

By Mr. Mofenson of Newton, petition of Theodore D. Mann, David J. Mofenson, Jack H. Backman and A. Joseph DeNucci relative to increasing real estate tax exemptions for widows and elderly persons. Taxation.

The Commonwealth of Massachusetts

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

AN ACT BROADENING REAL ESTATE TAX EXEMPTIONS FOR WIDOWS AND THE ELDERLY.

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. In recognition of the severe economic plight of
2 certain senior citizens and widows who are real property owners
3 with fixed and limited incomes and who are faced with rising
4 living costs and constantly increasing tax burdens upon their
5 homes, the General Court considers it to be a matter of sound
6 public policy to make special provisions for real property tax
7 exemptions for that class of senior citizens and widows who are
8 real property tax payers and who are without adequate means of
9 support to enable them to remain in peaceable possession of their
10 homes and relieving their economic burden.

1 SECTION 2. Clause seventeenth of section 5, chapter 59 of
2 the General Laws is hereby amended by deleting therefrom the
3 word "widow".

1 SECTION 3. Clause forty-first of section 5, chapter 59 of the
2 General Laws is hereby amended by striking said clause in its
3 entirety and inserting in its place the following:—

4 1) Real property owned by a widow, or by one or more natural
5 persons, each of whom is sixty-five years of age or over, or by a
6 husband or wife, either of whom is sixty-five years of age or over.

7 shall annually be exempt from taxation by any city or town, as
 8 hereinafter provided. For purposes of this Act, the term "widow"
 9 shall mean the surviving wife who has not remarried.

10 2) The exemption to which an owner or owners qualifying
 11 under this clause may be entitled will be computed as follows: The
 12 General Court shall annually designate a dollar amount for this
 13 clause, to which will be applied a percentage corresponding to the
 14 owner's or owner income for the income tax year immediately
 15 preceding the date of application. The figure so derived shall
 16 constitute the exemption allowable hereunder. In annually
 17 designating the said amount for this clause, the General Court
 18 shall take into account for this clause, the General Court shall
 19 take into account the current cost of living index and any other
 20 economic data which is considered pertinent. The following table
 21 shall be utilized in determining the percentage to be applied to the
 22 dollar amount designated by the General Court:

<u>Income</u>	<u>Percentage to be Applied to Dollar Amount Designated Annually by the General Court</u>
0-\$6,000	100%
\$6,001-\$10,000	50%
Over \$10,000	0%

23 The income figures in the above table shall be reviewed
 24 annually by the General Court, and shall be revised whenever
 25 such action will further the spirit and intent of this clause. In
 26 making such reviews and revisions, the General Court shall take
 27 into account the current cost of living index and any other
 28 economic data which it considers pertinent.

29 3) For purposes of this clause, the term "income tax year" shall
 30 mean the twelve-month period for which the owner or owners
 31 filed a federal personal income tax return, or if no such return is
 32 filed, the calendar year. The term "income" shall mean income of
 33 any nature received from all sources.

1 SECTION 4. No exemption shall be allowed:

2 a) unless the real estate is the domicile of, and is occupied by,
3 the owner or by all of the owners for at least 150 consecutive days
4 in the income tax year immediately preceding the date of
5 application. Absence of the owner or owners from the property
6 while in a nursing home, hospital, or other treatment facility will
7 not prevent the allowance of an exemption for which the owner
8 or owners otherwise qualify, provided that the property is still
9 available for the owner or owners to return to and occupy as his
10 or her domicile upon being released from said nursing home,
11 hospital, or other treatment facility.

12 b) unless the title to the property shall have been vested in the
13 owner or one of the owners for at least five consecutive years
14 prior to date of application, and unless the owner or owners have
15 owned and occupied property in Massachusetts for at least five
16 consecutive years prior to the date of application. In determining
17 the total period of ownership of an applicant for exemption under
18 this clause, the time during which the same property was owned
19 by a husband or wife individually shall be added to the period
20 during which such property was owned by said husband and wife
21 jointly. In the event of either a husband or wife in whose name
22 title to the property was vested at the time of death and then
23 becomes vested solely in the survivor by virtue of devise or by
24 descent from the deceased husband or wife, the time of ownership
25 of the property by the deceased husband or wife shall be deemed
26 also a time of ownership by the survivor and such ownership shall
27 be deemed continuous for the purposes of computing such period
28 of five consecutive years.

29 c) unless the property is used exclusively by the owner or
30 owners for residential purposes.

1 SECTION 5. If the property is owned by tenants by the
2 entirety, only one exemption shall be allowed annually. In the
3 case of property owned by a person jointly or as a tenant in
4 common with a person not his spouse, the amount of his
5 exemption under this clause shall be in proportion to the amount
6 of his interest in the property, and shall be determined without
7 regard to the income of any other joint tenant or tenant in
8 common.

1 SECTION 6. An application for an exemption under this
2 clause shall be denied if the assessors or other local taxing
3 authorities find that the applicant received title to the property or
4 any interest in the property primarily for the purpose of obtaining
5 the exemption provided herein, or if the assessors or other local
6 taxing authorities find that any transaction involving or affecting
7 the property was entered into or effectuated primarily for the
8 purpose of obtaining the exemption provided herein.

1 SECTION 7. Any person who receives an exemption under
2 the provisions of this clause shall not receive an exemption on the
3 same property under any other provision of this section except
4 clause eighteenth.