

CLAUSE 41C: ELDERLY PERSONS (70 years of age or older)

INTRODUCTION

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. Income tax returns for two previous years must be submitted with the application. (If you do not file Income Tax Returns then you will need to supply a copy of your recent bank statements along with a copy of your Social Security Statement) Applicants who qualify for this exemption are also entitled to a reduction in their water and sewer bill.

Persons 70 or older may, alternatively, qualify for an exemption under Clause 17D which provides reduced benefits but for which the eligibility requirements are less strict.

EXEMPTION AMOUNT

The exemption amount for Clause 41C is \$500.

APPLICATIONS

Applications must be filed annually with the Assessors within 3 months of the mailing date of the third quarter tax bill. 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 for previous two years

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.

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:

- 70 years or older or
- joint owner with a spouse 70 years or older as of July 1 of the tax year.

OWNERSHIP AND DOMICILE

Under Clause 41C, an individual must own and occupy the subject property on July 1 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.

1. To satisfy the ownership requirement, a person's interest in the domicile must be worth at least \$4,000. A person may own his/her interest solely, as a joint owner or as a tenant in common with someone other than a spouse, and you may apply for your portion of the personal exemption. However, each joint owner must meet the above financial requirements. Residential properties containing four or more units or commercial units will have a portion of the value of these units included in the whole estate calculation.
2. The holder of a life estate satisfies the ownership requirement.
3. If the domicile is held in a trust, a person can only satisfy the ownership interest if he/she:
 - 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.)

ANNUAL INCOME AND WHOLE ESTATE

Gross receipts less a social security allowance must be no greater than:

- * \$23,841 if single
- * \$35,762 if married

Whole estate less the value of the home except for the value of any portion that exceeds three dwelling units and produces income cannot exceed:

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

* Fiscal Year 2008 information for Woburn, MA

The following items are excluded from the calculation of the person's whole estate:

- cemetery plots,
- registered motor vehicles,
- wearing apparel and
- household furniture and effects kept at the domicile.