

By Mr. Silvia of Fall River, petition of Charles E. Silvia relative to the taxation of real property of certain elderly persons. Taxation.

---

---

**The Commonwealth of Massachusetts**

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

---

---

**AN ACT RELATIVE TO REAL PROPERTY OF CERTAIN ELDERLY PERSONS.**

*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. Clause Forty-first of Section 5 of Chapter 59 of  
2 the General Laws, as most recently amended by Section 4 of  
3 Chapter 653 of the Acts of 1982, is hereby further amended by  
4 striking out the last sentence of the last paragraph.

1 SECTION 2. Section 5 of Chapter 59 of the General Laws, as  
2 most recently amended by Section 5 of Chapter 653 of the Acts of  
3 1982, is hereby amended by striking out Clause Forty-first B and  
4 inserting in its place the following: —

5 Real property, to the amount of four thousand dollars of taxa-  
6 ble valuation or the sum of five hundred dollars, whichever would  
7 amount in an exemption of the greater amount of taxes due, of a  
8 person who has reached his seventieth birthday prior to the fiscal  
9 year for which an exemption is sought and owned and occupied by  
10 said person and his domicile, or of a person who owns the same  
11 jointly with his spouse, either of whom has reached his seventieth  
12 birthday prior to the fiscal year for which an exemption is sought  
13 and occupied by them as their domicile, or a person who has  
14 reached his seventieth birthday prior to the fiscal year for which an  
15 exemption is sought who owns the same jointly or as a tenant in  
16 common with a person not his spouse and occupied by him as his  
17 domicile; provided: A) that such person had, in the preceding year  
18 gross receipts from all sources of less than ten thousand dollars, or  
19 if married, combined gross receipts with his spouse of less than  
20 twelve thousand dollars, provided, however, that in computing the  
21 gross receipts of an applicant under this clause ordinary business

22 expenses and losses may be deducted, but not personal or family  
23 expenses, and provided, further, that there shall be deducted from  
24 the total amount received by the applicant under the federal social  
25 security or railroad retirement and from any annuity, pension, or  
26 retirement plan established for employees of the United States  
27 government, the government of the commonwealth, or the  
28 government of any city, town, county, or special district, included  
29 in such gross receipts, an amount equivalent to \$1,940.40 for a  
30 person, or if married, \$2,910.60 for the fiscal year 1983 in which an  
31 exemption is sought which is an amount equivalent to the mini-  
32 mum payment then payable under the federal social security law;  
33 in each subsequent year the commissioner of revenue shall increase  
34 these equivalent amounts based on fiscal year 1983 minimum  
35 payments payable under said social security law by 5% over the  
36 previous year's minimum amounts, to a retired worker seventy  
37 years of age or over, if the applicant is unmarried, or to a retired  
38 worker and spouse, both of whom are seventy years of age or over,  
39 if the applicant is married; and B) that such person had a whole  
40 estate, real and personal, not in excess of twenty thousand dollars,  
41 or if married, not in excess of twenty-three thousand dollars,  
42 provided that real property occupied as his domicile shall not be  
43 included in computing the whole estate except for any portion of  
44 said property which produces income. In the case of real property  
45 owned by a person jointly or as a tenant in common with a person  
46 not his spouse, the amount of his exemption under this clause shall  
47 be that proportion of four thousand dollars valuation or the sum  
48 of five hundred dollars, whichever would result in an exemption of  
49 the greater amount of taxes due, which the amount of his interest  
50 in such property bears to the whole tax due; provided: (A) that no  
51 exemption shall be granted to any joint tenant or tenant in com-  
52 mon unless the gross receipts from all sources whatsoever of each  
53 joint tenant or tenant in common is less than ten thousand dollars  
54 or, if married, the combined gross receipts from all sources what-  
55 soever of each joint tenant or tenant in common and his spouse is  
56 less than twelve thousand dollars, provided, however, that in  
57 computing the gross receipts of an applicant under this clause  
58 ordinary business expenses and losses may be deducted, but not  
59 personal or family expenses, and provided, further, that there shall  
60 be deducted from the total amount received by the applicant under

61 the federal social security or railroad retirement and from any  
62 annuity, pension, or retirement plan established for employees of  
63 the United States government, the government of the common-  
64 wealth, or the government of any city, town, county, or special  
65 district, included in such receipts, an amount equivalent to  
66 \$1,940.40 for a person, or if married, \$2,910.60 for the fiscal year  
67 1983 in which an exemption is sought which is an amount equiva-  
68 lent to the minimum payment then payable under the federal social  
69 security law; in each subsequent year the commissioner of revenue  
70 shall increase these equivalent amounts based on fiscal year 1983  
71 minimum payments payable under said social security law by 5%  
72 over the previous year's minimum amounts, to a retired worker  
73 seventy years of age or over, if the applicant is unmarried, or to a  
74 retired worker and spouse, both of whom are seventy years of age  
75 or over, if the applicant is married; and (B) that the combined  
76 whole estate, real and personal, of each joint tenant or tenant in  
77 common is less than twenty thousand dollars or, if married, the  
78 combined whole estate, real and personal of each joint tenant or  
79 tenant in common and his spouse does not exceed twenty-three  
80 thousand dollars, provided that real property occupied as their  
81 domicile shall not be included in computing the whole estate except  
82 for portion of said property which produces income. No propor-  
83 tion of the exemption shall be denied to any applicant otherwise  
84 qualified for the reason that another joint tenant or tenant in  
85 common receives a proportion of the total exemption. Household  
86 furnishings and property already exempt under the twelfth, twen-  
87 tieth, thirty-first, and thirty-fifth clauses of this section shall not be  
88 included in computing the whole estate for purposes of this sec-  
89 tion. Where a portion of the real property occupied as a domicile  
90 of an applicant under this clause is located within a municipality  
91 other than the municipality in which the applicant is domiciled,  
92 and where the value of said property, or the taxes, assessed by the  
93 municipality in which such applicant is domiciled would result in  
94 his receiving less than the maximum exemption provided by this  
95 clause, that part of the property of such applicant within such  
96 other municipality shall be exempt to a value, or to an amount of  
97 tax, sufficient to grant the applicant the total maximum exemp-  
98 tion provided by the clause. This clause shall take effect upon its  
99 acceptance by any city or town. In those cities and towns which

100 accept the provisions of this clause, the provisions of clause Forty-  
101 first shall not be applicable.