Division of Local Services
2025 Municipal Law Seminar
WORKSHOP B
Assessing Issues

DISCUSSION SUMMARY
(Prepared For Informational and Training Purposes Only)

This summary of the informal discussion presented at Workshop B is provided for educational and training purposes. It does not constitute legal advice or represent Department of Revenue opinion or policy, except to the extent it reflects statements contained in a public written statement of the Department of Revenue.

1. A mother by a deed recorded in October 2024 conveyed her property to her son for nominal consideration but reserved to herself as grantor "the right to remain on the premises herein for the remainder of her life."

   a. To whom are the fiscal year 2026 taxes assessed?

      Taxes are assessed to the life tenant who is personally liable for the taxes.

   b. Could the mother receive a personal exemption for FY 2026? Could the son receive an exemption?

      In Breare the Court held that the life tenant could receive a personal exemption. The son cannot receive an exemption since he does not have present possessory interest in the property.

   c. Can the mother defer her real estate taxes under Chapter 59 Section 5 Clause 41A? What would be your answer if the mother had been deferring taxes for several years?

      The mother can defer her FY 2026 taxes if the son agrees by signing the deferral and recovery agreement with the municipality. If the mother had been deferring taxes, upon the conveyance of the property to the son, all amounts deferred plus interest must be repaid.

      G.L. c. 59, § 11
      G.L. c. 59, § 5 (41A)
      Spring v. Hollander, 261 Mass. 373 (1927)
      Breare v. Assessors of Peabody, 350 Mass. 391 (1966)

2. Several exemption applicants have visited the assessors' office.

   a. An applicant sought a surviving spouse exemption. After her first husband died, she remarried. The second marriage ended in divorce. The applicant, by virtue of the divorce, claims to be a surviving spouse under the first marriage. Is the applicant eligible for a Clause 17D surviving spouse exemption?

      The applicant is not eligible for a Clause 17D exemption since a surviving spouse by definition is a person who has remained unmarried upon the death of the spouse.

   b. A taxpayer who received personal exemptions in prior years placed her property in trust and named her son as sole trustee. Can the taxpayer continue to receive a personal exemption?

      The taxpayer cannot receive a personal exemption. Under Kirby, where property is held in trust, the exemption applicant must hold both legal title as a trustee and a sufficient beneficial interest in the property.

   c. A surviving spouse claims ownership of property under a will that was never probated. If she qualifies under any statutory provision, can she receive a personal exemption?

      There is no exemption. The surviving spouse does not hold record ownership. The estate must be probated and the will allowed.

G.L. c. 59, § 5(17D)
G.L. c. 59, § 59
Kirby v. Board of Assessors of Medford, 350 Mass. 386 (1966)

3. A local official who learned that a taxpayer had financial difficulties urged him to apply to the assessors for a Clause 18 hardship abatement.

   a. What are the three criteria for a Clause 18 hardship abatement?

      The applicant must be so aged, so infirm, and so poverty stricken as to be unable to contribute to the public charges.

   b. Can the assessors go into an executive session to discuss the Clause 18 application? Can the applicant attend the executive session?

      The assessors can go into executive session to keep the contents of the exemption application from being disclosed to the public. The applicant can only attend the executive session if invited by the assessors.

   c. The taxpayer's hardship application was denied. Can the taxpayer appeal to the Appellate Tax Board?

      The taxpayer can only appeal to the Superior Court or Supreme Judicial Court by seeking a writ of certiorari within 60 days of the assessors' decision.

G.L. c. 59, § 60
G.L. c. 30A

4. A taxpayer bought a house on the Cape. He was surprised to receive a personal property tax bill.

   a. Are the contents of his house exempt? What is the exemption qualification date?

      Household furnishings and effects are only exempt at the taxpayer's domicile, i.e., the legal home. The exemption qualification date for personal property is January 1.

   b. The taxpayer questioned the valuation. Can he receive an overvaluation abatement?

      The taxpayer must submit a late filed form of list together with the abatement application to contest the value. Any abatement granted would be reduced by the penalty provision for late filing of the form of list.

   c. The taxpayer who is totally dissatisfied with the assessors has made a request to inspect all forms of list filed for the fiscal year. Are forms of list open to public inspection?

      Forms of list are not open to public inspection.

