

By Mr. Cohen of Andover, petition of Gerald M. Cohen relative to the property tax exemption for certain persons over seventy years of age. Taxation.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO 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 clause; (B) that such person had, in the preced-
24 ing year, gross receipts from all sources of less than ten thousand
25 dollars, or, if married, combined gross receipts with his spouse of
26 less than twelve thousand dollars, provided, however, that in com-
27 puting the gross receipts of an applicant under this clause ordinary
28 business expenses and losses may be deducted, but not personal or
29 family expenses, and provided, further, that there shall be deducted
30 from the total amount received by the applicant under the federal
31 social security or railroad retirement and from any annuity, pen-
32 sion, or retirement plan established for employees of the United
33 States government, the government of the commonwealth, or the
34 government of any city, town, county, or special district, included
35 in such gross receipts, an amount equivalent to the minium pay-
36 ment then payable under said federal social security law, as deter-
37 mined by the Commissioner of Revenue to a retired worker seventy
38 years of age or over, if the applicant is unmarried, or to a retired
39 worker and spouse, both of whom are seventy years of age or over,
40 if the applicant is married, and (C) that such person had a whole
41 estate, real and personal, not in excess of seventeen thousand
42 dollars, or if married, not in excess of twenty thusand dollars,
43 provided that real property occupied as his domicile shall not be
44 included in computing the whole estate except for any portion of
45 said property which produces income, provided however that a
46 taxpayer may, at his option, elect to include the value of real
47 property occupied as his domicile elect to include the value of real
48 property occupied as his domicile in computing the value of his
49 whole estate. If such real property is included in the whole estate,
50 the value of the whole estate shall not exceed sixty thousand
51 dollars, or if married, sixty-five thousand dollars. Household fur-
52 nishings and property already exempt under the twelfth, twentieth,
53 twenty-first, and thirty-fifty clauses of this section shall not be
54 included in computing the whole estate. In the case of real estate
55 owned by a person jointly or as a tenant in common with a person
56 not his spouse, the amount of his exemption under this clause shall
57 be that proportion of four thousand dollars valuation or the sum of
58 five hundred dollars, whichever would result in an exemption of the

59 greater amount of taxes due, which the amount of his interest in
60 such property bears to the whole tax due; provided that no exemp-
61 tion shall be granted to any joint tenant or tenant in common
62 unless the gross receipts from all sources whatsoever of each joint
63 tenant or tenant in common is less than ten thousand dollars or, if
64 married, the combined gross receipts from all sources whatsoever
65 of each joint tenant or tenant in common and his spouse is less than
66 twelve thousand dollars and unless the combined whole estate, real
67 and personal, of each joint tenant or tenant in common is less than
68 seventeen thousand dollars or, if married, the combined whole
69 estate, real and personal of each joint tenant or tenant in common
70 and his spouse does not exceed twenty thousand dollars; provided
71 that real property occupied as their domicile shall not be included
72 in computing the whole estate except for any portion of said
73 property which produces income, provided however that a tax-
74 payer may, at his option, elect to include the value of real property
75 occupied as his domicile in computing the value of his whole estate;
76 and provided, further, that no proportion of the exemption shall be
77 denied to any applicant otherwise qualified for the reason that
78 another joint tenant or tenant in common receives a proportion of
79 the total exemption. If such real property is included in the whole
80 estate, the value of the whole estate of each joint tenant or tenant in
81 common shall not exceed sixty thousand dollars. or if married, the
82 value of the whole estate of each joint tenant or tenant in common
83 and his spouse shall not exceed sixty-five thousand dollars. House-
84 hold furnishings and property already exempt under the twelfth,
85 twentieth, twenty-first and thirty-fifth clauses of his section shall
86 not be included in computing the whole estate

87 In determining the total period of ownership of an applicant for
88 exemption under this clause, the time during which the same
89 property was owned by a husband or wife individually shall be
90 added to the period during which such property was owned by said
91 husband and wife jointly. Where a portion of the real property
92 occupied as a domicile of an applicant under this clause is located
93 within a municipality other than the municipality in which the
94 applicant is domiciled, and where the value of said property, or the
95 taxes, assessed by the municipality in which such applicant is

96 domiciled would result in his receiving less than the maximum
97 exemption provided by this clause, that part of the property of such
98 applicant within such other municipality shall be exempt to a
99 value, or to an amount of tax, sufficient to grant the applicant the
100 total maximum exemption provided by the clause. Any person
101 who receives an exemption under the provisions of this clause shall
102 not receive an exemption on the same property under any other
103 provision of this section except clause Eighteen.

1 SECTION 2. The commonwealth, commencing in fiscal year
2 nineteen hundred and eighty-two, 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 Revenue shall divide said sum by the number of clause
7 forty-first exemptions granted in the preceding year and distribute
8 to each city and town a pro rata share of said sum based on the
9 number of exemptions granted in each city and town.

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

1 SECTION 4. This act shall take effect immediately upon its
2 passage.