

## **Annual Income and Whole Estate**

Gross receipts minus social security allowance must be less than:

- \$20,000 if single
- \$30,000 if married

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:

- \$40,000 if single
- \$55,000 if married

The value of a person's (a) cemetery plots, (b) registered motor vehicles, (c) wearing apparel and (d) household furniture and effects kept at the domicile should be excluded from the calculation of the person's whole estate for purposes of these clauses.

**For Further Information,  
contact your local  
Board of Assessors at:  
(978)448-1127  
**or call the:**  
Department of Revenue  
Division of Local Services  
Property Tax Bureau  
(617) 626-2300**



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

### **CLAUSE 41C**

## **ELDERLY PERSONS (70 years of age or older)**

**Massachusetts Department of Revenue  
Division of Local Services  
Property Tax Bureau**

## 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.

Clause 41C of Section 5 of Chapter 59 provides an exemption to persons 70 years of age or older who satisfy certain whole estate or asset, annual income and residency requirements. Persons 70 or older may, alternatively, qualify for an exemption under Clause 17C which provides reduced benefits, but for which the eligibility requirements are less strict.

## Exemption Amount

The state exemption amount for Clause 41C is \$500. The Town of Groton has approved to increase it to \$1000.

## Applications

Applications must be filed annually with the local Assessor's office, in the city or town where the property is located, on or before December 15th, or three months after the actual tax bills are mailed, **whichever is later**. Filing an application does not entitle the applicant 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
4. whole estate or assets

## Number of Exemptions

Not more than one exemption may be granted under Clause 41C on the same parcel of real estate.

## Age

An individual must be (a) 70 years or older or (b) joint owner with a spouse 70 years or older as of July 1st of the tax year.

## Ownership and Domicile

Under Clause 41, an individual must own and occupy the subject property on July 1st of the tax year. Under Clause 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.

- To satisfy this ownership requirement, the person's interest must be worth at least \$4,000. The person may own this interest solely, as a joint owner or as a tenant in common. However, if ownership is joint or a tenancy in common with someone other than a spouse, the exemption amount is reduced to that proportion of \$500 as the person's ownership interest in the property.
- The holder of a life estate satisfies the ownership requirement.
- If the domicile is held in a trust, a person can only satisfy the ownership interest if he:
  - Is a trustee or co-trustee of that trust, and
  - Possesses a sufficient beneficial interest in the domicile through that trust. (Splitting the interest between multiple trusts does not qualify.)