

SENATE NO. 423

AN ACT TO ENHANCE SERVICES AND PROTECTIONS FOR SENIOR CITIZENS

*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. Chapter 15A of the General Laws, as most recently appearing in the 2004 official

2 edition, is hereby amended by inserting after Section 3A, the following new section 3B:

3 Statewide policy to encourage the education and training of health professions with respect to the

4 screening, identification and referral of elderly victims of domestic violence and sexual assault;

5 goals and implementation.

6 Section 3B. Policy, Goals, and Implementation

7 It is hereby determined that domestic violence and sexual assault against senior citizens are a public

8 health crisis, and that it is the responsibility of Massachusetts health care professionals and health

9 care institutions to provide services for elderly victims of domestic violence and sexual assault.

10 However, senior service workers and health care professionals do not always receive adequate

11 education and training while receiving their practice certification or degree in the dynamics and

12 health impacts of domestic violence and sexual assault, the identification of such victims, and in the

13 delivery of care for such victims. The state will investigate the allocation of appropriate resources

14 to support the education and resources necessary to meet this need. The General Court, therefore,
15 declares it to be the policy of the commonwealth to promote, encourage, and support new and on-
16 going education and training of students in health professions for the purpose of screening,
17 identification, treatment and referral of elderly victims of domestic violence and sexual assault.

18 (a) Definitions: For the purpose of this section,

19 (1) "health professions entity" shall be considered any entity that is a school of medicine, a school
20 of osteopathic medicine, and undergraduate or graduate program in psychology, an undergraduate
21 or graduate program in psychiatry, an undergraduate or graduate program in social work, a school
22 of chiropractic care, a graduate school of public health, a school or program of nursing, a program
23 for the training of physician assistants, a program for emergency medical services, a program for
24 the training of allied health professions as authorized by the board of higher education of the
25 commonwealth, and training programs for those who serve the aging in home care or social
26 services.

27 (2) The term "domestic violence" includes, but is not limited to, behavior commonly referred to as
28 domestic violence as defined in section 1 of chapter 209A, sexual assault, spousal abuse, woman
29 battering, partner abuse, elder abuse as defined in section 14 of chapter 19A, and acquaintance rape
30 as defined in chapter 277. The term "sexual assault" includes, but is not limited to, behavior
31 commonly referred to as sexual assault, rape as defined in MGL Sections, 22, 22A & 23, of Chapter
32 265, intimate partner sexual assault, and sexual abuse.

33 (3) The term "elderly person" refers to an individual who is sixty years of age or over.

34 (b) Notwithstanding any law, rule, or regulation to the contrary, in the case of a health professions
35 entity specified in this section, the commonwealth or political subdivision thereof shall, in making
36 awards of grants or contracts in response to applications for funding under its jurisdiction, all things

37 being equal, give preference, above and beyond the core requirements for said application, to any
38 such entity, if otherwise a qualified applicant for the award involved, that has, in effect, education
39 and training in carrying out the following functions as a provider of health care in delivering
40 services to elderly victims of domestic violence and sexual assault: (i) screening patients for
41 domestic violence and sexual assault, (ii) identifying victims, (iii) maintaining appropriate
42 documentation, (iv) providing victim-centered response, care and appropriate treatment of injuries,
43 within the scope of the health professional's discipline, training and practice and, (v) providing
44 resources and referrals to public and non-profit entities that provide services for such victims.
45 Implementation procedures of this policy will be developed in consultation with relevant
46 educational, clinical practice, public health, and advocacy groups including but not limited to the
47 following entities: the Joint Legislative Committee on Public Health, the Joint Legislative
48 Committee on Elder Affairs, the Statewide Healthcare, Awareness, Response, Resources and
49 Education on Domestic Violence Project of Jane Doe Inc., The Massachusetts Coalition Against
50 Sexual Assault and Domestic Violence, the Massachusetts Department of Public Health, the
51 Domestic Violence Advisory Council of the Conference of the Boston Teaching Hospitals, the
52 Governor's Commission on Domestic Violence Healthcare Working Group, the Massachusetts
53 Chapter of the American Association of Retired Persons, Massachusetts Senior Action, the
54 Massachusetts Association of Councils on Aging, and the Massachusetts Medical Society.
55 Increasing Penalties for Crimes Against the Elderly.

