



TAXPAYER'S GUIDE TO LOCAL PROPERTY TAX EXEMPTIONS

FINANCIAL HARDSHIP Clause 18

The Board of Assessors has created this fact sheet to provide general information about local property tax exemptions. **It is not designed to address all questions or issues and does not change any provision of the Massachusetts General Laws.**

Property taxes are assessed and collected by cities and towns. Under state law, only your Board of Assessors, as the local tax administrator, can decide whether you qualify for an exemption. The Appellate Tax Board has no jurisdiction to hear an appeal of a denial by the Board of Assessors to grant a hardship exemption. The only remedy available to an applicant aggrieved by a denial is to seek a review by the supreme judicial or superior court.

INTRODUCTION

Cities and towns may give property tax exemptions to some individuals as defined by state law. An exemption discharges a taxpayer from the legal obligation to pay all or a part of the tax assessed for the fiscal year. Exemptions are found in various clauses of Massachusetts General Laws Chapter 59, Section 5 (M.G.L. c. 59, § 5).

Chapter 59, Section 5 Clause 18 of the Massachusetts General Laws sanctions an exemption from real estate taxes for persons who do not have the financial means to pay their taxes because (1) they were called into active military service, or (2) are older and have a physical or mental illness, disability or impairment, may receive a partial or full exemption at the discretion of the Board of Assessors.

Please note that for non-activated military applicants, the applicant must be older, infirmed and have a financial hardship in order to be eligible for this exemption. It is not enough for an applicant to meet one or two if these criteria. All three must be fulfilled in order for a hardship exemption to be granted. The Board of Assessors has the discretion to establish specific criteria for determining whether a taxpayer meets the statutory standard of financial hardship under Clause 18. The Board has establish appropriate policies and criteria to ensure that they treat similarly situated taxpayers fairly and equitable, while maintaining some flexibility to address unique situations.

ELIGIBILITY REQUIREMENTS	<ol style="list-style-type: none">1. Activated Military Personnel<ol style="list-style-type: none">a. Military status changed to active dutyb. An applicant must have a financial hardship<p>OR</p>2. Older and Infirmed<ol style="list-style-type: none">a. An applicant must be at least 65 years of age to qualify; however, in some circumstances a younger person might be eligible.b. An applicant must have some degree of mental or physical illness, disability or impairment.c. An applicant must have a financial hardship.
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DOCUMENTATION	<p>An applicant must provide the Board of Assessors with whatever information is reasonably required to establish your eligibility. This information may include, but is not limited to:</p> <ol style="list-style-type: none"> 1. Activated Military Personnel <ol style="list-style-type: none"> a. Orders from Commanding Officer b. All Financial Information and Liabilities & Expenses, listed below <p>OR</p> <ol style="list-style-type: none"> 2. Older and Infirm <ol style="list-style-type: none"> a. Proof of age; birth certificate b. Documentation which discloses the nature and history of illness or impairment. c. All Financial Information and Liabilities & Expenses, listed below <p>All available & relevant financial information (Income & Assets)</p> <ul style="list-style-type: none"> • Income tax returns • Saving and Checking account statements • Statements of investment accounts (stocks, bonds, IRA) • Records of public assistance <p>Liabilities & Expenses</p> <ul style="list-style-type: none"> • Mortgage statements • Loan statements • Credit card statements • Utility bills • Insurance (Car, House, Medical) bills • Other medical expenses
OWNERSHIP AND DOMICILE	<p>You must own and occupy the property as your domicile. Your domicile is where your principal and legal home is located, your family, social, civic and economic life is centered and you plan to return whenever you are away. If you hold a life estate in the domicile, you are the owner. If your domicile is held in a trust, you are the owner only if:</p> <ol style="list-style-type: none"> a) You are a trustee or co-trustee of that trust, and b) You have a sufficient beneficial interest in the domicile. <p>If the applicant owns the subject property jointly with some other person or persons, all joint owners must independently qualify in order for the applicant to be eligible for this exemption.</p>

APPEALS	
Appeal of Action of Assessors	<p>An applicant who disagrees with the Board of Assessors decision for Clause 18 financial hardship exemption may seek a review by the Superior Court of Supreme Judicial Court within 60 days of the Board's decision. The Appellate Tax Board has no jurisdiction to hear an appeal of a denial by the Board of Assessors to grant a financial hardship exemption.</p>

In addition to obtaining documentation which assists in disclosing the financial circumstances of an applicant, the Board of Assessors will consider other factors which relate to the applicant's financial situation. These factors may include but are not limited to:

- Marital status
- Whether or not the applicant has children.
- Ages of applicant's children and whether or not the applicant receives money for their support.
- Whether or not the applicant is able to work.
- Whether or not the applicant is employed.
- Length of time during which the applicant has been unemployed.
- Work qualifications of applicant
- Public assistance received by applicant

For more information, including exemption applications, please contact the Assessors' Office.
arlingtonma.gov/assessors <mailto:assessors@town.arlington.ma.us> (781) 316-3050