

**ANTI-GENTRIFICATION LEGISLATION
TO BE SUBMITTED TO THE
GENERAL COURT IN THE FORM OF
A HOME-RULE PETITION BY THE
CITY OF CAMBRIDGE**

Forty-first B, Real property, to an amount determined as hereinafter provided, of a person and occupied by him as his domicile, of a person who owns the same jointly with his spouse, either of whom is fifty-five years of age or over, and occupied as their domicile, or of a person who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided, that such person has been domiciled in the community for the preceding ten years and

- (1) has so owned and occupied as his domicile such real property or other real property in the community for five years; or
- (2) is a surviving spouse, son or daughter who inherits such real property or other real property in the community as his or her domicile for five years and who otherwise qualifies under this clause; and provided, further that such person, and such person and his spouse, if married, had, during the preceding year, gross receipts from all sources not in excess of twenty-five thousand dollars adjusted annually by the CPI.

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

Any such person may, on or before December 15 of each year, apply to the Board of Assessors for an exemption of all or part of such real property from taxation during such year provided, however, that in the

case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The Board of Assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with said Board of Assessors on behalf of the city or town. The said agreement shall provide:

- (1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate equal to the prevailing rate of a secured loan per annum;
- (2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed fifty percent of the owner's proportional share of the full and fair cash value of such real property;
- (3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, if such heir-at-law, assignee or devisee is a surviving spouse, son, or daughter who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse, son or daughter. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse, son, or daughter shall be added to the taxes and interest which

would otherwise have been due, and the payment of which has been postponed during the life of such spouse, son or daughter, in determining the fifty percent requirement of subparagraph (2);

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

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

(6) the maximum tax deferral for any fiscal year will not exceed the difference between the inflated tax as a result of gentrification pressures and the tax as it otherwise would be in the absence of such pressures, said amount to be determined by the Board of Assessors.

(7) Department of Revenue must certify that the community has achieved fair cash value before the gentrification tax referral is permitted;

(8) once Clause 41B application has been accepted and approved, the property is not eligible for any other statutory exemption.

(9) the gentrification area must be approved by a majority vote of the City Council.

(10) Property must increase in value by more than 30% over a 3-year period.

In the case of each tax deferral and recovery agreement entered into between the Board of Assessors and the owner or owners of such real property, the said Board of Assessors shall forthwith cause to be recorded in the Registry of Deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under

the provisions of this chapter, plus interest as hereinafter provided. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.



City of Cambridge

CALENDAR NO. 6

9.

IN CITY COUNCIL
March 19, 1979

COUNCILLOR PREUSSER

ORDERED:

That the City Manager be requested to instruct the City Solicitor to prepare the attached piece of anti-gentrification legislation in a form suitable for adoption by the City Council as a Home-Rule Petition to the General Court; and be it further

ORDERED:

That this legislation be ready for consideration by the City Council in three weeks' time.

In City Council March 26, 1979
Adopted by the affirmative vote of 5 members.
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

COUNCILLORS FRISOLI, DUEHAY AND VELLUCCI HAVE REQUESTED TO BE RECORDED IN THE NEGATIVE.

Order #9

CAL #6

F-140

C. Preusser re: anti-gentrification legisla-
tion.

3/19/79

Charter Right

^{By}
L. Frisoli

In City Council,

March 19, 1979

CHARTER RIGHT BY COUNCILLOR FRISOLI 3/19/79

3/26/79

Order Adopted

on Voice Vote of 5

members

Recorded in the Negative.

L. Mallocci

L. Frisoli

L. Duchay