56 SECTION 2. Subsection (a) of section 15A of chapter 265 of the General Laws, as appearing in the
57 2002 Official Edition is hereby amended by striking out the word "ten", in line 3, and inserting in
58 place thereof the following figure:- 15; by striking out the word "one", in line 4, and inserting in
59 place thereof the following word:- two; by striking out the words "two and one-half", in line 5, and

60 inserting in place thereof the following word:- five; and by striking out the word "two", in line 9,
61 and inserting in place thereof the following word:- five.

62 SECTION 3. Subsection (a) of section 15B of said chapter 265 is hereby amended by striking out
63 the word "five", in line 3, and inserting in place thereof the following word:- ten; by striking out the
64 word "one", in line 4, and inserting in place thereof the following word:- two; by striking out the
65 words "two and one-half", in line 5, and inserting in place thereof the following word:- five; and by
66 striking out the words "one year", in lines 9-10, and inserting in place thereof the following words:-
67 "five years."

68 SECTION 4. Subsection (a) of section 18 of said chapter 265 is hereby amended by striking out the
69 word "twenty", in line 3, and inserting in place thereof the following figure:- 25; and by striking out
70 the word "two", in line 10, and inserting in place thereof the following word:- five.

71 SECTION 5. Subsection (a) of section 19 of said chapter 265 is hereby amended by striking out the
72 words "not less than two years", in lines 8-9, and inserting in place thereof the following word:-
73 life; by striking out the word "two", the second time it appears in line 9, and inserting in place
74 thereof the following word:- ten; and by striking out the word "two", in line 12, and inserting in
75 place thereof the following word:- ten.

76 No Parole, Denial of Bail for Sexual Offenses Committed Against the Elderly

77 SECTION 6. Section 133A of chapter 127 of the general laws, as appearing in the 2004 Official
78 Edition, is hereby amended, by inserting after the words "for murder in the first degree," the words,
79 "except for any individual who is (1) convicted of a criminal sexual offense against a victim who is
80 elderly, which shall include any such offense under State law for conduct that would constitute an
81 offense under chapter 109A of title 18 had the conduct occurred in the special maritime and
82 territorial jurisdiction of the United States or in a Federal prison; or (2) a sexually violent predator,

83 as such term is defined in section 178C of chapter 6 of the general laws or section 14071(a)(3) of
84 title 18, United States Code.

85 SECTION 7. Section 178C of chapter 6 of the general laws, as appearing in the 2004 Official
86 Edition, is hereby amended, by inserting in the definition of “sexually violent offense,” after the
87 words “chapter 277,” the following: elder abuse as defined in section 14 of chapter 19A.

88 SECTION 8. Denial of Bail for Elder Abuse. Section 58A of chapter 276 of the general laws, as
89 appearing in the 2004 Official Edition, is hereby amended by adding at the end of the first
90 paragraph, the following: - “or is arrested and charged with violation of section 14 of chapter 19A.”

91 SECTION 9. Amendment to the Sentencing Guidelines. Notwithstanding any other general or
92 special law to the contrary:

93 (a) Pursuant to its authority under Chapter 211E, and in accordance with this section, the
94 Massachusetts Sentencing Commission is authorized and directed to—

95 (1) promptly review the sentencing guidelines applicable to sexual offenses committed against the
96 elderly;

97 (2) expeditiously consider the promulgation of new sentencing guidelines or amendments to
98 existing sentencing guidelines to provide an enhancement for such offenses; and

99 (3) submit to the General Court an explanation of actions taken by the Sentencing Commission
100 pursuant to paragraph (2) and any additional policy recommendations the Sentencing Commission
101 may have for combating offenses described in paragraph (1).

102 (b) In carrying out this section, the Massachusetts Sentencing Commission is authorized and
103 directed to—

104 (1) ensure that the sentencing guidelines and policy statements reflect the serious nature of such
105 offenses and the need for aggressive and appropriate law enforcement action to prevent such
106 offenses;

107 (2) assure reasonable consistency with other relevant directives and with other guidelines;

108 (3) account for any aggravating or mitigating circumstances that might justify exceptions, including
109 circumstances for which the sentencing guidelines currently provide sentencing enhancements;

110 (4) make any necessary conforming changes to the sentencing guidelines; and

111 (5) assure that the guidelines adequately meet the purposes of sentencing as set forth in the General
112 Laws.

