State Tax Form 97

Revised 7/2009

The Commonwealth of Massachusetts

Assessors' Use only
Date Received
Application No.
Parcel Id.

Name of City or Town

SENIORS 65 AND OLDER

FISCAL YEAR _____ APPLICATION FOR PROPERTY TAX DEFERRAL

General Laws Chapter 59, § 5, CLAUSE 41A

THIS APPLICATION IS NOT OPEN TO PUBLIC INSPECTION
(See General Laws Chapter 59, § 60)

Return to: Board of Assessors

Must be filed with assessors on or before December 15 or 3 months after actual (**not** preliminary) tax bills are mailed for fiscal year if later. Tax Deferral and Recovery Agreement (Form 97-1) must accompany application unless already on file and persons with interest in property remain the same.

INSTRUCTIONS: Complete all sections fully. Please print or type.

A. IDENTIFICATION.

Name of Applicant: _____ Marital Status: _____

Telephone Number _____ Date of birth _____

If first year of application, attach copy of birth certificate.

Legal residence (domicile) on July 1, _____ Mailing address (if different)

_____ _____

No. Street City/Town Zip Code

Location of property: _____ No. of dwelling units: 1 ☐ 2 ☐ 3 ☐ 4 ☐ Other ____

Did you own the property on July 1, _____ and for the prior 10 years? Yes ☐ No ☐

If no, list the other properties you owned and/or occupied during the past 10 years.

Address	Dates	Owned	Occupied
		☐	☐
		☐	☐

Continue list on attachment in same format as necessary.

Have you been granted any exemption in any other city or town (MA or other) for this year? Yes ☐ No ☐

If yes, name of city or town _____ *Amount exempted $* _____

Amount of tax you are seeking to defer this year $ _____

DISPOSITION OF APPLICATION (ASSESSORS' USE ONLY)

Ownership ☐	GRANTED ☐	Assessed Tax	$ _____
Occupancy ☐	DENIED ☐	Deferred Tax	$ _____
Age ☐	DEEMED DENIED ☐	Adjusted Tax	$ _____
Income			Board of Assessors
Date Voted/Deemed Denied	_____	_____	
Certificate No.	_____	_____	
Date Cert./Notice Sent	_____	_____	
		Date:	

FILING THIS FORM DOES NOT STAY THE COLLECTION OF YOUR TAXES

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

B. PERSONS WITH INTEREST IN PROPERTY.

Did you own the property on July 1, _____ as

Sole owner ☐ Co-owner with spouse only ☐ Co-owner with others? ☐

Was there a mortgage on the property as of July 1, _____? Yes ☐ No ☐

*If yes, amount due on mortgage $*_____ *Name of mortgagee(s)* _____

Was the property subject to a life estate as of July 1, _____? Yes ☐ No ☐

If yes, name(s) of Remaindermen (person(s)receiving property after your death) _____

_____

Was the property subject to a trust as of July 1, _____ Yes ☐ No ☐

If yes, please attach trust instrument including all schedules.

C. GROSS RECEIPTS FROM ALL SOURCES IN PRECEDING CALENDAR YEAR. Copies of your federal and state income tax returns, and other documentation, may be requested to verify your income.

	Applicant & Spouse
Retirement Benefits (Social Security, Railroad, Federal, MA & Political Subdivisions)	
Other Pensions and Retirement Allowances	
Wages, Salaries and other Compensation	
Net Profits from Business, Profession or Property Rental	
Interest and Dividends	
Other Receipts (Capital Gains, Public Assistance, etc.)	
TOTALS	

D. SIGNATURE. Sign here to complete the application.

This application has been prepared or examined by me. Under the pains and penalties of perjury, I declare that to the best of my knowledge and belief, this return and all accompanying documents and statements are true, correct and complete.

Signature Date

If signed by agent, attach copy of written authorization to sign on behalf of taxpayer.

