

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 provides exemptions to persons 65 years of age or older who satisfy certain whole estate or asset, annual income and residency requirements. Clause 17D, which provides reduced benefits but for which the eligibility requirements 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 sets out original eligibility requirements for the exemption. As property values rose, however, it became more difficult for persons to satisfy their 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 \$1,000.00.

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 is 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 assets.

AGE

An individual must be 65 years or older or joint owner with a spouse 65 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 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 \$1,000 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:

- \$25,000 if single
- \$40,000 if married

Whole Estate:

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

The value of a person's

- 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**

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

CLAUSE 41C

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.

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