113 (c) Emergency Authority and Deadline for Commission Action- The Massachusetts Sentencing
114 Commission is requested to promulgate the guidelines or amendments provided for under this
115 section as soon as practicable, and in any event not later than the 180 days after the date of
116 enactment of this Act, in accordance with the procedures set forth in section 21(a) of the
117 Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

118 SECTION 10. Notwithstanding the provisions of Chapter 85, Section 2 or any other general or
119 special law or regulation to the contrary, the a city, by vote of the city council with the approval of
120 the mayor or city manager, or a town, by vote of the town meeting, is hereby authorized to establish
121 by ordinance or by-law Senior Citizen Safety Zones, which may be an area adjacent to a facility
122 which may be publicly or privately owned and used as senior citizen housing, a hospital, nursing
123 home or assisted living facility, a community center of which senior activities are conducted on a
124 regular basis or a congregate elderly facility.

125 In any Senior Citizen Safety Zone, the municipal government may by ordinance or by-law under
126 the direction of the chief of police, in consultation with the Massachusetts Highway Department,

127 take such action as may be necessary to reduce vehicular speed by reducing speed limits, install
128 signalization and or appropriate signage and the re-striping or roadways. The chief of police shall
129 adopt and amend rules and regulations to carry out the provisions of this section.

130 SECTION 11. Local and Regional Service Delivery Centers.

131 Chapter 19A of the general laws, as appearing in the 2004 Official Edition, is hereby amended by
132 inserting after section 4C, the following new section: --

133 4D. Centers for Serving the Needs of Elder Residents.

134 A city or town, or two or more contiguous cities and towns may establish one or more centers to
135 serve the needs of residents age sixty and over. Such center, or centers, shall serve as a place where
136 adults age sixty and over come together for services and activities that reflect their experience and
137 skills, respond to their diverse needs and interests, enhance their dignity, support their
138 independence, and encourage their involvement in and with the center and the community. A
139 center offers helpful resources to older adults, serve the entire community with information on
140 aging; support for family caregivers, training professionals, lay leaders and students; and promote
141 development of innovative approaches to addressing aging issues.

142 Centers shall provide services including, but not limited to nutrition, recreation, social and
143 educational services, and comprehensive information and referral, fitness activities and Internet
144 training to meet the needs and interests of older adults. Among the optional services provided at a
145 center, or through home-based service delivery, are:

- 146• Health and wellness programs.
- 147• Arts and humanities.
- 148• Intergenerational programs.
- 149• Employment assistance.

- 150• Community action opportunities and social networking opportunities.
- 151• Transportation services.
- 152• Volunteer opportunities.
- 153• Educational opportunities.
- 154• Information and referral.
- 155• Financial assistance.
- 156• Meal and nutrition programs.
- 157• Leisure travel.

158 The department of elder affairs, shall, subject to appropriation, provide technical and financial
159 resources for local or regional centers for serving the needs of residents age sixty and over, and
160 shall develop and implement a system of quality measurement and evaluation to ensure that the
161 needs of all older residents are addressed.

162 The evaluation of centers by the department shall focus the success of a center through:

163(a) Utilizing a written statement of its mission consistent with the center philosophy. It shall also
164 have a written statement of its goals and objectives based on its mission and on the needs and
165 interests of older adults in its community or service area. A center shall have written action plans
166 that describe how its program will achieve goals and objectives. These statements shall be used to
167 guide the character and direction of the center's operation and program.

168(b) Participating in cooperative community planning, established service delivery arrangements
169 with other community agencies and organizations, and serves as a focal point in the community. A
170 center shall be a source of public information, community education, advocacy, and opportunities
171 for older adults. As community focal points, centers act as a resource for the entire community. In
172 addition to providing services and activities for older adults that reflect the community's diversity,

173 they link participants with resources offered by other agencies. Through community linkages, the
174 center plays a leadership role in developing innovative approaches to address aging issues in the
175 community. By establishing relationships with other service providers, the center helps make the
176 service system more responsive to older adults.

177 Creating an organizational structure that creates effective relationships among participants, staff,
178 governing structure, and the community in order to achieve its mission and goals. The
179 organizational structure of a center is vital to its success. Effective relationships among the various
180 levels of the organization allow the center to carry out its mission, goals, and objectives.

181 Communication between sponsoring agencies, administration, volunteers, and center members
182 assures that all are in agreement with regard to direction and plans. Participant involvement is basic
183 and allows the integrity that ensures a course of action that is responsive to the most important
184 element--those who are served. Governing documents should reflect clarity of vision in simple,
185 easy-to-understand language and must be reviewed regularly. Using these documents, the local
186 council on aging, or other advisory board, can perform a variety of roles from advice to feedback.

