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## *The Rosenberg Report*

Vol. XXIII  
March 8, 2004

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Hello!

The Constitutional Convention will reconvene on March 11th and opinions on the question of gay marriage have changed little in the last month. The Legislature, and the general public, remain deeply divided. The philosophical and political divide was illustrated by the special election March 2nd to replace State Senator Cheryl Jacques. Viewed by some as a referendum on gay marriage, the election came down to fewer than 400 votes out of more than 37,000 cast. The winner was the candidate who opposes gay marriage. I expect the debate in the Legislature this time around to be as impassioned as the last time.

For my part, I have spent the intervening month reconnecting with my coalition partners, preparing our strategy and speaking with legislators who are still wrestling with the question. One thing I've found is that many legislators are experiencing what I call issue fatigue. In the normal course of events, legislators might receive a dozen contacts on a given issue. But the volume and intensity of letters, phone calls and e-mails on all sides of the gay marriage issue has been unbelievable. And for those of us, like myself, who are organizing and attempting to build coalitions, the intensity is quadrupled. As stormy as the last few weeks have been, I am pleased to say that the discussions, for the most part, have been civil, and that all of the western Mass. senators and representatives have been fully engaged in this debate. I've said it before, but I think it bears repeating, this has been democracy at its best.

Democracy is dynamic, and, as with many things in motion, it's impossible to predict just where the gay marriage question will land. There are a number of proposed amendments that run the gamut on this issue. For example, I am working with Representative David Linksi (D-Natick) and others on an amendment intended to reaffirm our shared values of protecting religious freedom from any assault and defending the fundamental right of all people to find equal protection and opportunity under the law. We remain hopeful that we can keep discrimination out of our constitution, the most enduring expression of democratic principles in the world, and we are prepared to continue fighting the good fight come March 11th.

Yours,



## March Focus

### *2004 Municipal Conference*

This year's conference is in great shape, thanks to the help of the Franklin and Hampshire Councils of Governments. It will be held Saturday, March 27th, 2004, at The Clarion Hotel and Conference Center in Northampton, and will feature more than 30 key leaders from the Legislature, the administration and state government agencies. We'll also have a keynote address from Senate President Robert Travaglini. There's still time to register. To check out the program and register on-line, click here:

<http://www.stanrosenberg.com/info/muncon2004.html>

If you have any questions or comments, contact Tom in my district office at 413-587-6289 or at [tumitch@sprynet.com](mailto:tumitch@sprynet.com).

### *Senior property tax*

On Feb.26th, the Legislature's Joint Taxation Committee, on which I serve as vice chairman, approved a property tax relief package for senior citizens.

The Senior Citizen Property Tax Relief package would:

**1. Increase the home value cap of the senior "circuit breaker" tax credit.**

This proposal would increase to \$750,000 the maximum home value eligible to qualify for the circuit breaker tax credit. The current cap on home values, which is indexed to the Consumer Price Index, is \$432,000.

**2. Reform the Property Tax Deferral Program.**

While many municipalities offer a property tax deferral program to assist seniors and other individuals, these programs are often underutilized because of the high rate of interest currently required to be assessed on deferred property taxes. This initiative would amend existing law by changing the rate of interest from its current required rate of 8 percent. Specifically, it allows municipalities flexibility in setting up their programs by allowing them to charge *up to* 8 percent interest per year.

**3. Provide new local option Senior Real Estate Property Tax Exemption**

In response to the numerous "home rule" petitions seeking options to provide local seniors with property tax relief, this proposal provides municipalities with the option of offering a property tax exemption equal to 10 percent of the average assessed value of residential property within a city or town.

In order to be eligible for the exemption the taxpayer must be:

- 70 years of age or older;
- domiciled in the Commonwealth for the preceding 10 years;
- have owned (or inherited as a surviving spouse) such property or other property in the Commonwealth for 5 years;
- have total income that does not exceed the income eligibility standards of the senior “circuit breaker” tax credit. Currently the income levels are \$43,000 for single filers; \$54,000 for head of household filers; and \$64,000 for married filing jointly.

Additionally, a municipality may at local option adjust the following factors:

- Increase the amount of the exemption to as much as 20% of average assessed residential values in the town;
- Reduce the requisite age of eligibility to 65 years of age;
- Reduce the residency requirements to no less than one year.
- Include disabled residents in exemption regardless of age.

