

HOUSE No. 1229

The Commonwealth of Massachusetts

PRESENTED BY:

Brian W. Murray

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the fair treatment of life estates in MassHealth eligibility.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/17/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/17/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>3/12/2023</i>

HOUSE No. 1229

By Representative Murray of Milford, a petition (accompanied by bill, House, No. 1229) of Brian W. Murray, Kay Khan and Kate Lipper-Garabedian relative to the treatment of life estates in MassHealth eligibility. Health Care Financing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the fair treatment of life estates in MassHealth eligibility.

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. Section 28 of chapter 118E of the general laws is hereby amended by
2 adding at the end thereof the following:-

3 “In determining the eligibility of an individual who has disposed of a life estate or
4 remainder interest in property, the Division shall determine the percentage interest of such life
5 estate or remainder interest in accordance with federal internal revenue service regulations
6 governing the valuation of annuities, interests for life or term of years, and remainder or
7 reversionary interests.”

8 SECTION 2. Section 31 of said chapter 118E is hereby amended in subsection (d) by
9 inserting after the word “sold.” the following:-

10 “If the property against which the division has a lien or encumbrance is a life estate or
11 remainder interest, the percentage interest against which the division may recover upon a sale
12 shall be determined in accordance with federal internal revenue service regulations governing the

- 13 valuation of annuities, interests for life or term of years, and remainder or reversionary
- 14 interests.”