  
10 standing to petition for abatement under this section. A Co-op that  
11 is aggrieved by the denial of the exemption provided for in this Act  
12 may file a notice of appeal with the Appellate Tax Board within  
13 sixty days of notice of the assessors' refusal to grant the exemption.

1 SECTION 7. This act shall take effect upon its passage.