#### **4. Local Option to Exempt Certain Elderly Persons from Proposition 2 1/2 Overrides.**

This proposal would allow municipalities to exempt homeowners who qualify for the senior “circuit breaker” tax credit from the increase in property tax resulting from an override. The current eligibility limits for the circuit breaker are:

- Age 65 or older
- Income not exceeding \$43,000 for single filers; \$54,000 for head of household filers; and \$64,000 for married filing jointly.
- Assessed value of home not exceeding \$432,000 (current) (\$650,000 or \$800,000 if amended as above)

#### **5. Reform existing “hardship” exemption.**

Currently, a local assessor may abate any portion of an individual's property tax upon making a determination that such individual is unable to fully meet his property tax burden due to age, infirmity *and* poverty, or if there is a financial hardship resulting from a change to active military status (not including initial enlistment). This provision is not often used, in part, because it has been strictly interpreted as requiring a finding of all three factors (age, infirmity and poverty) before an abatement may issue. Also, assessors have pointed to the availability of other programs such as the deferral program as providing adequate relief.

This proposal would provide municipalities with more flexibility in utilizing this provision by allowing a finding of any one of the factors, as well as clarifying that

eligibility for the property tax deferral program shall not be considered by the assessors in determining poverty or financial hardship.

## **6. Include Disabled in Clause 41 Property Tax Exemption.**

Currently state law provides a property tax exemption of up to \$500 for qualifying individuals aged 70 or over. This provision would extend this exemption to disabled individuals regardless of age.

The House has already approved a scaled down version of this package, so I am hopeful that the full Senate will act soon and a compromise plan will be before the governor well before the end of the Legislative session.

### Noteworthy

#### *February revenues*

The streak continues. For the 13th consecutive month, state tax collections have beaten receipts from the previous year. For February, 2004, tax receipts were 7.2 percent above February 2003 collections. That means that eight months into the fiscal year, the state has collected \$478 million more, or 5.1 percent, than the comparable eight-month period last year.

This is clearly good news, but it is tempered by the fact that we are still facing a billion-dollar-plus structural deficit, caused largely by ballooning health care costs, for the next fiscal year and the number of jobs are not increasing as quickly as we would like. Still, any time I'm able to report that receipts are up I'm happy to do it.

### Roundup

#### *Join TeamRosenberg!*

This year promises to be one of the most exciting election seasons in recent memory and I'm looking for folks to join my team to help with my re-election effort. If you'd like to participate, please click here to find out how. Thanks!

<http://www.stanrosenberg.com/teamrosenberg.php>

#### *State grant*

On February 26th, the Department of Housing and Community Development awarded \$105,000 from the Commonwealth's Affordable Housing Trust Fund to the Northampton Independent Living Project.

## Trivia

Now for the answer to last month's question -- Counting the most recent Super Bowl, how many times have the Patriots appeared in the Super Bowl? The answer is: Four -- 1985 v. Chicago Bears (they lost); 1997 v. Green Bay Packers (they lost); 2001 v. St. Louis Rams (they won) and of course 2003 v. Carolina Panthers (they won).

And our winner is Romeo R. from somewhere in cyberspace. We'll send Romeo information on who to contact in my Boston office and we'll look forward to seeing Romeo at the State House. Congratulations! And thanks to everybody who played along!

Now to this month's question and another chance to win lunch and a State House tour. Who is credited with writing the Massachusetts Constitution?

Submit your answer to [tumitch@sprynet.com](mailto:tumitch@sprynet.com) and watch this space for the correct answer and the prize winner.

## Links

Here are a few links. Until next time, happy surfing!

Join TeamRosenberg! <http://www.stanrosenberg.com/teamrosenberg.php>

Click here [tumitch@sprynet.com](mailto:tumitch@sprynet.com) if you want to be removed from our list.

Click here for our on-line feedback form [www.stanrosenberg.com/form.html](http://www.stanrosenberg.com/form.html)

Forward this link to a friend [www.stanrosenberg.com/issues/rosenreportreg.html](http://www.stanrosenberg.com/issues/rosenreportreg.html)

Guide to Lawmaking -- <http://www.state.ma.us/legis/lawmkng.htm>

Massachusetts State Government Home Page -- <http://mass.gov/>

The Legislature's web page -- <http://www.state.ma.us/legis/>

Senate's Bill Text System -- <http://www.state.ma.us/legis/billsrch.htm>

Legislative Tracking System -- <http://www.state.ma.us/legis/ltsform.htm>

My personal website -- <http://www.stanrosenberg.com/>

The Rosenberg Report (January, 2004, edition) --  
<http://www.stanrosenberg.com/issues/jan2004.html>