187 Management needs to be receptive to counsel and open for advice. Standards and policies facilitate
188 uniformity and fairness--important elements when dealing with a variety of personalities.

189 Implementing clear administrative and human resources policies and procedures that contribute to
190 the effective management of its operation. It shall be staffed by qualified personnel--paid and
191 volunteer--capable of implementing its program. Fair human resources policies and practices shall
192 be established to enhance staff morale and promote positive cooperative effort. Clear job
193 descriptions should allow staff and volunteers to understand job expectations and boundaries.

194 Training and educational opportunities allow staff and volunteers to experience personal growth,

195 and to develop professional skills needed to carry out the goals, objectives, and philosophy of the
196 center.

197 Offering a broad range of group and individual activities and services that respond to the needs and
198 interests of older adults, families, and caregivers in its community or service area. Program
199 planning should evolve from the center's mission. Programs should serve as the strategies that carry
200 out the center's goals and objectives. Services should span several generations, serving a wide
201 range of physical, cognitive, cultural, and geographical aspects. Program implementation should
202 involve not only planning programs at the center but in a variety of settings to reach different
203 audiences. Activities and services shall promote personal growth and respond to individual
204 differences. Outreach and marketing should be integral parts of programming.

205 Evaluating and reporting on its operation and program. Through a self-assessment process, a center
206 should consider its ways of working. One of the steps in the assessment process is evaluation. The
207 evaluation may be used to measure accomplishments or to uncover program or operational
208 problems. It is part of a planning cycle. It may be an overall assessment of the center's operation or
209 an examination of one aspect of its program. An evaluation could measure participants' satisfaction
210 with a service or activity. Evaluations can be quantitative (number of people served, service units
211 provided) or qualitative (the impact of the program on the people it serves). Evaluations should
212 have outcome measures—demonstrating quantitative and qualitative differences made by a
213 program. The center's administrator and its governing structure are responsible for ensuring
214 evaluations are done on a regular basis, that appropriate individuals are involved, and that a report
215 is prepared with information from the evaluation. A committee should be established to perform
216 periodic formal or informal evaluations. Occasionally, an outside evaluation consultant may also be
217 used.

218 Practicing sound fiscal planning and management, financial record keeping, and reporting.
219 Financial operations should conform to all applicable legal and administrative requirements.
220 Centers must meet community expectations that its funds are properly and efficiently used.
221 Maintaining complete records required to operate, plan, and review its program. It shall regularly
222 prepare and circulate reports to inform its governing structure, its participants, staff, funders, public
223 officials, and the general public about all aspects of its operation and program. Accurate record
224 keeping and reports are essential for the management of a center. Participant, program, and
225 administrative records are instruments used to identify who uses the center, the scope of activities
226 and services offered by the center, and to help in the management of the center's operation. All
227 records are to be reviewed regularly by designated staff for evaluation and continued
228 appropriateness. Because of the content of these records and reports, it is imperative that they are
229 kept confidential. Confidential procedures must include a system for secure storage, limiting access
230 to others, protection of clients, and a release of information system.
231 Making use of facilities that promote effective program operation and that provide for the health, safety, and
232 comfort of participants, staff, and community.

233 SECTION 12. Assistance for Elderly Care Givers

234 Section 3, Part B, paragraph (b)(1) of Chapter 62 of the General Laws, as appearing in the 2004
235 Official Edition, is hereby amended by adding the following new subparagraph:-

236 (D) an additional exemption of four thousand dollars if the taxpayer provided more than one-half of
237 the support for an elderly relative or other elderly person who has attained the age of seventy before
238 the taxable year, provided that the elderly relative or other elderly person resided with the taxpayer
239 for more than six months of the taxable year and provided further that the adjusted gross income of
240 the taxpayer does not exceed one hundred thousand dollars for the year in which the exemption is
241 being claimed.

242 SECTION 13. Section 3, Part B, paragraph (b)(2) of Chapter 62 of the General Laws is amended by
243 adding the following new subparagraph:-

244 (D) an additional exemption of four thousand dollars if the taxpayer provided more than one-half of
245 the support for the elderly relative or other elderly person who has attained the age of seventy
246 before the taxable year, provided that the elderly relative or other elderly person resided with the
247 taxpayer for more than six months of the taxable year and provided further that the adjusted gross
248 income of the taxpayer does not exceed one hundred thousand dollars of the taxable year in which
249 the exemption is being claimed.

