

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 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 17D which provide reduced benefits but for which the eligibility requirement are less strict is also available.

Clause 41 was an early Legislative response to the need of the above category of persons for assistance with their tax obligations. It is set out original eligibility requirements for the exemption. As property values 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 and towns to accept by town meeting or city council vote. Each alternative has different eligibility rules. The Town of Avon voted to accept Clause 41C.

EXEMPTION AMOUNT

The Exemption for each Clause is \$750.00.

APPLICATIONS

Applications must be filed annually. Since Avon issues quarterly tax bills, to ensure ample time to process the application, applications should be filed in the fall of the year before the third quarter tax bill is issued (January 1st). The actual deadline to file is April 1st, 90 days after the third quarter tax bill is issued.

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 limited to:**

- Birth Certificates
- Evidence of domicile and occupancy
- Income tax returns
- Bank Statements

ELIGIBILITY REQUIREMENTS

For eligibility, an individual must satisfy requirements relating to age, ownership and domicile, annual income and whole estate or assets.

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.

- Ownership may be as a joint tenant in common with someone other than a spouse, in which case the exemption amount is reduced to the portion of \$750 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 or she:
 - Is a trustee or co trustee
 - 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**

Eligibility amounts for Clause 41C is
as Follows:

Income: Gross receipts minus social
security allowance (adjusted yearly)
must be less than:

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

Whole Estate – deducts the value of
the home for the value of any portion
which exceeds three dwelling units
and produces income cannot exceed

- \$40,000 if single
- \$45,000 if married

The value of a persons

- Cemetery plot
- Registered Motor Vehicle
- Wearing Apparel
- Household furniture and
effects

should be excluded from the
calculation of the person's whole
estate for purposes of these clauses.

**FOR FURTHER
INFORMATION
CONTACT:**

BOARD OF ASSESSORS

65 EAST MAIN ST

AVON, MA 02322

(508) 588-0414

TOWN HALL HOURS

**MONDAY thru
WEDNESDAY**

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

THURSDAY

8:30 A.M. TO 7:30 P.M.

FRIDAY

8:30 A.M. TO 1:00 P.M.

**TAXPAYER'S GUIDE TO
REAL PROPERTY TAX
EXEMPTIONS IN
MASSACHUSETTS**

CLAUSE 41C

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