G.L. c. 59, § 18
G.L. c. 59, § 61
G.L. c. 59, § 32

5. The assessors valued the personal property of a business corporation for more than one million dollars and assessed taxes in excess of $43,000. The taxpayer timely filed an abatement application on February 10th to contest the value of the machinery. The assessors denied the application on May 10th. The taxpayer decided to appeal to the Appellate Tax Board.

   a. What was the deadline date to appeal to the ATB? What if the ATB received the petition on August 16th in an envelope postmarked August 10th?

      The deadline date is three months which is August 10th. The postmark date controls and the application is timely.

   b. Is there a payment requirement for any appeal?

      The taxpayer must pay one half of the tax.

   c. What result if the taxpayer incurred interest and charges on the late paid tax? What if the collector applied a portion of the payment to interest and charges?

      Incurring interest does not bar the taxpayer from appealing the personal property value. The collector's internal bookkeeping entries do not deprive the ATB of jurisdiction.

G.L. c. 59, § 64
G.L. c. 60, § 3E
Truss Engineering Corporation v. Assessors of Springfield, docket # F309857 (ATB, October 4, 2013) (scroll down to findings promulgated during 2013)
Belair Construction Co. v. Board of Assessors of Quincy, 393 Mass. 1007 (1985)

6. A water district with taxing authority has decided to extend water service to a section of town where a private nonprofit high school is located. For many years the water district relied solely on water rates to pay for its operations. For this fiscal year a tax rate will be set by the Commissioner of Revenue. The district has also decided to fund the water extension project solely through betterments

   a. Would the nonprofit school be exempt from the district tax?

      Under Clause 3 the private school is exempt from taxes that are imposed for the usual public purposes.

   b. Would the nonprofit school be exempt from the water betterment? Would it matter if the school relied solely on its own wells for water?

      In Williams College the Court held that the exemption from tax did not include special assessments for particular benefits. Even if the nonprofit school used its own wells, it has received a special benefit from the improvement and is not exempt from the betterment.

   c. If water service is provided, would the private school be exempt from paying the water bills? How can the district collect any unabated charges?

      The charitable exemption from tax does not extend to user fees. If the water bills remain unpaid, the water liens are added to a real estate bill as provided in G.L. c. 40, § 42C.

G.L. c. 40, § 42C
Williams College v. Williamstown, 219 Mass. 46 (1914)
Stepan Chemical Company v. Town of Wilmington, 8 Mass. App. Ct. 880 (1979)

7. Questions have been raised about the scope of exemption for a private college.

   a. The private college consists of two disjointed parcels: the Main Campus and the South Campus. The South Campus is about a third of a mile from the Main Campus and contains 12 acres of land which are used as athletic fields. The South Campus also has two buildings: a club house and the house where the Athletic Director resides. What is the tax status of the Athletic Director's house? Is it taxable?

      The house is exempt. In Bay Path the Court wrote that the South Campus by its size, proximity and use was integral to the activity on the main campus. The two parcels together were the principal location of the college.

   b. The college bought a new house for its President. The house is located on the other side of town. Is the college President's house exempt?

      The President's house is taxable since faculty housing must be part of the core campus.

   c. The college has an increased enrollment and there are more boarding students. The college owns a dormitory building which is adjacent to the college President's house, and it is quite distant from the Main Campus. Is the dormitory exempt?

      The dormitory is exempt since the statute does not require it to be part of the principal location of the school.

G.L. c. 59, § 5(3)
Bay Path College v. Assessors of Longmeadow, 57 Mass. App. Ct. 807 (2003)
Trustees of Boston University v. Board of Assessors of Brookline, 11 Mass. App. Ct. 325 (1981)

8. The assessors have received motor vehicle excise abatement applications.

   a. The collector sent excise bills to a private school whose vehicles were leased. The private school claims to be exempt from excise. Is the private school taxable on leased motor vehicles?

      Degree granting or diploma awarding private schools are not exempt from excise on leased vehicles.

   b. A disabled veteran has received a motor vehicle exemption on his vehicle for calendar year 2025. If the veteran purchases a new vehicle in August, can he receive an exemption on the new vehicle?

      If the veteran sells the old vehicle, purchases the new vehicle and transfers the registration to the new vehicle, the new vehicle will be exempt. The taxpayer has only one vehicle registered at any moment in time.

   c. Can the surviving spouse of a 100% disabled veteran receive an exemption from excise?

