

Offered by Councillor **STEPHEN J. MURPHY**, *Linehan, Flaherty, Ciommo, Tobin, Turner, Yoon, Yancey, Ross*



**CITY OF BOSTON  
IN CITY COUNCIL  
HOME RULE PETITION**

*WHEREAS*, One-half of the land area in Boston is tax-exempt and while some universities and colleges are responsible and fulfill their fiduciary obligations to the City of Boston and its citizens by agreeing to payment in lieu of tax agreements, others are less accountable; and

*WHEREAS*, The loss of tax revenue from schools of higher learning is increasingly cataclysmic for the residents of the City of Boston. While the City's tax base continues to decline, enrollment and endowments at these exempt institutions only continues to rise. *NOW, THEREFORE BE IT*

*ORDERED*, Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the City Council approves amendments to the bill before enactment by the General Court. The City Council is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**PETITION FOR A SPECIAL LAW RE:**

**THE TAX EXEMPT STATUS OF PROPERTIES IN THE CITY OF BOSTON**

*Section 1.*

Notwithstanding the third clause of section 5 of chapter 59 of the General Laws or any general or special law to the contrary, any real property owned by or held in trust for a school of higher learning, located in the City of Boston, shall not be exempt from property taxation. Any school of higher learning that owns or holds in trust real property located in the City of Boston shall make a payment to the City of Boston in the amount equal to the sum of the property taxes that would have otherwise been payable to the City of Boston. Nothing in this Act shall preclude the City of Boston from entering into a payment in lieu of taxes agreement.

*Section 2.*

The provisions of this act shall apply to Fiscal Years beginning on or after January 1, 2010.

(d) the amount derived in subsection (c) shall be the minimum amount for any payments under PILOTs.

*Section 2.*

CBC Chapter VIII is hereby amended by appending the following section.

CBC 8-11 Payments in Lieu of Taxes.

In an effort to evaluate the scope and effectiveness of the programs involving agreements to make Payments in Lieu of Taxes (PILOTs) as referenced in CBC 18-1.16(21), the Treasurer-Collector of the City of Boston shall annually prepare a report detailing all of the PILOTs in the City of Boston. The report shall include all activity, obligations, and payments made for the fiscal year (July 1 through June 30). The report shall be filed with the Boston City Council by filing it with the Clerk of the City of Boston no later than October 1 of each calendar year, and the Clerk shall include the report on the agenda for the next regular meeting of the Boston City Council.

The report shall include but not be limited to:

- (a) a summary including the number of active PILOTs, the number of institutions/organizations that are subject to an active PILOT, the aggregate sum of all monetary payments scheduled to be made, and the aggregate sum of all monetary payments actually made;
- (b) for each and every active PILOT, the name of the institution/organization, the address of the institution/organization, and the names of the signatories;
- (c) for each and every active PILOT, a summary of the non-monetary payment terms of the agreement and a summary of the monetary terms of the agreement;
- (d) an overall assessment of the PILOT agreements including a brief description of improvements made to the program and plans for future improvements.

*Section 3.*

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

*Section 4.*

The provisions of these sections shall be effective immediately upon passage. Provided, however, the provisions of Section 1 shall not have any retroactive effect. Any agreement that includes provisions regarding PILOTs that is amended, revised, extended, or in any way altered subsequent to implementation of these sections shall comply with these sections.

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CITY CLERK  
BOSTON