250 SECTION 14. Section 5 of chapter 59 of the General Laws, as appearing in the 2004 Official
251 Edition, is hereby amended by striking out clause Forty-first A and inserting in place thereof the
252 following clause:—

253 Forty-first A, Real property, to an amount determined as hereinafter provided, of a person
254 65 years of age or over, and occupied by him as his domicile, of a person who owns the same
255 jointly with his spouse, either of whom is 65 years of age or over, and occupied as their domicile, or
256 of a person who owns the same jointly or as a tenant in common with a person not his spouse and
257 occupied by him as his domicile; provided, that such person has been domiciled in the
258 commonwealth for the preceding 10 years and (1) has so owned and occupied as his domicile such
259 real property or other real property in the commonwealth for 5 years; or (2) is a surviving spouse
260 who inherits such real property and has occupied such real property or other real property in the
261 commonwealth as his or her domicile for 5 years and who otherwise qualifies under this clause; and
262 provided further, that such person, and such person and his spouse, if married, had, during the
263 preceding year, gross receipts from all sources not in excess of \$20,000. Any city or town may also,
264 by vote of its legislative body subject to its charter, adopt a higher maximum qualifying gross

265 receipts amount for the purposes of this section; provided, however, that such maximum qualifying
266 gross receipts amount shall not exceed the dollar amount calculated to be the income limits on a
267 taxpayer's total income for a single individual who is not the head of a household for the purposes
268 of paragraph (3) of subsection (k) of section 6 of chapter 62 for the most recently completed state
269 tax year, as determined by the commissioner.

270 In determining the total period ownership of an applicant for exemption under this clause, the time
271 during which the same property was owned by a husband or wife individually shall be added to the
272 period during which such property was owned by the husband and wife jointly. In computing the
273 gross receipts of such an applicant or of such an applicant and his spouse, if married, ordinary
274 business expenses and losses may be deducted but not personal and family expenses.

275 Any such person may, on or before December 15 of each year to which the tax relates or within 3
276 months after the date on which the bill or notice is first sent, whichever is later, apply to the board
277 of assessors for an exemption of all or part of such real property from taxation during such year;
278 provided, however, that in the case of real estate owned by a person jointly or as a tenant in
279 common with a person not his spouse, the exemption shall not exceed that proportion of total
280 valuation which the amount of his interest in such property bears to the whole tax due. The board of
281 assessors shall grant such exemption provided that the owner or owners of such real property have
282 entered into a tax deferral and recovery agreement with the board of assessors on behalf of the city
283 or town. The agreement shall provide:

284 (1) that no sale or transfer of such real property may be consummated unless the taxes which would
285 otherwise have been assessed on such portion of the real property as is so exempt have been paid,
286 with interest at a uniform rate of 8 per cent per annum or such lesser rate as may be determined by

287 the legislative body of the city or town, subject to its charter, no later than the beginning of the
288 fiscal year to which the tax relates;

289 (2) that the total amount of such taxes due, plus interest, for the current and prior years does not
290 exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real
291 property;

292 (3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees
293 shall have first priority to the real property by paying in full the total taxes which would otherwise
294 have been due, plus interest; provided, however, if such heir-at-law, assignee or devisee is a
295 surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment
296 of the taxes and interest due shall not be required during the life of such surviving spouse. Any
297 additional taxes deferred, plus interest, on the real property under a tax deferral and recovery
298 agreement signed by a surviving spouse shall be added to the taxes and interest which would
299 otherwise have been due, and the payment of which has been postponed during the life of such
300 surviving spouse, in determining the 50 per cent requirement of subparagraph (2);

301 (4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if
302 payment is not postponed during the life of a surviving spouse, such taxes and interest shall be
303 recovered from the estate of the owner; and

304 (5) that any joint owner or mortgagee holding a mortgage on such property has given written prior
305 approval for such agreement, which written approval shall be made a part of such agreement.

306 In the case of each tax deferral and recovery agreement entered into between the board of assessors
307 and the owner or owners of such real property, the board of assessors shall forthwith cause to be
308 recorded in the registry of deeds of the county or district in which the city or town is situated a
309 statement of their action which shall constitute a lien upon the land covered by such agreement for

310 such taxes as have been assessed under this chapter, plus interest as hereinafter provided. A lien
311 filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting
312 shared appreciation instruments. The statement shall name the owner or owners and shall include a
313 description of the land adequate for identification. Unless such a statement is recorded the lien shall
314 not be effective with respect to a bona fide purchaser or other transferee without actual knowledge
315 of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to
316 and become a part of the taxes due.