      There is no exemption for the surviving spouse.

G.L. c. 60A, § 1
MVE FAQ #23C page 8
IGR-2025-2 Disposition of Exempted Vehicles page 4
Chapter 9, Course 101, Section 4.3.2 page 9-6

9. Helen Smith, the sole owner of property, has received a Clause 41A deferral for many years. She passed away in May 2025. The assessors only recently learned of her death from a taxpayer who was visiting town hall.

   a. What should the assessors do? Should they make a commitment for the deferred amounts?

      The assessors must notify the treasurer who should seek to collect all amounts deferred in the tax title account. There is no commitment by the assessors.

   b. What should the treasurer do?

      The treasurer should notify the personal representative of the decedent's estate and advise that full payment must be made within six months after the death. If full payment is not received, the treasurer would seek to foreclose in Land Court.

   c. What is the rate of interest owed on the deferred amounts?

      The interest rate is 8% or some lesser rate until death or sale of the property, and 16% thereafter since the tax title predates November 1, 2024.

G.L. c. 59, § 5(41A)

10. The assessors noticed that a taxpayer who lives in a house adjacent to town hall has acquired a brand new 60-foot boat.

    a. Is the boat subject to excise? Which community can assess the excise? Is the owner required to file a form of list?

       The boat is subject to boat excise for the privilege of using the waterways. The community where the boat is principally moored, docked or situated assesses the tax. The owner is required to file a form of list.

    b. Under the facts presented what is the amount of the boat excise bill?

       Based on the length and age of the boat, the excise is $500.

    c. The assessors have assessed boat excise to him. The taxpayer, however, has ignored the bill. What penalties can the town impose for nonpayment?

       The taxpayer is subject to civil suit for nonpayment and the harbormaster can deny mooring to the vessel. The taxpayer owes interest at 12%, a demand fee and a penalty which is $20 or 20% of the amount of the excise due, whichever is larger.

G.L. c. 60B, § 2
G.L. c. 60B, § 4

11. A Chapter 180 nonprofit corporation purchased a parcel consisting of 7 acres of vacant land. A husband and wife, who are officers of the corporation, in their own names, purchased a house located nearby. The couple visited the assessors and stated they were seeking real estate tax exemptions.

    a. The couple explained they are raising money to build a church on the vacant parcel. Presently, they are using the parcel for open-air meditation exercises. Is the 7-acre parcel exempt?

       Clause 11 exempts houses of public worship. Land held for the future construction of a church is taxable.

    b. The couple describe themselves as clergy and claim the nearby house is a parsonage. Do you believe the residence is exempt?

       The house is taxable. A "parsonage" must be owned by the religious organization or held in irrevocable trust for the exclusive benefit of the religious organization.

    c. Would the parcels qualify for a charitable exemption?

       The parcels do not qualify for a Clause 3 charitable exemption since the organization does not benefit an indefinite class of the public.

G.L. c. 59, § 5(11)
G.L. c. 59, § 5(3)
All Saints Parish v. Inhabitants of the Town of Brookline, 178 Mass. 404 (1901)

12. Park College, a private Massachusetts nonprofit corporation, purchased in mid July 2025 a nearby private high school which was forced to close due to high costs and dwindling enrollment. Park College plans to open Park College Academy, which will be a state-of-the-art high school for students with excellent board scores and academic promise. Those students who attend Park Academy and receive good grades will be offered automatic admission to Park College. The college plans extensive renovations to the former high school and seeks a property tax exemption.

    a. What information should the College provide to the assessors to substantiate a claim for exemption?

    The nonprofit corporation must show that it plans to relocate to the new site within two years. Evidence would be the hiring of an architect and a construction company to renovate the newly purchased property.

    b. Does the Academy satisfy Clause 3's occupancy test? Is the Academy eligible for a property tax exemption?

    The parcel would be exempt if evidence was presented to show the school intended to satisfy the two year period of removal requirement of Clause 3.

G.L. c. 59, § 5(3)

13. You are the new assessor in town, and you are reviewing the tax status of various organizations.

    a. There are a few fraternal organizations in town which claim to be totally exempt from real estate taxes. What test did the Supreme Judicial Court employ to determine eligibility for exemption for fraternal organizations? Is their personal property exempt?

