



To: The Executive Office of Housing and Livable Communities (EOHLC)
From: MPRTA (MA Part-Time Resident Taxpayers Alliance)
Re: Public Comments on 760 CMR 76/Proposed Regulations
Date: October 23, 2025

Ladies and Gentlemen:

We, as representatives of the Massachusetts Part-Time Resident Taxpayers Alliance, provide our comments below on proposed Seasonal Communities regulations, pending. MPRTA is an alliance of groups and individuals representing the interests of part-time resident property owners with homes on Cape Cod and in the Berkshires. We advocate for the concerns and needs of part-time resident taxpayers (“part-timers”) - the taxpayers upon whom the Seasonal Community designation rests.

Pursuant to the provisions of M.G.L. c. 30A, §3, providing public notice of proposed promulgation of regulation, including 760 CMR 76.00 (Seasonal Communities) and affording a Public Comment period, we now formally submit¹ the following proposed regulations:

**A. Suggested Regulations for the Implementation of the
Residential Tax Exemption (RTE)² in Excess of 35%**

1. Adopt a Means-Tested RTE

a. Property Tax Assistance Should Be Targeted To Those In Need

Part-time resident taxpayers and property owners have asked for the RTE to be means-tested for a very long time. Why? As you know, the RTE is not a revenue generating tax, but rather is a tax shift originally intended for negligent and absentee landlords. Somehow the RTE has morphed into a property tax shift from residential property owners claiming year-round status to those residential property owners who are considered part-time residents.

¹ We say “formally” because some of these proposals were previously submitted during the “Listening Sessions.” On that note, we do want to thank the EOHLC for the Listening Sessions very skillfully moderated by Matthew Walsh, who did his best to keep the conversations civil.

² It is worth noting at the outset that the Advisory Council’s proposed regulation indicates the “Statement of Purpose” for the Seasonal Community designation is to “create[] a framework for designating communities... to help them unlock housing production opportunities.” (76.01: Statement of Purpose). However, there is simply no evidence that the RTE has ever, or will ever, unlock housing production opportunities. To the extent that the RTE is aimed at keeping tax-challenged property owners in their homes, there is no link between the RTE and new housing development. This raises the question as to why the RTE is even included in this housing bill. To the extent it is, this is a perfect opportunity then to establish much-needed guardrails to the RTE’s implementation and to simplify local efforts by avoiding the need for a home rule petition, an excuse often given by local officials to avoid RTE regulation.



LEARN MORE | TAKE ACTION | CONTACT US

As a MA legislator you can do a lot to bring tax relief and tax fairness to MA residents and voters. To learn more about the RTE or the alternate tax relief options that you can enact and support, **contact MPRTA at mpрта@mpрта.org**

We have been told that the intended purpose for this shift as applied is to ensure that year-round residents can ease their tax burden and remain in their homes. Part-timers in our communities, of course, agree that homeowners residing in a Seasonal Community for years who cannot keep pace with increasing property taxes should remain in their homes and receive needed tax relief.

But this sentiment also applies (and certainly should apply) to part-time residents who have owned their homes for years in Seasonal Communities. These are predominantly middle-class homeowners – not tourists or visitors – who are the economic engine for these communities year-round (and especially off-season); people who are invested in these communities; serve on Boards and committees in these communities; give to non-profits in these communities; support the tradespeople and businesses in these communities year-round; and pay the lion's share of the operating budgets of these communities. Numerous part-timers are public employees (teachers, nurses, first responders, etc..) - most of whom are not making enormous salaries.

In other words, part-timers are subjected to the same increasing property taxes with incomes that cannot keep pace. Added is the burden of the RTE shift. With increased spending, taxes, and budgets, the logical conclusion is that part-timers will increasingly yield to the economic pressure and eventually sell to the highest bidder - ending with the exact demographic that many local leaders profess they do not want: an owner who is in the community for a few weeks during the high season and then shutters their home for the remainder of the year.

A Means-Tested RTE mitigates the all-too-common scenario described above. By focusing on those truly in need of tax relief, the tax burden is reduced, the tax shift is more widely spread, and the financial tax impact is eased for both full-timers in need and stretched part-timers.

b. Without Guardrails, the RTE Has Resulted in Unintended Adverse Consequences

A means-tested RTE avoids unintended consequences of the current “Means-Free RTE” such as tax windfalls to those who have no real need for tax relief nor a financial need to shift a property tax burden to those who make less money than RTE beneficiaries.