317 In addition to the remedies provided by this clause, the recorded statement of the assessors provided
318 for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes
319 under section 53 of chapter 60, except that: (1) interest shall accrue at the rate determined under this
320 clause for each year until the conveyance of the property or the death of the person whose taxes
321 have been deferred, after which time interest shall accrue at the rate provided in section 62 of
322 chapter 60; (2) no assignment of the municipality's interest under this clause may be made pursuant
323 to section 52 of chapter 60; (3) no petition under section 65 of chapter 60 to foreclose the lien may
324 be filed before the expiration of 6 months from the conveyance of the property or the death of the
325 person whose taxes have been deferred.

326 SECTION 15. Said section 5 of said chapter 59, as so appearing, is hereby further amended by
327 inserting after clause Forty-first C the following clause:—

328 Forty-first C½, Real property, of an amount equal to 10 per cent of the average assessed value of
329 all Class One parcels within such city or town of the principal residence of a taxpayer as used by the
330 taxpayer for income tax purposes of a person who has reached his seventieth birthday prior to the
331 fiscal year for which an exemption is sought and occupied by the person as his domicile, or of a
332 person who owns the same jointly with his spouse, either of whom has reached his seventieth

333 birthday prior to the fiscal year for which an exemption is sought and occupied by them as their
334 domicile, or for a person who has reached his seventieth birthday prior to the fiscal year for which
335 an exemption is sought who owns the same jointly or as a tenant in common with a person not his
336 spouse and occupied by him as his domicile; provided: (A) that such person (1) has been domiciled
337 in the commonwealth for the preceding 10 years, (2) has so owned and occupied such real property
338 or other real property in the commonwealth for 5 years, or (3) is a surviving spouse who inherits
339 such real property and has occupied such real property in the commonwealth 5 years and who
340 otherwise qualified under this clause; and (B) that such taxpayer's gross receipts from all sources do
341 not exceed the dollar amount calculated to be the income limits on a taxpayer's total income for a
342 single individual who is not the head of a household for the purposes of paragraph (3) of subsection
343 (k) of section 6 of chapter 62 for the most recently completed state tax year, as determined by the
344 commissioner.

345 A city, by vote of its council and approval of its mayor, or a town, by vote of town meeting, may
346 adjust the following factors contained in these provisions by: (1) increasing the amount of the
347 exemption to as much as 20 per cent of the average assessed value of all Class One parcels within
348 such city or town; (2) reducing the requisite age of eligibility to any person age 65 years or older;
349 and (3) reducing the residency requirements to not less than 5 years.

350 This clause shall take effect in any city or town upon its acceptance by such city or town for fiscal
351 years commencing on or after July 1, 2004, or for fiscal years commencing on or after such later
352 July 1 as the city or town may elect. In those cities and towns that accept the provisions of this
353 clause, the provisions of clauses Forty-first, Forty-first B and Forty-first C shall not be applicable;
354 provided, however, that any amount of money annually appropriated by the commonwealth for the

355 purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first, clause
356 Forty-first B and clause Forty-first C shall be distributed as provided in said clause Forty-first.

357 SECTION 16. Section 5K of said chapter 59 of the General Laws, as so appearing, is hereby
358 amended by striking out, in line 13, the figure “\$750” and inserting in place thereof the following
359 figure:—
360 “\$1,000”.

361 SECTION 17. Paragraph (1) of subsection (k) of section 6 of chapter 62 of the General Laws, as so
362 appearing, is hereby amended by inserting, before the definition of “cost-of-living-adjustment”, the
363 following definition:—

364 “Cost-of-housing adjustment”, for any calendar year, the percentage, if any, by which the
365 average assessed value for a single-family home in Massachusetts for the preceding calendar year,
366 as calculated by the department of revenue, exceeds the average assessed value for a single-family
367 home in the commonwealth for calendar year 2004, as reported by the department.

368 SECTION 18. Said section 6 of said chapter 62 of the General Laws, as so appearing, is hereby
369 further amended by striking out, in line 437, the figure “\$400,000” and inserting in place thereof the
370 following figure:—
371 “\$750,000”.