       Real estate of a fraternal organization also formed for charitable purposes would enjoy a real estate exemption under Clause 3 based on the percentage of the property exclusively devoted to a charitable purpose. The personal property would be exempt under Clause 7.

    b. Is the Chamber of Commerce exempt from real estate taxes?

       The Chamber of Commerce is taxable since it operates primarily for the benefit of its members from the business community.

    c. Is a nonprofit nursing home exempt?

       The nonprofit nursing home would be exempt.

G.L. Ch. 59, § 5(3)
Assessors of Worcester v. Knights of Columbus Religious Educational Charitable and Benevolent Association of Worcester, 329 Mass. 532 (1952)
Boston Chamber of Commerce v. Assessors of Boston, 315 Mass. 712 (1944)

14. The Stetson Rod & Gun Club, Inc., nonprofit charitable corporation, for years had received an exemption on 120 acres of land in the Town of Stetson, Massachusetts. Most of the land is in its natural state but there are improvements which include a clubhouse, indoor and outdoor shooting ranges, a skeet shooting field, small buildings to hold equipment, a stocked pond and archery targets throughout the woods. There are over 400 members who pay $350 in annual dues. Members are also charged for range use, skeet shooting and guests. Membership is open to anyone who has taken the National Rifle Association certified safety course. The corporation was formed to educate the sportsmen of tomorrow through safety courses and to educate the public on gun control and the Bill of Rights of the United States Constitution. The organization claimed the property was open to the public for jogging, walking and bird watching. At the two entrances to the property there were "No Trespassing" signs and locked gates.

    a. Is the land eligible for a charitable exemption as claimed by the taxpayer?

       It appears to be a social club and therefore taxable.

    b. Can the land be classified under G.L. c. 61B?

       The land left natural, wild or open would qualify for classification under Chapter 61B. It would also qualify as recreational land if available to the general public or to members of a nonprofit organization.

G.L. c. 59, § 5(3)
G.L. c. 61B
Marshfield Rod & Gun Club, Inc. v. Assessors of Marshfield, docket # 242961 (ATB, November 20, 1998)

15. Another upset taxpayer has visited the assessors' office. For twenty years the taxpayer has been assessed on 18,300 square feet of land improved by a Colonial home. The taxpayer planned to build a garage at the back of the lot when he learned from a surveyor that the proposed site of the garage containing 1,300 square feet was actually owned by his neighbor.

    a. The taxpayer wants his money back since he was overcharged for twenty years. What should the assessor say? Would you be as sympathetic if you learned the taxpayer had insisted years ago that his deed description included the disputed land?

       The assessors lack jurisdiction to abate. A timely abatement application must be filed each year to contest value. Sometimes taxpayers pay the taxes to strengthen a claim of ownership of the property.

    b. Does the taxpayer have any claim against the rightful owner?

       The taxpayer has no recourse since there was no contract on payment of the tax between the actual owner and this taxpayer.

16a. A newly divorced taxpayer would like the assessor to change her name such that assessments and the property record card now reflect the new name. The taxpayer brings the assessor a copy of her divorce decree, which gives her the right to resume her former name and a copy of her driver's license that reflects her former name. Is this sufficient for the assessor to go ahead and make the change?

Evidence of a name change must be put on record at the Registry to enable the assessors to change the assessment. Bringing documents into the assessor's office would be insufficient to allow the assessor to make the change.

G.L. c. 59, § 11, provides that taxes on real estate must be assessed to the person who is the owner of record on January 1. Assessors may rely exclusively on the records of the registries of deeds and probate to determine ownership and assessors are not required to look beyond the records of the county where the land is located. An assessment to the record owner is always valid.

16b. Silver Springs Properties, Inc. merges with another corporation. What should be done for the assessor to reflect the merger and name change?

Corporations must file certificates of merger and name change in the registry of deeds.

G.L. c. 59, § 11

17a. Oliver Douglas acquired a 6 acre parcel in 2017 in the municipality of Green Acres. In 2026, Oliver Douglas enters into a purchase and sale agreement with Arthur Moneybags to sell the land for $1 million dollars for residential development. The parcel was classified under Chapter 61A in FY26. The Green Acres assessors would like to know if the town would have a right of first refusal and they are also wondering about assessing a penalty tax?

In this scenario, Green Acres would have a right of first refusal where the landowner Oliver Douglas enters a purchase and sale agreement to sell the parcel to Arthur Moneybags for a change of use (residential).