Among Seasonal Communities, there are many examples of the financial imbalance created by a means-free RTE. For the highest paid town employees as well residents whose income is well over \$225,000 per year, their income level exceeds that of numerous part-time resident homeowners who do not make anywhere near that amount. Yet, simply by being ‘part-timers’ they have to ‘help’ pay such individual's property taxes. No one is begrudging their neighbors a good income. But this imbalance speaks to how a means-tested RTE avoids this kind of unintended consequence.

For example, part-timers are often judged for the “luxury” of a second home. In our communities, we have RTE beneficiaries who own third and fourth homes. Lacking a means test, such persons qualify for the RTE. For many part-timers in Seasonal Communities whose homes have passed through generations, not through wealth accumulation, this disparity is burdensome. Again, happy to see our wealthy neighbors’ good fortune, but middle-class part-timers covering a portion of such persons’ property tax bill to subsidize the acquisition of third and fourth homes cannot be the intended purpose of the RTE.



LEARN MORE | TAKE ACTION | CONTACT US

As a MA legislator you can do a lot to bring tax relief and tax fairness to MA residents and voters. To learn more about the RTE or the alternate tax relief options that you can enact and support, **contact MPRTA at mpрта@mpрта.org**

RTE data confirms the scope of this disparity. For example, Provincetown FY 26 RTE data shows:

- 139 RTE recipients own homes valued at \$2 million-\$3 million
- 26 RTE recipients own homes valued at \$3 million-\$4 million
- 13 RTE recipients own homes valued \$4 million-\$5 million.

As a result, part-time residents in Provincetown who do not have homes assessed anywhere near these numbers and who do not make incomes to support homes assessed at these numbers, are helping, nonetheless, to pay the residential property taxes for those with exceptionally high assessed values.

This is corroborated elsewhere: In Truro, this FY, 62% of part-timers' assessed property values fall under the Average Residential Value (ARV), the benchmark upon which the RTE exemption value is based. That means those who pay this tax shift fall within the same low range of assessed value as intended beneficiaries of the RTE. It further shows that in FY 26, there are approximately 290 RTE recipients - over 40% of eligible full-timers - whose assessed values exceed the ARV, making the RTE especially ironic: those who seemingly do not need the RTE are getting it because "non-RTE" neighbors who are tax-challenged themselves pay it.

These were not the purposes for which the RTE was created. A means-tested RTE will fairly and equitably correct this unsustainable consequence of the current "means-free" RTE while still affording tax relief to community members who need it.

2. Verify eligibility for the RTE Every 2 Years

Without some mechanism to confirm that an RTE recipient is still a year-round resident (and is following criteria established through a means test), the exemption is susceptible to fraud, abuse, and waste. It appears that no such verification exists at this time in the Seasonal Communities that have adopted the RTE.

3. Eligibility Documentation Should Rely Upon State Income Tax Forms

Currently most communities adopting the RTE require applicants to file top sheets of their federal tax filings. Federal tax filings are not proof of domicile. The RTE is authorized by State law. Yet, State tax filings establish residency/domicile. This will both comport with this being a State-authorized activity and avoid misuse and error.

4. No Short-Term Rentals To Those Taking Advantage of the RTE

As stated above, the expressed intent of the RTE is to help property owners to stay in their primary residences, not rent their property out. This is compounded by the simple principle that public tax subsidies should not be the basis for private income generation. Here we have an example from Wellfleet. A town employee has for years rented her home in the summer months and takes advantage of the RTE. It cannot be that the RTE serves as a rental business subsidy.



LEARN MORE | TAKE ACTION | CONTACT US

As a MA legislator you can do a lot to bring tax relief and tax fairness to MA residents and voters. To learn more about the RTE or the alternate tax relief options that you can enact and support, **contact MPRTA at mpрта@mprta.org**

5. Property Tax Assistance Eligibility Should Require 3 Years of In-Town Residency

In order to ensure that those who need property tax relief to stay in their homes have actually lived in the homes they seek relief to stay in, a minimum residency requirement for owner-occupation of the relieved property should be required. Tax relief should be an instrument of relief provided within a community to its members in need. We propose a 3-year owner-occupancy requirement ensures that eligible people actually live in the community and need this help to stay in their homes.