372 SECTION 19. Paragraph (4) of said subsection (k) of said section 6 of said chapter 62 of the
373 General Laws, as so appearing, is hereby further amended by striking out the first sentence and
374 inserting in place thereof the following 2 sentences:—

375 For a taxable year beginning on or after January 1, 2001 and before January 1, 2005, the income,
376 valuation and credit limits in this subsection shall be increased by amounts equal to such income,
377 valuation and credit limits multiplied by the cost-of-living adjustment for the calendar year in which

378 such taxable year begins. For a taxable year beginning on or after January 1, 2008, the income and
379 credit limits in this subsection shall be increased by amounts equal to such income and credit limits
380 multiplied by the cost-of-living adjustment for the calendar year in which such taxable year begins,
381 and the valuation limit in this subsection shall be increased by an amount equal to such valuation
382 limit multiplied by the cost-of-housing adjustment for the calendar year in which such taxable year
383 begins.

384 SECTION 20. There is hereby established “the elderly persons’ tax relief outreach program” for
385 the purposes of assisting elderly residents of the commonwealth in obtaining information about
386 available options designed to provide limited relief from state and local taxes.

387

388 The state secretary shall administer the program in consultation with the secretary of the executive
389 office of elder affairs and the commissioner of revenue.

390 In order to assist interested persons in obtaining such information, the outreach program
391 shall:

392(a) create literature outlining tax relief programs for the elderly, including those providing relief
393 from state and local taxes and describing the benefits and eligibility criteria for each option; and

394(b) create presentations and workshops to better facilitate the awareness and education of
395 elderly persons in the tax-related issues that concern them, what relief is available to them and the
396 application process for such relief programs. The state secretary shall arrange for the literature,
397 presentations and workshops created by the program to be distributed to the elderly through the
398 various local councils on aging. The local councils on aging may also organize presentations and
399 workshops to present the work of the outreach program. The Massachusetts Councils on Aging

400 shall oversee the work of the local councils and coordinate the local councils to promote
401 dissemination of the information created through this program.

402 The state secretary, in consultation with the secretary of the executive office of elder affairs and the
403 commissioner of revenue, shall promulgate such regulations as are necessary to implement the
404 elderly persons' tax relief outreach program.

405 SECTION 22. Home repair and modification. Section 38A of chapter 121 of the general laws, as
406 appearing in the 2004 Official Edition, is hereby amended by inserting after the words "housing for
407 the," in the first sentence, the words "elderly and," and by inserting after the word "handicapped"
408 where it appears in said section, the words "or elderly, and by inserting at the end thereof, the
409 following: -

410 The executive office of elder affairs, in cooperation with the executive office of housing and
411 economic development is authorized and directed to establish, subject to appropriation, a grant
412 program to assist elderly low and moderate income homeowners with home maintenance and
413 repair, including modification for disabilities, to homeowners for their primary residence who are
414 residents of Massachusetts, age 62 years or older, or disabled, or have disable family members,
415 whose gross income is less than fifty thousand dollars per year for an individual, sixty thousand
416 dollars per year for a couple, and whose monthly housing expenses are greater than twenty-five
417 percent of monthly income including, but not limited to mortgage payment, insurance, utilities, real
418 estate taxes, and unreimbursed medical expenses; provided, however, that for households with
419 yearly income below ten thousand dollars no housing expense requirement shall apply. The type of
420 services that will be deemed eligible shall include interior and exterior painting, minor electrical
421 repair and replacement, installation of smoke alarms and carbon monoxide detectors, window and
422 door repair, minor plumbing repair and replacement, screen replacement for windows and doors,

423 gutter and walkway repair, installation of grab bars, railing and other accessibility devices to assist
424 the elderly and disabled. Expedited responses shall be provided for assistance with roof leaks,
425 broken hot water heaters, furnace repairs when there is no heat, electrical shorts or rewiring, and
426 plumbing leaks. No individual grant shall exceed \$2500. More extensive improvements or those
427 requiring building permits or licensing will not be provided by this Home Repair for the Elderly
428 Program.

429 SECTION 23. Enhanced Adult Family Care Program Expansion. The Executive Office of Elder
430 Affairs is authorized and directed, subject to appropriation, to implement the enhanced adult family
431 care program on a statewide basis.

432 SECTION 24. The provisions of sections 12 – 20 of this act shall be effective for taxable years
433 beginning January 1, 2009.

434 SECTION 25. The remaining sections shall be effective on July 1, 2008.