The municipality would not have the ability to exercise a right of first refusal and assess a penalty tax. If Green Acres waived its right of first refusal, the municipality could assess a penalty tax. The assessors would compute and compare the roll-back tax with a conveyance tax and assess whichever is greater.

17b. Oliver Douglas enters a purchase and sale agreement with Arthur Moneybags in FY26 and Arthur Moneybags signs an affidavit to continue the use under Chapter 61A after the sale. Would Green Acres have a right of first refusal in this scenario? Could Oliver Douglas be assessed a penalty tax?

There is no sale for a change to a non-qualifying use in this scenario where Arthur Moneybags signs an affidavit to continue to the Chapter 61A use. As a result, Green Acres would not have a right of first refusal.

The seller, Oliver Douglas, is not assessed a conveyance tax where the buyer, Arthur Moneybags, files an affidavit with the assessors that the classified use will be continued after the sale.

17c. What if Arthur Moneybags signed the affidavit to continue the Chapter 61A use in FY26 but changed his mind and instead entered into a purchase and sale agreement with Rich Tycoon to sell the parcel for $1.5 million for industrial use in July 2026?

A municipality has a ROFR when a landowner converts, or decides to sell, classified land for residential, commercial or industrial development or use during (1) any fiscal year the land is classified or (2) the fiscal year after the year the land was last classified.

In FY27, as a result of a sale for a change in use, Green Acres would have a right of first refusal to meet the bona fide offer to purchase the land.

Where Arthur Moneybags did not continue the use under Chapter 61A (or another use that would qualify for classification under any of the three chapters) for at least 5 years Arthur Moneybags is assessed the conveyance tax that would have been due when the property was sold.

G.L. c. 61A, §§ 12, 13 and 14
Chapterland FAQ

18. Fall town's Board of Assessors is comprised of 3 members (A, B and C) and the members are elected.

a. Member C has recently resigned, leaving only A and B as remaining members. Member A cannot attend the upcoming meeting. Can B take any action at the meeting?

No, there is no quorum of the Board. Although DLS does not have jurisdiction to advise on Open Meeting Law issues, The Open Meeting Law specifies that a board, such as the board of assessors here, may not hold a meeting or take any action in the absence of a quorum. A quorum is a simple majority of a board and as applies to the board in this scenario, a three member board needs two members present at its meetings to have a quorum and to take any action.

b. What happens if the remaining members of the Board fail to give written notice to the Selectboard of the vacancy?

If the assessors fail to give the selectboard the required notice, then the selectboard alone shall appoint a person to serve until the next election. A majority of the officials entitled to vote shall be necessary to appoint.

G.L. c. 30A, § 18
G.L. c. 41, § 11
August 15, 2024 City and Town, Ask DLS: Filling Board Vacancies

19a. Winstonville is a 653 community. A developer records a master deed for a condominium on April 1, 2025 after the January 1 assessment date for FY26. No construction has occurred as of June 30, 2025. What assessment should be made in FY26?

Where there has been no construction, an assessment would be made to the owner of record as of January 1 for the value of the land only. Note that a 653 community is affected by building construction, not by the filing only of a master deed.

19b. If property is divided by sale after January 1 and the deed is recorded at the Registry and no written request for an apportionment is made, must the assessors apportion the tax on their own?

If property is divided by sale and no request for an apportionment is made, the assessors may apportion the tax on their own, but they are not required to do so. The assessors are also not required to notify a new owner of any right to an apportionment the owner may have.

G.L. c. 59, § 11
Chapter 653 § 40 of the Acts of 1989
G.L. c. 59, § 78A
IGR-17-11

20a. A parcel of land was split by a recorded plan on April 1, 2025. A charitable organization purchased one of the newly created parcels and the deed was recorded on May 5, 2025. Who is responsible for the FY26 tax?

Pursuant to G.L. c. 59, § 11, the owner of record as of January 1, 2025 is responsible for the tax for FY26. The assessed owner is personally liable for paying the tax for the entire year since it is a single obligation. Payment is the taxpayer's legal obligation, even if the property is sold and the new owner agrees to assume responsibility for paying some of it. Any allocation of the tax is a private agreement between the parties.

20b. Could the real estate tax be apportioned and could the charitable organization be exempt for FY26? Does the answer change if the split and purchase by a charitable organization occurred on July 2, 2025?

