

**TOWN OF BILLERICA
ELDERLY AND DISABLED
TAXATION FUND COMMITTEE**

Elderly and Disabled Tax Fund Committee
Processing Applications for Taxation Fund Assistance
December, 2007

PROCESSING APPLICATIONS FOR ELDERLY AND DISABLED TAXATION FUND
(G.L. Ch. 60 §3D)

Summary:

Chapter 60, Section 3D, of the Massachusetts General Laws sanctions the creation of an Elderly and Disabled Taxation Fund for the purpose of, "defraying the real estate taxes of elderly and disabled persons of low income, who in the judgment of the fund administrators, are unable to contribute fully toward their public charges." This informational Guideline Release sets out the policies and procedures regarding local administration of this fund by the Elderly and Disabled Tax Fund Committee.

Guidelines:

- A. An applicant for assistance from the Elderly and Disabled Taxation Fund must file an application with the Elderly and Disabled Tax Fund Committee on or before the last business day of the fiscal year to which the tax relates or six months after the actual tax bill is mailed, whichever is later. Failure to timely file may destroy the right to receive assistance. For due cause, the Committee may extend the filing deadline, upon written request received by the Committee prior to the filing deadline. In certain extraordinary circumstances such as incapacitation or hospitalization, the Committee may waive the provisions of section A in whole or in part.
- B. An applicant must be an individual. Therefore, a corporation or other business entity is not eligible for fund assistance.
- C. An applicant must be elderly and/or disabled in order to be eligible for tax assistance. It is the sole discretion of the Committee to establish if an applicant meets these criteria.
 - 1. The statute does not provide specific standards to define elderly and disability. Rather, some flexibility is allowed to the Committee in their application of these criteria to specific cases. However, Committee members cannot be arbitrary or capricious in processing these requests. They must consider each criterion objectively, seeking to determine fairly and equitably whether or not an applicant qualifies for tax assistance.
 - 2. Generally, an applicant must be at least 60 years of age to qualify; however, in some circumstances, at the discretion of the Committee, a younger person may be deemed to be eligible, especially in the case of a disability or handicap.
 - 3. A disabled applicant must have some degree of mental or physical disability. Therefore, the Committee should require submission of documentation which discloses the nature of said disability.
 - 4. In all cases, an applicant must suffer financial deprivation to be eligible for this exemption. The committee should, therefore, require each applicant to provide all relevant financial information. Records and other materials which may be required to be submitted include the following:
 - a. Federal and state income tax returns.
 - b. Savings and checking account statements.
 - c. Pension fund reckonings.

- d. Records of public assistance.
 - e. Schedules of assets.
 - f. Outstanding bills.
5. In addition to obtaining documentation which assists in disclosing the financial circumstances of an applicant, the Committee should consider other factors which relate to the applicant's ability to contribute toward their public charges. These factors may include but are not limited to:
- a. Marital status of applicant.
 - b. Whether or not the applicant has children.
 - c. Ages of applicant's children and whether or not the applicant receives money for their support.
 - d. Whether or not applicant is able to work.
 - e. Whether or not applicant is employed.
 - f. Length of time during which applicant has been unemployed.
 - g. Work qualifications of applicant.
 - h. Public assistance received by applicant.
- D. Tax assistance may be granted for "any portion of the owed public charges", therefore, it may be full or partial.
- E. An applicant must have an ownership interest in the subject property being taxed. If the property is held under a trust, a separation of title results whereby the legal title is vested in the trustee and the equitable title, or beneficial ownership interest, is vested in the beneficiary. A taxpayer must have ownership of a sufficient beneficial property interest and ownership of a recorded legal interest or life estate, in order to obtain tax fund assistance, in the same manner as qualifying for a real estate exemption. An applicant who holds no more than a beneficial interest lacks the requisite ownership interest needed to qualify for relief.
- F. If the applicant owns the subject property jointly with some other person or persons, all joint owners should independently qualify in order for the applicant to be eligible for fund assistance. The Committee may, and at its sole discretion; allow tax assistance based on the qualifying applicant's percentage % of actual ownership on a case by case basis.
- G. Under certain limited circumstances, Tax assistance may be granted, even if the tax bill has already been paid. For example, where it is clear that funds for a tax payment have been borrowed from another, the applicant may still qualify for assistance. However, since an applicant's income and financial resources are a critical factor with respect to qualification for Tax assistance, a person who has paid the tax has a particularly heavy burden to demonstrate that he lacked the financial capacity to make payment in the first place.

In any city or town establishing an aid to the elderly and disabled taxation fund, there shall be a taxation aid committee to consist of the chairman of the board of assessors, the city or town treasurer and three residents of the city or town to be appointed by the mayor or board of selectmen as the case may be. Said committee shall adopt rules and regulations to carry out the provisions of this section and to identify the recipients of such aid. - M.G.L. c. 60 § 3D third paragraph.
