

Qualifications for Surviving Spouse-Minor Child-Elderly Person Exemption

Clause 17D

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 properties.

Clause 17D of Section 5 of Chapter 59 provide exemptions to three categories of persons who satisfy certain residency and whole estate or asset requirements:

1. Widows or widowers
2. Minor children with one parent deceased
3. Person 70 years of age or older

APPLICATION

Applications must be filed annually with the Assessors by March 31. Filing an application does not entitle the applicant to a delay in tax payments.

DOCUMENTATION

An applicant must provide to the Assessors information to establish eligibility. This information may include, but is not limited to:

1. Birth certificate.
2. Evidence of domicile and occupancy
3. 2009 Income tax returns

OWNERSHIP

1. To satisfy the ownership requirements, a person's interest in the domicile must be worth at least \$2,000. A person may own his interest solely, as a joint owner or as a tenant in common.
2. The holder of a life estate satisfies this requirement
3. If the domicile is held in a trust, a person can only satisfy the ownership if:
 - a. Is a trustee or co-trustee of that trust **AND**
 - b. Possesses a sufficient beneficial interest in the domicile through that trust.

EXEMPTION AMOUNT

The exemption amount is \$223.00. This amount may be increased annually increased by the amount not to exceed the increase in the Consumer Price Index.

ELIGIBILITY REQUIREMENTS

For eligibility, an individual must possess, as of July 1, the status of either

1. A surviving spouse or a minor child with a parent deceased who owns and occupies the property as his domicile **OR**
2. A person 70 years or over whom has owned and occupied the property as his domicile for at least 5 years.

WHOLE ESTATE

In addition, a person's whole estate, real and personal, cannot exceed \$50,970, excluding the total value of the subject property, not to exceed 3 dwelling units, and any unpaid mortgage balance on that property. For a property containing 4 or more dwelling units, the value of that portion exceeding 3 units must be included.

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

This clause prescribes no limitations on annual income for exemption eligibility