If an owner or mortgagee of any portion of the original parcel requests an apportionment in writing pursuant to G.L. c. 59, § 78A of the FY26 taxes and the charitable organization applied for an exemption, if found eligible on the July 1 qualification date, assessors may grant a clause 3rd exemption on the taxes as apportioned to the charity. Apportionment applies to unpaid tax only and where the parcel is not in tax title or been advertised for a sale or taking by the collector.

If the split and purchase by the charitable organization occurred on July 2, the charitable organization would not meet the July 1 qualification date.

G.L. c. 59, § 11
G.L. c. 59, § 78A
G.L. c. 59, §5(3)
IGR 17-11

21a. Can a taxpayer receive multiple exemptions?

A taxpayer who receives a personal exemption may not receive another exemption on the property with the exception of a Clause 18 hardship exemption or Clause 45 exemption for solar or wind-powered improvements to the property. If a taxpayer qualifies for more than one personal exemption, the assessors should grant the exemption that provides the greatest benefit. A taxpayer may receive a personal exemption and defer the balance of the tax if he or she also qualifies for a Clause 41A senior or Clause 18A financial hardship deferral.

21b. How do exemptions apply to co-owners?

If two or more co-owners of a property qualify for different exemptions, they may receive the exemption for which each co-owner qualifies. If they qualify for the same exemption, however, only one may receive it with the following exceptions:

- Clause 22 (veterans) - If both spouses qualify, each receives the full exemption.
- Clauses 41, 41B, 41C (seniors) - If two or more co-owners who are not married to each other qualify, each will receive an exemption equal to the percentage of his or her ownership interest in the property.

G.L c. 59, § 5
Chapter 7, Course 101 page 7-19 -7-20
Anthony J. DeCenzo v. Board of Assessors of Framingham, 372 Mass. 523 (1977).
Sylvester v. Assessors of Braintree, 344 Mass. 263 (1962).

22a. Could a veteran receive both a veteran exemption and a veteran property tax work-off abatement in the same fiscal year?

Yes. The latter is not a personal exemption.

22b. How should an assessor handle a situation where a veteran qualifies for and received a Clause 22D exemption (full) and also worked under the senior work-off program. May the assessor grant the volunteer a refund?

There is no ability to grant a refund as the volunteer did not pay any taxes.

22c. Could the senior or veteran work-off program credit reduce the tax liability to below 10%?

Yes. There is no provision in the governing statutes limiting the abatement so that at least 10% of the tax liability, as otherwise due, remains payable. This is unlike the language in G.L c. 59, § 5C, which imposes a minimum amount due of 10% of the tax on the full and fair cash value of the relevant property. As a result, the taxpayer should receive the full credit attributable to his/her "volunteer" work, consistent with local rules.

IGR 2023-10, see especially Section 1F, pg. 3
G.L. c. 59, § 5N
G.L. c. 59, § 5K
G.L c. 59, § 5C

23. A developer sells an affordable unit under the state Local Initiative Program (LIP). The deed and deed rider are recorded at the applicable Registry of Deeds on January 5, 2025. May the assessor take into account the Restriction on the property valuation for FY26?

No. The Deed and Deed Rider were recorded after January 1, 2025, the assessment date relative to FY26. Property taxes in Massachusetts are assessed as of January 1. Liability and the basis for the tax are fixed as of that date. This date fixes tax liability for the entire fiscal year. That liability is not affected by later changes in property ownership or valuation. The assessor may take the Restriction into account in the property valuation in FY27.

Chapter 1 of Course 101, see Section 1.1.1 Assessment Date, page 1-2.

24a. Pawnee is considering accepting G.L. c. 59, § 5O. Regarding establishing the parameters of the affordable housing property tax exemption, is it possible for Pawnee to limit the exemption to class one residential properties with under 10 units?

Pawnee may not limit the exemption in this way. There is a proportionality concern if it were to be done.

24b. Could Pawnee cap the maximum allowed in the affordable housing property tax exemption program each year (e.g. 50 or 100 properties) or limit the program such that only newcomers bringing their rental to the market for the first time may receive the exemption?

No. The intent of the statute is clear to permit all owners that have a qualifying unit as of the applicable July 1 qualification date in the given fiscal year to receive the property exemption. The intent is to create more affordable housing units within municipalities. Such a cap or limiting the program to only newcomers does frustrate the intent of the statute.