TAXPAYER INFORMATION ABOUT PROPERTY TAX DEFERRAL

SENIOR DEFERRAL. You may be eligible to defer payment of all or a portion of the taxes assessed on property you own and occupy as your domicile if you meet certain age, ownership, residency and income qualifications, and enter into a tax deferral agreement with the board of assessors. If you also qualify for a personal exemption, you may defer all or a portion of the remaining taxes on the property.

WHO MAY FILE AN APPLICATION. You may file an application if as of July 1 you:

- Are 65 or older,
- Owned and occupied the property as your domicile,
- Owned and occupied any property in Massachusetts as your domicile for at least 5 years,
- Lived in Massachusetts for at least the prior 10 years, and
- Have an annual income not more than $20,000 or a locally adopted income limit. Locally adopted income limits cannot be more than the income limit that applies under the "circuit breaker" state tax credit for single seniors who are not heads of households. Your board of assessors can tell you the limit that applies in your community.

REPAYMENT. Unlike an exemption, a tax deferral simply allows you to postpone payment of your taxes. If you qualify, you must enter into a tax deferral agreement that requires the deferred taxes along with interest to be paid in full (1) when the property is sold or transferred, (2) upon your death, or (3) upon the death of your surviving spouse if he or she qualifies for a deferral and enters into a new tax deferral agreement. Anyone having any legal interest in the property must also approve the tax deferral agreements.

Once you have entered into a tax deferral agreement, the assessors will record a statement at the Registry of Deeds. That statement continues the lien that already exists on your property by law to ensure the payment and collection of your taxes. Once the deferred taxes are repaid, the lien is released. However, if the deferred taxes are not repaid when due, your city or town will then be able to recover the amount by foreclosing on the lien in Land Court.

INTEREST. If you qualify for a deferral in subsequent years, you may defer taxes until the amount due, including accrued interest, equals 50% of your share of the full and fair cash value of the property. Interest at an annual rate of 8%, or a locally adopted lower rate, is charged on deferred taxes until the property is sold, your death, or the death of your surviving spouse if a new agreement has been entered into. Your board of assessors can tell you the rate that applies to the taxes deferred for each fiscal year. After the property is sold or your death, the annual interest rate increases to 16% until the deferred taxes are repaid.

WHEN AND WHERE APPLICATION MUST BE FILED. Your application must be filed with the Board of Assessors by December 15 or 3 months after the actual bills were mailed for the fiscal year, whichever is later. An application is filed when (1) received by the assessors on or before the filing deadline, or (2) mailed by United States mail, first class postage prepaid, to the proper address of the assessors, on or before the filing deadline, as shown by a postmark made by the United States Postal Service. THIS DEADLINE CANNOT BE EXTENDED OR WAIVED BY THE ASSESSORS FOR ANY REASON. IF YOUR APPLICATION IS NOT TIMELY FILED, YOU LOSE ALL RIGHTS TO AN EXEMPTION AND THE ASSESSORS CANNOT BY LAW GRANT YOU ONE.

PAYMENT OF TAX. Filing an application does not stay the collection of your taxes. In some cases, you must pay the tax when due to appeal the assessors' disposition of your application. Failure to pay the tax when due may also subject you to interest charges and collection action. To avoid any loss of rights or additional charges, you should pay the tax as assessed. If a deferral is granted and you have already paid the entire year's tax as deferred, you will receive a refund of any overpayment.

ASSESSORS DISPOSITION. Upon applying for a deferral, you may be required to provide the assessors with further information and supporting documentation to establish your eligibility. The assessors have 3 months from the date your application is filed to act on it unless you agree in writing before that period expires to extend it for a specific time. If the assessors do not act on your application within the original or extended period, it is deemed denied. You will be notified in writing whether a deferral has been granted or denied.

APPEAL. You may appeal the disposition of your application to the Appellate Tax Board, or if applicable, the County Commissioners. The appeal must be filed within 3 months of the date the assessors acted on your application, or the date your application was deemed denied, whichever is applicable. The disposition notice will provide you with further information about the appeal procedure and deadline.