

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray for legislation to make corrective changes in the tax exemption for certain persons over seventy years of age. Taxation.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Eighty-Two.

---

AN ACT MAKING CORRECTIVE CHANGES IN THE PROPERTY TAX EXEMPTION FOR CERTAIN PERSONS OVER SEVENTY YEARS OF AGE.

*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 5 of Chapter 59 of the General Laws is  
2 hereby amended by striking out clause Forty-first, as most recently  
3 amended by Chapter 967 of the Acts of 1977, and inserting in place  
4 thereof the following: —

5 Forty-first, Real property, to the amount of four thousand  
6 dollars valuation or the sum of five hundred dollars, whichever  
7 would amount in an exemption of the greater amount of taxes due,  
8 of a person who has reached his seventieth birthday prior to the  
9 fiscal year for which an exemption is sought and occupied by said  
10 person as his domicile, or of a person who owns the same jointly  
11 with his spouse, either of whom has reached his seventieth birthday  
12 prior to the fiscal year for which an exemption is sought and  
13 occupied by them as their domicile, or of a person who has reached  
14 his seventieth birthday prior to the fiscal year for which an exemp-  
15 tion is sought who owns the same jointly or as a tenant in common  
16 with a person not his spouse and occupied by him as his domicile;  
17 provided: (A) that such person (1) has been domiciled in the  
18 commonwealth for the preceding ten years (2) has so owned and  
19 occupied such real property or other real property in the common-  
20 wealth for five years, or (3) is a surviving spouse who inherits such  
21 real property and has occupied such real property or other real  
22 property in the commonwealth for five years and who otherwise

23 qualifies under this chapter; (B) that such person had, in the  
24 preceding year, gross receipts from all sources of less than six  
25 thousand dollars, or, if married, combined gross receipts with his  
26 spouse of less than seven thousand dollars, provided, however, that  
27 in computing the gross receipts of an applicant under this clause  
28 ordinary business expenses and losses may be deducted, but not  
29 personal or family expenses, and provided, further, that there shall  
30 be deducted from the total amount received by the applicant under  
31 the federal social security or railroad retirement and from any  
32 annuity, pension, or retirement plan established for employees of  
33 the United States government, the government of the common-  
34 wealth, or the government of any city, town, county, or special  
35 district, included in such gross receipts, an amount equivalent to  
36 the minimum payment then payable under said federal social  
37 security law as determined by the state tax commission to a retired  
38 worker seventy years of age or over, if the applicant is unmarried,  
39 or to a retired worker and spouse, both of whom are seventy years  
40 of age or over, if the applicant is married; and (C) that such person  
41 had a whole estate, real and personal, not in excess of seventeen  
42 thousand dollars, or if married, not in excess of twenty thousand  
43 dollars, provided that real property occupied as his domicile shall  
44 not be included in computing the whole estate except for any  
45 portion of said property which produces income provided however  
46 that a taxpayer may, at this option, elect to include the value of real  
47 property occupied as his domicile in computing the value of his  
48 whole estate. If such real property is included in the whole estate,  
49 the value of the whole estate shall not exceed fifty thousand dollars,  
50 or if married, fifty-five thousand dollars. Household furnishings  
51 and property already exempt under the twelfth, twentieth, twenty-  
52 ty-first, and thirty-fifth clauses of this section shall not be included  
53 in computing the whole estate. In the case of real estate owned by a  
54 person jointly or as a tenant in common with a person not his  
55 spouse, the amount of his exemption under this clause shall be that  
56 proportion of four thousand dollars valuation or the sum of five  
57 hundred dollars, whichever would result in an exemption of the  
58 greater amount of taxes due, which the amount of his interest in  
59 such property bears to the whole tax due; provided that no exemp-  
60 tion shall be granted to any joint tenant or tenants in common  
61 unless the gross receipts from all sources whatsoever of each joint

62 tenant or tenant in common is less than six thousand dollars or if  
63 married the combined gross receipts from all sources whatsoever of  
64 each joint tenant or tenant in common and his spouse is less than  
65 seventeen thousand dollars or, if married, the combined whole  
66 estate, real and personal of each joint tenant or tenant in common  
67 and his spouse does not exceed twenty thousand dollars; provided  
68 that real property occupied as their domicile shall not be included  
69 in computing the whole estate except for any portion of said  
70 property which produces income, provided however that a tax-  
71 payer may, at his option, elect to include the value of real property  
72 occupied as his domicile in computing the value of his whole estate;  
73 and provided, further, that no proportion of the exemption shall be  
74 denied to any applicant otherwise qualified for the reason that  
75 another joint tenant or tenant in common receives a proportion of  
76 the total exemption. If such real property is included in the whole  
77 estate, the value of the whole estate of each joint tenant or tenant in  
78 common shall not exceed \$50,000, or if married, the value of the  
79 whole estate of each joint tenant or tenant in common and his  
80 spouse shall not exceed \$55,000. Household furnishings and prop-  
81 erty already exempt under the twelfth, twentieth, twenty-first and  
82 thirty-fifth clauses of this section shall not be included in comput-  
83 ing the whole estate.

84 In determining the total period of ownership of an applicant for  
85 exemption under this clause, the time during which the same  
86 property was owned by a husband or wife individually shall be  
87 added to the period during which such property was owned by said  
88 husband and wife jointly. Where a portion of the real property  
89 occupied as a domicile of an applicant under this clause is located  
90 within a municipality other than the municipality in which the  
91 applicant is domiciled, and where the value of said property, or the  
92 taxes assessed by the municipality in which such applicant is  
93 domiciled should result in his receiving less than the maximum  
94 exemption provided by this clause, that part of the property of such  
95 applicant within such other municipality shall be exempt to a  
96 value, or to an amount of tax, sufficient to grant the applicant the  
97 total maximum exemption provided by the clause. Any person  
98 who receives an exemption under the provisions of this clause shall  
99 not receive an exemption on the same property under any other  
100 provision of this section except clause Eighteen.

1 SECTION 2. The commonwealth, commencing in fiscal year  
2 nineteen hundred and seventy-nine, shall annually appropriate a  
3 sum not to exceed six million dollars for the purpose of reimburs-  
4 ing municipalities for taxes abated under clause forty-first of sec-  
5 tion five of Chapter fifty-nine of the General Laws. The commis-  
6 sioner of corporations and taxation shall divide said sum by the  
7 number of clause forty-first exemptions granted in the preceding  
8 year and distribute to each city and town a pro rata share of said  
9 sum based on the number of exemptions granted in each city and  
10 town.

1 SECTION 3. This act shall apply to taxes levied for the fiscal  
2 year beginning July first, nineteen hundred and seventy-nine and  
3 thereafter.