Bear in mind that the parameters a municipality establishes will impact the number that qualify. The statute requires that the occupants must have an annual household income that does not exceed the amount set by the city or town and that income shall not be more than 200 percent of the area median income. The municipality must also establish an affordable housing rate is accordance with the U.S. Department of Housing and Urban Development's guidelines and regulations.

24c. Pawnee has adopted G.L. c. 59, §5O. An LLC has applied for the exemption. Can an LLC receive the exemption on their property presuming all requirements are satisfied?

Yes, the exemption is to the property, not the person.

IGR 24-4
G.L. c. 59, § 5O

25a. The surviving spouse of a deceased retired Firefighter approaches the assessor in her town and asks about qualifications for Clause 42. A year after retirement her husband was diagnosed with a form of cancer typically attributed to the profession and that he passed away shortly after the diagnosis. Was her husband “killed in the line of duty” such that she would be eligible for a full exemption?

Assessors must determine an applicant's eligibility for a personal exemption. However, based on use of the word "killed" in statute (versus "proximate cause" or "related to"), DLS believes there must be some external force that caused the death directly to qualify for the exemption under G.L. c. 59, § 5, Clause 42. Illness doesn't satisfy the external force or directness elements.

25b. The surviving spouse of a police officer is wondering about qualification for Clause 42. Her husband died of a heart attack at home hours after his shift ended. Would this suffice?

Assessors must determine an applicant's eligibility for a personal exemption. We have advised assessors, however, that statutory exemption provisions have been strictly construed by the courts and the burden of proof is on the applicant to establish eligibility for exemption. We have noted that Clause 42, unlike the annuity and pension provisions in Chapter 32, establishes one condition upon which the exemption can be granted: the police officer must have been "killed." A legal dictionary defines "killed" as follows: "The passive verb 'to be killed' must generally impart to everyone a meaning of some kind of external violence." In light of the plain language in Clause 42 and the strict interpretation of statutory language by courts in Massachusetts, it is our view that the phrase "killed in the line of duty" connotes a death which is due to some violent act or occurrence of violent external force to the body while in the line of duty.

25c. What kind of documentation should be submitted along with the application?

An applicant for a Clause 42 exemption would file with the application a copy of the death certificate and all other information, such as a letter from the police chief/fire chief and/or any newspaper article that may exist about the incident.

Chapter 7 of Course 101, see Section 3.5.1 on page 7-14
G.L. c. 59, § 5(42)

26a. A beachfront property owner files an abatement application by reason of overvaluation. What rights do the assessors have?

Where the owner filed an abatement application to contest the property assessment, assessors can use the process described in G.L. c. 59, § 61A to demand a viewing of the property. Any refusal to allow a property inspection request after an abatement application has been filed may subject the owner to a loss of appeal rights.

26b. The Board of Assessors in Woodlandville is able to inspect the property, however, the Board does not act on the application to abate within the allotted three months. Where the application is deemed denied, what happens if a denial notice is not sent within 10 days of the date the application is deemed denied?

If the notice of a deemed denial of the application did not go out within 10 days, the taxpayer has an additional 2 months to file an appeal.

26c. What should the Woodlandville Board of Assessors do, if anything, in the case of a withdrawn abatement application?

The Board of Assessors should provide written notice to the taxpayer of its allowance of the withdrawal as the reason for the Board's taking no further action on the matter. The Board should retain a copy of such notice in its files. This would foreclose any avenue of appeal by the taxpayer. G.L. c. 59, § 63 requires that assessors shall, within ten days after their decision on an application for an abatement, send written notice. If the Board allowed the application to be deemed denied and the Board did not send a written notice of its inaction to the taxpayer within 10 days of the deemed denial date per, the taxpayer might have 2 extra months in which to revive the matter by filing an appeal to the Appellate Tax Board under G.L. c. 59, 65C.

G.L. c. 59, § 61A
G.L. c. 59, § 63
G.L. c. 59, § 64
G.L. c. 59, § 65C
See Cardaropoli v. Assessors of Springfield, (ATB, December 7, 2001)(click show more to see findings promulgated during 2001).

27. There is a condominium in Friartown where dangerous structural issues were discovered such that the building is likely unable to withstand its own weight. A report has declared the building to be dangerous, and under the provisions of G.L. c. 143, § 9, the building inspector has ordered demolition of the building for public safety reasons. Demolition is expected to begin and end in FY26. Could the units be eligible for an abatement under G. L. c. 59, § 2D in FY26?