6. Voting rights on local financial matters for residential property owners who are considered part-time residents.

If a Seasonal Community chooses to avail itself of the new RTE range of over 35% to a max of 50% then part-time resident residential property owners should have the right to vote on local financial (tax, budget, and spending) matters, both on ballots and at town meetings. In Seasonal Communities part-time residents pay the lion's share of residential property taxes, a primary source of revenue for these communities. And yet, part-timers in many of these communities cannot even sit on the floor or speak at town meetings. Part-timers are often banished, literally, to the rafters. It is simply inconsistent with democratic principles to impose any obligation on individuals with no meaningful voice. It is especially problematic since those who are actually generating the Town's revenue base - and paying the Town's bills - pay the tab for neighbors who do not carry the same financial burden.

As you can see, the proposed regulations are intended to address two central problems with the RTE as used in Seasonal Communities: 1) what constitutes "full" and "part-time" residency is hazy to say the least (that is, who benefits and who pays the tax shift and how that is determined); 2) the presumption that part-timers are all wealthy and thus should be forced to subsidize even the wealthiest full-timers in our local communities.

It seems fundamentally undemocratic to force part-time resident property owners to pay a substantial tax surcharge in the form of the RTE with no vote and no enforceable say in the matter, as a vote provides. It is our hope that these proposed regulations/guardrails can correct these challenges and stay true to core democratic values.

B. Reduce AMI Levels to 125% for Income Eligibility for Attainable Housing

In addition to regulatory guardrails to eliminate or reduce the adverse impacts of the RTE, we also propose that the AMI eligibility for Attainable Housing should be capped at 125% of AMI. The draft regulations propose 250%.

1. AMI is not uniformly or reliably applied

It is worth noting that draft regulations do not clarify what data source is being used to measure AMI. It is not specified whether AMI is established at the State, County or Municipal level; in what time period it is established, e.g., annually, and by fiscal or calendar year; or how proof of AMI is to be established. Regardless of AMI cap, these need to be specified.



LEARN MORE | TAKE ACTION | CONTACT US

As a MA legislator you can do a lot to bring tax relief and tax fairness to MA residents and voters. To learn more about the RTE or the alternate tax relief options that you can enact and support, **contact MPRTA at mprta@mprta.org**

2. No Other State Guidelines Use 250% AMI as a Threshold for Benefits

These guidelines are, to our understanding, the only MA legislation proposing this threshold for eligibility. We could find no other Massachusetts legislation suggesting 250% AMI as a baseline criterion. This not only makes this legislation stand-alone, but it also makes it inconsistent with other State program guidelines and standards. If Truro is an example of AMI impacts, we can see that in Truro for the current year, 100% AMI equals \$95,700 for one person; 250% equals \$239,250 for one person. This is a rather significant income cap qualifying applicants for “attainable housing” – and it applies nowhere else in State regulations.

3. A 250% AMI level will distort the true need for housing - and potentially could squeeze out those who truly need attainable housing.

A 250% AMI will significantly increase the pool of eligible applicants and simultaneously increase the pressure on limited attainable housing stock to meet that pool size – without any means of differentiating true need. At 250%, the AMI will allow individuals and household with significant (and affluent) income levels to compete for the limited housing that is more seriously needed for those prioritized by these draft regulations - essential public employees and artists. It has the same effect on residents who have more moderate-income levels - that is, by tradespeople, non-profit employees, healthcare workers and others not specifically identified by the regulations. The simpler way is to make sure that AMI is geared to moderate level income earners by reducing the allowable AMI cap to 125%. This level of AMI opens eligibility to roughly 60% of income earners in MA, thus it avoids creating an inflated market rate basis that reduces the opportunities and benefits for those most in need of attainable housing.

If the aim of attainable housing is to promote affordable homes for local work force members, this excessive AMI threshold begs the question: who *actually* needs this help? We believe it is people who fall within the 125% range of AMI, that is, within the range of most union-paid personnel and seasonal workforce members. This is a threshold that is reasonable, justifiable, and within taxpayers’ scope of affordability.

We thank you for your consideration of these matters.

Patricia Miller, on behalf of:

MPRTA Member Group Representatives

John Stendahl, Brewster
Tom McNamara, Eastham
Patricia Miller, Provincetown
Patty Caya, Stockbridge
Anthony Garrett, Truro



LEARN MORE | TAKE ACTION | CONTACT US

As a MA legislator you can do a lot to bring tax relief and tax fairness to MA residents and voters. To learn more about the RTE or the alternate tax relief options that you can enact and support, **contact MPRTA at mprta@mprta.org**