

By Mr. Lawton of Brockton, petition of Mark E. Lawton that provision be made for real property tax exemptions for certain minors, widows and widowers, and persons seventy years of age and over. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT PROVIDING FOR REAL PROPERTY TAX EXEMPTIONS FOR CERTAIN MINORS, 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 most
3 recently amended by section 1 of chapter 696 of the acts of 1973,
4 and inserting in place thereof the following clause: —

5 *Seventeenth.* Real estate of an applicant who meets the
6 requirements of this clause, but only to the first two thousand
7 dollars assessed value or that assessed value which would result in a
8 reduction of one hundred seventy-five dollars actual taxes due,
9 whichever would result in the greater reduction of actual taxes due.

10 In order to qualify, an applicant must

11 (1) be either

12 (a) a widow or widower, or

13 (b) an unmarried minor, one of whose parents is deceased,
14 provided that during the year prior to the death of the deceased
15 parent, the deceased parent either was domiciled with the minor or
16 provided more than ten percent of the support of the minor;

17 (2) occupy the real estate as his or her domicile as of the statutory
18 assessment date;

19 (3) have had gross receipts from all sources whatsoever for the
20 calendar year preceding the statutory assessment date of less than
21 six thousand dollars plus one thousand dollars for each minor
22 dependent of the applicant; and

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

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

31 If the real estate to be exempted is other than a single family
32 residential building, then only that value of so much of the real
33 estate as is occupied by the applicant as a domicile shall be
34 exempted.

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

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

51 Where the whole estate of a qualifying applicant, as calculated
52 under the provisions of subdivision (4) of this clause, exceeds eight
53 thousand dollars, this exemption shall be borne by the common-
54 wealth, and the state treasurer shall annually reimburse the city or
55 town for the amount of tax which otherwise would have been
56 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 1974,
4 and inserting in place thereof the following clause: —

5 *Forty-First.* Real estate of an applicant who meets the require-
6 ments of this clause, but only to the first four thousand dollars
7 assessed value or that assessed value which would result in a
8 reduction of three hundred fifty dollars actual taxes due, whichever
9 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 applicant
12 who owns the real estate jointly or as a tenant in common with his
13 or her spouse, be married to a person seventy years of age or over;

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

16 (3) either

17 (a) have owned and occupied real estate in the commonwealth as
18 his or her domicile for five years, or

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

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

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

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

34 In computing gross receipts within the meaning of this clause,
35 ordinary business expenses and losses, but not personal and family
36 expenses, may be deducted. Any amount received under a
37 qualified retirement plan may be reduced by the minimum
38 retirement payment. For the purposes of this clause, an amount
39 received under a qualified retirement plan shall mean an amount
40 received under the federal Social Security Act, under the federal
41 Railroad Retirement Act, or under any annuity, pension, or
42 retirement plan established for employees of the United States

43 government, the government of the commonwealth, or the
44 government of any city, town, county, or special district. For the
45 purposes of this clause, the minimum retirement payment, which
46 shall be determined by the state tax commission, shall be
47 equivalent to the minimum payment then payable under the
48 federal Social Security Act to a retired worker seventy years of age
49 or over if the applicant is unmarried, or to a retired worker and
50 wife, both of whom are seventy years of age or over, if the applicant
51 is married.

52 In determining the total period of ownership for exemption
53 under this clause, the time during which the real estate was owned
54 by a husband or wife individually shall be added to the period
55 during which such property was owned by said husband and wife
56 jointly.

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

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

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

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

73 Where a portion of the real estate is located within a
74 municipality other than the municipality in which the applicant is
75 domiciled, and where the value of said property, or the taxes, as
76 assessed by the municipality in which such applicant is domiciled
77 would result in his receiving less than the maximum exemption
78 provided by this clause, that part of the property of such applicant
79 within such other municipality shall be exempt to a value, or to an
80 amount of tax, sufficient to grant the applicant the total maximum
81 exemption provided 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 shall
3 not affect other provisions or applications of this chapter which
4 can be given effect without the invalid provision or application,
5 and to this end the provisions of this act are declared to be
6 severable.

1 SECTION 4. The provisions of this chapter shall be applicable
2 to taxes levied for the fiscal year ending June 30, 1978, and
3 subsequent fiscal years.

