

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 (with local options) provide exemptions to persons 65 years of age or older who satisfy certain whole estate or asset, annual income and residency requirements.

EXEMPTION AMOUNT

The exemption amount for Clause 41C as approved in Oak Bluffs is \$1,000. In addition recipients of CL 41C exemptions also qualify for a full exemption of the Community Preservation tax with no further application required.

APPLICATIONS

Applications must be filed annually with the Board of Assessors within three (3) months of the mailing of the “actual” tax bill. Tax Bills are typically mailed on January 1st of each year, but it is a good idea to check.

The assessors cannot act on late-filed applications

ELIGIBILITY & 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 certificate
- 2 Evidence of domicile and occupancy
- 3 Income tax returns

AGE

An individual must be (a) 65 years or older on July 1 of the tax year or (b) joint owner with a spouse who meets the age requirement.

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. Ownership may be as a joint tenant or as a tenant in common with someone other than a spouse, in which case the exemption amount is reduced to that proportion of \$1,000 as the person’s ownership interest in the property.
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 or she:
 - a) Is a trustee or co-trustee, **AND**
 - b) Possesses a sufficient beneficial interest in the domicile through that trust. (Owner cannot be the beneficiary of a 2nd trust that is the beneficiary of the trust that owns the home.)

**ANNUAL INCOME AND
WHOLE ESTATE**

Clause 41C

Gross receipts minus social security allowance for **2019** must be less than:

\$38,423 if single

\$57,635 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:

\$76,847 if single

\$105,665 if married

**FOR FURTHER
INFORMATION
CONTACT:**

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Assessing Department
56 School Street
PO Box 1327
Oak Bluffs, MA 02557
508-693-3554
Ext. 150**

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

CLAUSE 41C
With Locally Approved
Options
Town of Oak Bluffs

Revised 9/2014

**PERSONS
65 YEARS OR OLDER**



Fiscal Year 2021