Assessors must grant a pro rata abatement on regular real estate tax assessed whenever damage occurs due to fire or natural disaster after the applicable assessment date and a loss in value of more than 50 percent, excluding the value of the land, results.

The demolition under the provision of G.L. c. 143, §9 due to structural issues is not a loss due to fire or other natural disaster and thus would not qualify for abatement under G. L. c. 59, § 2D(e).

IGR-2021-12
G. L. c. 59, § 2D(e)

Scranton MA has authorized a residential exemption to all class one residential properties that are the primary principal residence of taxpayers.

28. Dwight Schrute owned and occupied 1 Eagle Lane as his domicile on January 1, 2025, the assessment date for FY26. Dwight Schrute sold the property to Andy Bernard on March 1, 2025. Should the FY26 tax bill reflect a residential exemption?

Yes. Since Dwight Schrute, the assessed owner, occupied the property as his domicile on the relevant January 1, 2025, the residential exemption applies to the FY26 bill. Any change in ownership or occupancy of the property occurring after the date should not be considered by the assessors when determining eligibility for the exemption and the amount of the tax assessed on the property for FY26.

G.L. c. 59, § 5C
January 4, 2024 City and Town, Ask DLS: Subsequent Owners

29a. A taxpayer is asking an assessor if there is a time limit for hardship abatements?

There is no limit to the number of consecutive years the taxpayer can receive a hardship abatement under G.L. c. 59, § 5, Clause 18. This is different from a hardship property tax deferral, which has a time limit under G.L c. 59, § 5, Clause 18A. A Clause 18A deferral cannot be granted for more than three tax years.

29b. Jim and Pam Halpert acquired several contiguous lots at different times and in different deeds. Jim and Pam, for assessment purposes, would like the lots merged and assessed as one parcel. Can this be done despite the different deeds?

The assessors possess the discretion to decide whether to value the property as separate lots or as one parcel. Massachusetts statutes do not generally define the "lot" or "parcel" of land that is the legal unit for real estate tax assessment purposes. Court cases decided on this issue have held that the assessors must simply have a reasonable basis for their determination of what constitutes a parcel for tax purposes, and if they do, the assessment will be valid. Assessors may merge and assess as one parcel contiguous land described in several deeds and owned by the same person. Merger is advisable when land is used together as a single site and is likely to be sold together. Assessors should adopt a policy regarding when to consider merger and should include contact with the landowner.

G.L c. 59, § 5(18)
G.L c. 59, § 5(18A)
IGR 11-209, see Section IIE, page 3.
Chapter 1, Course 101, see Section 7.3.2.1, page 1-21.

30a. Is a co-op arrangement considered ownership for the purposes of qualifying for a personal exemption?

An individual who owns shares of stock in a housing cooperative corporation would not be eligible to receive a personal exemption. Since the corporation is the assessed owner, there is no basis for the tenants to satisfy the ownership requirement for exemption. However, there is a local option under G.L. c. 59, § 5 Clause 55 that allows for co-op tenants to qualify for personal exemptions.

If accepted, units leased to and occupied by members of cooperatives as their domiciles are considered owned by the members for purposes of making them eligible for personal exemptions that require ownership.

The portion of the property owned by a member would be in proportion to the member's share of stock in the cooperative to the total outstanding stock of the corporation. The exemption in the tax assessed to the cooperative is to be credited to the portion of the tax the particular member is charged by the cooperative.

30b. What about cooperative members and the residential exemption under G.L. c. 59, § 5C?

An acceptance paragraph was added to G.L. Ch. 59 §5C, which provides for a residential exemption.

Note that acceptance of either provision (G.L. c. 59, § 5, Clause 55 or the paragraph in G.L. c. 59, § 5C) is by vote of town meeting, town council or city council vote, subject to applicable charter provisions. The provisions do not extend to trailer parks: "Nothing in this clause/paragraph shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but shall apply to the land on which such manufactured home or mobile home is located if all other requirements of this clause are met."

G.L. c. 59, § 5(55)
G.L. c. 59, § 5C
Chapter 46 §§ 48 and 49 of the Acts of 2003
Bulletin 2004-03B, see page 9.