

## **INTRODUCTION**

A tax exemption is a discharge from the obligation to pay all or a portion of a tax. Exemptions are conferred by the Legislature on particular categories of persons or property.

Clauses 41, 41B and 41C in Section 5 of Chapter 59 provide exemptions to persons 70 years of age or older who satisfy certain whole estate or asset, annual income and residency requirements. Clause 17, 17C, 17C1/2 or 17D which provide reduced benefits but for which the eligibility requirements are less strict.

Clause 41 was an early Legislative response to the need of the above category of persons for assistance with their tax obligations. It set out original eligibility requirements for the exemption. As property values and income levels rose, however, it became more difficult for persons to satisfy these requirements. Therefore, the Legislature made alternative exemptions (Clauses 41B and 41C) available for cities or towns to accept by town meeting or city council vote. Each alternative has different eligibility rules. If a city or town has not so voted, Clause 41 prevails.

## **EXEMPTION AMOUNT**

The exemption amount for each Clause is \$500.00.

## **APPLICATIONS**

Applications must be filed annually on or before December 15 with the local assessors in the city or town where the property is located. If the tax bill is mailed after September 15, however, applications may be filed within three months from the date the bill was first mailed. Filing an application does not entitle one to a delay in tax payment.

## **DOCUMENTATION**

An applicant for an exemption must provide to the assessors whatever information is reasonably required to establish eligibility. this information may include, but not be limited to:

- 1 Birth certificates
- 2 Evidence of domicile and occupancy
- 3 Income tax returns

## **ELIGIBILITY REQUIREMENTS**

For eligibility, an individual must satisfy requirements relating to (1) age (2) ownership and domicile (3) annual income and (4) whole estate or assets.

## **AGE**

An individual must be 70 years or over as of July 1 of the tax year or the surviving spouse of such a person.

## **OWNERSHIP AND DOMICILE**

Under Clause 41, an individual must own and occupy the subject property on July 1 of the tax year. Under Clauses 41B and 41C, in addition to so owning and occupying the subject property, an individual must have been continuously domiciled in Massachusetts for the 10 years preceding the application and have owned and occupied the property or other property in Massachusetts for 5 years.

Ownership may be as a joint tenant or as a tenant in common with someone other than a spouse, in which case the exemption amount is the same proportion of \$500 as one's ownership interest in the property.

## **ANNUAL INCOME AND WHOLE ESTATE**

Eligibility amounts differ for Clause 41, 41B and 41C as follows:

**Clause 41** Gross receipts minus social security allowance must be less than:

\$6,000 if single

\$7,000 if married

Whole estate less the value of the home less any portion which produces income cannot exceed:

\$17,000 if single

\$20,000 if married

**OR**

If the home value is included:

\$40,000 if single

\$45,000 if married

**Clause 41B** Gross receipts minus social security allowance must be less than:

\$10,000 if single

\$12,000 if married

Whole estate less the value of the home less any portion which produces income cannot exceed:

\$20,000 if single

\$23,000 if married

**Clause 41C** May 5, 2003 Annual Town Meeting, voted to accept Chapter 184 Section 51 of the acts of 2002 (amending General Laws Chapter 59 Section 5 (41C) by increasing Gross Receipts as follows: Single: \$20,000

Married: \$30,000

Whole Estate less the value of the home except for the value of any portion which exceeds three dwelling units and produces income cannot exceed: \$30,000 if single

\$40,000 if married

## FOR FURTHER INFORMATION CONTACT:

**BOARD OF ASSESSORS  
175 CENTRAL STREET  
E BRIDGEWATER, MA  
02333**

**(508)378-1609**

**(508)378-1622**

### TOWN HALL HOURS

**MONDAY THROUGH  
THURSDAY**

**8:30 A.M. TO 4:30 P.M.**

**MONDAY EVENING  
4:30 P.M. TO 8:00 P.M.**

**FRIDAY**

**8:30 A.M. TO 12 NOON**

## TAXPAYER'S GUIDE TO REAL ESTATE TAX EXEMPTIONS IN MASSACHUSETTS

**CLAUSE 41  
CLAUSE 41B  
CLAUSE 41C**

**ELDERLY PERSONS  
(70 YEARS OR OLDER)**

