

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1195) of Robert D. Wetmore for legislation to provide for real property tax exemptions for certain widows and widowers, and persons seventy years of age and over. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-eight.

AN ACT PROVIDING FOR REAL PROPERTY TAX EXEMPTIONS FOR CERTAIN WIDOWS AND WIDOWERS, AND PERSONS SEVENTY YEARS OF AGE AND OVER.

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 the seventeenth clause, as
3 most recently amended by section 1 of chapter 696 of the acts
4 of 1973, and inserting in place thereof the following clause:—
5 Seventeenth. Real estate of an applicant who meets the re-
6 quirements of this clause, but only to the first two thousand
7 dollars assessed value or that assessed value which would re-
8 sult in a reduction of one hundred seventy-five dollars actual
9 taxes due, whichever would result in the greater reduction of
10 actual taxes due. In order to qualify, an applicant must be

11 1. a widow or widower,
12 2. occupy the real estate as his or her domicile as of the
13 statutory assessment date;

14 3. have had gross receipts from all sources whatsoever for
15 the calendar year preceding the statutory assessment date of
16 less than six thousand dollars plus one thousand dollars for
17 each minor dependent of the applicant; and,

18 (4) have a whole estate, including equitable interests, of less
19 than thirty-five thousand dollars, exclusive of household
20 furnishings and property already exempt under the twelfth,
21 twentieth, twenty-first, or thirty-fifth clauses of this section,
22 and exclusive of any mortgage interest held by any person
23 other than the applicant.

24 In computing gross receipts within the meaning of this
25 clause, ordinary business expenses and losses, but not personal
26 and family expenses may be deducted.

27 If the real estate to be exempted is other than a single
28 family residential building, then only that value of so much of
29 the real estate as is occupied by the applicant as a domicile
30 shall be exempted.

31 An exemption shall not be allowed for real estate which the
32 assessor shall determine has been conveyed to the applicant to
33 evade taxation. An applicant aggrieved by any such determi-
34 nation may appeal to the county commissioners or to the
35 appellate tax board under the provisions of section sixty-four
36 or sixty-five respectively.

37 If an applicant owns real estate jointly or as a tenant in
38 common with any other person, an exemption shall not be
39 allowed unless each joint tenant or tenant in common meets
40 the requirement of subdivisions (3) and (4) of this clause,
41 and unless the value of the real estate to be exempted is less
42 than thirty-five thousand dollars exclusive of the value of any
43 mortgage interest held by any person other than the applicant.
44 If such applicant qualifies for an exemption under this clause,
45 the applicant is entitled only to that proportion of the full
46 exemption which the amount of his interest in the real estate
47 bears to the whole.

48 Where the whole estate of a qualifying applicant, as
49 calculated under the provisions of subdivision (4) of this
50 clause, exceeds eight thousand dollars, this exemption shall be
51 borne by the commonwealth, and the state treasurer shall
52 annually reimburse the city or town for the amount of the tax
53 which otherwise would have been collected.

1 SECTION 2. Section 5 of chapter 59 of the General Laws is
2 hereby amended by striking out the forty-first clause, as most
3 recently amended by section 1 of chapter 347 of the acts of
4 1974, and inserting in place thereof the following clause: —

5 *Forty-first.* Real estate of an applicant who meets the re-
6 quirements of this clause, but only to the first four thousand
7 dollars assessed value or that assessed value which would result
8 in a reduction of five hundred dollars actual taxes due, which-
9 ever would result in the greater reduction of actual taxes due.

10 In order to qualify, an applicant must

11 (1) either be seventy years of age or, in the case of an
12 applicant who owns the real estate jointly or as a tennt in
13 common with his or her spouse, be married to a person

14 seventy years of age or over;

15 (2) have been domiciled in the commonwealth for the
16 preceding ten years;

17 (3) either

18 (a) have owned and occupied real estate in the common-
19 wealth as his or her domicile for five years, or

20 (b) be a surviving spouse who inherits the real estate and
21 who has occupied such real estate or other real estate in the
22 commonwealth as his or her domicile for five years;

23 (4) occupy the real estate as his or her domicile as of the
24 statutory assessment date;

25 (5) have had gross receipts from all sources whatsoever for
26 the calendar year preceding the statutory assessment date of
27 less than six thousand dollars, or, if married, combined gross
28 receipts with his or her spouse of less than seven thousand
29 dollars; and

30 (6) have a whole estate, including equitable interests, but
31 exclusive of household furnishings and property already
32 exempt under the twelfth, twentieth, twenty-first, or thirty-
33 fifth clauses of this section, of less than forty-five thousand
34 dollars, or, if married, a combined whole estate with his or her
35 spouse of less than fifty thousand dollars.

36 In computing gross receipts within the meaning of this
37 clause, ordinary business expenses and losses, but not personal
38 and family expenses, may be deducted. Any amount received
39 under a qualified retirement plan may be reduced by the
40 minimum retirement payment. For the purposes of this clause,
41 an amount received under a qualified retirement plan shall
42 mean an amount received under the federal Social Security
43 Act, under the federal Railroad Retirement Act., or under any
44 annuity, pension, or retirement plan established for employees
45 of the United States government, the government of the com-
46 monwealth, or the government of any city, town, county, or
47 special district. For the purposes of this clause, the minimum
48 retirement payment, which shall be determined by the state
49 tax commission, shall be equivalent to the minimum payment
50 then payable under the federal Social Security Act to a retired
51 worker seventy years of age or over if the applicant is un-
52 married, or to a retired worker and wife, both of whom are
53 seventy years of age or over, if the applicant is married.

54 In determining the total period of ownership for exemption

55 under this clause, the time during which the real estate was
56 owned by a husband or wife individually shall be added to the
57 period during which such property was owned by said husband
58 and wife jointly.

59 In the case of an applicant who owns real property jointly
60 or as a tenant in common with his or her spouse, if either
61 spouse qualifies under the provisions of this clause, they both
62 shall qualify.

63 In the case of an applicant who owns real estate jointly or
64 as a tenant in common with a person not his or her spouse, an
65 exemption shall not be allowed unless each joint tenant or
66 tenant in common meets the requirements of subdivisions (5)
67 and (6) of this clause.

68 If the real estate to be exempted is other than a single
69 family residential building, then only that value of so much
70 of the real estate as is occupied by the applicant as a domicile
71 shall be exempted.

72 If an applicant who is a joint tenant or tenant in common
73 qualifies under the provisions of this clause, such applicant is
74 entitled only to that proportion of the full exemption which
75 his interest in the real estate bears to the whole.

76 Where a portion of the real estate is located within a
77 municipality other than the municipality in which the appli-
78 cant is domiciled, and where the value of said property, or the
79 taxes, as assessed by the municipality in which such applicant
80 is domiciled would result in his receiving less than the maxi-
81 mum exemption provided by this clause, that part of the
82 property of such applicant within such other municipality
83 shall be exempt to a value, or to an amount of tax, sufficient
84 to grant the applicant the total maximum exemption provided
85 by the clause.

1 SECTION 3. If any provision of this act or application thereof
2 to any person or circumstances is held invalid, such invalidity
3 shall not affect other provisions or applications of this chapter
4 which can be given effect without the invalid provision or
5 application, and to this end the provisions of this act are
6 declared to be severable.

1 SECTION 4. The provisions of this chapter shall be applicable
2 to taxes levied for the fiscal year ending June 30, 1979 and
3 subsequent fiscal years.